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Ukraine and Russia: Two Countries—One Transformation¹

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Introduction and background

Ukraine made a significant contribution to the fall of the USSR. Without Ukraine, it was inconceivable for the Soviet Empire to survive, but if Ukraine had not seceded, then a new union of three East Slavic nations—that is, a reduced version of the USSR—would have been possible. After the failed coup attempt on 19–21 August 1991, all the Union Republics of the USSR except for Russia declared their withdrawal from the Soviet Union. Politically, Ukraine's independence in effect meant establishing independence from Russia, since the Soviet Union had de facto ceased to exist as early as the fall of 1991.

Under Boris Yeltsin, Russia in a sense incorporated the USSR, and even if, in terms of international law, Ukraine seceded from the USSR, in reality it left Russia. It broke away from the common state formed with the Russian people and began a new attempt to create a Ukrainian state without Russia. Moreover, under the then-prevailing conditions, “without Russia” meant, in one way or another, “against Russia.” This was because Russia, for its part, was not prepared to reconcile itself to Ukrainian independence. Therefore, the political sovereignty of Ukraine could be achieved only as a counterweight to Russia. Concerning this aim, all of Ukraine's political forces in 1991—namely, the national democrats led by the People's Movement (Rukh) of Ukraine, and the national Communists led by Leonid Kravchuk—held one and the same opinion.

In 1991, the independence of Ukraine was frowned upon in the West, not only in Russia. In the main, Ukraine faced a lack of understanding and a lack of acceptance. Maintaining Ukrainian sovereignty was inconceivable without putting some distance between itself and Russia and without a sharp denunciation of any Russian attempt to claim that a Russian–Ukrainian entity still continued to exist. That is why, from the very beginning of its independent existence, Ukraine regarded the Commonwealth of Independent States (CIS) as an instrument of civilized divorce rather than a basis for renewed integration. Ukraine's policy was to prevent by all possible means the CIS from assuming the attributes of a supranational or international legal entity. Ukraine refused to join the Tashkent Treaty on collective security and did not ratify the CIS Charter.

¹ This is a revised and updated version of the article “Transformations in Russia and Ukraine After the Collapse of Communism.”

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The first years after the proclamation of Ukraine's independence were characterized by a policy of demonstratively distancing itself from Russia. Significantly, this policy was pursued despite an essentially total economic dependence on Russia. Russian politicians and the Russian general public responded to this distancing with anger and verbal aggression. These policies of distancing and confrontation had two consequences:

1. A considerable segment of Ukraine's general public in the east and south of the country rejected the policy of distancing the country from Russia. This became one of the reasons for Kravchuk's defeat in the presidential election of 1994 and the victory of Leonid Kuchma, since it was Kuchma who, at least during the election campaign, promoted closer ties with Russia.
2. The aggressive anti-Ukrainian rhetoric in Russia played an important role in consolidating Ukraine's statehood. Initially, neither the political class nor the general public in Russia was ready to recognize Ukraine's independence as something permanent. As a result, the serious conflicts existing between the two sides were exacerbated. These conflicts were related to issues such as ownership, custody, and control of nuclear weapons in Ukrainian territory, and the future disposition of the Soviet Black Sea Fleet, Crimea, and Sevastopol. In addition, there were disputes about the Russian minority in Ukraine and the problems related to Ukrainization of the state and society.

In the early 1990s, the approach taken to resolving all of these specific questions foreshadowed a (potentially) quite belligerent confrontation between Ukraine and Russia. Russia demanded that Ukraine give up its nuclear weapons, but initially Ukraine was not prepared to do so. Russia laid claim to the whole Black Sea fleet, while Ukraine demanded that it be divided. Russia regarded Sevastopol as a city "located on its territory," while Ukraine viewed this not only as a case of disregarding international law but also as casting doubt on its political independence.

Although all these conflicts were sharp and at times at the center of public attention, they were largely settled by 1997. Some issues still remained controversial and unsolved, including the questions of the use and acceptance of the Russian language and Russian culture in Ukraine. Disputes over these issues will continue in the future and, depending on the political atmosphere, they may significantly complicate Russian-Ukrainian relations. Conflicts arising from Ukraine's economic dependence on Russia also remain unsettled. Ukraine still has large debt arrears, and Russia's threats to reduce the volume of energy supplies it makes available hangs like a sword of Damocles over Ukraine.

In spite of these remaining and unresolved issues, at present one can say that Russian-Ukrainian relations have, to a large extent, normalized. At least they have improved compared with the initial years of Ukraine's independence. One gets

the impression that people in Russia have accepted the fact that an independent Ukraine will remain on the map of European political geography. Interestingly, even Ukraine's reactionary Communists have increasingly become supporters of Ukrainian independence.

Given this background, a number of questions arise both about the future pattern of developments in each country and about the evolution of relations between them. Does it finally appear to be without question that Ukraine and Russia are two separate states, each of which will go its own way in the future? Has the independence of the two states taken root so definitely after a decade that their common past has receded into the background? Can it be that different political cultures are taking shape in the two countries?

A paradoxical situation has arisen. While Ukraine has achieved its own statehood, which is increasingly being recognized even in Russia, at the same time Russia and Ukraine are virtually identical in terms of their levels of internal political, social, and economic development. In order to account for these similarities, it is not sufficient to refer to the fact that Russia and Ukraine have common roots in the Soviet Union, since other territories—Estonia, Latvia, and Georgia, for example—were also parts of the Russian and later the Soviet empires for centuries. Nevertheless, the political evolution of these countries in the post-communist period has differed fundamentally from that of Russia. As for Ukraine, one gets the impression that in the processes of transformation, Russia and Ukraine have in fact been coming closer to each other in terms of their political orders and economic relations.

The political order

First, let us consider the political order. In both states, signs of authoritarian presidential regimes have been becoming increasingly evident. The presidents of the two countries have concentrated more and more power in their own hands. At the same time, the role of their parliaments has diminished, and these institutions have become submissive and insignificant.

Political parties are still in the nascent stage; in neither country has a stable spectrum of political parties formed. Both in Russia and Ukraine the Communist Party is the largest party, and the only one with a nationwide presence. But this is a party that is not, in its origins and in its former self-conception, a political party in the Western sense. In recent years, instead of the power of parties, various "parties of power" have arisen that are auxiliaries of the executive rather than the legislative branch.

By the end of 2001, the significance of the State Duma in Russia and the Verkhovna Rada in Ukraine has declined to a point where they play a lesser role than they did in 1999. The parliaments do not any longer play an independent political role, but neither do they any longer act as checks on reform and as adversaries to the incumbent presidents, as they had done for many years before 1999.

At the same time, they do not play any role in moving reform forward. In each country, the political initiative belongs exclusively to the presidential administration and, below it, to vertically-structured and hierarchical executive bodies.

President Putin has augmented the executive hierarchy, and in so doing he evades and contravenes the Russian Constitution. President Kuchma has tried—although so far in vain—to change the Constitution of Ukraine via a referendum. He is determined to expand the role and powers of the President through a constitutional amendment, but since November 2000 the “Gongadze scandal” has put his plans on hold.

In both countries, the presidents that are now ruling in an authoritarian manner came to power as a result of popular elections. In other words, society and the people want to be ruled in the way that they are now being ruled, and by the presidents currently in office. But it should be noted that the elections that brought the present incumbents to power were manipulated, and not only by means of the mass media. For the production and dispersal of election propaganda, both successful candidates, Putin and Kuchma, had the whole state machinery at their disposal. After his successful re-election, Kuchma fired those regional governors in whose regions an insufficient number of votes were cast in his favor. During the presidential election in Russia in March 2000, massive voting fraud was reported. Nevertheless, in all cases the OSCE and other observers present at the elections gave a positive assessment of the elections by referring to them as “free and fair.” It is indicative of the state of society that, even though facts related to the manipulation and falsification of the election are generally known, these facts are of concern to nobody and do not harm the prestige of the elected presidents at all.

In Ukraine and in Russia there is no censorship of the mass media in the form that it took in the bad old days. Nevertheless, one can only speak with some reservations about the freedom of the mass media, especially the electronic media, in both countries. Television and radio are basically dependent on the state because of the presence of political bodies governing broadcast media, and because of special selection of their personnel. Perhaps in Russia over the last several years the broadcast media have enjoyed greater freedom from state supervision than in Ukraine. In the recent past, however, Russia has brought the extent to which television and radio stations are dependent on the Presidential Administration to the same level as that which exists in Ukraine. It should be added that some newspapers and magazines in both countries, though not those in mass circulation, enjoy a reputation for political opposition that is almost absent in the parliaments.

The economic structures

One can also see many common features in the countries’ economic structures. Their economic development has turned in the direction of the so-called third way, something between the socialist planned economy and a private market economy.

The state-dominated command economy has been destroyed, but a lack of conviction, courage, and political will has thwarted consistent introduction of a market economy. Thus, the process of economic reform has been stranded, at least from a Western viewpoint, halfway.

The real economic situation, both in Russia and Ukraine, is characterized by a high degree of interference and a narrow, clannish, corporative merging of the political administration and the economic management elites, as well as a lack of the rule of law. Present managerial circles are very much interested in preserving the current status quo.

This is why proposals for radical economic reforms run counter to vested interests, and therefore encounter fierce resistance from certain quarters of the state bureaucracy and business elites. Simultaneously, and for the first time in the post-communist period, the Russian and Ukrainian economies can boast some sign of recovery. Moreover, a number of laws have recently been introduced in both countries that will better adapt their respective economies for the market. These reforms include privatization of land, reduction of taxes, and a strengthening of the accountability of businesses. The laws that have been developed are more far-reaching in Russia, but the basic problem is the same in both countries: implementation of these laws depends on an unwilling and corrupt bureaucracy whose actions may bring the reforms to naught. The problem is not a lack of good laws but a lack of good governance, as both international agencies and non-governmental analysts tend to agree by putting these two countries near the end of a long list measuring the comparative capacity and accountability of states.

Russia and Ukraine: differences as well as similarities

The astonishing similarity between the state structures in the two countries has naturally led to similar outcomes, namely political and economic stabilization at a very low level. The great social tensions within the countries, pervasive corruption, and widespread popular pessimism have not resulted (and are unlikely to result) in social and political upheavals. Attempted coups of the kind that took place in the early 1990s in Russia also seem unlikely. One of the reasons for this stability is the people's passivity and the lack of a civil society. If there had been a full-fledged civil society in Ukraine and Russia of the kind that exists in Western Europe or North America, these countries would long since have plunged into anarchy.

I have mentioned the striking parallels between the post-communist reality existing in Russia and Ukraine. This is not to say that there are no differences. For example, the original traditions and conditions that exist in the western part of Ukraine are absolutely specific, with no counterpart in Russia. Another difference is that church life in Ukraine, not only in Galicia and Volyn but generally, is more active than in Russia. In addition, far fewer monuments to Lenin remain in Kiev

than in Moscow. In Ukraine, 7 November—the day of the October Revolution—has not been celebrated as a public holiday since the year 2000.

In analyzing the political order, a striking difference is that the federal structure has not been introduced in Ukraine. This may be the product of a fear that the turn of events that has been observed in Russia as a consequence of its federal structure would be repeated in Ukraine. Currently, Russia is re-centralizing power, and the autonomy of its constituent parts is being curtailed. In Ukraine, by contrast, there are plans to introduce a second chamber of parliament in which the regions would be represented. Hence, over time, there is likely to be a convergence in this field as well.

Striking differences are also apparent in the foreign policy sphere. This is true both in how the two countries view themselves and how they set goals in the international arena. Russia regards itself as a great power, and still continues to demand that it be heeded and involved in settling all international conflicts. However, there has been a noticeable sobering up in recent years with regard to Russia's own weaknesses as well as its capabilities. For example, a realistic self-assessment recently resulted in Russia joining the international coalition against terrorism under United States leadership.

Ukraine is not burdened with an imperial past, and it is in the process of seeking its own place in the post-imperial present. This is not an easy thing to do. Since the moment President Kuchma came to power, Ukraine's foreign policy has rejected the implementation of either of the extreme alternatives of orientation towards Russia or towards the West. Instead, Ukraine has sought a rapprochement with both Russia and the West. Kuchma's leadership, however, emphasizes that in the long run Ukraine is determined to become a member of the European Union. This is in sharp contrast to Ukraine's clearly demonstrated attitude of distancing itself from any supranational integration with Russia. As for its future prospects, the leaders of Ukraine prefer integration with the West to integration with the East.

Currently, however, Ukraine's membership in the EU can be considered to be something close to a dream or a phantasm for two reasons.

First, the pattern of internal political evolution in Ukraine is becoming more estranged from the path of development that can be witnessed in the European Union, not closer to it.

Second, the EU does not currently hold out any prospect of Ukrainian membership, even if Ukraine was to fulfill the criteria established as a condition for joining the Union (the Copenhagen criteria). This is in contrast to the offer of membership from the EU to all of the states of the Balkans and to Turkey, provided that they first meet these criteria. The EU has apparently made a decision to adopt identical approaches to managing its relations with Russia and Ukraine. It is not prepared to accept the fact that the Ukrainian political leadership sees Ukraine as a member of the EU in the future, while the political leadership in Russia does not have the same vision.

In sum, the similarities in the internal political evolution of Russia and Ukraine in the post-communist period are simultaneously impressive and puzzling. These similarities exist in sharp contrast to Ukraine's constant emphasis on its independence and Russia's claim to be unique. Currently, the parallelism of structures in the two countries is even increasing. As for their international policies, these countries have different views about what path should be taken in the present, and different aspirations regarding their future. For this reason, the re-establishment of any common state is highly unlikely, even as a loose confederation.

Putin's Domestic Policy: Its Implications for National Security

Gennady Chufrin¹

Introduction

The first president of Russia, Boris Yeltsin, will go down in history as the man who spearheaded a coalition of diverse political forces to dismantle the Soviet Union from within and bring down the Soviet ideological and political systems. However, Yeltsin failed to lead post-Soviet Russia towards social stability and economic progress. Instead, one of the most perceptive studies of Yeltsin's rule points out that he left behind him a society disillusioned with politics and politicians, a greatly weakened national economy, and armed forces in a state of near collapse.² By the end of the 1990s Russia found itself on the brink of complete national disaster. The country was in desperate need of a new generation of politicians "with a sense of mission, national pride, and the desire to build a new and civilized Russia."³

In the public mind, Vladimir Putin became identified as just such a politician, even though he entered the national arena only when he was appointed as Russia's new Prime Minister in August 1999. At that time, he was completely untested as a political leader on any major national issue. In fact, he was barely known outside the rarefied world of intelligence and security services, where he was Director of the National Security Service (FSB). Putin was confirmed in his new position by the Russian parliament without difficulty, but this happened largely because at that time he was considered to be no more than a caretaker of governmental affairs during the period prior to upcoming parliamentary and presidential elections.

Putin became popular on the national scale in his own right very quickly—a process that can be dated from his address to the Federal Assembly in the middle of September 1999, when he demanded a hard-line approach towards the separatist rebellion in Chechnya. His popularity as a determined leader continued to soar after the Russian army re-entered Chechnya and avenged its humiliating defeat in the 1994–96 campaign. On the eve of 2000, Vladimir Putin became Acting Russian President after Boris Yeltsin stepped down in his favor. Three months later, Putin won the presidential election, receiving almost 53% of the popular vote. Almost two years into the first term of his presidency, he remains

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² See Lilia Shevtsova, *Yeltsin's Russia: Myths and Realities*, Washington, D.C.: Carnegie Endowment for International Peace, 1999.

³ *Ibid.*, p. 292

the most popular national Russian politician, with a public approval rating almost constantly above 60%. This strong popularity has given Putin a unique opportunity to address a number of domestic issues in a very forceful and consistent way. It has allowed him to use a flexible (and sometimes daring) approach in dealing with major challenges and threats to national and international security.

A list of challenges and threats, as well as potential responses to them, was formulated in the revised Concept of National Security approved by Vladimir Putin in January 2000, when he was still Acting President.⁴ Among domestic threats, three were identified as having a particularly high priority. First, the threat that the Russian Federation would transform into a loose confederation or even disintegrate was seen as most dangerous. Second, a threat to security was perceived from the mounting social tensions in Russian society. Third, the Russian state was threatened by the rapid deterioration in law and order in the country.

Vladimir Putin, having cultivated his image as a strong leader working to re-establish Russia as a great power, pledged to strengthen the Russian state, to achieve national reconciliation and consolidation in society, and to bring order based on the rule of law. He argued that only through achieving these goals would it be possible to strengthen the basis of national security and create a favorable climate for social and economic progress in the country.

This article will analyze the main directions of Putin's domestic national security policy and will offer conclusions regarding its achievements and failures as well as possible implications for domestic security.

Strengthening federal government at the center

At the very start of his tenure, Vladimir Putin stated that in order to overcome the current national crisis—the most serious one faced by Russia in its modern history—it needed a strong state supported by a united nation. In defining a strong state he drew on traditions within Russian society that see a strong state as “a source and guarantor of law and order and both as an initiator and main driving force of all changes.”⁵ Efforts to strengthen the Russian state stood at the center of the administrative and constitutional reforms initiated by Putin over the last two years. In implementing this policy, the most noticeable progress was achieved in the re-establishment of the priority of federal laws over regional legislation. This period was also characterized by a partial redistribution of power from regional authorities back to the federal center; several federal laws were adopted in 2000-01 curtailing the almost unlimited powers acquired by regional governors and the presidents of the constituent ethnic republics of the Russian Federation during the previous decade. Over 3,500 legal acts that had been adopted by various

⁴ See *Diplomaticheskyy Vestnik* 2 (Moscow, February 2000): 3-13

⁵ *Interfax*, Moscow, 26 February 2000.

regional authorities were found to be in direct contravention of the Federal Constitution, and most of them were either abrogated or brought in compliance with federal laws. In his annual address to the Federal Assembly in April 2001, Putin claimed that this policy had helped his government to implement the strategic task of strengthening the state and halting its disintegration.⁶

Those achievements, however, would prove neither sufficient nor sustainable unless some basic constitutional provisions were also changed. One such provision was the status of the Federation Council—the upper chamber of the Federal Assembly. Its members, including all governors and presidents of republics, were not elected by popular vote but were instead represented there *ex officio*. They enjoyed constitutional rights to amend bills already passed through the State Duma, the lower chamber of the Federal Assembly, to send them back for reconsideration, or to delay their adoption into law. There were many instances when these rights were used by members of the Federation Council to pursue narrow regional interests to the detriment of the national ones. On the initiative of President Putin, a special session of the State Duma approved a new procedure for forming the Federation Council in July 2000, and empowered the Russian President to dismiss its members.⁷ Some functions of the Federation Council began to be transferred to the newly formed State Council that has the status of an advisory body to the President.

Not surprisingly, Putin encountered stiff opposition to his reforms from several regional leaders. Yegor Stroyev, speaker of the Federation Council, termed a co-existence of the Federation Council and the State Council, with the latter taking over more and more functions of the former, as “a violation of the system of power” and “unconstitutional.”⁸ The presidents of some of the ethnic republics were the most vocal in their disagreement. The leader of Tatarstan, Mintimer Shaimiev, strongly suspected that the reforms initiated by Putin would eventually deprive Tatarstan of a large part of its autonomy from the center, which it gained in the turbulent 1990s following the advice of President Yeltsin to “take as much sovereignty as you can swallow.” Tatarstan not only continued to refuse to sign the 1992 Federation Treaty, but also insisted on preserving its special status as an associated member of the Russian Federation that was recorded both in its own constitution and in the 1994 power-sharing agreement with Russia.⁹ The leaders

⁶ President Vladimir Putin’s Annual Address to the Federal Assembly of the Russian Federation, Moscow, April 3, 2001 (<http://www.mid.ru> April 4, 2001).

⁷ O. Tropkina, “Zakon o formirovanii SF prinyat, teper’ delo za prezidentom” (Law on forming the Federation Council is adopted, now it’s up to the President) *Nezavisimaya gazeta*, 20 July 2001.

⁸ *Radio Free Europe/Radio Liberty (RFE/RL) Newslines* vol.5, no.172, part 1 (11 September 2001).

⁹ S. Sergievsky, “Tatarstan ne sobiraetsya otkazyvat’sya ot suvereniteta, no predlagaet etogo ne pugat’sya” (Tatarstan has no intention to revoke its sovereignty but proposes not to be frightened by this) *Nezavisimaya gazeta*, 1 March 2001.

of Chuvashia, Kalmykia, Bashkortostan, and Ingushetia were also openly critical of Putin's reforms.

If opposition to the federal center from such large and relatively affluent republics with predominantly Muslim population as Tatarstan or Bashkortostan were to assume more radical forms, the efforts undertaken by Putin to re-establish the rule of the federal law throughout the country would be completely wasted. The possible escalation of conflict with the ethnic republics, especially with the larger and more important of them, over their constitutional privileges would revive the threat of the disintegration of the Russian Federation along ethnic (and confessional) lines that Putin declared to have been left behind.¹⁰

Although such a worst-case scenario seems far-fetched, the federal center has left nothing to chance, and has taken a flexible approach towards ethnic republics. Trying not to antagonize the leaders of republics any further, Moscow agreed that some members of the Federation Council who had completed their prescribed two terms in office—such as Mintimer Shaimiev—could prolong their stay beyond this limit while offering others seats in the State Council. Some of the presidents, like North Ossetian Alexander Dzasohov or Valery Kokov from Kabardino-Balkaria or Leonid Markelov from Mary El, were wooed with economic incentives and privileges for their republics.¹¹ A similar policy was used by Putin's administration toward the regional governors. The regions were given until the middle of 2002 to bring the 42 power-sharing agreements previously concluded with the federal center into compliance with federal laws voluntarily. After that date they could face judicial procedures. This carrot and stick approach largely helped to overcome opposition by regional barons to the federal center. According to Farid Mukhametshin, speaker of the local legislative assembly, even Tatarstan eventually agreed to consider changes in the constitution of the republic that would officially acknowledge that Tatarstan was an integral part of the Russian Federation and not just associated with it.¹²

By reforming the Federation Council and by establishing a strong pro-government faction in the State Duma, Putin succeeded in creating a working majority in both chambers of the parliament. The importance of these changes for the state of national security cannot be overestimated. For the first time in post-Soviet Russia, the executive and legislative branches of state power no longer confronted each other in a rigid standoff, a state of affairs that plagued Boris Yeltsin's presidency. Putin's critics labeled this new situation a triumph of bureaucracy over parliamentarianism and even a return to authoritarianism. What actually happened was that the government was given an opportunity to resume the process of political and economic reforms that had come to an almost complete standstill.

¹⁰ Putin's address to the Federal Assembly, *op. cit.*

¹¹ S. Kez, "Podarenniy Yeltsinym suverenitet – neposil'noye bremya" (Sovereignty presented by Yeltsin is an excessive burden) *Nezavisimaya gazeta*, 7 July 2001.

¹² *RFE/RL Newslines* vol.5, no.180, part 1 (21 September 2001).

In a bid to further streamline the governance process, President Putin proposed to revise the existing party system. By the beginning of 2001, there were 56 political parties and 150 political associations in Russia.¹³ Only a few of them could boast any significant public support and have their representatives elected to regional or federal legislative bodies. Most of them were very small, with only a few hundred or even a few dozen followers. Their programs were often identical. Some of these organizations merely served as a front for vested interests, while others were used by criminal elements. In order to stop this situation of near anarchy, a bill on political parties was introduced into the Duma.

According to its main provisions, new conditions were elaborated for the registration of political parties with the right to participate in regional or national elections. The Federal Justice Ministry was only to register organizations that had ten thousand members or more and that had established branches in at least 50 percent of all regions and republics of the Russian Federation. Other political organizations, groups, or associations would not be required to disband or be prohibited from functioning. However, they would lose the right to enter the election process on their own. In order to do so, they would have to ally with large parties. When the bill on political parties was introduced into the Duma, it met with a strong criticism. One of the main concerns voiced during the debate was connected with a possible threat to civil rights and liberties in society. Concerns were expressed that the bill might, after it became law, be used to restrict the freedom of expression of individuals or small groups and associations. Another possible threat to the political process in the country was seen in the establishment of a requirement for political parties to have a certain number of branches in the regions. This provision, it was claimed by its opponents, could allow manipulation, and could be used to prevent or suspend the registration of a party. However, opponents to the bill could not gather enough votes to overturn it, and in February 2001 the bill passed the Duma in its first reading.¹⁴

This new legislation on political parties will probably become an instrument of fundamental change in the political life of Russia. Its effects are likely to be several.

First, it has already served to initiate the process of realignment and consolidation among political forces in the country. This may lead to the creation of more distinctive and more easily identifiable party platforms and election programs. This process is by no means easy, taking into account the need to reconcile differing views and ideas while combining what have been autonomous political organizations into a single party. Some results have already been achieved, such as the creation of the SPS. The creation of this united party of rightist forces sends

¹³ ITAR-TASS, Moscow, 7 February 2001.

¹⁴ I. Rodin, "Dumskiye fraktsii progolosovali za svoyo budushee" (Duma factions voted for their future), *Nezavisimaya gazeta*, 8 February 2001.

a signal that many of the small political clubs and associations that mushroomed in the late 1980s and early 1990s have lost their significance, and may disappear completely.

Second, the new legislation on political parties may be used (and many observers of Russian political life believe that this will in fact happen) to strengthen the phenomenon of guided democracy in the country. The term “guided democracy” is understood to mean the formation of a centrist “super party” on the basis of the existing Unity and Fatherland blocs. Such a party, with clear backing from the Kremlin, would dominate the national political arena and enjoy a parliamentary majority. Putin’s personal popularity is expected to play a key role in the creation and functioning of such a party, though he himself is unlikely to become its leader. However, even if the Kremlin’s interest in having such a party is obvious, it remains to be seen if it can succeed in gathering enough electoral support to be a viable project. One should keep in mind the previous poor performance of similar Kremlin-sponsored, semi-political, semi-bureaucratic formations at national parliamentary elections, e.g., the performance of Yegor Gaidar’s “Russia’s choice” in 1993 or Viktor Chernomyrdin’s “Our home is Russia” in 1996.

National reconciliation and consolidation

It is almost a platitude to say that a deeply divided society cannot succeed in making progress. The experience of post-Soviet Russia, where public opinion has been deeply split on almost every major issue, is a case in point. It is quite logical therefore that President Putin considered overcoming, or at least mitigating, the political and social antagonisms that exist in Russian society to be a goal of the highest national priority. However, he was very careful in rejecting the resurrection of any official state ideology for these purposes—something that his predecessor had been toying with, albeit totally unsuccessfully. Putin understood that such attempts would only further divide Russian society, rather than unite it. Instead, he called for national reconciliation and consolidation on the basis of universal democratic values as well as national traditions, including patriotism and collectivism.¹⁵ As one of the first steps in pursuing this goal, Vladimir Putin proposed the adoption of new state symbols. At first glance, they looked like an utterly strange combination. The Russian imperial coat of arms and the white, blue and red flag used by the “Whites” during the Civil War and by democrats when fighting the communists were combined with the music of the Soviet anthem. Taken together, they were meant to be a symbol of an ideologically free continuation of Russian statehood. Initially, this proposal caused heated debates both inside and outside the parliament. Eventually it was approved by an overwhelming majority in both chambers of the Federal Assembly and signed into

¹⁵ Vladimir Putin, interview given to ORT and RTR TV stations and *Nezavisimaya gazeta*, 24 December 2000.

law by Putin in December 2000.¹⁶ A majority of the Russian population (around 70%) also approved and supported Putin's actions on this issue, recognizing them as a call for national unity.¹⁷

These steps undertaken by Putin were highly important in creating a conciliatory climate in Russian society, but they were rather symbolic in their nature. More concrete measures were undertaken to resolve one of the most socially explosive issues inherited from the Yeltsin period: massive arrears in the payment of wages and pensions to the population. Needless to say, long delays in these payments strongly alienated vast sections of Russian society and severely undermined their trust in democratic reforms. In dealing with this problem, the Putin administration was greatly helped by a substantially improved macroeconomic situation in Russia in 2000-2001. Due to high world oil prices and the after-effects of the 1998 ruble devaluation, Russia's GDP grew by 8.3 per cent in 2000, and is expected to rise by another 5-6 per cent in 2001.¹⁸ This allowed the government to allocate part of its increased budget revenues to reduce wage arrears and to increase pensions and wages for state sector employees. As these measures were accompanied by a noticeable improvement in the employment situation,¹⁹ the number of labor strikes already began to fall at the beginning of 2000. In May-July 2000, no strikes were recorded in the country for the first time in the history of the post-Soviet Russia. Some observers even hastened to call these changes a social peace. It was, indeed, a marked achievement in social relations. However, the progress made in this sphere was based on rather shaky grounds and may be short-lived. The current state of the national economy, in spite of its recent growth, is dangerously unbalanced and over-dependent on the production and export of oil and natural gas. Any adverse developments in the world oil market would have a very negative impact on the Russian economy and, by implication, on the whole range of social reforms initiated by Putin.

Not all of the social reforms have been equally successful or popular. A number of new legislative acts on social and economic reforms adopted in the parliament in the first half of 2001 on the initiative of the government generated a great deal of public controversy. Among those acts were the new Labor Code and Land Law, as well as the new legislation on communal services that envisaged the scaling down of government subsidies to the population for housing, electricity, and other communal costs. Introducing them into the parliament, the government

¹⁶ "Prezident Rossiyskoy Federatsii podpisal zakony o gossimvolike" (President of the Russian Federation signed laws on state symbols), *Nezavisimaya gazeta*, 27 December 2000.

¹⁷ Results of a public opinion poll published in *Nezavisimaya gazeta*, 11 January 2001.

¹⁸ *Interfax*, Moscow, 30 April 2001.

¹⁹ In the first eighteen months of 2000-2001, the average size of a pension in Russia increased in real terms by 20% while the number of unemployed went down by 18%. The wage arrears declined by almost 30% between August 1999 and August 2001. *RFE/RL Newslines* vol.5, no.166, part 1 (31 August 2001); vol.5, no. 182, part 1 (25 September 2001); *Nezavisimaya gazeta*, 5 September 2001.

insisted that their adoption was absolutely necessary to complete the breakaway from the Soviet economic system and to bring legislation on labor relations, the land market, and communal payments into compliance with the requirements of a market economy. Indeed, it is no exaggeration to say that by steering these legislative acts through the parliament with the active assistance of the center-right majority there, President Putin and his government have done more to promote liberal market reforms in the country than any Russian government since that headed by Yegor Gaidar almost a decade ago. This, however, may backfire if the reforms undertaken do not help to accelerate economic growth or if vast sections of the population find themselves in a significantly worse condition as the result of an anticipated rise in housing and other communal payments. After all, in spite of all recent economic achievements and social improvements, according to the State Statistics Committee 34.7 percent of the Russian population still have an average income that is dangerously close to or even below the subsistence level.²⁰

The mounting public criticism has already been reflected in some regional election results. For example, in July 2001 in Nizhny Novgorod, the third-largest city in Russia, the incumbent governor (actively backed by Putin) lost heavily to his Communist opponent, who was supported by a broad center-left coalition.²¹ The results of a national opinion poll conducted by ROMIR-Gallup International one month later indicated that over 45 percent of the Russian population no longer trust the national government. This came as another disturbing sign of resumed social tensions and increased public discontent. According to the poll, 34 percent of the electorate intends to vote for candidates of the Communist party at the next parliamentary elections, while the main pro-government Unity bloc recorded 25 percent support.²²

These latest shifts in public opinion do not necessarily mean that the central government is already in serious trouble. However, dwindling support for the government can hardly be ignored, as it may signal a re-opening of wounds only partly healed and a collapse of a temporary social accord. As the result, the earlier tendency towards national reconciliation and consolidation may be threatened and even reversed.

Ensuring the rule of law and order

As was mentioned earlier, the promise to fight terrorism and separatism in Chechnya and to establish the rule of law there was a key element that allowed Vladimir Putin to sail into the highest public office in the country. Now, two years later, the situation in Chechnya still remains the largest law-and-order problem in the

²⁰ *Moscow news* 34, 30 August-5 September, 2000, p.7.

²¹ L. Andrusenko, "Poligon liberal'nyh reform stal regionom 'krasnogo poyasa'" (Testing ground of liberal reforms became a 'red belt' region) *Nezavisimaya gazeta*, 31 July 2001.

²² *RFE/RL Newslines* vol. 5, no. 167, part I, (4 September 2001).

Russian Federation. Admittedly, during this period the federal government succeeded in crushing large-scale organized military resistance in Chechnya and re-established its administrative control over the breakaway republic. A no less significant achievement was winning part of Chechen society over to the federal side, particularly in the areas north of the Terek River, and starting a gradual process of devolving some of the administrative duties to local authorities.

These achievements notwithstanding, the hostilities in Chechnya have never stopped. Separatists use hit-and-run tactics, attacking individual federal servicemen and even small military units (including in Grozny, capital of Chechnya), planting mines and other explosive devices on roads and in government offices as well as terrorizing and murdering Chechens that choose to cooperate with the federal authorities. The problem of Chechen refugees, around 150,000 of whom are stranded in neighboring Ingushetia, remains unresolved. The main reason for their refusal to return to their homeland is the inability of the federal authorities to ensure their safety.

Obviously, solving these problems and bringing the situation in Chechnya under effective federal control does not rest with the army any longer. Mopping-up operations against the pockets of resistance remaining there should now be done primarily by specially trained security services. In fact, continuing the use of the army for these purposes has become counter-productive. Heavy weapons, including artillery and air power, either cannot be used against terrorist attacks in cities or densely populated rural areas or, if they are used, the reaction of the local population is, understandably, highly negative. Facing up to these realities, the federal authorities have started the withdrawal of army units from Chechnya. These units are being replaced by police and security services. The latter, however, have yet to prove their ability to cope efficiently with the rebels.

As the conflict in Chechnya is basically a political one, it cannot be resolved by military means alone. This is recognized by the federal authorities, but so far they have failed to come forward with any viable long-term strategy that would include coordinated political, economic, and security measures to deal with the situation in Chechnya. One may only share the opinion of many observers of the conflict in Chechnya that the absence of such a strategy reflects a conflict of vested political and economic interests, both in Moscow and in Chechnya itself.²³ Obviously, such a situation cannot drag on forever, though it may remain inconclusive for an exceedingly long time. In the wake of the terrorist attacks on New York and Washington, the pressure from Western countries as well as from domestic pacifist groups on the Russian government to search for a political solution in Chechnya

²³ For more on this conflict of interests in resolving the situation in Chechnya, see Aleksandr Khal-mukhamedov, "How to return to normality in Chechnya" and Larissa Khoperskaya. "The Northern Caucasus: factors of confrontation and prospects for stability," in *Chechnya: The International Community and Strategies for Peace and Stability* eds. Lena Jonson and Murad Esenov (Stockholm: The Swedish Institute of International Affairs, 2000): 11-20 and 61-74.

was substantially relieved, although this may be only temporary. Moscow used this opportunity to restate its earlier claims that “the events in Chechnya cannot be considered outside the context of the fight with international terrorism.” While pledging to continue to deal resolutely with international terrorists, Moscow also stepped up its efforts to resolve the conflict by urging more moderate elements among the rebels to sever contacts with their extremist leaders, disarm, and start negotiations with the federal authorities on their reintegration into the civilian life of Chechnya.²⁴ Apart from this, the federal authorities launched a program aimed at improving the interaction between the Russian military and the civilian administration in Chechnya. It remains to be seen whether these new initiatives will help the federal authorities to achieve a breakthrough in the conflict. However, if the situation does not improve substantially before the next presidential elections in 2004, and even more so, if it gets worse, the law-and-order situation in Chechnya may again become a key issue in the new presidential campaign, this time to the detriment of Putin.

Conclusions

Judging Vladimir Putin’s domestic policy in 2000-2001 from the standpoint of its impact on the state of national security, it may be stated that, thus far, it has been relatively successful. President Putin has followed a course of what may be termed “liberal nationalism,” which combined mildly nationalistic rhetoric and étatism in administrative matters with a liberal approach to economic issues. Through this approach, President Putin managed to arrest the centrifugal trends—though not all of them—that perilously endangered Russian society and the Russian state over the last decade. One of Putin’s singular achievements during this period was that his appeal to national unity and reconciliation met with a positive response among highly diverse sections of the Russian society. Among them are many ordinary people who feel betrayed and let down by other politicians following the decade of erratic reforms that led to their impoverishment, social degradation, and a loss of national prestige. Also among them are the “new rich,” who believe that Putin will not reverse the results of privatization or prosecute them for their alleged wrongdoing. The military-industrial establishment can also be counted among the groups to have responded positively to Putin’s measures, hoping that under the Putin administration the decline in the state of national armed forces will be stopped and then reversed. Finally, among them is a significant part of the younger generation who believe that Putin understands their needs and concerns much better than elderly politicians who already made their careers under the Communist regime and now merely continue to cling to power.

²⁴ *International Herald Tribune*, 25 September 2001, p.4; *RFE/RL Newslines* vol.5, no.182, part 1, 25 September 2001

Working to meet their expectations, President Putin and his government initiated a number of steps addressing the most urgent social, economic, and domestic security problems. Even though, two years later, the record of their actual achievements is rather mixed, that is only to be expected taking into account the huge backlog of economic, social, political, and ideological problems accumulated in Russian society over a number of previous years and even decades. In any case, it is to President Putin's credit that he managed to move the country out of national crisis and onto the road of normal development, as well as to strengthen the basis of national security during this period. However, these are only the first encouraging results.

To succeed further in his mission, President Putin will have to overcome a multitude of political and economic constraints with rather limited resources at his disposal. For that he will need continuing and strong public support, which may easily be eroded if the national economy slips into a recession or if the security situation in Chechnya does not stabilize and improve. It was domestic issues (such as promises to fight Chechen separatism and terrorism, to strengthen Russian statehood, or to impose law on the most arrogant financial barons) that propelled Putin to the highest office in the country and made him so popular in Russia. It will be domestic problems that may again become the most dangerous stumbling block for him if he fails to deliver on his promises of social stability, economic progress, and enhanced domestic security. In Russia, it is not uncommon for public expectations and admiration to easily change into a dramatic loss of trust and rejection. One has only to remember the stories of Mikhail Gorbachev or Boris Yeltsin.

Peculiarities of Corruption in Russia and the Challenges Involved

*N. A. Simonia*¹

In the overwhelming majority of cases, analyses of the current corruption problem in Russia suffer from the same main methodological delusion. Corruption is regarded from the standpoint of the current experience in firmly established and highly developed Western countries. In fact, the main peculiarity of corruption in Russia is its close connection with two important historic processes.

First, corruption is closely connected to the “primitive accumulation” process. Contrary to Europe’s historic past, where the fruits of “primitive accumulation” of capital were mainly used within a given national framework, the lion’s share of capital derived from activities within the Russian state is flowing out to off-shore zones and to the West.

Second, the process of capital formation is not normal, but can instead be called “bureaucratic capitalism”—a synthesis in which bureaucracy and business are extremely closely intertwined. In pre-war Japan and post-war South Korea, bureaucracy also initiated large-scale capital formation, but was separated from business and strictly controlled by a strong central power. In Russia, due to the weakness of the central government, the bureaucracy found itself completely emancipated, and bureaucratic capital accumulation acquired a rapacious and parasitic nature (similar to conditions in Indonesia in the 1950’s and 1960’s during the first term of President Sukarno).

The main mechanism of bureaucratic capital formation was not a well-thought through and purposeful national economic policy (as it was in the Japanese and Korean cases), but the *corruption* of the top levels of bureaucracy which, branching out like cancer metastases, enveloped the major part of society in a few years and turned into the “way of life”.² Here it is important to understand that the main question is not about traditional corruption, which is also widespread in Russia, in which businessman A bribes official B to acquire benefits, avoid taxes, obtain state orders, and so on, thereby damaging both state and society. In Russia, A and B *participate in one and the same business*, at the expense of the state. Meanwhile, the Russian experience shows that A and B can exchange places, and sometimes

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² For details on the interconnection between corruption and bureaucratic capital, see N. Simonia, “On Bureaucratic capitalism in Russia,” *World Economy and International Relations* 7 (1996): 5–6; and N. Simonia, “Peculiarities of National Corruption,” *Svobodnaya Mysl* 21:7 (2001): 4–16, and 21:8, 19–24.

even take on both roles simultaneously in spite of legislative prohibitions against such combination.³

In the last ten years, three levels of bureaucratic capital formation and three types of corruption have been established in Russia: general-federal (or “oligarchic”), regional-municipal (or “governor’s”), and director-managerial (on the level of separate enterprises). Below these levels, at the same time, on the “ground floor” of society, traditional forms of corruption take place on a mass basis, and some segments cooperate quite closely with the “top floors” (especially the second and third types), and may even be integrated into them as an auxiliary component. As a result of these conditions, the organized forms of corruption and criminality that have been established have frequently been used by top officials in competition with one another, and even in the political struggle. The concept of a “roof” that Russian citizens have grown accustomed to has begun to transform.

Usually the idea of a “roof” is interpreted as the cover protecting the business operations of one criminal group from encroachment by other criminal groups. Today, however, this concept has acquired a wider and deeper meaning. It already includes corrupt officials and law-enforcement agencies. Practically every business nowadays begins with the establishment of a “roof,” and not with the foundation—the business itself. Only after having established all of the necessary connections can one start to conduct business.

The wide-scale and all-embracing corruption in Russia has led to the most negative consequences for the country, the full range of which we are unable to dwell upon here. It is necessary, however, to enumerate some of the most important of them.

First, the very ideas of economic reform and the democratization of society have been discredited. The problem is not only that the destruction of old socio-economic structures was carried out in a landslide manner, without preliminary institutional reforms and the appropriate legislative infrastructure. Much worse is the fact that, having gained political power, Russian reformers adapted themselves to the processes of bureaucratic capital formation and even integrated themselves into them. As a result, almost all of the market institutions that, in form, they borrowed from the West, in practice appeared to be filled with indigenous content that promoted flourishing criminality and corruption. The majority of laws and resolutions adopted from 1992-1997 contained all the necessary loopholes for the above to occur. Instead of leading to liberalization and democratization, privatization led to a narrow oligarchic monopolization founded on corruption existing beyond any legal boundaries.

³ According to information from the Ministry of Internal Affairs, between 1994 and mid-1997, more than 800 cases of such violations were revealed. “Russia vs. Corruption: Who wins?” Analytic report by the Council on Foreign and Defense Policy and INDEM Foundation, Moscow, 1998, p. 31.

A second consequence has been that the social differentiation of society has sharply increased. Even according to official data, about 40 percent of the population now exist below the poverty line, while the minimum salary has not yet reached the level of the official minimum living standard. An income gap between the richest ten percent and the poorest ten percent of the population has been constantly increasing during the course of the “reforms.” In the difficult year of 1992, the richest tenth possessed eight times more wealth than the poorest tenth, while in 1998 (before the financial crisis) they possessed 13.3 times more.⁴ Due to the monopoly of bureaucratic capital and the corruption of officials, no mass middle class was able to emerge; such a class is the basis of civil society and political democracy in modern society. The number of small businessmen in Russia over the course of the 1990s stagnated at around 900,000, while their share of GDP amounted to only 3 percent. The share of tax proceeds to the budget from small business in Russia does not exceed ten percent, while in Europe this indicator is more than 50 percent.⁵ Generally speaking, the opportunities for free private enterprise turned out to be extremely limited. Profiting from the weakness and inertness of the central government, officials took all types of business activity under strict control. This led to the complete marginalization of non-bureaucratic capital, which departed to the shadow economy, as a result of which financial flows were not registered in any way and thus could not be collected by tax authorities. Recent research carried out by the Social Center of the Russian Academy of State Service demonstrated that the shadow economy accounts for around US\$50-60 billion.⁶

A third threat to the economic and social security of Russia connected with the predominance of corrupt bureaucratic capital and a general worsening of the economic situation lies in the massive drain of capital and knowledge from the country. According to existing estimates, the illegal outflow of capital from Russia between 1994 and 2000 amounted to about US\$120 billion.⁷ Pricewaterhouse Coopers estimates that because of the direct and indirect action of bureaucratic capital (through lobbying in executive and legislative bodies of power), the country faces an annual deficit of US\$9.8 billion in direct foreign investment.⁸ As of the end of 2000, the volume of direct investment accumulated in the years of reform totaled only US\$17.2 billion or, put another way, US\$120.6 per capita. The ratio of direct investment to GDP between 1992-1999 averaged 0.2 per cent—

⁴ Goskomstat, *Monthly Bulletin on the Social and Economic Situation in Russia*, January-September 1998. 237.

⁵ Joseph R. Blashi, Maya Kroumova, and Douglas Kruse, *Kremlin Capitalism. The Privatisation of the Russian Economy* (Ithaca: Cornell University Press, 1997), 26; *Vedomosty*, 22 February 2001; *Kommersant*, 10 August 2001.

⁶ *Nezavisimaya Gazeta*, 20 June 2001.

⁷ *Policy of Attraction of Direct Investments to Russian Economy*. (Bureau of Economic Analysis). Moscow, 2001, 19.

⁸ *Vedomosty*, 25 April 2001.

one of the lowest indicators among 21 countries with developing and transitional economies.⁹ At the same time, in trying to compensate for the damage caused by the self-serving activity of bureaucratic capital towards state finance, all Russian governments up until the 1998 financial crisis borrowed considerable sums from international financial organizations and on the eurobonds market to support the budget, which led to headlong debt growth.

A fourth consequence of the unrestrained pursuit of quick enrichment has been that the top tier of bureaucratic capital has concentrated its activity on export-oriented and extractive raw material industries, especially those connected with energy. A paradox of this situation lies in the fact that whole regions of Russia systematically suffer from shortages of fuel and raw materials in a country that is one of the richest in energy resources. In the 1990s, there appeared an obvious tendency for the country to turn into a raw material adjunct of the developed world.

A fifth consequence of the swelling of regional bureaucratic capital was that its increasing opposition to a weak federal center created the potential peril of disintegrative processes, threatening the integrity of Russian statehood. Especially dangerous were the development of those tendencies in outlying districts of the country to the west, east and south of the center. All this happened against the background of a considerable breakdown of the defense complex and a decline in and demoralization of the armed forces. Corruption in the bureaucratic leadership of the armed forces combined with real under-financing of the army to create a situation whereby exports of arms and technologies—at times including systems not yet available to the Russian armed forces—took place to countries both near and far, contributing an additional military threat to the security of the country.

The demoralizing influence of large-scale corruption practically paralyzed the activities of law-enforcement agencies, having created a threat to the internal security of the country. In fact, a distortion of the main function of those bodies took place. Instead of protecting citizens and property, they found themselves in the service of bureaucratic capital, and gradually became involved in corruption and criminal activity. It can be stated without any exaggeration that the situation in some regions of the country began to resemble a state of existence beyond any legal boundaries and of complete lawlessness that has been seen in a number of countries in sub-Saharan Africa in recent years.

The first real, though timid, attempt to place a barrier in the way of a further expansion of corruption was made by the government of Yevgeni Primakov. However, the corrupt bureaucracy and oligarchs, leaning on support from the group around president Boris Yeltsin known as the “Family,” managed to insist upon the resignation of Primakov. A more planned, systematic, and steadfast attack on the position of bureaucratic capital on all levels was only begun after Vladimir

⁹ *Policy of Attraction of Direct Investments*, *op. cit.*, 39, 46.

Putin came to power, especially after his election as president. A *precondition* for any effective fight with corruption is a broad front of institutional reforms to create a strong, high-quality state apparatus that would be able to transform, as the initial step, the Indonesian version of bureaucratic capital into some variety of a Japanese or South Korean one (with the prospect of its subsequent rapprochement with Western models), to protect small and medium-sized businesses, to regulate the activities of natural resource monopolies, and to provide social, legal, economic, and foreign security for the country.

President Putin has the indisputable advantage of irrefutable popularity and enjoys the confidence of a large part of the country's population, though the former can decrease in the course of implementing liberal reforms. On the other hand, a no less important negative factor, able to seriously hamper if not to ruin his initiatives, are his genetic ties to the "Family," which pushed him forward in his political career and practically brought him to power. Putin has to act extremely cautiously, and without undue haste. Putin's getting out from under the influence of the "Family" is one of the main *preliminary* conditions for the success of Russia's reform. Nevertheless, in the last year and a half Putin managed to do quite a lot. In this article there is no chance to dwell on all the details of his achievements, many of which are still at the initial stage of realization. There is a chance to enumerate only the most important and apparent of them.

The taming of "oligarchs."

To do away with the practices of the Yeltsin period, when oligarchs competed with each other for influence upon the President and membership in the "Family," Putin from the very beginning proclaimed his policy of "equal remoteness" from all oligarchs. The main goal of that policy was to separate oligarchs from state politics and from the state decision-making process. It is important to understand (especially for those Westerners who tend to believe information in the press about the restoration of Soviet order) that Putin is not against capital, including large capital formations. He is simply striving for a transformation of Russian business so that businessmen pay taxes in full and on time, do not seek illegal benefits and indulgences during tenders and while obtaining state orders, and so on. His credo is that a businessman should be engaged in business and not in politics. Thus, it is not by chance that the first to come under fire from state bodies were the most ambitious and politically active oligarchs—Berezovsky and Gusinsky—who, beside other things, possessed vast mass media empires. As for other oligarchs (LUKOIL, Interros, RAO "EEC", Avtovaz, and many others), the tactic of preventive action was used: interrogation in law-enforcement agencies, audit of financial documents by tax inspectors, the Accounting Chamber, and others. At his very first meeting with big business representatives that took place in July 2000, at their request, Putin made it quite clear to his interlocutors that he

had no intention to build relations with them on the personal basis they had formerly been accustomed to, but intended to discuss general corporate problems of a financial and economic nature only with representatives of organized business. The meeting was taken as an effort to display the President's complete superiority over the invited oligarchs. As the press stressed, commenting on the above meeting, Putin deprived them of a political vote and reduced them to the status of businessmen.¹⁰ The signal was understood, and in August 2000 all oligarchs together joined the Russian Union of Industrialists and Entrepreneurs (RUIE), headed by Arkady Volsky. Two subsequent meetings with the President (in January and May 2001) took place exactly within this given framework.¹¹ In the course of these meetings, the President practically began to act as the supreme arbitrator between large business and government bureaucracy.

The second most significant event in the examined period was the dismissal of Rem Vyakhirev from the post of leader of Gazprom, the organization regarded as a state within the state, which provided up to twenty percent of the revenue of the Russian budget. Having placed Alexei Miller in the top post at Gazprom, his own protégé and a person not connected with any oligarchic clan or political group, Putin delivered a serious blow to one of the largest arenas of corruption. According to available information, Miller has already made a decision to deny the Itera company the rights to sell Russian gas. This private intermediary company was created by Gazprom in the mid-1990s and has become the principal channel for money laundering and the withdrawal of large assets from Gazprom. Gas was sold to Itera at cost, then exported and sold at market prices. Assets, affiliated companies, and deposits were given to Itera at ridiculously low prices. According to some estimates, up to US\$10 billion escaped from Russia annually through Gazprom channels.¹²

Putin's offensive on natural resource monopolies has not been limited to the pinpoint (albeit large-scale) strike against Gazprom. Institutional preparations for more complete control over large corporations are being made. This is reflected, in particular, in the decision to create a new institution—the Joint Tariff Body—that will be given control over all natural resource monopolies. Anatoly Chubais (RAO "EEC") has made efforts aimed at creating this body on the basis of German Gref's Ministry of Economics. The former supports Chubais' variant of reforms in RAO "EEC." Putin has chosen the Federal Energy Commission (FEC) as the basis for the new body, which is regarded as a serious defeat of Chubais.¹³ In addi-

¹⁰ *Segodnya*, 25 January 2001.

¹¹ *Vedomosty*, 20 February 2001 and July 2001; *Nezavisimaya Gazeta*, 25 January and 20 February 2001; *Izvestiya*, 1 June 2001.

¹² Much has been published about corruption schemes connected with Russian gas. Revealing articles include *Novaya Gazeta*, 6-8, 23-26, and 26-28 August 2001; *Moskovsky Komsomolets*, 18 August 2001; *Profil*, No.2, 14 June 2001, pp.4-6, 12-13.

¹³ *Kommersant*, 7 August 2001.

tion, specialized inspection of the largest taxpayers has been implemented under the Ministry of Tax Service. It is already known that LUKOIL, Gazprom, and other corporations will be among the first to be transferred for registration under this inspection.¹⁴ Finally, the newly appointed head of the Ministry of Energy, Igor Jusufov, has already declared that his ministry will once again take over the function of distributing oil export volumes, while only extractive companies will get access to export pipelines. All of the mediator firms and ephemeral companies created for the purpose of laundering offshore “dirty money” will be removed from the scene.¹⁵ The above, plus many other measures already taken or planned, will undoubtedly result in a considerable decrease in the scale of corruption and its most odious manifestations.

Strengthening Russian Statehood: Attacking Regional Bureaucratic Capital.

After landslide privatization left most industrial enterprises in the hands of former directors (“insiders”), Russian reformers hoped that the insiders would soon be ousted by “outsiders” (meaning mainly businessmen from Moscow or elsewhere, with foreign capital) through the operation of the market. These calculations were only partly justified, and even then not always with positive results. With market institutions either absent or with shallow roots, a rapprochement and, in a number of cases, a coalition took place between insiders and the local bureaucracy, forming regional bureaucratic capital.¹⁶ The dependence of local business on local power is much stronger, as a rule, than on central power. Governors decide whether to grant this or that bank the right to serve the accounts of the treasury and various regional programs and establish preferential tariffs for electricity and transport or other utilities. In practical terms, governors controlled local law-enforcement agencies, as well as the tax service and arbitration courts, for example. Along with other factors, regional corruption promoted centrifugal tendencies, threatening the consolidation of Russian statehood. Under these conditions it is no wonder that one central question confronting Putin during the previous period turned out to be how to block those centrifugal tendencies.

One of the first steps of the President was Decree No. 849 of 13 May 2000 that introduced *Plenipotentiary presidential representatives* (PPR) in seven newly-formed federal districts. The main responsibilities of the PPR were: local coordination of the activity of federal executive bodies, control over execution of decisions from the federal government, working out socioeconomic development pro-

¹⁴ *Vedomosty*, 24 August 2001.

¹⁵ *Kommersant*, 15 August 2001.

¹⁶ In the struggle waged for *re-division* of property, governors usually backed their own insiders against alien (Russian and foreign) owners, using arbitrary courts subordinate to them for pronouncing decisions on the “bankruptcy” of profitable enterprises, re-nationalization, etc. See *Transition* (The World Bank/The William Davidson Institute Newsletter) 5 (August-Sept.-Oct. 2000): 36-37.

grams in the federal districts, and introducing proposals (to be considered by the President) to terminate the effect of local acts at variance with the federal Constitution, federal laws, and Russia's international obligations. President Putin's next step was aimed at undermining the positions of governors in the upper chamber of the Parliament—the Council of Federation. The process of exchanging them for regional representatives appointed by governors was begun, a process due to be completed by January 2002.¹⁷ These representatives will work in Moscow on a permanent basis, and will be dependent both materially and for their career on decisions of the President. (No wonder that they have already formed a group called “Federation” to support presidential initiatives.) By mid-March 2001, 100 of 179 senators had joined this group.¹⁸ In July 2000, the Duma passed a law granting the President the right to dismiss governors in cases where legal proceedings had been initiated against them. In order to exclude the possibility for heads of regional administrations to evade this provision through pre-term resignation and subsequent nomination of their candidates, the Duma passed a legislative amendment forbidding both this and the repeated nomination of candidates by heads of administration dismissed by the President.¹⁹

The second wave of reforms began in May-June 2001, when a special presidential committee was formed, headed by the deputy head of the presidential administration, Dmitry Kozak, on the differentiation of authority between the center and the regions. Its aim was to limit (and even abolish) the privileges received by republics and regions in agreements signed with President Yeltsin. Putin himself headed the first meeting of the committee on 17 August 2001. The main aim of the committee was the restoration of a single legal space in the country and the elimination of much discretionary spending by governors.²⁰ Moscow made it clear to leaders of subsidized regions that if they were not able to implement their budget responsibilities, control over spending might pass to the federal treasury (which could mean a range of things, from the introduction of outside management up to discharging the governor from power). The PPR also received stronger powers, the most important of which in the context of this paper is the “re-subordination” of top officials of regional law-enforcement agencies to the local PPR and through them to the President. Appointment of these officials would from now on be made by the President based on a recommendation of the PPR and without needing agreement from regional governors. The latter would be merely informed about the appointments.²¹

All these changes are directed at converting federal agencies in the provinces from weapons of struggle used by local groups and elites into instruments of con-

¹⁷ *Expert* 24 (25 June 2001), 57.

¹⁸ *Segodnya*, 23 February 2001.

¹⁹ *Vedomosty*, 27 February 2001.

²⁰ *Vremya Novostei*, 26 June 2001; *Kommersant*, 18 July 2001.

²¹ *Vremya Novostei*, 28 June 2001; *Vedomosty*, 20 July 2001.

trol over the financial, administrative, and other activities of the regional and republican authorities. These measures marked the beginning of halting the process of the erosion of statehood, and the beginning of managing the country. Without this process, any struggle with corruption would have remained just an empty phrase.

Strengthening Russian Statehood: Reorganization of power structures.

Experience bears witness to the fact that corruption cannot be abolished only with methods based on force. The deep economic roots of corruption (to say nothing about psychology and traditions) also need to be addressed. However, the presence of strong and disciplined law-enforcement agencies and other power structures is a necessary preliminary condition to make it possible to start the struggle with the many manifestations of corruption. That is why one of the top priorities of President Putin was to restore the functionality of power structures and suppress their increasing involvement in criminal activity. March 2001 was a turning point here, when Putin discharged the leaders of law-enforcement agencies and appointed new people loyal to him, who were not connected with old competing groups. Representatives of the Yeltsin “old guard” were also squeezed out, including the head of the Ministry of the Interior, Vladimir Rushailo, the head of the Federal Tax Police Service (FSTP), Vyacheslav Soltaganov, the leader of the Ministry of Atomic Energy, Yevgeny Adamov, and others.

The appointment of a civilian, Boris Gryzlov, as head of the Ministry of Interior in April 2001 was a surprise to everyone. Then came the replacement of practically the whole leadership of the Ministry. However, most important was the reorganization of the Ministry, which numbers around one million employees and had branched into multiple parallel structures that duplicated each other and were engaged in “covering” business, supported various business groups in competition with others and, finally, directly participated in business itself.²² Matters took a turn towards a completely uncontrollable situation and anarchy. On 4 June, Putin issued a decree on reform in the Ministry of Interior. Bearing in mind the aspect of corruption, the main change here lies in the liquidation of the Federal Committee of Criminal Police, created by Rushailo, that included agencies on the struggle with organized crime (UBOPs) and economic crimes (UBEPs) and the super secret “P” agency (dedicated to the struggle against “high-tech” crimes).

²² Interior Minister B. Gryzlov himself pointed at all these moments in many speeches and interviews (see *Vedomosty*, 11 July 2001; *Profil*, 22 (11 June 2001), p. 8, and 23 (18 June 2001), pp. 14-16; *Vremya Novostei*, 27 July and 9 August 2001; *Expert* 22 (11 June 2001), p. 6; *Kommer-sant*, 31 July and 9 August 2001; *Izvestiya*, 9 August 2001. Among the population, the conviction began to take root that there was no great difference between the militia and criminal elements. Among bandits, a popular proverb emerged: “Only the ‘shablovskie’ are tougher than the ‘soltsevskie.’” The “soltsevskie” is one of the mafia groups in Moscow and its region, while the central office of RUBOP—the regional agency for the fight against organized crime—is located on Shablovka Street.

The agency turned out to be involved in providing information services to big business and using illegally-obtained information for blackmail and extortion.²³ The agency will be reorganized into an operative investigation bureau, and will be included in the newly created Service of Criminal Police.

Additional changes touched upon other power structures connected in one way or another with financial and economic corruption. Another civilian, Michail Fradkov, was appointed as head of the Federal Service of Tax Police. At the end of June 2001, all seven of his deputies were dismissed and following a restructuring of the service, its central apparatus will concentrate on analytical work (i.e., it will no longer be directly engaged in any operational or enforcement activities).²⁴ There are plans under development to increase the Accounting Chamber's status to the level of a body directly subordinate to the President as the main controller over state expenditure; the appropriate bill has already been introduced to the Duma.²⁵ The leadership of the State Investment Corporation has been changed and a different Director General of the Committee on state reserves has been appointed. There was a change of leadership at the military-technical cooperation agency, while the agency itself underwent another restructuring. In a word, the wind of change touched upon all departments connected with financial flows, around which serious corruption scandals had spread in the recent past.

Deregulation or Anti-bureaucratic Laws.

In July 2001, during the last days of the work of the Russian Parliament before its summer vacation, a package of laws that had been initiated in Spring 2000 by President Putin was finally adopted. It included three laws relevant to the present discussion. First was a law on the registration of juridical persons and businessmen. Under the previous law, one had to gather dozens and even hundreds of signatures over a course of months (for bribes, of course). From 1 January 2002, the whole process will be accomplished in a single procedure managed by the Ministry of Taxes and Dues, and to be completed in the course of several days. Second came a law on the protection of juridical persons and businessmen during state audit. Audits will take place over the course of two months and not more often than once a year. Previously, audits could occur several times a year. Third was a law on licensing of various types of business activity. Of 500 federal and about 1000 regional types of licensing, only around 120 will remain. The process of adopting the last law was especially difficult, both in the government itself and in the Council of Federation, since the right to grant licenses was a source of enormous profits for regional administrations and ministries.²⁶ Implementation of

²³ *Moskovsky Komsomolets*, 27 June 2001; *Kommersant*, 17 August 2001.

²⁴ *Vremya Novosti*, 4 July 2001.

²⁵ *Vremya Novosti*, 26 June 2001; *Kommersant*, 17 August 2001.

²⁶ According to the available estimations, the annual sum collected by ministries fluctuated in between 170-200 billion rubles (*Profil* 28 (23 July 2001), p.18; *Segodnya*, 3 March 2001;).

these laws would mean a real revolution in the establishment of Russian business, and will truly liberalize medium and small business.

Implementation will require a level of cooperation between President Putin and the Russian Government that has not yet been achieved. A clear example is the passage of the package of bills on the reduction of bureaucracy. Putin set this goal before the Government in Spring 2000, but by the autumn he found out that nothing had been accomplished, and demanded that the assignment be executed by January, and yet again by March 2001. The Government introduced the package to the Duma in April, after which several ministries lobbied against passing the proposed bill on licensing.²⁷ In another example, the government of Yevgeny Primakov managed to pass 22 amendments to the law on production sharing agreements (PSA) in 1998 (after several years of procrastination). In the summer of 2000, Minister of Economy German Gref and Minister of Finance Kudrin, both reputed to be great liberals, started a campaign against that vitally important form of investments. When Putin voiced his support of PSA, Gref instantly changed his position. However, it turned out later that this change was temporary. In April-May 2001, Gref and Kudrin resumed their attacks, and today they are trying to introduce amendments into the appropriate chapter of the Tax Code that will emasculate the essence of PSA.²⁸

Conclusion

President Putin has waged an attack on corruption on quite a wide front. At the same time, it is only possible to speak about the initial tendencies and first partial successes of a campaign that has just begun. In general, the struggle with corruption will be a long process, and it is impossible to defeat corruption at one stroke. Corruption can only be slowly, gradually, steadfastly reduced to a point where it is under control and at a level that does not threaten the security of the country. As a first step towards eliminating corruption in Russia, it is necessary to transform the country's whole socioeconomic base considerably, to "ennoble" what has become a parasitic and predatory bureaucratic capitalism. Under favorable circumstances, this will take some ten to twelve years. While the first step in this direction has been taken, this modest success has to be consolidated and developed, so that everything achieved does not once again "vanish in quicksand." On this path, President Putin will still have to overcome a number of serious difficulties.

First, it will be necessary to form his own joint team of reformers. As of today, the Government is not an organic member of such a team. Separate ministers

²⁷ See: *Moskovsky Komsomolets*, 9 February 2001; *Segodnya*, 25 January and 13 February 2001; *Nezavisimaya Gazeta*, 26 January 2001; *Vremya Novostei*, 19 April 2001; *Vedomosti*, 29 June and 20 July 2001.

²⁸ *Nezavisimaya Gazeta*, 18 May 2001; *Vedomosti*, 20 April and 23 August 2001.

favor different approaches. Many of them are still serving the interests of various oligarchic groups, and this causes conflict with each other and even with the Prime Minister. The Prime Minister himself frequently drags out fulfillment of the President's orders or implements them according to his own interpretation.

In the future, Putin will have to take further steps in the gradual process of getting rid of the "inheritance" from the Family that previously occupied the office of President. Finally, under conditions where a mature civil society is lacking and, at the same time, there is a need to integrate the country into the wider international society of developed economies, Putin will have to solve a complicated dilemma. The implementation of "enlightened authoritarianism" inside the country—without which there is no chance to defeat bureaucratic capital and corruption—will have to be combined with supporting Russia's democratic image in the outside world.

Corruption in Ukraine: Essence, Scale, and Influence

Igor Zhdanov¹

Introduction

Corruption is a social phenomenon that has a vividly pronounced political background. Historical experience bears witness to the fact that the heights of power have often been achieved with the aid of corruption. At the same time, corruption has often caused the careers of politicians and governmental figures to end, and governments to fall. It has led to the change of political regimes and the decline of states.

Over the course of recent decades, corruption has been a characteristic feature of contemporary politics in many countries of the world. Some analysts think that corruption has become the fundamental political problem of the early-21st century. Corruption and government are eternal antagonists. Corruption, as a form of social corrosion, “eats away” at governmental structures, while governmental authority in turn strives to destroy corruption.

This article will provide a definition of the concept of corruption, and will analyze the level of corruption and its influence on the socio-political, social, and economic development of Ukraine. A short survey of measures taken is conducted, and basic lines for battle with this negative phenomenon are proposed.

A definition of the concept of corruption

As various dictionaries testify, the word *corruption* derives from the Latin word *corruptio*, meaning “spoilage.” For the purposes of this article, it can be understood as the subornment of individual officials in the governmental apparatus. It should be noted that a precise definition of the concept of corruption does not exist, either among Ukrainian legal scholars or among practitioners.

The basic approaches to an understanding of corruption can be reduced to the following:

1. Corruption is understood as the bribery and venality of governmental employees.
2. Corruption is regarded as the abuse of power or official position, performed for personal interests.

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3. Corruption includes the use of official powers or the status of one's position, and also the authority of such a position, for the satisfaction of personal interests or of the interests of third persons.
4. Corruption is regarded as a feature of organized crime.²

The regulatory legal acts of Ukraine also do not give a unified definition of the concept of corruption. Thus, in Ukraine's Law "On the Battle with Corruption," the following formula is given: "corruption is understood in this law to be the activities of persons authorized to carry out governmental functions, which actions are directed at the illegal utilization of the powers granted them for the obtaining of material goods, services, privileges, or other advantages." A different definition of corruption is given in the Presidential document "Concept of the Battle with Corruption for 1998–2005".³ "In a legal regard, corruption comprises the totality of corrupt acts and other violations of law (criminal, administrative, civil, and disciplinary), and also violations of ethics of behavior by officials, which violations are connected with the accomplishment of these acts; these acts, violations of law, and violations of ethics of behavior being various in nature and degree of social danger, but single in their essence."

An analysis of international jurisprudential documents also testifies to the existence of various approaches to understanding corruption. Thus, in the Resolution "Practical Measures for the Battle with Corruption" disseminated at the Eighth Congress of the UN on the Prevention of Crime (Havana, 1990), corruption is defined as "violations of an ethical (moral), disciplinary, administrative, or criminal nature which manifested themselves in the illegal utilization of one's official position as an actor in corrupt activities." Another UN document (which is a reference document on the international battle against corruption) formulates the concept of corruption as "abuse of public authority for private gain."⁴

Thus, corruption is a complex social phenomenon that has a negative influence on all aspects of the political and socio-economic development of society and the state. It manifests itself in both illegal acts (or inaction) and unethical or immoral deeds.

Corruption can be defined as a complex social—and, in its essence, antisocial, immoral, and illegal—phenomenon which arises in the process of the exercise of authority by individuals and is characterized by the use of such authority for the satisfaction of personal interests (or interests of third persons), and also for the

² For more detail, see I. Mel'nik, *Koruptsiia: sutnist', poniattia, zakhody protydiv* (Corruption: essence, concepts, measures for counteraction), (Kyiv, 2001), 113–116.

³ Confirmed by Decree of the President of Ukraine, "O kontseptsii bor'by s koruptsiei na 1998-2005" (On the Concept of the Struggle with Corruption for 1998-2005), dated 24 April 1998, No. 367.

⁴ *Mizhnarodni pravovi akty ta zakonodavstvo okremykh krain pro koruptsiuu* (International legal acts and the legislation of individual countries on corruption) (Kyiv, 1999), 102.

creation of conditions for the commission of corrupt acts, their concealment, or their facilitation.

The scale and influence of corruption in Ukraine

Corruption in Ukraine has turned into one of the primary threats to national security. In essence, two subsystems are functioning in society, one official and the other unofficial, that are for all practical purposes equal in their influence. Society and the state as a whole experience the negative influence of corruption. It subverts the economic foundations of the state, discourages foreign investment, and leads the population to distrust authority structures. Corruption has a negative effect on Ukraine's international image, leads to a "shadowing" of the economy, and facilitates the growth of the influence of organized crime groups.

Ukraine's population rates the scale of the spread of corruption in Ukraine as very high. The results of sociological polls by the Aleksandr Razumkov Memorial Ukrainian Center for Economic and Political Studies (UCEPS) show that only two percent of respondents think that "almost no one in the country takes bribes," while the majority hold the opposite point of view. Twelve percent of those polled think that "almost everyone takes bribes, using their position of employment," while 49 percent think that "many" take bribes and 29 percent think "some" do.

The citizens of Ukraine have to resort to corrupt acts and the giving of bribes even to exercise their legitimate rights. According to data from a UCEPS sociological poll, 60.5 percent of respondents know of instances where bribes were given in exchange for a legitimate decision, and 47.5 percent of those polled know of instances of bribery in exchange for an illegitimate decision.

A brief analysis of the influence of corruption on the formation and functioning of governmental authority, and its influence on the implementation of governmental policies and on society as a whole, is given in this subsection. It is shown how slogans from the battle with corruption are utilized in political struggles. Individual estimates of the scale of corruption in Ukraine are also given.

Corruption renders a substantial influence on the formation of governmental authority in Ukraine. In the *executive branch* this occurs primarily by means of either payment for appointment to office (buying and selling of positions) or appointment to office independent of a person's professional qualifications, proceeding from one's family ties or personal allegiance, according to the principle "it doesn't matter who you are; what matters is whose you are,"

Most dangerous are manifestations of corruption in personnel policies at the highest levels of executive authority, insofar as leaders at the highest level can create an entire pyramid of corrupt relations penetrating all levels of government. Under such conditions it becomes impossible for an office to be filled proceeding only from the professional and personal qualities of the candidate. What becomes decisive is payment for appointment, or family (or friendly) relations with high-level leaders or other persons of influence. Not infrequently, personnel decisions

are only *formally* made immediately within authority structures. In reality, however, they are made outside the offices of those in authority, by influential businessmen or by leaders of organized crime formations who control a certain region or sphere of activity. Such instances have been reported by the domestic and foreign mass media, by the leaders of countries and law-enforcement agencies, and by well-known Ukrainian politicians.

Thus, speaking to law-enforcement agency leaders, President of Ukraine Leonid Kuchma stated, “The following materials were made available to me prior to today’s conference: about twenty-five hundred permanent criminal groups are on the books of the internal affairs [police] agencies! Just think about it, friends: twenty-five hundred groups armed and ready for anything! And you never cease to assure the country’s leadership and public opinion that you know about them and their spheres of influence and that you have the situation under control.”⁵ Speaking of the corruption of Ukrainian authorities, People’s Deputy of Ukraine O. Moroz pointed out, “It is not the official structures which exercise authority, but the oligarchs and clans.”⁶ According to data from the Security Service of Ukraine, sixty percent of Mafia clans have corrupt ties to agencies of governmental authority and administration.⁷

In the *judicial branch*, the assortment of corrupt means that can be deployed during the exercise of authority is rather extensive. First of all, there is a risk of bribery of officials at the governmental agencies that select candidates for judges’ positions, prepare materials for their appointment (or election), and decide the appointment of judges to administrative positions in the courts (qualifying commissions for judges, justice agencies, the Supreme Council for Justice). Other risks include the counterfeiting of documents, concealment of materials compromising to candidates for judges’ positions, and so on.

During the formation of *representative organs of authority*, it is also difficult to avoid the influence of corruption. In this instance, one could mention the violation of fundamental principles for organizing and conducting elections, such as the bribery of candidates, government representatives, and members of election committees; the illegal financing of election campaigns; the abuse of office while a campaign is being conducted; the falsification of election results; the creation of obstacles to the free exercise of citizens’ voting rights; and so on.

⁵ Leonid Kuchma, “Tak dal’she dlit’sia ne mozheth” (This can’t go on), Speech at a session of the Coordination Committee on the battle with corruption and organized crime at the Administration of the President of the Ukraine, 16 February 1998, in *Uriadovi kur’er*, 19 February 1998, 4.

⁶ “Chitaite i sravnivaite, reshaite i golosuite” (Read and compare, decide and vote), *Kreshchatik*, 29 October 1999, 6.

⁷ M. Kamlyk, P. Gega, V. Biletskii, “O proiavleniiakh organizovanoi prestupnosti v proizvodstvennoi i upravlencheskoi sferakh ekonomiki” (On manifestations of organized crime in production and managerial spheres of the economy), in *Borot’ba z organizovanoi zlochinnistiu i koruptsieiu* (The battle with organized crime and corruption), No. 1 (2000): 23–24.

It should be noted that many Ukrainian politicians, international organizations, and foreign observers think that the most recent election campaigns in Ukraine were conducted utilizing undemocratic methods and were tainted by corrupt acts. According to the results of sociological studies conducted on the eve of the last Ukrainian presidential elections (1999), every second voter in Ukraine doubted the honesty of the conduct of the elections and their results even before the election campaign had begun. The population thought that the conduct of an honest election campaign was being hindered by the Central Election Committee (sixteen percent of those polled), the Mafia and organized crime (twelve percent), members of precinct election commissions (six percent), and the President of Ukraine, political parties, and business representatives (five percent).⁸

According to data from Ukraine's law-enforcement agencies, in the 1998 elections for representative organs of government, a significant number of persons with connections to criminal activities were elected. In some cases, these were organizers or active participants in criminal groups, and in other cases people that, by the time of their election, had committed crimes of a nature characteristic of corruption. Thus, according to information from the Center for Social Ties at the Chief Administration of the Ministry of Internal Affairs (MVD) of Ukraine in the Crimea, nine active members of organized criminal groups are deputies on the Kerch city council.⁹ In 1999, four deputies in the Yevpatoriia city council were arrested for committing various crimes.¹⁰

During the formation of authority structures, corruption leads, in the first place, to authority being given to persons to whom it has not in fact been delegated by voters, or who should not occupy governmental positions due to their professional and personal qualities. Essentially, the issue at hand is the illegal conferral of authority. In the second place, representatives from a criminal milieu, including leaders of criminal groups, come to power. In the third place, government formed in this way is illegitimate and will be utilized by its representatives for criminal purpose—for illegal enrichment, evasion of responsibility, persecution of opponents, and so on.

Corruption also influences the functioning of governmental authority. Corruption is predicated on the exploitation of public authority for private gain. The state is deprived of that portion of authority which the corrupt person has taken advantage of for his own selfish interests. As Hegel noted, "that portion of governmental

⁸ "Naselenie ne verit v chestnye vybory" (The population doesn't believe in honest elections), *Vechernie vesti*, 4 August 1999, 2.

⁹ L. Budzhurova, "Kriminal'noe chtivo s goroskopom" (Criminal pulp fiction with a horoscope), *Stolichnie novosti*, 2 March 1999, 1,5.

¹⁰ "Arestovan eshche odin deputat Evpatoriiskogo gorsoveta" (One more deputy in the Yevpatoriya city council has been arrested), *Fakty*, 9 February 1999, 1.

authority which a separate individual has acquired for himself has been lost to the general authority.”¹¹

Much has been said in recent times about the unlawful use of power by governmental figures at the highest level. Thus, as a result of the publication of information about involvement by individual People’s Deputies in the commission of corrupt acts, a firm opinion has taken hold in society regarding the spread of corruption within the walls of the Ukrainian Supreme Soviet.

In the summer of 1998, information about corruption among parliamentarians spread particularly intensively. This was during the election of the Chairman of the Supreme Soviet of Ukraine. It was repeatedly reported (both during public speeches at plenary sessions of Parliament and in the mass media) that some candidates for this position, or members of structures which supported these candidates, were resorting to bribery of individual deputies. There was also talk of the bribery of deputies in connection with the formation of deputy groups and factions and the movement of deputies from one faction to another.¹² It went so far that on 25 June 1998, the Supreme Soviet of Ukraine adopted a special resolution, “On statements by People’s Deputies of Ukraine about bribery during voting for candidates to the position of Chairman of the Supreme Soviet of Ukraine.” A Temporary Investigative Commission for verification of statements by deputies about facts relating to bribery during voting was created, and the Office of the Prosecutor General of Ukraine was enlisted to participate in the verification.

At the time, neither the Temporary Investigative Commission nor law-enforcement agencies were able to establish concrete evidence of bribery of deputies or of persons involved in it. However, statements about bribery of deputies continue, on the part of parliamentarians themselves, as well. A statement that bribery is utilized in Ukrainian politics in general and parliamentary activities in particular was made by People’s Deputy of Ukraine L. Kravchuk: “Government now lives according to commercial laws, and this is awful! The position of Chairman of the Supreme Soviet was acquired by trading. There was a trade, there was no voting, ballots were on sale.... Representatives of government have begun living according to the law of mercantilism and trade: ‘You give to me, I give to you.’ You give me votes and ballots, and I’ll give you.... Everything is sold for money: movement from faction to faction, positions.”¹³

The statements of this politician should be taken extraordinarily seriously, insofar as during that period he himself was a candidate for the position of Chairman

¹¹ G. Hegel, “Konstitutsiia Germanii” (The Constitution of Germany) in *Politicheskie proizvedeniia* (Political works) (Moscow, 1978), 184.

¹² “Pervaia sessiia Verkhovnoi Rady Ukrainy” (First session of the Supreme Soviet of Ukraine) in *Biulleten’* (Bulletin) 46:1 (Kyiv: Izdatel’stvo Verkhovnoi Rady Ukrainy, 1998), 42, 52.

¹³ L. Kravchuk, “Ochen’ strashno, chto vlast’ seichas zhivet po zakonam torgovli” (It’s awful that government now lives according to the laws of commerce), *Den’*, 3 February 1999, 4-5.

of the Supreme Soviet of Ukraine, which means he was well informed about the political auction that took place in 1998 in Parliament.

In 1998, the Office of the Prosecutor General of Ukraine made representations to Parliament about obtaining an agreement to institute criminal proceedings against People's Deputies of Ukraine P. Lazarenko and N. Agafonov for commission of crimes involving corruption. In March 2000, the Security Service of Ukraine presented for Parliament's consideration materials on six People's Deputies of Ukraine. The Security Service discovered actions on the part of these six individuals that violated the principles contained in Ukraine's Law "On the battle with corruption."¹⁴ In addition, the Security Service reported a violation of election legislation by another People's Deputy of Ukraine (through the use of counterfeit documents during registration as a candidate).¹⁵

Information on the entrepreneurial activities of parliamentarians was made public on 20 April 2000 at a session of the Coordination Committee on the Battle with Corruption and Organized Crime at the Office of the President of Ukraine. According to this report, composed of data from the Government Tax Administration, 364 People's Deputies of Ukraine receive official income from commercial structures. Parliamentarians head 202 enterprises and are founders of 473. Overall, People's Deputies have a direct or indirect relation to the economic activities of 3,105 enterprises. In 1999, these enterprises imported into Ukraine raw materials and consumer goods worth 13.2 billion grivnas (corresponding to 25.3% of Ukraine's imports), and exported raw materials and consumer goods worth 5.2 billion grivnas (10.1% of Ukraine's exports). According to these figures, for 1999 alone the enterprises mentioned are in arrears to the budget in the amount of 4.1 billion grivnas.¹⁶

Although some of the facts mentioned above, and others that have been published in the mass media, have not been confirmed officially (or are still being verified), it may be asserted that such information as has been made public by parliamentarians and governmental leaders is an admission of corruption among high-level politicians.

For the sake of fairness, it should be noted that, in comparison with the other branches of government, the legislative authority cannot objectively be the most corrupt. The executive authority is *potentially* the most corrupt, insofar as it is

¹⁴ In accordance with Article 1 of the Law of Ukraine "On entrepreneurship," participation in setting up entities for entrepreneurial activities and possession of corporative rights are not recognized as being entrepreneurial activities, which means they are not a violation of the Law of Ukraine "On the battle with corruption."

¹⁵ A. Primachenko, "Delo 'zelenykh'" (The case of the "greens"), *Zerkalo nedeli*, 25 March 2000, 2.

¹⁶ I. Desiatnikova, "V proshlom godu nashi sograzhdane priobreli svyshe piati tysiach prestizhnykh 'shestisotykh' mersedesov po tsene ot 100 do 300 tysiach dollarov" (Last year our fellow citizens acquired over five thousand prestigious Mercedes 600s costing from one hundred to three hundred thousand dollars) *Fakty*, 22 April 2000, 4.

the representatives of the executive authority who have the opportunity to manage monetary resources, real estate, and things of material value, and to decide questions of apportioning plots of land and rent, calling to legal and financial account, and issuing permits, licenses, and credits guaranteed by the Government. This is also confirmed by court practice in applying anti-corruption legislation; the overwhelming majority of persons called to account for bribery, abuse of authority, and violation of the Law of Ukraine "On the battle with corruption" are representatives of the executive authority. Incidentally, the absence among them of members of government and high-ranking officials is more likely to be evidence of the high level of corruption of the executive structures, insofar as highly-placed members of the government have greater possibilities not only to abuse authority, but also to "come out of the water dry."¹⁷

As for the judicial authority, the question of abuse of authority by judges is raised rather rarely. The Supreme Council of Justice was formed in 1998. During the next two-year period, only nine judges were dismissed for violation of their oath upon representations made by that agency, and criminal proceedings have been instituted against five judges for taking bribes.¹⁸ In the preceding years, criminal proceedings against judges were also instituted extremely rarely, and as a rule only for taking bribes.¹⁹

The political essence of corruption is also manifested in the fact that corruption can be a weapon in the battle for power (or retention of power). On the one hand, authority structures can use slogans from the battle with corruption to try and achieve political goals, including conducting reprisals against political opponents utilizing the criminal law, repressive means, and discrediting opponents. On the other hand, the political opposition can accuse the government of corruption for the purpose of achieving its own political goals. Surprising as it may seem, the opposition may thus have an interest in corrupting authority structures (or individual governmental figures), insofar as the exposure of facts of corruption and their publication in the mass media increases the opposition's chances of coming to power.

¹⁷ The corruption cases even of mid-level leaders, in particular of Chief of Consulate Administration at the Ministry of Foreign Affairs of Ukraine V. Koval' and the mayors of the cities of Kherson, Nezhin, and Kremenchug, are an exception to the general rule.

¹⁸ "Po dvum sud'iam bylo polucheno soglasie Verkhovnoi Rady Ukrainy na privlechenie ikh k ugodovnoi otvetstvennosti, otnositel'no drugikh trekh materialy eshche ne rassmotreny parlamentom. Div.: Vaulina O. A sud'i kto?" (Agreement has been received from the Supreme Soviet of Ukraine to institute criminal proceedings against two judges; materials on the other two have not yet been considered by Parliament. O. Vaulina, 'And who are the judges?'), *Golos Ukrainy*, 19 January 2000, 5.

¹⁹ For example, in 1995 Chairman of the Leninsk District Court of the Crimean Autonomous Republic, V. Chernishov, who was accused of receiving and demanding bribes in the amount of \$2,150, was called to account. In 1997 proceedings were instituted against Iu. Farat'ev, a judge at the October District Court in the city of Lugansk, who the Prosecutor's Office accused of taking a bribe in the amount of \$500.

The most typical variants of using slogans from the battle with corruption for battle with political enemies are given below:

1. The selective application of the criminal law and other repressive legal means to governmental figures and politicians (as a rule, from the opposition). Even when there are grounds for such an approach, the decision may be taken not because such grounds exist, but mainly due to political considerations. That is, calling such persons to account for committing violations of law relating to corruption is accomplished not as a result of systematic anti-corruption activities by the authorities, but proceeding from the principle of political expediency. The very process of calling the guilty to account is accompanied by broad propaganda measures for the purpose of convincing society and the international community that the use of the legal process is absolutely devoid of a political subtext and is directed exclusively at securing legality in the country.²⁰

In such instances, law-enforcement agency representatives can apply the law with a clear conscience, even while recognizing the political aspect of the situation. However, there can be a material change in the situation if what is involved is a calling to account of other officials (or political figures) for similar acts, officials not in political opposition to the country's leadership, or who are even close to those in power. In such instances, law-enforcement agency representatives who deem their task to be not assuring legality, but rather servicing the existing political regime, are compelled to violate the law, insofar as non-application of the law when there are grounds for its application is an abuse of authority.

2. The use of juridical reprisals against political opponents by means of charging them with corruption (or other illegal acts) when there are no legal grounds to do so. The goal and means in such instances remain the same as those described above, but grounds for their application are absent.

This was particularly the case in countries of the former USSR, where the authorities not infrequently wreaked reprisals on political figures, and in particular on opposition parliamentarians. Some politicians and lawyers who had an opportunity to acquaint themselves in detail with the materials of the criminal case brought in April 1997 by Prosecutor General of Ukraine G. Vorsinov against Chairman of the Parliamentary Committee on Questions of the Fight with Organized Crime and Corruption G. Omel'chenko, who was accused of abuse of authority (without grounds, as became clear in time), think this was one such instance.

²⁰ In the opinion of many well-known politicians and experts, particular political circumstances were by no means the least important factor in the appearance of the most notorious corruption case in Ukraine—the "Lazarenko case".

In such instances, law-enforcement agency representatives have occasion to act illegally. Ungrounded criminal prosecution (or application of other repressive measures) is a job-related crime; that is, the topic now expands to include corrupt behavior by law-enforcement agency representatives.

3. The application of repressive means for the same motives to persons surrounding political figures that the authorities wish to discredit. As far as law enforcement agencies are concerned, their actions, depending on the presence (or absence) of grounds for applying the appropriate measures, may be either legal or illegal. However, that fact has no significance in principle insofar as the motivating force for the application of legal means in such instances is not the battle with corruption, but political expediency.²¹

One of the most dangerous factors in using slogans of opposition to corruption in political battle is the enlistment of law enforcement agencies in the political process. In these circumstances, the law enforcement agencies themselves become combatants in the political fight.

4. The rhetoric of the fight against corruption can also be invoked by particular representatives of government for the purpose of creating a positive image among citizens and in the eyes of the world community, or in order to retain one's position. Traditionally, statements about intensifying the fight against corruption resound ever more frequently and loudly prior to regular elections.

Essentially, such actions by corrupt politicians are directed at solving a two-fold problem: first, to stay in power at any cost; and second, by remaining in power, to avoid any liability for crimes committed while in office.²²

In this connection, it is necessary to take a closer look at the advisability of maintaining parliamentary immunity. In a legal and political situation where the prosecution of parliamentarians for political motives is not unknown, parliamentary immunity ought to be looked upon as a means of protecting democracy. The basic purpose would be to provide legal guarantees for the proper execution by deputies of their duties. It is apparent that the limited application of parliamentary immunity can be considered useful under these conditions if it facilitates the fight with corruption.²³ The elimination (or substantial limitation) of parliamentary immunity proceeding from political goals may turn into a sort of "vaccination" against political opposition that will not facilitate the development of democracy in Ukraine.²⁴

²¹ N. Mel'nik, "Poniatie korruptsii" (The concept of corruption), in *Korruptsiia i bor'ba s nei* (Corruption and the battle with it) (Moscow, 2000), 218–19.

²² *Ibid.*, 21–23.

²³ M. Aznar, "Vospitanie referendumom" (Education by referendum), *Den'*, 13 April 2001, 4.

²⁴ I. Chemeris, "Dos'e dlia golosovaniia" (A dossier for voting), *Den'*, 11 April 2000, 4.

Nor can instances be ignored of a corrupt individual being a People's Deputy who was exposed as having committed abuses or taken bribes and who then attempted to represent accusations directed at him as political persecution. As practice has shown, a political defense of this kind can be rather effective.

Corruption also manifests itself in that it can substantially influence the implementation of domestic and foreign policy. As far as the latter is concerned, the high level of corruption in the country, and the fact that corruption exists at high levels, can be used by other states to put pressure on the country's leadership when it is in the process of reaching decisions on issues of either foreign or domestic policy. The ruling elite of the state falls into political dependence on the leaders of other states and international organizations if these external actors are informed about the real state of affairs and about the scale of corruption of the country, particularly regarding individual politicians or high-level leaders.

Knowledge about such corruption can create problems in relations with other states or international organizations during the process of concluding international treaties and contracts, receiving credits, investment of foreign capital, or restructuring debts. The possibility should not be ruled out that corrupt officials could fall into dependence on representatives of foreign states or international organizations and be used by them in their own interests, as "agents of influence."²⁵

The fact that problems of corruption have acquired a political nature in Ukraine and are an important factor in the attitude taken toward Ukraine by the international community is remarked upon by specialists as an indisputable fact and is confirmed by numerous polls of Western experts.²⁶ This is affirmed both by the evaluation of Ukraine made by the leading international organizations on which the political image of our country in the world in significant measure depends, and by individual instances of pressure on Ukraine's political leadership.

By indices of corruption, Ukraine is a stable member of the group of world "leaders." In the analytical reference work prepared by the U.S. for one of the recent economic forums in Davos, it was emphasized that Ukraine is one of the leaders among countries with the highest level of bribery, corruption in politics, and tax evasion.²⁷ At the end of 2000, the World Bank named Ukraine as one of the most corrupt countries in the CIS.²⁸

²⁵ A. Ben', "Segodnia – vziatochnik, zavtra – agent?" (Today a bribe-taker, tomorrow an agent?), *Golos Ukrainy*, 3 October 1996, 7.

²⁶ "Mezhdunarodnyi imidzh Ukrainy: mify i realii (Analiticheskii doklad Ukrainetskogo tsentra ekonomicheskikh i politicheskikh issledovaniy)" (The international image of Ukraine: myths and realities [An analytical report by the Ukrainian Center for Economic and Political Studies]), *Natsional'na bezpeka i oborona*, 2000, No. 3, 25.

²⁷ "Obrashchenie Verkhovnoi Rady Ukrainy k Kongressu Soedinennykh Shatov Ameriki" (An appeal from the Supreme Soviet of Ukraine to the Congress of the United States of America) *Golos Ukrainy*, 19 October 1999.

²⁸ S. Gorban', 'Bor'ba s korruptsiei: osennee obostrenie' (The battle with corruption: autumnal exacerbation) in *Novyi vek*, November 25, 2000.

Political pressure on the part of other states prompted by their worries over the level of corruption in Ukraine can take on various forms, including diplomatic ones. One may adduce as an example the statements of members of the U.S. government and diplomats regarding corruption in Ukraine on the eve of President Leonid Kuchma's visit to the U.S. in the fall of 1999. U.S. Deputy Secretary of State Strobe Talbott, characterizing the state of corruption in Ukraine, pointed out that "corruption has become one of the greatest obstacles to achieving economic prosperity and democracy in Ukraine.... If Ukraine wishes to restore investor confidence, which serves as the basis for economic prosperity, then success in the battle with corruption is vitally important."²⁹ U.S. Ambassador to Ukraine Steven Pifer expressed himself even more explicitly in this regard. He stated that the highest leaders of Ukraine "must break their ties with persons involved in corrupt activities or having a relation to criminal groups."³⁰

According to reports in the mass media, during President Leonid Kuchma's stay in the U.S. one of the basic issues that arose in talks with the leadership of the U.S. was the issue of the need for a concerted effort against corruption in Ukraine. Moreover, there were reports that, during the meeting of the President of Ukraine with the Vice President of the U.S., there was talk of particular Ukrainian politicians and businessmen having links to corruption. According to information from the weekly *Zerkalo nedeli*, in April 2000 President Bill Clinton sent a letter to President Leonid Kuchma in which he made the recommendation that those forces "which are a brake on the road to market reforms and which pursue personal interests in parliament" be put in their place.³¹

It is apparent that one of the conditions for fruitful cooperation between the United States and Ukraine, including the granting of credits to Ukraine by the U.S. and the IMF, is the need for the government of Ukraine to implement decisive anti-corruption measures, including measures against identified individuals currently at the apex of Ukrainian political life. That, in turn, will entail changes in Ukraine's legal policies and personnel changes at the highest levels of power in our country.³²

Corruption is one of the basic factors dividing society. Symbolically speaking, society is divided into an official society and an unofficial—and partially criminal—society. As a consequence, two social subsystems exist in parallel within its framework. One subsystem is oriented toward legal and moral norms,

²⁹ Strobe Talbott, "My ozabocheny nekotorymi problemami v nyneshnei kampanii" (We are concerned about certain problems in the current campaign), *Zerkalo nedeli*, 23 October 1999, 1.

³⁰ A. Iurchuk, "Stalker v parlamentskoi zone" (Stalker in the parliament zone), *Zerkalo nedeli*, 4 December 1999, 1.

³¹ *Ibid.*

³² George Soros stated this frankly on the eve of President of Ukraine Leonid Kuchma's visit to the U.S. The American businessman tied granting of financial assistance to Ukraine to a resolution of the problem of "cleaning out the government stables."

the other toward the utilization of illegal means. As far as corruption is concerned, such means are bribery, abuse of official position, granting or receiving unlawful privileges and advantages, and abuse of authority for illegally taking possession of property. The perpetrators of corruption function in an unofficial environment that is ruled by their own system of values and with their own goals and means of achieving them, where life is constructed not by laws, but by “understandings.” Due to the unlawfulness of their activities, they cannot “reveal” their corrupt relations to society, because in that event, at least according to the logic of civil society and the rule of law, a reaction to their acts on the part of law-enforcement community would ensue.

At the same time, the perpetrators of corruption cannot exist without the official subsystem. This subsystem is a necessary prerequisite for them to establish corrupt relations; in order to abuse authority, one must first possess it. One must have been appointed to an appropriate position within the agencies of central governmental authority (or local self-government), and must have both actual powers and the opportunity to use them officially. Besides that, the official subsystem serves as a cover for the unofficial one. In the first place, the perpetrators of corruption use the powers granted them by the law to achieve their unlawful goals. In the second place, they use official status to evade the responsibility provided for by law.

It probably is impossible to completely eliminate the system of unofficial relations, including corrupt relations, in any society or state. Statements about the complete eradication of corruption, bribery, and crime are naïve to say the least. The socio-political climate in a society depends on what place is held by the various subsystems discussed above, and on which of them is the dominant subsystem. Opposition to corruption can be implemented in part by the localization of unlawful relations and the curtailment of the influence of the unofficial subsystem on the functioning of society.

If one is to evaluate the state of affairs in Ukraine proceeding from this position, then it ought to be noted that the correlation of the official and unofficial subsystems warns of an extraordinarily dangerous situation that has taken shape.

The criminalization of all spheres of economic and political life by mass corruption—including the highest echelons of governmental authority—is a fact that has been established by the country’s legislative body.³³ According to official statements by the country’s leadership, the portion of Ukraine’s economy that is dominated by the “shadow economy” stands between 45 and 60 percent; it has become at least equal to the official part of the economy. Millions of Ukraine’s citizens work in this shadow sector of the economy. According to data from the “Intellectual Perspective” Fund and the Center for Social Expertise at the

³³ “Postanovlenie Verkhovnoi Rady Ukrainy ot 13 ianvaria 1998 g. No. 12/98-VR” (Resolution of the Supreme Soviet of Ukraine dated 13 January 1998. No. 12/98-VR), *Golos Ukrainy*, 27 January 1998, 2.

Institute of Sociology of the National Academy of Sciences of Ukraine, which conducted a poll of Ukraine's citizens on the topic of the population's employment in the shadow economy, 45 percent of those polled claimed to work in the "shadow."³⁴ According to calculations by specialists, the aggregate shadow capital of Ukrainian citizens amounts to approximately US\$40 billion.³⁵ About half the money supply is outside of bank turnover and, according to estimates by experts, the illegal turnover of domestic currency in Ukraine reaches about US\$12 billion. The minimum amount of freely convertible currency illegally taken beyond the borders of the country and deposited in accounts in foreign banks is estimated at US\$20 billion.³⁶

Such a situation has been brought about, on the one hand, by excessive tax pressure on domestic producers, and on the other by the cultivation of corrupt relations in Ukrainian society. Such a development was brought about by the activities of those political leaders who did not restrain, and in some cases even stimulated, the transformation of corruption from a social anomaly into the social norm.

Conclusions and proposals

The effectiveness of opposition to corruption depends, first of all, on the attitude toward this problem taken by the leading figures in the nation and on their moral and legal purity. Political will is the decisive factor in counteracting corruption. The manifestation of political will means that, where there are legal grounds, the law can be applied to any person, regardless of the position he holds, his political views, his proximity to the leadership of the state, or other subjective elements. In the absence of political will, even the most perfect anticorruption legislation is doomed to a purely declaratory existence, and the activities of law enforcement structures, to only the pretense of fighting corruption.

In the estimation of foreign investigators, not a single serious step has been taken in the battle with corruption. All that has been done is to make some gestures for show such as, for example, the creation of the government "Clean Hands" program, in order to calm Western critics. The only ones who, in the opinion of foreign investigators, have undertaken a serious battle with crime and corruption in Ukraine are the law enforcement agencies of the United States, Switzerland,

³⁴ G. Dolzhenko, "“olo dlia predprinimatelia v soprovozhdenii kontroliruiushchikh i kriminal'nykh struktur" (Solo for an entrepreneur accompanied by controlling and criminal structures), *Uriadovi kur'er*, 25 February 2000 4.

³⁵ L. Povolotskaia, "Ukrainu ozhidaet provedenie nalogovoi amnistii" (Tax amnesty awaits Ukraine), *Fakty*, 6 April 2000, 7.

³⁶ Povolotskaia. Leonid Kuchma, "Gosudarstvo ne budet donorem korrumpirovannykh khapug" (The state is not going to be a donor to corrupt thieves), *Pravitel'stvennyi kur'er*, 16 December 1999, 3-4.

and Belgium.³⁷ Radical though such a statement may be, that point of view is not without foundation.

Corruption threatens the national security and the social order of Ukraine, influences the formation and activities of governmental institutions, subverts the trust of citizens in government, and complicates Ukraine's relations with foreign partners. Therefore, the battle against corruption is a task of the highest priority, and is tied to the achievement of the following basic goals:

- a decrease in the number of so-called “bribery-intensive” functions of governmental control (issuance of permits, licenses, certificates, etc.)
- a precise legislative definition of procedures for making governmental decisions
- assuring transparency of decision-making by means of competitive bids and other mechanisms
- increasing criminal liability for corrupt activities.

To achieve these goals, it is advisable to undertake the following measures. At the legislative level, a Code of Behavior for government employees needs to be adopted in which a system of principles and values for government service and models of behavior for government employees in specified situations would be defined. The Code could contain, in particular, recommendations on the correct actions to be taken by an official in the event a material interest arises, or someone attempts to give him a bribe, etc. An official responsible for questions of government employee ethics should be appointed in all government agencies.

It is essential to define in legislation and render transparent the procedures for granting contracts guaranteed by governmental agencies, as well as to define the procedures for the utilization of budget resources. Assuring the execution of the laws already adopted is also essential.

Government guarantees for foreign credits received by enterprises, including private establishments and organizations, must be granted only as an exception and only with the agreement of Parliament. It would be advisable to introduce obligatory public accounts by the head of government—and to require their presentation from the parliamentary rostrum—of the effectiveness of utilization of such credits, with dissemination of detailed information in the mass media.

It is essential to simplify the system of registering enterprises. The registration of subjects of economic management should begin and end in one office over the course of a maximum of two weeks. In addition, it would be worthwhile to unify

³⁷ R. Chiapka, “Rynok gaza v Ukraine—pole dlia aktivnosti vorov, vziatochnikov i drugikh nechestnykh liudei” (The gas market in Ukraine is a field for the activities of thieves, bribe-takers, and other dishonest people), *Svoboda*, 3 April 2000, 8, 11.

and stabilize tax legislation—to adopt a unified Tax Code understandable to everyone in which a simple procedure for paying taxes would be defined. Proposed changes should be published well ahead of time.

The practice whereby governmental agencies receive financing from the fines that they levy ought to be renounced once and for all. Fiscal agencies should be financed only from the budget. Officials, including employees of the State Tax Administration, should be criminally liable for illegal interference in entrepreneurial activities, and property sanctions for losses caused to entrepreneurs should be established.

Precise legislative definitions of conditions for and limitations on allotment of funds from the reserve fund of the Cabinet of Ministers should be implemented, and regular accountings for the utilization of these resources should be introduced.

Sanctions in the form of fines—among others—should be applied to managers guilty of misuse of budgetary resources, for example to an amount of five to ten percent of the sum of the expenditures from the budget that were misused.

Obligatory declaration of gifts (of a value, for example, of more than ten dollars) should be introduced, in order to limit the opportunities for illegal enrichment of government employees. It is essential to make public the names of officials convicted of corrupt activities, such as abuse of authority and embezzlement of public funds. It is advisable to ban for life such persons from occupying positions in government service.

Concomitantly, it is essential to increase the prestige of government service. According to data from an UCEPS sociological poll, the desirable size of an average monthly income today is approximately 800 grivnas. It would be a good idea to orient ourselves toward a base salary of that amount for mid-level government employees. If we don't pay adequately, officials will "get theirs" any way they can. It would also perhaps be wise to consider the proposal made relative to establishing salaries for ministers at a level of one to two thousand dollars per month, taking into account the high level of their work load and their personal responsibility.

Along with increasing salaries, it is essential to increase accountability for work performed. For example, criteria should be established for evaluating the work of leaders of local governmental administrations. The criteria should include the number of new jobs created, the volumes of domestic and foreign investments attracted to development in the region, the growth of the population's real income, the level of the birth and death rates, and the dynamics of the population's migration.

It would be advisable to create a unified, transparent, and competitive national system for recruitment to government service, and simultaneously to develop a separate program for training personnel abroad. The main conditions would be openness and the competitive selection of candidates. Training should begin at the lowest levels—district government administrations and organs of local self-

government. Contracts should be concluded with persons who are going to study abroad, in which an obligatory period of government service for a period of five to seven years after completion of training abroad would be stipulated, and also a mechanism for reimbursement of state expenditures in the event of non-fulfillment of that condition.

We emphasize once more that political will at the highest levels of governmental leadership, along with provisions for transparency in government, are obligatory and fundamental conditions for counteracting corruption; their absence will render any gestures against corruption futile.

The Demographic Situation in Ukraine: Present State, Tendencies, and Predictions

*Liudmyla Shanghina*¹

The demographic situation in Ukraine is characterized by an accumulation of tendencies that are reaching crisis proportions. The population is decreasing, with an increase in the death rate among working-age people and a negative balance of external migration. Under these conditions, a deterioration in interethnic and interreligious relations in society is possible against a background of a worsening socioeconomic situation for most of the population.

In this article, the basic indices characterizing both the current state and the trends of the demographic situation in Ukraine will be presented and analyzed. These include both the population statistics and the factors and consequences that can be derived from those statistics.

One caution that needs to be taken into account regarding the statistics is the lack of a census on the background of active demographic processes, including migratory processes, for a considerable period of time.² This gap is connected with several factors that followed the breakup of the USSR, the formation of independent states, and the transformation of their socioeconomic structure. This transformation included a reformation of the organs of state authority, among the functions of which is registering various population flows. In addition, the systems for collecting and processing information were also reformed, which has both resulted in a level of incompleteness in the register of information and made the data difficult to compare.

As a result, only certain data for the year 2000 are used in this article, while the main data set used is limited to that for the year 1999.

The numbers and sociodemographic structure of the population

Dynamics of the population's numbers

According to data from the census of 1989, the population of Ukraine numbered 51.7 million persons. At the beginning of 1993, it reached its highest level for

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² Censuses were conducted every ten years in the USSR era after 1945. The last census was conducted in 1989. A census was initially scheduled for 1999 in Ukraine, but it was not conducted. It is proposed that a census be conducted between 5–14 December 2001.

the entire postwar period—52.3 million persons.³ However, this increase in the population did not occur due to natural growth, but was a result of migration.

In general, the years 1991–93 were the period of the most active migratory processes among the republics of the former USSR, and this was particularly true for Ukraine. Many people were striving to return to their ethnic or historical homelands in order to receive citizenship there in connection with the breakup of the Soviet Union and the rise of independent national states on its former territory. In addition, certain native peoples and ethnic groups that had earlier been forcibly deported from the territory of Ukraine were rehabilitated, and their rights were restored at the end of 1989.⁴ The descendants of these individuals got the opportunity to return to their historical homeland at the beginning of the 1990s. At a minimum, over the period 1990–99, 1.6 million persons came to Ukraine from the countries of the former USSR to take up permanent residence.⁵ All these factors brought about significant migratory flows into Ukraine primarily over the course of the years 1990–93. A negative balance of external migration was first recorded in 1994, and at this point the growth of the population due to migration ceased.

The natural growth of the population had already revealed a tendency to fall off in 1991, when the death rate in Ukraine exceeded the birth rate for the first time in the postwar period—the coefficient of natural growth per 1000 persons in the population came to -0.8 .⁶ The negative trend was reinforced in the following years, and in the year 2000 it reached a value of -7.5 .⁷

As a result, after 1993 a reduction in the absolute numbers of Ukraine's population began. Over the course of the years 1993–2000, the population of Ukraine dropped by 2.9 million persons, from 52.2 million persons to 49.3 million. Of that number, four-fifths of the losses have been due to natural population losses (an

³ That is, over the period of time Ukraine has existed within its present geographical borders. After 1946 these included the territory of Transcarpathia; after 1954, they included the territory of the Crimea. According to the results of the census of 1959, 41.8 million persons resided in Ukraine; in 1970, 47.1 million; in 1979, 49.7 million; and in 1989, 51.7 million.

⁴ Declaration of the Supreme Soviet of the USSR "On recognizing repressive acts against peoples subjected to forcible resettlement as illegal and criminal and on securing their rights," dated 14 November 1989.

⁵ See V. Pal'ko, "Migratsiini protsesy: vid teorii do zhittevykh realii" (Migratory processes: from theories to living realities), in *Problemy migratsii* (2000), 2, 27.

⁶ *Statistichnyi shchorichnyk Ukrainy za 1998 rik* (Statistical yearbook of Ukraine for 1998) (Kyiv, 1999), 339.

⁷ In absolute figures, 385,100 persons were born in Ukraine in 2000, and 758,100 died; the natural growth of the population was minus 373,000 persons. See: *Ukraina u tsyfrakh u 2000 rotsi* (Ukraine in figures in the year 2000) (Kyiv, 2001), 180. In the period January-May 2001 the population of Ukraine dropped by another 176,200 persons, and as of 1 June 2001 consisted of 49,115,000 persons; the decrease occurred due to natural reduction ($-162,500$ persons) and migratory outflow ($-13,700$ persons). The intensity of natural reduction of the population in rural areas is 1.6 times higher than in cities (10.7 persons per 1000 inhabitants against 6.7). See "Naselennia krainy skorochuet'sia" (The country's population is decreasing), *Vlada i politika* (Government and Politics), 27 July 2001, 5.

excess of the death rate over the birth rate) and one-fourth as a consequence of migratory processes (an excess of the level of emigration over the level of immigration).

Factors determining the dynamics of population numbers

The causes of reductions in population numbers are: a reduction in the birth rate, an increase in the death rate, the unsatisfactory state of the health of the population accompanying the low quality of and insufficient access to the health care system in the country, and an excess of the level of emigration over the level of immigration.

The birth rate. Over the period 1991–2000, the number of births per 1,000 persons in the population dropped by almost forty percent (from 12.7 in 1990 to 7.8 in 2000), and in absolute numbers by more than forty percent as well; while 657,200 persons were born in 1990, 385,100 were born in 2000. The reduction in the birth rate in rural areas of the country is reaching crisis proportions. According to data from the State Statistics Committee of Ukraine, out of the Ukraine's 28,794 villages, not a single child was born in 12,673 of them in 1999. There are no children aged between six and fifteen in almost one thousand villages.⁸

Against this background of a falling birth rate, the number of abortions remains stable and high. According to data from the Ministry of Health Care of Ukraine, 470,000 abortions were registered in the country in 1999.⁹ As a point of comparison, the number of births in 1999 came to 389,200 persons. For 320 of each 100,000 women not giving birth as a result of abortion annually, the procedure ends in death.¹⁰

Overall, the birth rate coefficient in Ukraine is one of the lowest among European countries (including the post-Communist countries). In the year 2000, the birth rate coefficient reached 7.8 in Ukraine. Lower figures were registered only in Bulgaria (7.7), Latvia (7.6), and Russia (7.6).

The death rate. In contrast to the birth rate, the death rate in Ukraine is one of the highest in Europe. In 2000, the general coefficient of the death rate reached 15.3, compared to 10.6 in the countries of the European Union. Over the years 1991–2000, an increase of the death rate has been recorded in practically all age groups (with the exception of the age group 1-14), but the death rate is especially high among those of working age. The death rate index for working-age people

⁸ See N. Pokotylo, "Zhinki i diti" (Women and children), *Golos Ukrainy* (Voice of Ukraine), 6 July 2000, 4.

⁹ In the opinion of specialists, the real number of abortions is significantly higher, but the majority of operations for interrupting pregnancy are done without the appropriate documentation and registration. It is thought that the number of abortions exceeds the number of births by fifty percent at a minimum. Some sources adduce figures of up to one and a half million abortions a year.

¹⁰ N. Pokotylo, *op. cit.*

grew by a factor of eight in the period 1991–2000, and the portion of the overall death rate reflecting people of working age reached almost twenty-five percent.

The high death rate among working-age men is an especially alarming phenomenon, capable of causing significant demographic deformations. This level is estimated to be the highest in the world.¹¹ The death rate of men thus exceeds the death rate of women by two or three times in all age groups, but the difference is especially noticeable in the middle age groups of 30–45 years—that is, within the boundaries of the reproductive age.

Among the reasons for the high death rate among the working-age population since 1990, the most important is that of unnatural causes, including accidents, murders, and suicides. The main unnatural cause reflected in the death rate is suicide. The index of instances of suicide per 100,000 in the population is growing constantly: while in 1999 it came to 20.6, in 2000 it came to 29.4.¹²

The population's state of health, the quality of and access to health care. The indices of the state of health of Ukraine's population are characterized by a steady worsening tendency. At the same time, the state of the health care system is also getting worse. The number of medical establishments is decreasing and the level of their financing by the state has fallen to a critical level. The transition of medicine towards a pay-for-care basis has significantly limited access to health care for the overwhelming majority of the population.

Up to 70 million instances of sickness are registered annually in Ukraine. According to data from the Ukrainian Institute for Public Health, only 4.4 percent of men and 2.9 percent of women of working age in the country have high indices of health and are in the so-called safety zone; 22.1 percent of men and 19.4 percent of women are in average health, while 73.5 percent of men and 77.7 percent of women have one degree or another of sickness.¹³ Coincidental with a general fall in the birth rate, the number of children with chronic illnesses and of children who are invalids is growing. Out of every hundred children born today in Ukraine, twenty-five are either born with pathologies or acquire them.

The so-called social illnesses—such as tuberculosis, syphilis, or HIV/AIDS—are spreading. The incidence of tuberculosis more than doubled over the period 1990–1999, and the death rate from this illness increased by almost two and a half times. About nine thousand people die from tuberculosis annually, more than 80 percent of them of working age (15 to 59). There is an increasing tendency for growth in the incidence of tuberculosis among children and, for the period 1995–1999, the corresponding index rose by 55 percent. The number of instances

¹¹ See “Izlozhenie vystupleniia ministra zdravookhraneniia Ukrainy v Verkhovnoi Rade Ukrainy 10 noiabria 1997” (An exposition of the speech by the Minister of Health Care of Ukraine in the Supreme Soviet of Ukraine on 10 November 1997), 11.

¹² *Ukraina u tsyfrakh u 2000 rotsi*, 182.

¹³ See M. Babak, “Chy e zdorovi ukraintsi?” (Are Ukrainians healthy?), *Politika i kul'tura*, 27 February 2001, 33.

involving entire families, and also newborns, is increasing.¹⁴ Altogether, according to preliminary data, as of the beginning of 2001 about 625,000 persons were registered as being ill with this disease in Ukraine, a number that represents 1.4 percent of the country's population and bears witness to the fact that Ukraine is experiencing an epidemic of tuberculosis.

Syphilis is encountered in Ukraine almost a hundred times more frequently than in the countries of Eastern and Central Europe. Over the period 1990–99, the number of instances of syphilis in the country increased by more than eighteen times (from 3,100 in 1990 to 56,800 in 1999). The fact that the disease is spreading among children and juveniles suggests that the outlook is bleak. The index of the number of illnesses per 100,000 in the population of that age has grown over the period 1994–99, among children by more than four times and among juveniles by almost 150 percent.¹⁵

Ukraine, in the opinion of experts from UNAIDS and the WHO, has the “most dramatic” epidemic situation with regard to HIV/AIDS among the countries of the former USSR.¹⁶ As of the end of 2000, the number of officially registered cases of HIV infection came to about 36,000 persons.¹⁷ However, specialists assume that the number of persons ill with this disease in Ukraine is far higher than the officially registered number—perhaps around 285,000—and about 75 percent of those infected are young people in the age range 15–29.

Four regions (oblasts) in Ukraine (the Dnepropetrovsk, Donetsk, Nikolaev, and Odessa Regions) are experiencing an epidemic of HIV/AIDS. In these regions, the epidemic threshold established by the WHO is exceeded by three or four times at 70 instances of sickness per 100,000 persons in the population. The epidemiological situation is complicated by at least two factors, the influence of which could lead to a full-scale epidemic. First, the rate at which HIV/AIDS is spreading: Ukraine is the leader among European countries with about 500 new cases being registered monthly. By way of comparison, in Poland there are no more than 40 new cases per month. Second, the disease has gone beyond the limits of the group at risk and is hitting the general population, including children and young people.

¹⁴ “Stan dotrymannia ta zakhystu prav i svobod liudyny v Ukraini. Persha shchorichna dopovid’ Upovnovazhenogo Verkhovnoi Rady Ukrainy z prav liudyny” (The situation with the observance and protection of human rights and freedoms in Ukraine, First annual report of the Ombudsman for human rights at the Supreme Soviet of Ukraine), (Kyiv, 2000), 98.

¹⁵ *Derzhavna dopovid’ pro stanovyshche ditei v Ukraini (za pidsumkami 1999r.)* (Government report on the state of children in Ukraine (according to the results of 1999)) (Kyiv, 2000), 81.

¹⁶ See “Epidemiia VICH-infektsii” (Epidemic of HIV infection), *Zerkalo nedeli* (Mirror of the week), 4 December 1999, 13.

¹⁷ Of those cases, 2,025 were children, and of 1,977 persons whose illness had reached the terminal stage (AIDS), 955 adults and forty-five children died of AIDS. Over the course of 2000 alone, 6,212 new cases were revealed, of which 737 were children (almost every ninth case).

On the whole, according to estimates made by specialists, if the tendencies for the spread of tuberculosis and HIV/AIDS are not overcome in the very nearest future, then in five to seven years one in every three inhabitants of Ukraine will be struck by one or the other of these diseases.

The worsening indices for the state of the population's health notwithstanding, there is also a worsening in the quality of the country's health care. In the index of outlays per inhabitant for health care, Ukraine occupies position number 111 among the 191 countries of the world, and position number eight among the countries of the CIS.¹⁸ In terms of level of achievement of the goals of health care, Ukraine occupies position number 60. Not only are outlays for health care per inhabitant in the country insufficient, they also demonstrate a tendency toward steady decline. In 1997, per capita health care outlays came to \$47.30, while in 1998 they were \$32.20, and in 2000, only \$13.00. Overall, only 2.7 percent of GDP in Ukraine is directed at health care needs (the world standard being eight percent).¹⁹

The growing proportion of pay-for-care medical services and their cost, which is incompatible with the average wage in the country, are progressively reducing the access to medical care for the overwhelming majority of the population. Instances of sick people dying because they are unable to pay for the necessary medical services or medicines are no longer a rarity. While he was Prime Minister of Ukraine, V. Iushchenko admitted that ten percent of Ukraine's citizens do not have the possibility of availing themselves of medical aid. In the opinion of specialists, the real figure is far higher.²⁰ This is confirmed by the results of a nationwide sociological poll conducted by UCEPS in February-March 2001, in which more than half the respondents (54.5 percent) reported that they had had to decline medical examination or aid due to a lack of means to pay for it.²¹

A threatening situation has developed with regard to medical aid for children living in rural areas. According to data from the Ministry of Health Care of Ukraine, 95 percent of parents of rural children do not ask for medical aid due to the distance to medical establishments or due to an inability to pay.

The population's socioeconomic situation. The dynamics of the basic socioeconomic indices for 1990–2000 testify to a sharp decline in the quality of life for the overwhelming majority of the country's population. The basic factors determining the economic situation of the population over the course of that period of time were a loss of savings brought about by the hyperinflation of 1991–93, the

¹⁸ The three Baltic states, Belarus, Russia, Moldova, and Armenia were all ahead of Ukraine.

¹⁹ See "Izlozhenie vystupleniia ministra zdravookhraneniia Ukrainy na zasedanii Verkhovnoi Rady Ukrainy 14 noiabria 2000g." (An exposition of the speech by the Minister of Health Care of Ukraine at the session of the Supreme Soviet of Ukraine on 14 November 2000).

²⁰ "Strakhova medytsyna: za i proti" (Insurance medicine: for and against), *Uriadovyi kur'er* (Government courier), 6 March 2001, 7.

²¹ See *Natsional'na bezpeka i oborona* (National Security and Defense) (2001), 3, 15.

spread of unemployment, a decrease in monetary income (wages and pensions), and a depreciation in the value of that income as a consequence of inflation.

According to data from selective studies of the work force using the methodology of the International Association of Trade Unions, the level of unemployment came to 11.9 percent in 2000 among the economically active population aged 15–70. Among working age people, unemployment came to 12.5 percent. The level of registered unemployment was 4.2 percent of the working age population. However, according to expert estimates, taking hidden unemployment into account, the proportion of the economically active population without work reaches 35–40 percent. In this regard, closer inspection shows some extraordinarily negative signs of unemployment in Ukraine. Almost one third (30 percent) of the unemployed are young people aged 15–24.²² Unemployment is acquiring a nature associated with economic depression. In 1999, more than half the unemployed (56.3 percent) had not had work for more than a year, while the proportion of those who had not had work for more than three years increased from 1.3 percent in 1998 to 3.8 percent in 1999.²³ The level of so-called family unemployment is growing, this phenomenon being especially characteristic of small towns and satellite towns to major industrial complexes.²⁴

At the same time, having work does not guarantee a good standard of living. In the first place, the wage level in Ukraine is critically low. The average monthly wage in 2000 came to 230 grivnas (US\$42), and only covered 85 percent of the minimum subsistence level. In addition, arrears in wage payments are a chronic problem, in spite of some improvement in the situation in 2000. As of 1 January 2001 the total amount of arrears in payment of wages came to 4.9 billion grivnas (about US\$9 million). As a result, there is a steady trend toward a reduction in the level of the income of the population. At present in Ukraine there are more than one million families in which the per capita income does not reach 50 grivnas (US\$9) a month, while in more than one hundred thousand families it does not exceed 20 grivnas (US\$3.60).

The existence of poverty and destitution was officially admitted in Ukraine only in 2000;²⁵ at that time, 27.8 percent of the population (13.7 million persons) was considered to belong to the category of the impoverished, and 14.2 percent (almost 7 million persons), to the category of the destitute. Thus there are grounds

²² “Pratsia v Ukrainy u 1999 rotsi” (Labor in Ukraine in 1999) in *Statystychnyi zbirnyk* (Statistical Collection) (Kyiv, 2000), 11.

²³ *Ibid.*, 45.

²⁴ *Ibid.*, 11.

²⁵ See “Pidsumky social’no-ekonomichnogo rozvytku Ukrainy u 2000r. na zavdannia na 2001r.: Vystup Prezydenta Ukrainy L.D. Kuchmy na zasidanni Natsional’noi Rady z uzgodzhennia dial’nosti zagal’noderzhavnykh i regional’nykh organiv ta mestsevogo smovriaduvannia” (Results of socio-economic development in Ukraine in 2000 and tasks for 2001. Speech by President of Ukraine L.d. Kuchma at the session of the National Council on coordination of activities of national and regional bodies and of local self-government), *Uriadovyi kur’er*, 14 March 2001, 5.

for predicting that poverty will be a persistent and chronic problem. This is confirmed, in particular, by the poverty of families with children, and particularly of families with numerous children. In about 78 percent of families classified as impoverished, one of the adults has work. Where both parents have work, 26.1 percent of families with children are impoverished. If the current socioeconomic conditions persist, children from impoverished families will be unable to have quality health care and education, and consequently a vocation, and will be doomed to hereditary poverty. In addition, under conditions of spreading unemployment and poverty, the number of marriages is going down (the index of the number of marriages per 1,000 persons fell from 9.3 in 1990 to 5.5 in 2000).²⁶ This leads, if not to a decrease in reproduction of the population, then to the growth of incomplete families and the spread of social orphans.

External migration of the population. Although domestic labor mobility is generally low, the worsening socioeconomic situation in the country, the spread of unemployment, and the low price of labor compels people to migrate from Ukraine temporarily in search of work or to leave Ukraine to take up permanent residence in countries with more favorable employment conditions. According to expert estimates, labor migration from the country comprises about five million persons per year.²⁷ This migration is mainly illegal. For example, in 2000 45,000 inhabitants traveled abroad from the Chernovtsy Region of Ukraine alone for the purpose of illegally securing work. By contrast, only 33 persons were reported to have legally secured work in the near and far abroad.²⁸ Moreover, in recent years labor migration has taken on criminal features. A rise in activity in trading in people has been noted. Thus, from the beginning of 2001, in the Donetsk Region alone, the Criminal Investigations Administration uncovered four organized criminal groups engaged in the trade in human beings. Twelve Ukrainian citizens and six Turkish citizens were identified as a part of the groups. Twelve companies were also exposed which, under the guise of finding employment for citizens, were recruiting young women and girls to engage in the sex business and prostitution.²⁹

There have also been instances of Ukrainian citizens traveling abroad for the purpose of hiring themselves out to military and paramilitary units, including illegal groups. The Security Service of Ukraine Administration in the Ivano-Frankovsk Region has disseminated information that in recent times there has been a growth in the numbers of those who leave to serve in foreign military groups. Foreign radical political organizations and commercial structures are ac-

²⁶ *Ibid.*

²⁷ 'Sotsial'ni prava pratsivnykiv-migrantiv' (Social rights of migrant workers) in *Uriadovi kur'er*, January 12, 2001, p. 2.

²⁸ See *Ukrainsk'kyi regional'nyi visnyk* (Ukrainian regional bulletin) 22 (2001), 19.

²⁹ See "Seks-rabyni z Donechchyny" (Sex slaves from the Donetsk area), *Kievlia*, 20 September 2001, 11.

tively recruiting young Ukrainians into legal and illegal militarized formations. Ukrainians often wind up in the French Foreign Legion. In the course of the year 2000 alone, the special services have prevented eighteen instances of departure abroad by Ukrainian citizens who had decided to reinforce the ranks of foreign legionnaires. At the same time, it is known to the Security Service of Ukraine that a number of inhabitants of the Ivano-Frankovsk, Nadvirnian, Kalush, Kolomyia, Kosov, and Dolina Districts are serving in the French Foreign Legion. According to estimates by the Security Service of Ukraine Administration, this tendency will intensify given the existing socio-economic situation.³⁰

The number of citizens of Ukraine leaving to take up residence in foreign countries remains at a high level. In 1999, 110,600 persons left Ukraine, and 100,300 left in 2000.³¹ Permanent emigration from Ukraine involves a number of ethnic groups, most notably Jews, Germans, Czechs, Hungarians, and Greeks, but also, to a lesser extent, Ukrainians and Russians. Those who leave are usually of working-age with a high level of education. Between 1995–99, about 6,000 workers in the field of science and about 1000 from the arts and culture left Ukraine.³²

The trend of migration into Ukraine, as was already noted, has diminished (the number of immigrants decreased from 65,800 in 2000 to 53,700 persons in 1999), with migrants from third-world countries prevailing.

The high level of emigration combined with a decreasing number of immigrants is bringing about a negative balance of migration (in 1999 and 2000 it came to –0.9 per 1,000 persons in the population), and serves as one of the factors in the reduction of the total population in the country.

Consequences of negative trends in Ukraine's demographic situation

The unfavorable socioeconomic situation and the constant threat of unemployment and destitution are powerful factors in spreading a socially depressed condition in society. This in turn has an extremely unfavorable influence on the demographic situation by reducing the birth rate and growth.

Aging of the population. The population of Ukraine can be considered old both against the Rosset scale and using United Nations norms. Using the Rosset scale, the part of the population aged 60 and older stands at 20.5 percent.³³ Using United Nations norms, the part of the population aged 65 and older comprises 13.8 percent.³⁴ In developed countries, the aging of the population occurs due to a

³⁰ See A. Romaniuk, "Zhelaiushchikh stat' 'pushechnym miasom' vse bol'she" (There are more and more of those wishing to become "cannon fodder"), *Segodnia* (Today), 21 February 2001, 2.

³¹ *Ukraina u tsyfrakh u 1999 rotsi* (Kyiv, 2000), 187; *Ukraina u tsyfrakh u 2000 rotsi*, 183.

³² "Za p'iat' rokov z Ukrainy vyikhalo ponad tysiachu diiachiv mystetstva" (In five years more than one thousand figures in the art world have left Ukraine) *Khreshchatyk*, 19 May 2000, 2.

³³ According to the Rosset scale, exceeding an eighteen percent threshold of the proportion of persons aged 60 or older is considered an indicator of a "very high level of demographic aging."

³⁴ According to UN norms, a country's population is considered old when seven percent of persons are aged 65 or older.

lowering of the death rate of working-age people and an increase in longevity. In Ukraine this process has been brought about by a headlong decrease in the birth rate and an increase in the death rate of the working-age population (mainly of men). If demographic tendencies do not change, by 2026 27 percent of Ukraine's population will consist of people older than 60.³⁵

One widely accepted indicator used to compare standards of living in different countries is the expected longevity at birth. In Ukraine, the value of this index is decreasing. While the expected lifespan stood at 67.1 years for men and 75.4 for women in 1989, in 1999 it was 62.8 and 73.2, respectively. This is ten years less than for men in developed countries with a high level of aging, and five to eight years less for women.³⁶

The extremely high death rate for working-age men is also bringing about a distortion in the population structure by sex. In Ukraine, the noticeable excess of the number of women over the number of men begins in the age groups after thirty years of age. With each year, this point is dropping lower down the age pyramid, which will lead to a distortion in reproductive activity—a further drop in the birth rate, an increase in the number of births outside of wedlock, and accompanying increases in the number of incomplete families and social orphans.

Labor resources. Over the period 1995–99, the labor force remained practically unchanged, staying at a level of thirty million persons. Out of every hundred persons employed in the economy, fifty are women, seventeen are young people aged 15–28, and fourteen are people receiving a pension due to age, disability, or other special conditions. However, the consequences of the depopulation described above will begin to manifest themselves as early as 2007–08, when those born in 1991–92 reach working age. At approximately that time the demographic load on the able-bodied population will begin to grow.

Predictions and scenarios for the development of the demographic situation in Ukraine

Specialists at the Council for the Study of Productive Forces at the National Academy of Sciences of Ukraine have worked out a forecast for the demographic development of the country to 2076.³⁷

One main hypothesis advanced is a palpable inflow into Ukraine of emigrants from Afro-Asian countries. It rests on an expected decrease in the population and a corresponding decrease in the work force as a consequence of the aging of the

³⁵ See *Ukraina moloda* (Young Ukraine), 30 May 2000, 1.

³⁶ For comparison, in countries with a high and very high level of aging, expected longevity is: Austria, seventy-four and eighty years; Spain, seventy-four and eighty-two years; Italy, seventy-five and eighty-one years; Holland, seventy-five and eighty years; Germany, seventy-three and eighty years; Great Britain, seventy-four and seventy-nine years; France, seventy-four and eighty-two years.

³⁷ The degree of reliability of forecast calculations is unfortunately decreased by the insufficient reliability of the initial statistical data concerning, first of all, legal and illegal migratory processes.

population. The aggravated problem of filling job slots will make the implementation of measures to attract immigrants from Asia and Africa into the country unavoidable. This is actually the sole source for satisfying the economy's need for labor and supporting the necessary level of economic utilization of territory.

Two scenarios for the possible development of the demographic situation are laid out. The first assumes that there is a strengthening of positive trends in stabilizing the standard of living of the population and a transition to industrial growth in two or three years. The second assumes a further aggravation of negative trends in the socio-economic situation of the country.

Under the first scenario, the following developments are expected:

- A stabilization and gradual growth in the number of arrivals from Russia (up to 70–90 thousand persons annually in the years 2010–30; that is, at the level of 1996–1997) and from the countries of the Transcaucasus Region, with a lowering of the intensity of reverse flows.
- An intensification (in the next three or four years) of the return of ethnic Ukrainians and representatives of peoples deported earlier (primarily Crimean Tartars).
- The number of those arriving will exceed the number leaving as early as 2003. The balance of migration will grow gradually, and in 2015 will reach a surplus of 150,000 persons;
- At the same time, a sharp increase in arrivals from the countries of Asia and Africa may be expected. The number of immigrants from those countries may reach 300,000 persons in 2050 and 400,000 persons annually at the end of the forecast period. Migrants from those regions will arrive in Ukraine primarily to stay; only fifteen to twenty percent will return or migrate to third countries.
- The dimensions of departures for countries of the West will stabilize at a level of 43,000 to 47,000 persons annually in 2004–05, with a gradual decrease to 30,000 annually at the end of the forecast period. Beginning as soon as 2005–07, the main part of that flow will be made up of temporary labor migrants, while the permanent emigration to countries of the West will drop to zero.
- The intensity of migratory contacts with the countries of the former Soviet Union will drop sharply during the second half of the forecast period, and they will lose their status as Ukraine's basic migratory partners.

If events develop according to this optimistic variant, the trend in the birth rate will change. The inflow of immigrants in the 2020s will also stimulate a rejuvenation and an increase in population, which as a result will reach approximately

52 million by 2060 and increase by another six million in the following fifteen years.³⁸

Under the second, and more negative, scenario, the following developments are expected:

- The size of the migratory inflow from Russia will be reduced from 47,000 persons in 1999 to 35,000 persons annually, beginning in 2001, and to ten to fifteen thousand persons at the end of the forecast period.
- The dimensions of arrivals from the European republics of the former Soviet Union will decrease from 5,700 to four and two thousand persons, respectively.
- The scale of departures of ethnic Russians, Belorussians, and Moldovans for their historical homelands will increase to 100,000–105,000 persons annually beginning in 2002–03. In 1998, the figure was about 95,000, and in 1999, as a consequence of military operations in Chechnya, it was less than 60,000.
- The flow of permanent migration to countries of the West will expand significantly. The number of departures for these countries will increase from 47,000–50,000 persons in 1995–99 to 60,000–80,000 over the course of the first decades of the twenty-first century, after which it will gradually decrease to 45,000 annually.
- The share of returning labor migrants in the general migratory flow is predicted to be at a level of 15–25 percent. It is assumed (based on the migration legislation principles of countries that may potentially receive Ukrainian workers) that the most common length of time for work abroad will be a three years, and that 40–50 percent of labor migrants will be returning to Ukraine specifically after three years, while a further five to ten percent will return after a more lengthy period.
- The flow of arrivals from the countries of Asia and Africa, practically unchanged in 2001–04, will begin to grow in 2015–20. However, the level at which immigrants stay will be low during the initial stages of the increase, with up to a third of the flow returning home or emigrating to more prosperous third countries. The proportion of those settling and staying among the arrivals from the countries of the East is expected to increase after 2012.

³⁸ O. Pozniak, “Otsinka maibutnykh obsiagiv migratsii v Ukrainu z tochky zoru demografichnogo prognozuvannia” (An estimate of future volumes of migrations to Ukraine from the point of view of demographic forecasting), *Problemy migratsii*, (2000), 3, 15.

At that time, as a consequence of lengthy depopulation and intensive emigration, the numbers and density of Ukraine's population will be seventeen to twenty percent lower than the current level (creating potential living space for immigrants from the East). Therefore, after 2030 the dimensions of migrant arrivals from these regions will be greater than under the optimistic scenario. The balance of migration of Ukraine's population under the worst-case variant of development of events in 2005–13 will stabilize at a level close to the current one. Over the course of the years 2014–15, the value of the negative migratory balance will decrease sharply, and several years after that Ukraine will become a country of immigration.

Under this pessimistic scenario, the demographic crisis will become ever more acute, and the population will gradually decrease. In 2076 it will comprise 40,200,000 persons.³⁹

Ethnic makeup of the population and interethnic relations

Ukraine is a multiethnic and multi-religious state. More than one hundred ethnic peoples have traditionally resided on its territory. The titular ethnic group consists of Ukrainians, whose share in the total population comes to more than 70 percent. The second most numerous ethnic group are the Russians, who constitute more than twenty percent of the population. Crimean Tartars, Karaims, and Krymchaks claim the status of “native peoples” of Ukraine.⁴⁰ Russians advance the demand that they be recognized as an “ethnic group that forms a state.”⁴¹

General characteristics

The population of Ukraine, as of 1 January 2001, belongs to fifty-four religious denominations. Among these, the Orthodox (Ukrainians from all regions of Ukraine except the western regions, as well as Russians), along with Greek-rite Catholics (Ukrainians from Ukraine's western regions), are predominant. Catholicism (mainly ethnic Poles), Judaism, Islam, and various Protestant denominations (including those which are ethnically defined, such as, for example, the Reformist Church of the ethnic Hungarians in Transcarpathia) are also widely represented.

Over the course of the years 1990–2000, as a consequence of the international migratory processes noted above, the correlation of ethnic groups and their absolute numbers in Ukraine have undergone changes. It will only be possible to establish what these changes are with a sufficient degree of reliability as a result of the forthcoming census.

³⁹ Pozniak, p. 15.

⁴⁰ The Crimean Tartars, Karaims, and Krymchaks are peoples who traditionally populated the Crimea and did not have a historical homeland beyond the borders of Ukraine.

⁴¹ The claims are more likely of a political nature and are tied to an effort to achieve recognition of the Russian language as a second official language in Ukraine.

The peculiarities of Ukraine's historical development, namely the lengthy periods that some of its territories spent as parts of different empires and later as part of the USSR, brought about significant sociocultural differences not only between representatives of Ukraine's various ethnic peoples, but also between regional groupings of the titular ethnic group. The latter manifests itself in several ways. Among Ukrainians, there are differences in the practice of using the Ukrainian and Russian languages in daily life, and in the attitude toward these languages and toward Russian and Russian-language culture. There are also differences in geocultural (and, accordingly, a geopolitical) orientation, either facing toward Russia or toward the countries of Europe.

The presence of ethnic peoples residing in compact groups on Ukraine's territory (Hungarians, Romanians, Moldovans, and Bulgarians), the high degree of Russification of the southern and eastern regions of the country, and the differences in ethnocultural identification of the titular ethnic group result in a complex interethnic situation in several regions of Ukraine. This creates the potential for possible separatist manifestations.

Transcarpathia is one of the most variegated regions in an ethnic sense; representatives of more than 90 ethnic peoples reside in the region's territory, in particular a group of ethnic Hungarians numbering 160,000).

Bessarabia (the southwestern part of Odessa Region) and *Bukovina* (Chernovtsy Region) are a territory where Romanians and Moldovans live in compact groups, to which certain circles in Romania lay claim, and which may become centers of Romanian separatism.

The southern regions of Ukraine (Nikolaev, Kherson, Zaporozhye, and Odessa Regions) and *Eastern Ukraine* (Kharkov, Lugansk, and Donetsk Regions) are presumed to be zones of action of the "Russian factor." However, the interethnic and inter-religious situation in the Crimea is the most acute situation today.

The Crimea. According to data from the census of 1989, representatives of 89 ethnic groups were resident in the Crimea, out of a total of 132 such groups in Ukraine as a whole.⁴² Altogether, there were 2,256,000 persons in the Crimea, of whom Russians constituted 67 percent and Ukrainians 26 percent, while Belorussians, Crimean Tartars, Jews, Germans, Bulgarians, Greeks, Poles, Gypsies, and other ethnic groups together made up seven percent.⁴³ The high degree of Russification of the Crimea is confirmed by the fact that 83 percent of the popula-

⁴² According to other information, 120 such groups are represented, including isolated cases of representatives of various peoples of the USSR.

⁴³ In absolute figures: 1,688,200 Russians; 719,094 Ukrainians; 51,412 Belorussians; 44,201 Crimean Tartars; 10,840 Armenians; 11,802 Tartars; 3,265 Germans; 3,008 Bulgarians; 2,798 Greeks; 5,944 Poles; 1,032 Gypsies; 898 Estonians. See V. Chumak, *Ukraina i Krym: fenomen na mezhi Evropy ta Skhodu* (Ukraine and the Crimea: a phenomenon border of Europe and the Orient) (Kyiv, 1995), 37.

tion (including 47 percent of the Ukrainians) considers Russian to be their native language.⁴⁴

Complex socio-demographic and political processes took place in the Crimea during the period from 1989–2000. The socio-demographic processes were brought about, first of all, by the mass return of Crimean Tartars to their historical homeland. The political processes were brought about by the breakup of the USSR and by the establishment of Ukraine's independence and the autonomous republic of the Crimea (the ARC) – a territorial autonomous entity – as a part of Ukraine with ethnic Russians as the predominant group in the population.

Ethnic Ukrainians make up about 25 percent of the Crimea's population, the majority of these Ukrainians being Russian-speakers. This situation demands that a rather balanced position be taken in the introduction of the Ukrainian language and the expansion of the presence of Ukrainian culture in the informational and educational field in the ARC. At the present time, the conditions in the autonomous entity for a more complete ethnocultural identification of the Ukrainians are inadequate. Only four Ukrainian schools (out of 583 in the ARC) and only two ukrainian libraries are functioning at present; four Ukrainian-language printed publications are being published (out of 240 being published in the autonomous entity). Only fourteen congregations of the Ukrainian Orthodox Church of the Kiev patriarchy – the independent, ethnically-oriented church – are active.

Crimean Tartars are returning to the Crimea after their forcible deportation in 1944.⁴⁵ About 300,000 Crimean Tartars, representing twelve percent of the Peninsula's population, are resident in the autonomous entity at the present time. The Crimean Tartars speak the Crimean Tartar language (which belongs to the Turkic language group) and profess Sunni Islam. The ethnic group of Crimean Tartars in the ARC has organs of ethnic self-government; however, they are not recognized by Ukraine's organs of governmental authority.

In August 1999, the "Arraid" Inter-regional Association of Public Organizations conducted a sociological study jointly with the Department of Psychology at Tauride University.⁴⁶ According to this study, the Crimean Tartars are firmly oriented toward maintaining their ethnic and religious identity. According to data from the poll, 77 percent of Crimean Tartars would prefer a school for their children and grandchildren with instruction conducted in the Crimean Tartar language

⁴⁴ Iu. Tyshchenko and V. Pikhovshek, *Povernennia kryms'kykh tatar: Khronika podii* (Return of the Crimean Tartars: a Chronicle of Events) (Kyiv, 1999), 19.

⁴⁵ The Crimean Tartars had their own state—the Crimean khanate—on the territory of the Crimea until 1783. In 1783, the khanate became a part of the Russian Empire. In 1921, the Crimean Autonomous Republic was created as a part of the Russian Federation and existed until 1945, when it was abolished and the Crimea was given the status of a region (*oblast'*). In 1954, the Crimea was transferred to Ukraine with the status of region. According to official data, more than 200,000 Crimean Tartars were deported from the Crimea in May of 1944.

⁴⁶ N. Kiriushko. "Islam in the lives of the Crimean Tartars" in *Al'-Baian* 3 (May–June 2001), 5. The complete results of the poll are kept in the UCEPS archives.

and providing conventional and religious education, while 18 percent prefer a school providing a primarily religious education. Only five percent of those polled would prefer a school without religious education. In another finding, the Crimean Tartars are inclined to make the Crimea in particular their permanent place of residence. The overwhelming majority (76 percent) of those polled declared that they have no desire to leave the Crimea for any other place at all.

Out of every three children born in the Crimea today, two are Crimean Tartars.⁴⁷ There are grounds to conclude that a significant demographic shift should be expected in the direction of an increase both of the absolute number of Crimean Tartars in the Crimea and of their share in the total population of the Autonomous entity as early as the next generation.

Ethnic Russians constitute about 60 percent of the total population in the Crimean peninsula.⁴⁸ The overwhelming majority of these Russians profess Orthodoxy and belong to the Ukrainian Orthodox Church in canonical unity with the Moscow Patriarchy. The political, socioeconomic, and sociocultural interests of the Russians in the Crimea are actively supported by Russia, where by no means all political and social circles have resigned themselves to the “loss” of the Crimea.

Russian schools subordinate to the Ministry of Defense of Russia function on the territory of the Autonomous entity, while a branch of Moscow State University carries out recruitment of students. Competitions for student compositions about Russia, the Russian language, and Russian culture are organized actively, and scientific and scholarly conferences, festivals, and tours of performers are conducted with the participation of representatives from the Russian Federation.⁴⁹

As a result, the degree of Russification of the Autonomous entity remains very high; out of 583 general education schools in the Crimea, 570 are Russian-language schools.⁵⁰ Teaching in Crimean institutes of higher education is conducted in Russian. The market for books in the Autonomous entity is 99.9 percent filled by Russian-language editions. All this testifies to the fact that the Russians in the Autonomous entity possess the ability to maintain their ethnic and religious identity. At the same time, the Russians are also oriented toward permanent residence in the Crimea. 76 percent of those polled answered that under no cir-

⁴⁷ N. Belitser and O. Bodruk, “Krym kak region potentsial’nogo konflikta” (The Crimea as a region of potential conflict), in *Etnicheskie i religioznye konflikty v Evrazii* (Ethnic and religious conflicts in Eurasia), Vol. 2 (Moscow, 1997), 85. Moreover, the birth rate in Crimean Tartar families is increasing.

⁴⁸ See M. Strikha, “Regiony v s’ogodnishnii Ukraini: konsolidatsiia chy integratsiia?” (Regions in today’s Ukraine: consolidation or integration?), *Ukrains’kyi regional’nyi visnyk* (2001), 22, 7.

⁴⁹ Losev, “Ukraina ne dlia ukrainsiv. Kryms’kyi variant” (Ukraine is not for Ukrainians. The Crimean variant) in *Ukrains’kyi regional’nyi visnyk* 22 (2001), 15.

⁵⁰ By comparison, there are nine schools with instruction in the Crimean Tartar language and nine with two languages (about 5,000 Crimean Tartar children—about fifteen percent of the total number of school age Crimean Tartar children—attend these eighteen schools).

cumstances do they plan to leave the Crimea. Two percent could leave for other regions of Ukraine, thirteen percent for countries of the West, and not a single one of those polled expressed a desire to leave for Russia.

The predominance of ethnic Russians in the makeup of the Autonomous entity's population, including the degree of the population's general Russification, the non-acceptance by certain political circles in the Russian Federation of the Crimea's detachment from Russia, and the maintenance of a Russian presence on the peninsula (including a military presence) have brought about (and are bringing about) significant separatist or pro-Russian sentiments among a significant portion of the Crimea's population. There have been attempts to bring about the secession of the Autonomous entity from Ukraine.

On the other hand, some Crimean Tartars have put forward slogans about creating an ethnic Crimean Tartar autonomous entity, the restitution of property lost at the time of deportation, and full-fledged participation in processes of privatizing Crimean enterprises and sharing of land. In their claims, the Crimean Tartars rely on help from Turkey as a Muslim country in which, moreover, a rather sizeable Crimean Tartar diaspora operates.

It is along the line of the interrelations between the ethnic groups of Crimean Tartars and Russians in particular (more specifically, of the Russian-speaking socio-cultural group within the population of Crimea) that interethnic and inter-religious tension is to be observed. This tension is threatening to become acute under the influence of both internal and external factors.

In connection with this, it should be noted that there has been little desire among Crimean Tartars to create their own state. Only five percent of those polled expressed favor for such a prospect. The majority of respondents strive for the establishment in the Crimea of a territorial ethnic autonomous entity within Ukraine. Another 27 percent think that the Crimea should remain an autonomous republic within Ukraine – that is, it should remain in its present status. These results suggest an absence of fertile ground for radical extremist and separatist tendencies among the Crimean Tartars.

What is alarming is the fact that a significant portion of the Crimean Tartars polled—35 percent—think that their life is getting significantly worse with the passage of time, while another ten percent say it is worse, but not much. Only fourteen percent said their lives were getting better. 58 percent pointed to a worsening of living conditions in comparison with where they lived before, and the overwhelming majority (76 percent) stated that the average monthly income per family member among them was no more than fifty grivnas (US\$10).

Statements like these have a real basis. Unemployment among the Crimean Tartars stands at 60 percent, as opposed to fifteen to twenty percent for the Crimea as a whole. Moreover, the prospects for satisfying the cultural and educational

needs of the Crimean Tartars are doubtful.⁵¹ A problem exists with the level of representation for the Crimean Tartars in organs of government, which leads to the self-isolation of the Crimean Tartars and to interethnic alienation.⁵²

At the same time, the Russian population views the idea of extending privileges to the Crimean Tartars very critically. 47 percent of those polled think the granting of such privileges to be unfair, while only 27 percent are of the opposite opinion. However, judging by results of the poll, the standard of living of the Russians in the Crimea is significantly higher than the standard of living of the Crimean Tartars. Only fifteen percent of those polled said that the average monthly income per family member was no more than fifty grivnas, and unemployment among the Russians is only eight percent.

The Russians living in Crimea have a sharply negative attitude toward a potential status as a territorial ethnic autonomous entity within Ukraine. Not a single one of the Russians polled supported that status, but fifteen percent of the Russians polled think that the Crimea should become an autonomous republic within Russia, while another twenty-four percent think it should become an independent country. As was mentioned above, among the Crimean Tartars, only five percent think that Crimea should become an independent country.

Such moods are fertile soil for incitement of interethnic dissension, which is already manifesting itself today in the form of inter-religious conflicts. Such conflicts were noted in the summer of 2000, when the Spiritual Board of Crimean Muslims suspended its membership in the "Peace is God's Gift" interfaith association to signify a protest against establishment of the Simferopol and Crimean eparchies of the Ukrainian Orthodox Church and against crosses for worshippers and display boards saying, "The Crimea is the cradle of Orthodoxy." Crimean Tartars tore down such a cross in the village of Morskoe in October 2000. Clashes between them and the Orthodox population were avoided, thanks to the intervention of law enforcement agencies. Conflict between the Crimean eparchy of the Ukrainian Orthodox Church and the Crimean Tartars over a former monastery building was prevented in September 2001 only by the arrival of President of

⁵¹ Acceptance of teachers for training for Crimean Tartar schools at Tauride National University has been reduced, and recruitment into Crimean Tartar groups at the teacher-training school created within the framework of the return and settlement program for Crimean Tartars has been stopped. In 206 settlements where Crimean Tartars are concentrated there are no schools, kindergartens, or libraries at all. Comparing this with past conditions, in 1936 386 high schools and 475 elementary and incomplete middle-school Crimean Tartar schools were in operation in the Crimea.

⁵² During elections to the Supreme Soviet of the ARC in 1994, the Crimean Tartars were given a quota and created a faction of fourteen persons in the Crimean parliament. Elections in 1998 took place under a new law, which did not envisage allotment of quotas. Moreover, whereas the Crimean Tartars were able to vote according to their place of permanent residence in 1994, in 1998 about 100,000 Crimean Tartars (who were not Ukrainian citizens at that time) were unable to vote. Their protests led to a sharp aggravation of tensions in the Crimea in January-February 1998.

Ukraine Leonid Kuchma. However, the danger of conflicts of this kind remains and is becoming more acute, particularly in connection with accusations directed at the Crimean Tartars over their ties to Chechen militants, participation in military actions against Russia's Federal troops in Chechnya, and so on.⁵³

According to the results of a sociological poll of the ARC's population conducted by UCEPS in March 2001, the majority of those polled (61 percent) do not exclude the possibility that religious conflicts involving the use of force will arise in the Crimea, and just less than a third (27 percent) of the Crimea's inhabitants are sure that such conflicts are impossible.⁵⁴

Predictions

Over the coming fifteen to twenty years, the demographic situation in the Crimea will change substantially. The proportion of the Crimean Tartar population in the general population will increase by means both of natural growth and the further immigration of Tartars from the Central Asian countries.

In 1995, it was assumed that 400–600,000 Crimean Tartars would return to the Crimea in the next five years.⁵⁵ However, that did not happen, and only 50–60,000 actually returned.

In the event that a cardinal improvement in the socioeconomic situation does not occur, a sharp radicalization among the Crimean Tartars is possible. The assimilation of the Crimean Tartars should not be expected; rather, Crimea may evolve either in the direction of a Ukrainian Switzerland or in the direction of a Ukrainian Kosovo.⁵⁶

A poll by the Institute of Sociology of the National Academy of Sciences of Ukraine provided the following results:

Of the various groupings identified in Ukraine, Belorussians are the least inclined to maintain a unique culture, with only 29.9 percent expressing this intention. At the same time, representatives of other ethnic peoples (Poles, Bulgarians, Moldovans, and Jews) registered a rather high level of desire to preserve their

⁵³ The Union of Orthodox Citizens of Russia stated that the *medjlis* (parliament) of the Crimean Tartar people was "in close interaction with Chechen terrorists." V. Semin, "SBU razberetsia s provokatorami" (The Security Service of Ukraine will deal with provocateurs), *Vlast' i politika* (Government and politics), 21 September 2001 2. Some of the mass media have disseminated information about ties Crimean Tartars have to Chechen militants and about the recruiting of Crimean Tartar volunteers in particular by the "Imdat" and "Borz-Ukraina" organizations. E. Borivoi, "Ukrainskii sled Dzhikhada" (Jihad's Ukrainian trail), *Versii*, 23 May 2000, 12.

⁵⁴ "Krym na politychnii karti Ukrainy. Analychna dopovid' UTsEPD" (The Crimea on the political map of Ukraine. An analytical report of the UTsEPD), in *Natsional'na bezpeka i oborona* 4 (2001), 25.

⁵⁵ Chumak, *Ukraina i Krym: fenomen na mezhi Evropy ta Skhodu*, 37.

⁵⁶ Such opinions are expressed by researchers. See, for example: N. Belitser, "Mizhetnichni vidnosyny ta islams'kyi chynnyk u Krymu" (Interethnic relations and the Islamic factor in the Crimea), in *Kryms'ki studii*, (2000), 1, 37.

cultural uniqueness. Those polled suggested that this desire was in reaction to attempts at forcible Ukrainization.

According to the results of investigations into the urge to leave for various historical homelands, Jews (52 percent) and Germans (45.7 percent) demonstrated the strongest tendency in this direction. The desire to emigrate was insignificant among Hungarians and Russians.

Trends among Russo-Ukrainian groupings

Three organizations have come forward with sharp criticism for the Ministry of Education of Ukraine: the Russian Movement, the Russo-Ukrainian Union, and "For a Unified Russia." These organizations do not like "Kiev's official policy of eliminating Russian-language education in Ukraine and encouraging assimilation of Russian and Russian-speaking citizens." According to official data, over the last decade the Ukrainian government has changed the language of teaching from Russian to Ukrainian in 1300 schools. At the present time, teaching in the Ukrainian language is conducted in 90 percent of the country's schools, although half the population considers Russian to be its native language.⁵⁷

Small but politically active structures exist: "The Civil Congress of Ukraine," the Party of Slavic Unity, the "Union" party, the SLOn association, and the Party of Regional Rebirth of Ukraine (PRVU), among others. Here, regionalism or frank separatism, the battle for union with Russia or for a restoration of the USSR, are more likely to be colored by ethnocultural factors. Rather than these extreme goals, the real objectives are presumed to be securing the status for Russian as an official language and the retention of a high degree of Russification of public life, culture, and education in the country.

⁵⁷ "Ja russkii by vyuchil..." (I would have learned Russian), *Kievskii region*, 20 September 2001, 21.

New Civil-Military Relations and its Research Agendas

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This article argues that the Civil-Military Relations field has been subject to three major challenges which are in the process of dramatically redefining our understanding of how the armed services interact with civilian authorities and more generally with civil society, and indeed how it is studied. First, there has been an epistemological challenge that is developing new understandings in our knowledge. At the outset it is important to highlight the plurality of 'New' Civil-Military Relations methods, rather than a single theoretical approach. A second ontological challenge is leading to new foci of research, as scholars retarget attention on issues that previously we overlooked. Third, there has been a practitioner and policy maker led challenge, which raises a series of new questions which have hitherto been overlooked notably the effectiveness of policy transfer, the need to better understand the changing circumstances in which war is waged, conditions for successful military engagement and the potential role of conditionally in developmental relationships. This article argues that the combination of these three challenges is creating an intellectual revolution in the redefinition of the field of Civil-Military Relations and its parameters, and there are already early signs that these challenges are moving scholars away from an old set of concerns towards a new research agenda. This article argues that the cumulative effect of these changes has the potential to deliver three developments: first, the possibility of applying new knowledge to 'New' empirical and theoretical issues as well as to 'Old' civil-military relations issues; second, enhanced opportunities for interdisciplinary research, with the possibility of combining traditions and theories which have not previously been able to relate to or have been perceived to be in conflict with each other; and third, to root the study of new civil military relations in approaches which have stronger theoretical foundations.

Section One: The Epistemological Challenge to 'Old' Civil-Military Relations

'Old' Civil-Military Relations research has been dominated by three parallel developments that have been at work since the foundational phase of the field. First

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there has been a strong tradition in much of the Civil-Military Relations literature that has made a virtue of avoiding or making explicit theoretical assumptions, preferring an empirical and often theory-free approach which merely described events and processes and on the basis of deduction, offered generalizations and insights thought this was to some extent less true of scholars like Lucian Pye who located their own work within a set of theoretical issues concerning the role of the military in developing societies (Pye, 1969).²

The reasons for the predominance of this type of approach is complex. One explanation may be the nature of texts in the 1950s and 60s in the Civil-Military Relations field, many of which avoided an explicit theoretical dimension. Most of these approaches used descriptive inference offering empirical studies and ‘thick’ description with generalizations based on the observations typified by some of the work of Janowitz and S.E. Finer (Blondell, 1999:154). As the foundational texts these set the scene for a great deal of subsequent research which took up this atheoretical and problem focused research agenda. Another explanation for a less theoretical focus is the limited interest in theoretical issues amongst key stakeholder groups – the armed forces, policy-makers and practitioners. This particularly affected academics working in military educational institutes who by and large rejected the opportunity to engage in theoretical debates of interest to a wider academic community of scholars, working on similar issues in universities and research institutes. Perhaps too as Douglas Bland argues, CMR in most western states was apparently stable thus providing little reason to move beyond Huntington and others. By not making explicit the theoretical foundations and assumptions upon which scholars based their own analysis, it ghettoized much of the scholarship in the field by cutting it off from wider theoretical debates and developments in knowledge in other social sciences, especially International Relations (IR) and Political Science (PS). Interestingly, Sociology appears less affected by this trend, in part as a consequence of the work of Maurice Janowitz and the work of scholars like Christopher Dandeker, Jacques van Doorn and Bernard Boene who have variously used highly theoretical frameworks for explaining civil-military relations. Perhaps more important was the fact that attempts to avoid theory implicitly relied on theoretical assumptions, notions of causality and a framework of analysis which informed their work, but remained implicit and therefore unexamined precisely because they were not specified.

A second feature of the Civil-Military Relations field is that many IR and PS approaches to Civil-Military Relations have implicitly been rooted in an approach based on analytical realism. In this approach states are conceptualized as cohesive unitary actors, which monopolize relations with the outside world and define the national interest (Carr, 1991; Morgenthau, 1967). Above all they are viewed as

² This should not be mistaken as an argument that there was not a normative aspect at work especially in relation to the Cold War and agendas as Nicole Ball’s work on the security and economy in the third world makes clear.

discrete units and are motivated by a desire to preserve the centrality of states in international relations. Sovereignty is a key element of the realist and neo-realist view, an indivisible commodity attributable to and vigorously defended by states. Governments control a monopoly violence within the state and effective regulation of armed forces is necessary for two reasons: first, to prevent armed forces from interfering in political systems they were created to defend; and second to ensure a state's armed forces served their civilian masters, whether preserving the territorial integrity of a state, deployed abroad in defense of state interests. The dominance of analytical realism drew scholars towards a focus on sovereignty, power and motivations of power maximization. For decades analytical realism has dominated academic analysis of the Civil-Military Relations field, typified by the work of Samuel Huntington, *The Soldier and the State* (1957) and *Political Order and Changing Societies* (1968) and Samuel Finer, *The Man on Horseback: The Role of the Military in Politics* (1962).

Perhaps the predominance of this approach reflects the focus on power and military force and the structures within which power was competed for. The prominence of these approaches in Civil-Military Relations might also have been important for what might be termed systemic reasons. In the foundational period of the development of the Civil-Military Relations field, the global struggle between the United States and the Soviet Union, the threat of nuclear war, 'hot conflict' and the perceived need for containment, provided a geo-political context in which these approaches appeared to be both theoretically and empirically relevant.

Since 1989 and the end of the Cold War and more particularly the collapse of the Soviet Union in 1991, there have been important theoretical developments which the field of 'Old' Civil-Military Relations can no longer ignore. First the post-positivist, constructivist and normative turn in International Relations, typified by much of the scholarship of Alexander Wendt, Barry Buzan and Ole Waever have offered new contributions to the CMR field (Wendt, 1992:392; Buzan, 1991; Waever, 1996). From an epistemological perspective, post-modernists, critical theorists and social constructivists take issue with the realist and neo-realist scholars and their positivist methodologies. These approaches pose a challenge to what Ngaire Woods terms 'meaning and knowing', by arguing that reality is socially constructed and theories that identify objects and subjects and create hypotheses are therefore questionable. For them, 'no category of knowledge is stable enough to yield knowledge' (Woods 1996:25).

Constructivists approaches draw our attention towards many of the hitherto silent assumptions underpinning the realist and neo-realist agenda, especially understanding Civil-Military Relations through a conceptual lens which does not just focus on the use of forces and the pursuit of power. For example, constructivism challenges the unquestioned use of the concepts of national interest, identity formation and sovereignty and reminds us that these are both contested and change-

able (Norgaard 1994; Jachtenfuchs 1995). In applying the claim that norms and values are socially constructed through intersubjective activity, these approaches draw our attention to the need for a more critical reflection on whose interests are served by the use of a particular constructs, concepts and the prevailing 'conventional wisdom' (Wendt, 1992). At the most critical end of the post-modern spectrum the work feminist scholars like Cynthia Enloe can rightly claim to be intellectual precursors to any future constructivist turn in Civil-Military Relations, but perhaps so too can the new left/dependencia scholars notably Robin Luckham and Mary Kaldor (Luckham, 1971; Kaldor and Asbjorn, 1979). More recently this has drawn attention to the masculinist and modernist epistemologies that underpin many of the dominant theoretical approaches (Zalewski, 1994). For example Zalewski develops a post-positivist argument that it is not enough just to examine a theory on observable evidence alone since 'it is the theory which decides what we can observe' She goes on to suggest '... it is more interesting and illuminating to ask in what way the dominant theories create or construct the empirical realm' (Zalewski, 1994:235).

Applying the methodological insights from this perspective illuminates the tendency to make often arbitrary boundaries defining exclusion zones that often simplify complex issues in an unhelpful way. For example questions concerning civilian control of the armed forces in the Cold War period emphasized 'civilian' rather than 'democratic' control of the military (Cottey, Edmunds Forster, 1999). 'Old' Civil-Military Relations were focused on the threat of praetorian military intervention in domestic politics and the resultant need to enforce civilian executive control of the military. Rarely in the Cold War period was the concept of civilian control linked to notions of democratic control. The division of the world into Western and Soviet camps subordinated a number of issues to a more central question of whether a government was a 'friend' or 'foe.' For example membership of NATO was not conditional upon a particular form of Civil-Military Relations between 1949 and 1989. As Portugal and Turkey and Greece's membership attest, they have had experiences periods of military rule, with NATO membership unaffected. Being a member of the camp was more than a particular form of civil military relations within a state.

More recently constructivist approaches have offered analytical tools for understanding how the concepts of 'civilian control', 'professionalization', 'modernization' and 'security sector reform', have been used as a means to transfer particular western values, ideas and institutions and in some cases weapons. Sometimes this is explicit, as with NATO's Membership Action Plans (MAPs) that have explicitly linked acceptance of NATO values to the likelihood of admission. The UK government provides an example of the most explicit form of interaction based on the export of value systems. As a result of the 1997 Strategic Defense Review, the UK government's development of the Defense Diplomacy (DD) Mission.

The aim of UK DD is to dispel hostility, build and maintain trust and assist

in the development of democratic civilian controlled armed forces. Through bilateral and multilateral programs, the Ministry of Defense is seeking to assist in the development of stable sovereign and democratic states through co-operative military relationships. This activity now covers some twenty-three countries and is supported by a budget of 15 million pounds. The establishment by the Swiss Government of the Geneva based Centre for Democratic Control of Armed Forces is yet another example of the importance attached to the policy transfer of models of Civil-Military Relations, or at the very least value systems. In this respect some have argued that new civil-military relations and old civil-military relations have much in common. Some motivations may be seen as altruistic – based on a belief that in offering assistance it will improve the quality of democracy in a recipient state. However, even here a key assumption is often that there are long term self interest in international peace and stability that will have general indirect benefits for the donor countries and in some instances the use of defense assistance is directly linked to defense equipment exports.

One new trend is the application of rational choice approaches to Civil-Military Relations rooted in positivism. These have drawn on game theoretic approaches to examine issues within the civil-military field. The emergence of rational choice approaches to civil military relations has added a new dimension to the field, of trying to explain civil-military relations, particularly through the work of Peter Feaver, which whatever the limitations of the empirical reach, at least tries to better specify the micro-foundations and assumptions upon which the approach is based (Feaver, forthcoming). Whatever the merits of the rational choice approach and these have been widely debated elsewhere in the disciplines of Political Science and International Relations, this method has given some added weight to a growing interest in ‘explaining’ issues within Civil-Military Relations. For Smith and Hollis ‘understanding’ emphasizes narrative whilst the latter offers theory-based explanations. This is more than a matter of semantics with key differences concerning the aspiration to prediction, policy relevance, complexity versus simplicity, and whether scholars should seek to understand single events rather than generalize about classes of events. The growing interest in ‘explaining’ as a supplement to ‘understanding’ in the Social Science community has highlighted just how ghettoized the field of ‘old’ Civil-Military Relations had become in the 1970s and 1980s. At least for some scholars this occurred when cold civil-military relations ‘retreated’ into US military colleges and focused on mechanistic and legalistic approaches.

A third epistemological development has been the greater demand for multi-disciplinarity. Scholars working in the field of ‘Old’ Civil-Military Relations routinely paid lip service to multi-disciplinary research, but in reality this has often been an absent feature of many Civil-Military Relations studies. In part this can be explained by a sort of intellectual canonization of the field, typical of much of the research. This was driven by the dominance of military sociologists in particu-

lar areas of the field, notably concerning the relationship between armed services and society and the extent to which the military have the right to be different. Moreover, European scholars have separated themselves from much of the work in North American scholarship, both on theoretical grounds and in terms of the focus of interest. As Douglas Bland notes, many North American scholars have taken a legalistic approach to CMR, whilst in the UK there is a tendency to think in terms of governance (Bland 2001).

This epistemological challenge to the field of 'Old' Civil-Military Relations can be summarized by three propositions: first the atheoretical approach of 'Old' civil relations is now seriously being questioned by greater theoretical rigor in the Social Sciences; second, the dominance of analytical realism is being challenged by new developments in our knowledge especially from the post-positivist theoretical approaches and the normative turn in International Relations rooted in constructivism and distinctively positivist rational choice approaches; third, the ghettoisation of Civil-Military Relations is under serious challenge from outside the traditional field of 'Old' Civil-Military Relations as scholars anchored in different fields of enquiry have engaged in analysis of many issues of direct interest and concern to Civil-Military Relations scholars, scholars of Peace Studies are now more fully engaged with War Studies, scholars working in the field of Development and Transition Studies more engaged in debates and issues of central concern to Civil-Military Relations.

Section Two: The Ontological Challenge

The epistemological challenge to 'old' CMR has been a feature of recent intellectual developments. However, the ontological challenge – the focus of intellectual enquiry – of much of CMR research is also changing. One of the most striking features of 'Old' civil military relations has been the excessively self-referential debate of most Civil-Military Relations literature, often in the face of declining utility of many of the concepts and ideas which are advanced. Scholars have too often felt obliged to rake over the texts that dominated previous decades to explore new interpretations and offer novel reassessments. Despite the exciting times within which analysts, scholars and practitioners are living, in the last decade the field of Civil-Military Relations field has been remarkably stagnant and few have ventured beyond the agenda set out by the founding fathers. 'Old' Civil-Military Relations has therefore been rather backward looking in terms of its focus of enquiry and remarkably conservative in terms of the issues which have been the focus of its analytical enquiry.

The referent object has often been the state and as a field it remains very state-centric indeed often executive centric, offering a particular ontological focus that disregards a wide range of actors that do not fit in clearly with its assumptions and often ignoring civil society altogether. Perhaps this is understandable when

the state has greater access to resources to support their militaries than other actors and governments have evolved legal and political instruments to support their claim to use force (Buzan et al, 1998:49). However, one of the most important developments now underway is a growing awareness of the limits of conceptualizing 'the state' as monolithic and unchanging when in most countries the modern state is more often multifaceted and continually evolving.

Another development is an awareness of and interest in questions addressing how the state works have also become far more central in 'New' CMR debates. For example one of the key problems of consolidating democratic control of armed forces lies in the capacity of the state to actually implement its requirements on a day-to-day level. For example Bland argues that the capacity to govern civil-military relations is overlooked where the focus is on a narrowly focused rules based approach (Bland 2001). The establishment of institutional procedures and mechanisms for oversight are often necessary but not sufficient conditions if the state's capacity for actually utilizing these procedures is absent (Page, 1992: 174). In part the issue of state capacity has been overlooked because in the foundational phase of Civil-Military Relations, the focus of interest was on regions and states where this issue did not appear to be important, or its salience was masked by factors considered more important, and the link between state capacity and democratization therefore went unmade. In recent transitions literature particularly the work of Linz and Stepan there has been a growing awareness that 'stateness' is a key factor in the process of democratization especially questions concerning weak, contested and failed states (Linz and Stepan, 1998:366; Sorensen, 1993; Holsti, 1996).

In the central and eastern European context but especially in the Former Soviet Union, FRY and Africa, this lack of 'depth' to institutional mechanisms for control is illustrated most particularly in relation to executive implementation and legislative oversight of defense policy (Cottey, Edmunds and Forster 2001). The bureaucracy, in the form of the ministry of defense and the interior ministry is the institutional means through which defense policy is organized, administered and the executive asserts its political authority. In the post-communist context, civilianisation of the bureaucracy has been a central plank of civil-military reforms in many countries. However, this process has also introduced problems related to a lack of expertise. Many new civilian members of the bureaucracy had limited experience of defense and security matters, a situation that directly affects implementation of policy throughout armed forces. These problems have been compounded in states where civil servants are political appointees and who are often prone to be dismissed after a change of government. In these cases, the bureaucracy does not have the opportunity to develop an institutional memory of how its role in the system of democratic control of the armed forces operates. In defense bureaucracies this can routinely frustrate the exercise of legitimate democratic authority in two ways: first, it can make the formulation of policy, and the translation

of that policy into reality problematic: second, it can lead to an over-reliance on the established experience and expertise of the military colleagues.

Legislative oversight of defense policy is also one of the key elements of democratic control over armed forces. In a consolidated representative democracy, it is the legislature that is the institutional expression of popular accountability. Parliaments provide a crucial element of legitimacy to a state's civil-military arrangements. Within a system of democratic control armed forces, the legislature's major role concerns its ability to scrutinize legislation, exercise budgetary control, and prevent policy being enacted without its approval (Page, 1992: 82-85). However, for legislative oversight to have real meaning, it is crucial that the will, information and expertise exist for this function to be carried out adequately. These requirements are closely related, and have often been lacking in the post-communist environment of central and eastern Europe. Here, a particular problem has been a lack of defense and security expertise amongst civilian politicians. This shortage of relevant expertise undermines the process of parliamentary oversight by preventing the 'overseers' carrying out their task effectively. It may prevent them from asking the right questions at a committee stage, or fully understanding the implications of the policies they are reviewing. A similar problem is caused if those that are scrutinizing policy do not have available sufficient information to enable them to make balanced judgments. In the post-communist context, these difficulties can be compounded by the fact that there is often no alternative source of information on defense and security matters in civil-society. In this case, the information provided is likely to contain bias towards the military sector's own institutional interests. As Edward Page notes, in practice the process of legislative scrutiny is a complex bargaining relationship between the legislature and the executive (Page, 1992: 89). If the legislature does not have the ability to enter into this bargaining relationship on appropriate terms, then its ability to oversee policy in anything but the crudest fashion will be limited.

A second and to some extent parallel development to the first is a growing acknowledgement of the inadequate nature and utility of traditional definitions both in terms of the military and civil components of CMR. It has been commonplace in 'Old' CMR to focus exclusively on conventional and uniformed armed forces to the exclusion of 'gray' forces including paramilitaries, intelligence services and forces of an official or unofficial nature that are armed (Cottey, Edmunds and Forster, 2000; Nelson, 2001:5). These have traditionally been excluded from orthodox definitions of the military, though they are often key agents of the state. In many countries typified by Former Yugoslav Republic, Zimbabwe and the Russian Federation, it is the special police and interior ministry troops rather than uniformed members of the armed services which have often been a more pressing concern in ensuring democratic civilian control, than the armed forces per se. In part this preference for a narrow definition has reflected the predominance and application of West European and North American concepts of the 'military' com-

ponent of Civil-Military Relations. This narrow definition of the armed forces has particularly been encouraged by the work of Huntington in *The Soldier and the State* which advanced the notions of 'objective' and 'subjective' control explicitly based around the assumption of a clear separation of responsibilities between civil and military sectors, with the military having a clearly defined, autonomous and professionalized area of responsibility concerned with the application and management of force, and civilian authorities in a clearly demarcated and separate zone of authority.

The pioneering work of Moskos, Allen-Williams and Segal on post-modern militaries, explicitly takes issue with this binary bifurcation of the armed forces and civilian authorities (Moskos, Allen-Williams and Segal, 2000). Recent comparative research examining patterns of Civil-Military Relations in central and eastern Europe has also provided strong empirical evidence that in many countries in the region 'special' police, paramilitary organizations and interior ministry troops are important elements of the wider security sector, often accountable to different ministries within government and governed by different legislative and financial regulations (Cottey, Edmunds and Forster, 2001). Many scholars from the field of Development Studies have been at the forefront of arguing that our analytical net needs to be more widely cast in terms of security sector reform – to explicitly include militarized forces as well as the military per se. For example Nicole Ball has argued that a better means of conceptualizing the military aspect of Civil-Military Relations is to use the concept of 'security family.' This includes the security forces armed forces, policy, paramilitaries and intelligence services as well as informal security forces (Ball, 2001:47).

A third and well-documented development has come from the collapse of the Soviet Union, the end of the Cold War and the challenge posed by what Francis Fukuyama terms the end of ideologies. This has closely linked military reform with the process of democratization. Perhaps most starkly, scholars analyzing 'failed states' like Sierra Leone and Somalia, suggest that the absence of any institutions, bureaucracy and administration and the rule of law are central to understanding Civil-Military relations in these states. For some like Chris Smith reform of militaries is in fact dependent upon a more general processes of developing effective democracy especially in countries such as Nigeria and Indonesia '... where Civil-Military Relations lie at the heart of democratization and the development of state legitimacy' (Smith, 2001:11). This is particularly the case in the core areas of Civil-Military Relations, especially democratic civilian control of armed forces. Dan Nelson has further argued that one of the aspects is a growing interest in the presence or otherwise of what might be termed civil society (Nelson, 1998). A further aspect of this is the link between civil-society, nationhood and liberal democracy. Taras Kuzio argues that in many instances 'there are few commonly held values that underpin the overarching societal culture of the newly emerging political community' (Kuzio, 2001:171). Nationalism is therefore

intimately connected to the development of politics, administration and the means of coercion. This opens up a potentially fruitful dialogue with scholars of nationalism, democratic transition and democratization that amongst the Civil-Military Relations scholarly community has been largely absent (Nelson, 2001).

A fourth notable change is a greater awareness of non-state based challenges to Civil-Military Relations typified at one end of the spectrum by the work of Barry Buzan and Ole Waever and the concept of securitisation theory – the discursive processes through which social groups label something as a threat (Buzan, 1991; Buzan et al 1998). The application of this concept has the power to reconceptualize whose security we should be concerned with which parallels the participatory appraisal process that is now being used to calibrate actually existing security. Challenging the orthodox and state centric view of ‘Old’ Civil-Military Relations, this approach places individuals and communities at the center of its concern. The contribution of securitisation theory to ‘New’ Civil-Military Relations is that it alerts us to three issues: first, what are termed referent objects, things that are said to be existentially threatened and that have a legitimate claim to survival; second, securitisation actors – who affect the dynamics of a sector by declaring something a referent object – existentially threatened; and third functional actors who affect the dynamic of a sector without being the referent object or a securitising actor (Buzan et al, 1998:36). This analytical approach therefore provides an important intellectual bridgehead between ‘Old’ Civil-Military Relations and those interested in Security Sector Reform.

A fifth trend is a growing awareness of the need to better understand the interaction between structures and agents. Typical of much of the ‘Old’ Civil-Military Relations was a rather static view of the field. The focus was often on structural aspects of CMR especially constitutions and the way in which they shaped the arenas in which power was competed over. Some scholars took an agency-based approach exploring the interests of the military, but often it has to be noted these were limited to examining them as a special type of interest group. In research based on the Transformation of Civil-Military Relations ESRC project, Cottey, Edmunds and Forster have argued that there is a need for a more inclusive approach to analyzing Civil-Military Relations, especially the need to examine what they term a ‘second generation’ set of problems, especially in central and eastern Europe (Cottey, Edmund and Forster 2000). This approach is interested in the interaction between structures and agents, the need to explore attitudes and behavior of key actors as well as constitutions and institutional design of those engaged in Civil-Military Relationships. In a similar vein Daniel Nelson argues that the ‘relations’ component of Civil-Military Relations has too often been overlooked and there is a need to better understand the interactive element of CMR (Nelson, 2001).

What is clear from is that there has been an important convergence on what has been termed ‘the security sector.’ Whether as Chris Smith argues the cause

is the ‘introduction of a development standpoint into contemporary discourse on Civil-Military Relations’ (C. Smith, 2001:9) or as is suggested here the epistemological and ontological developments in and around the Civil-Military Relations field, is clearly contested. What is beyond doubt is that the convergence has led to a burgeoning dialogue between CMR scholars and those working in the field Peace Studies and particularly Development Studies – and perhaps one that might become more fruitful than that triggered by the neo-Marxist attack on ‘Old’ Civil Military relations which came from development studies. This has also had a resonance in the administrative organization of policy-making. It is the Secretary of State for International Development rather than the Defense of Foreign Secretary who chairs the Whitehall cross-departmental initiative on conflict prevention – one organizational indicator of what might be termed the ‘DFID-isation’ or ‘developmentalisation’ of a key part of the Civil-Military Relations field. Moreover the European Commission has been at the forefront of arguing for what might be termed an inclusive or holistic approach to conflict prevention, which draws together military, political and economic instruments of influence and which the European Commission considers the EU ideally suited to take the lead. The European Commission, a self-proclaimed civilian power organization, has also set out its interest in conflict prevention claiming that ‘[I]ndividual countries are unable to address these problems on their own or through the classic instruments of bilateral diplomacy’ (CEC, 2001).

Section Three: The Policy Challenge

The end of the Cold war has had a dramatic effect on the CMR field in a number of ways. First and foremost has been a move towards encouraging states to embrace liberal democratic states to underpin international peace and stability. As Nicole Ball points out, during the Cold War Western governments provided significant amounts of aid to allies without paying much attention to or caring whether its Civil-Military Relations were based on democratic principles (Ball, 2001:46). In many cases fighting communism was the most important issue in offering aid. However, with the end of the Cold War there has been a renewed interest in political conditionality and especially the objective of promoting democratic civilian control of armed forces and effective management of the security sector. Indeed for some governments this has become a primary objective of aid and development programs. In the UK the objective of Defense Diplomacy was the centerpiece of the 1997-8 Strategic Defense Review. It set as a key mission of the armed forces ‘dispelling hostility, building and maintain trust and assisting in the development of democratically accountable armed forces.’ In Australia the government’s Strategic Policy 97 (ASP 97) task is to offer a ‘... military strategy for shaping the strategic environment through international engagement. In Switzerland the creation of a new Centre in Geneva (alongside the Centre for Security Policy and the Centre for Humanitarian De-mining) for the Democratic

control of Armed Forces with the aim of actively contributing to and promoting the concept of democratic control of armed forces.

These public policy initiatives have raised important questions concerning the appropriate role for the armed forces in peacetime conflict prevention activities as too has the 'war on terrorism' in the aftermath of the 11 September attacks in the US. One set of questions concerns the distribution of effort between preparing for, and fighting in conflicts, and activities designed to prevent conflict in the first place. A second set of questions concerns the relationship of uniformed personnel with colleagues from the development and international aid communities. A crucial issue here is the need to further explore where the added value or a distinctive contribution can be made from each community that is both efficient and effective. A third set of questions concerns the role, utility of military force and nature of warfare in advanced liberal democratic societies. Interestingly at this moment in time, new policy thinking does not have much connection with current academic discourse or indeed any emerging paradigm shift.

Within the broad area of conflict prevention budgets have expanded over the last decade, without a parallel investment in developing methods for understanding how and why particular policies work. More recently as budgets have begun to stabilize and in some cases to shrink, treasury and finance departments have begun to question why certain activities have been undertaken, what basis information has been used to inform policy decisions and how this information has been used to inform future strategy planning. The absence of any clear conceptual tools for analyzing the links between objectives, the methods of delivery and the outcomes to be achieved posed important questions for the Social Science and Public Policy community. In the defense community in general there was little evaluation of either the effectiveness or efficiency of what we now term Defense Diplomacy. By contrast in the International Development community, programs were quite rigorously evaluated against specific micro objectives, but the linkage to macro or meso objectives often went unmade.

One reason for an interest in 'New' CMR is the challenge posed by governments policy-makers and practitioners in central and eastern Europe that continue to ask the question 'never mind the theory, does it work in practice?' thus forcing much greater reflection on the link between theory and practice and what works and why. Another pressing need to better understand the policy dimension of 'New' Civil-Military Relations is the need to deconflict activities with other allies. This has become increasingly important as recipient countries complain of excessive and unhelpful duplication and competition. Western interest in conditionality has been further reinforced by the self-generated aspiration of many post-communist states in central and eastern Europe to join western institutions especially NATO and the European Union. This has led to a shared interest in West and eastern Europe concerning the circumstances under which effective policy transfer can take place.

The cumulative effect of these developments is to reinvigorate the policy dimension of CMR which was always present in 'Old' CMR, but which more often than not was either overlooked or interpreted as the crude application of one state's model of Civil-Military Relations on another state. This opens up exciting possibilities for greater and more serious engagement with scholars and practitioners working in the field of public policy.

Section Four: The New Research Agenda

There are a least five main areas of work which provide a starting point to think about where lines of enquiry might be pursued and a new set of research priorities developed.

1. There is a real need to stop raking over the works of old masters and need to break out of the self-imposed constraints of 'Old' CMR. In particular there is a need to make theoretical problems clearer and more explicit. There is also a need better link them to IR, Political Science and Sociological theories. In particular there needs to be greater core theoretical debates about the nature of Civil-Military Relations which as has been argued above has quite weak theoretical foundations. Key issues here are:
 - a. How concepts are constructed and deconstructed (critical theory and the constructivist turn provide potentially rich analytical purchase).
 - b. The role of institutions, rules and norms (regime theory and institutionalist approaches).
 - c. The interplay between institutions and actors, especially the tension between principal actors, MODs, militaries and public servants and politicians.
2. The need for a better understanding of the holistic nature of conflict prevention. Key issues here are:
 - a. The link between a range of activities: Defense Diplomacy, Security Sector Reform and International Development.
 - b. The added value of each of these policy instruments in addressing conflict prevention.
3. The relationship between national, sub-national and international levels of Civil-Military Relations system.
 - a. To what extent can external actors and ideas shape internal Civil-Military Relationships? The interaction of states, actors and individuals in adapting to norms and rules advanced by 'international society.'

- b. To what extent does a convergence on particular principles or organizational methods become so dominant that they become an instrument of international society, e.g., Western notions of democratic civilian control or professionalization?
 - c. What are the tensions between national, sub-national and international levels of Civil-Military Relations? Much of the literature assumes that there is a recognizable European model of Civil-Military Relations and discounts other models. Clearly there is a need for research that explores different non-western forms of Civil-Military Relations to explore the nature of these in relation to other regional and European forms.
 - d. The democratic peace thesis suggests war is less likely. How does this affect Civil-Military Relations?
 - e. The role of international society. Important issues to explore are: whether common values shaping Civil-Military Relations and the role of international society in shaping Civil-Military Relations?
4. The classification of different types of Civil-Military Relations. Some work on this has already been undertaken through work of existing research teams but there is a need to organize new teams around common theoretical approaches and examples.
 - a. This needs to include deep study and thick description of national examples as well as comparative work.
 - b. This work needs to be global and regional in nature, with particular attention on the forgotten and the difficult regions of the World.
 - c. Comparative work needs to be much more theoretically focused.
5. How does the changing nature of the state affect Civil-Military Relations and various conditions, peace, crisis, and war especially post 11 September? Key issues here are:
 - a. How do different types of state (weak/strong/failed or failing) affect Civil-Military Relations?
 - b. Are states adapting the use of armed forces as policy instruments and if so how?
 - c. Are states changing the nature of regulation of Civil-Military Relations?
 - d. What are the new dynamics of waging a global war on terrorism?

6. Finally, do we know how and why effective policy transfer takes place and the key determinants in this process.

Conclusions

This article argues that there is now a range of challenges to the way in which 'Old' Civil-Military Relations has been conceptualized that requires a major transformation of the field into what is termed here 'New' Civil-Military Relations. These challenges come from three areas: an epistemological challenge which is opening up new ways of explaining and understanding CMR; an ontological challenge changing the focus of our attention from a state centric approach to one which is far more inclusive; and finally a strong public policy challenge focusing our attention on issues of effectiveness and efficiency in public policy delivery and policy transfer. The impact of these changes are: first, a greater need for theoretical rigor; second, a need to supplement the existing Civil-Military Relations focus of enquiry with new issues of interest; and third, the need for Civil-Military Relations scholars to embrace an interdisciplinary approach drawing on cognate disciplines. In this endeavor we should not lose site of important knowledge gained in the period of 'Old' Civil-military relations nor of the plurality of methodological approaches required to explain and understand 'New' civil-military relations and its research agendas.

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Civil-Military Relations and the Construction of Consolidated Democracy: The Case of Bulgaria

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The past ten years have been witness to a remarkable set of achievements in Bulgaria: the basic goals of post-totalitarian transition in civil-military relations have been broadly attained; a parliamentary democratic regime is functioning steadily; civil society is being structured on an institutional level; the principles of a market economy are establishing themselves; the process of change of ownership has almost been completed; the foundations of civil control over the military have been laid; and the armed forces are politically neutral, obeying solely the legitimately elected political institutions and the laws which result from that process. However, much work remains to be done. Consolidating the process of democratization poses many questions. What paradigm of civil-military relations will prove sustainable for Bulgaria? Which form of control over the armed forces would be most appropriate for the development of society within the newly constituted state? And what are the problems caused by the details of societal transformation? In this paper, we argue that, with large changes taking place within the functioning of the state, it is necessary to purposefully introduce norms and practices of the model of shared responsibility into the overall context of civil-military relations.

After 1989, the military and civil spheres found themselves in the unique situation of taking part in the total transformation of Bulgarian society. All three parties to civil-military relations (the political elite, the military professionals, and the citizens) have been adopting new cultural models of behavior and relations. Political institutions, ideas about their ideal functions, and visions of the relations among them—all have been changing. The role, organizational structure, competencies, political leadership, and means of control over the armed forces are in transition. The essential relations between the citizens and the state have been altered.¹ None of this has been easy. The complexity of the situation is emphasized by the comparative lack of any practical *or* theoretical models of such large-scale transformations. The aim, obviously, is to fully replace totalitarian political control of the military by the party/state with sustainable principles and mechanisms that lead to democratic and objective controls over the armed forces, after the classical scheme suggested by Samuel Huntington. The desired result is primacy on the part of the civil and political spheres over the previously and largely

¹ According to our experts and foreign observers, the legal basis regulating the relations between political society and the military sphere is considerably developed. Already adopted are a new constitution, a Law on Defence and Armed Forces, individual laws, and regulatory acts for some of the structures in the composition of the armed forces. These constitute a stable foundation for the institutionalization of civilian control.

autonomous professional military sphere. The political power between them has been distributed in such a way that the military has become politically neutral, but, at the same time, the “professionalized officers are ready to meet the wishes of each social group that secures lawful power within the State.”² The outcome should lead to an increase in the status of the armed forces and an enhancement of their value to the nation-state.

The essential problem of civil-military relations is clear enough: one of society’s institutions, the armed forces, is given a monopoly on the use of a large range of instruments of lethal force in order to protect the interests, external and internal, of that society. The problem which arises during a transition of power is that this monopoly on force endows the armed forces with at least the potential—though not necessarily the inclination—to dominate all other institutions. To dominate does not necessarily mean implementing a military dictatorship; that is a frightening extreme, and one completely inconsistent with the notion of liberal democracy. But being dominant could also mean having undue influence in domestic, economic, and international state and public affairs. In cases where it can be said that a domestic political issue was decided in a particular way because of something the military either did or did not do, then it could be concluded that the military has exercised influence in that society. However, motives need to be looked at carefully. One specific aspect of this need to examine motives behind actions can be seen not only in Bulgaria, but also within other countries in which defense reform has taken the form of downsizing of personnel and arms. The potential for “soft” military intervention does not necessarily derive from a hunger for power. Instead, it can be attributed to some of the highest ideals inherent in the military profession: to provide stability where political institutions are weak or immature; to save a nation from itself; to overcome political deadlock; to prevent chaos; to continue provision of essential services in the face of social disruption; and so on.³ To analyze the actual contemporary state of civil-military relations in Bulgaria, we divide such relations into two levels. The first covers the legitimization and institutionalization of civilian control, and includes the laws, ordinances, and regulatory acts adopted in the areas of defense and the armed forces, together with the organizational structures and control mechanisms built. The second is socio-cultural, and is determined mostly by the political culture of the three elements of civil-military relations: the political elite, the military profession, and the citizenry.

In the last decade, Bulgaria has traveled the path of democratizing civil-military relations in company with other Eastern European countries. Depoliticization of the troops has been carried out; a civil and political governing body

² Samuel Huntington, *Soldier and the State: Theory and Policy of Civil-Military Relations* (Sofia, 1998), 85.

³ The current example of Pakistan is instructive.

of the Ministry of Defense has been established. A new social status for the military, adequate to both the specificity of their labor and the principles of building a democratic society, has evolved. These ambitions regarding democratic development are consistently paralleled by aspirations to European Union (EU) membership, by the practices within the Partnership for Peace, and by the intention to join the North Atlantic Treaty Organization (NATO). Undoubtedly, the criteria for membership of NATO and the EU have important organizing, directing, and stimulating roles in the development of policies for establishing democratic control over the military.

The existence of modern laws and democratic institutions, however, is only a prerequisite for effective civilian control. If such control is to be fully realized, much depends on the maturity of the political culture, of politicians, and of society itself. It is not an accident that the specialized literature of the last several years emphasizes the pervasive cultural dimensions of the problems of democratic transition. It becomes increasingly obvious that the borrowing of law, of adapting institutions, and applying external rules for civil-military connections from countries with developed democratic cultures does not lead to an *automatic* restructuring in values, psychological attitudes, and political behavior in post-totalitarian societies.

The reason why this is so often the case lies in the specific features of the prevailing political culture in question and in the conditions which have an impact on its functioning.

- *The political culture* characterizes the qualitative level at which political relations function. It includes political knowledge and values, plus the sustainable patterns of political behavior. One of the “objective laws” to which its action is subject is that of inertial cultural effect. This law suggests that each political generation inherits from the preceding one a certain volume of knowledge, values, and behavior patterns. A period of transition will tend to see the endurance of values and behavior patterns in civil-military relations that are typical of totalitarian society: the mono-logical nature of communication, the persistence of ideological fears, the tendency to place group (social, corporate, or political) interests above the national ones, etc.
- *Cultural determinism* (this law by another name) lays stress on the roles of tradition and ethno-psychological features for the functioning of sustainable patterns of political behavior. For Bulgarians, to neglect the essentially nihilistic attitudes toward institutions, politicians, and law that are traditional for the Bulgarian at the level of daily awareness would render any transitional efforts senseless. At the same time, the positive attitudes and traditions that ensure the high prestige of the Bulgarian armed forces could contribute to a relatively painless restructuring of relations between the civil and the military spheres. Since the end of the nineteenth century,

the Army has arguably been a profoundly attractive institution for the most sincere patriots, a group that might be described as those seen as the most worthy Bulgarian men. The prestige of the military came above all from their contribution to the attainment of national goals under various historical conditions. In Bulgarian society, the conviction is held that, whether or not national goals have been achieved, the military have always performed their duty.

Under the conditions of post-First World War party pluralism and wide public debate, the problems of the military were a subject of attention and concern for all governments until 1945. Military budgets were discussed publicly, and approved by the National Assembly. Society was well informed of the problems of the military and responded to their needs, notwithstanding that in some periods the military budget exceeded thirty percent of the state's expenditures. The officer cadre became one of the most prestigious groups in the hierarchy of government officials.

In the post-Cold War years of transition to democracy, the military has been one of the most important factors supporting reform. Without directly interfering, they have created stability at critical political moments. In the last decade, the troops have not ranked lower than second place in the hierarchy of public confidence and support. These facts are an important element of the context of civil-military relations. The Bulgarian experience confirms that it makes no difference for democratic controls over the military how good the written laws are. In the long run, their effectiveness is determined by the mechanisms and practices of their application. Laws need to be in conformity with the specific characteristics of the national political system and culture; they have to be based on mutually-understood common goals, shared confidence, and partnership between the military and the civilians, between the Army and society.

In addition to the arena of political culture, another important factor for ensuring harmonious civil-military relations at the end of the transition period is the revival of civil society, the reinvigoration of the process of actively "becoming" a citizen, whose most important feature is the activist culture. This is a process whose results affect all three components of the civil-military relationship. The spectrum contains politician-citizens, soldier-citizens, and a society composed of independent citizens. Ralf Dahrendorf argues that the transformation of the totalitarian subject into a citizen takes approximately sixty years,⁴ an estimate that considerably slows expectations for the emergence of a mature civil society, but sounds realistic. Because of the action of the inertial cultural effect, the *Stakhanov* approach is impossible. Attempts at skipping whole cultural periods of development have usually been unsuccessful, as can be seen in Mongolia and some Soviet republics. The presumption to attain within ten to fifteen years what has taken

⁴ Ralf Dahrendorf, *Reflections on Revolution in Europe* (Sofia, 1992), 87-92

other nations centuries has proved its absurdity. The reason for this failure lies in the specificity of culture, understood as the quality of human activities in a given place. A political culture can develop only as a virtually functioning one. In other words, the transformation of all participants in civil-military relations into citizens supposes their collective participation in a real political experience through the application of behavior patterns typical of democratic political culture. In this sense, it should not be thought that, until the formation of the citizen and the civil society is completed, the application of practices and patterns characteristic of the developed democratic societies can not start. The process here is an interactive one; a political culture "learns by doing." About ten years after the beginning of the post-totalitarian transition and the establishment of a democratic political system, the gradual introduction of management patterns and mechanisms of relations typical of a developed consolidated democracy can and will develop. The fact that a considerable period will be needed for the consolidation of these developments is a separate issue.

The control of the democratic political society over the military sphere, as a pattern of relations in the period of transition, was an absolutely necessary stage. The overcoming of the totalitarian mechanism of party control necessarily presupposed the establishment of "objective control" over the armed forces. The democratic state had to recognize, legalize, and control its monopoly on violence. The first stage of democratization was more or less characterized by the unsystematic introduction of Western patterns of democratic control over the military, combined with the efforts of politicians, scholars, and the military to find the best formula. To that end, under the Law on Defense and Armed Forces of the Republic of Bulgaria, regular servicemen are prohibited from being members of political parties, movements, and coalitions with political objectives, as well as from participating in activities that would otherwise violate their political neutrality, for the whole term of their military service. This is a pattern of depoliticization that substantially differs, for example, from the German "Inner Führung," although the principle is similar.

The Bulgarian Ministry of Defense employs more civilians than do the comparable ministries in several NATO states. As early as 1991, a civilian minister assumed the political functions of administration. Since then, his activity has been supported by a political cabinet, and by civil directorates that also perform activities for the administrative service of citizens and legal entities. Military officers also serve in these "civil directorates," when the nature of the activity requires military expertise. A key point in the democratization process is the moment when the civil political governing body assumes responsibility for the formulation of a national security strategy and a national military doctrine. These formulations set the context and framework for the armed forces (including peacetime and wartime strengths, organizational and functional structure), and for their provision with resources. The fact of "assuming responsibility" is of central importance for the

success of democratic control, as it forces the politicians to educate themselves in matters relating to defense and the armed forces.

As in all democracies, the discussion of the defense budget within Government and Parliament is not only a question of figures. It is also about what specific results must be attained with the intended defense budget, what the program is for long-term investment in the armed forces, and what the social cost is for of a specific budget item. Moreover, this practice turns the debate on defense and the armed forces into a social phenomenon. There is no political force and social stratum that is not participating, in one way or another, in the solution of the problems of military reform, such as closing garrisons and bases; the use of training ranges in close proximity to settled areas; deciding the fate of the huge numbers of accumulated weapons from the time of the Warsaw Pact; and determining relations with NATO during the Kosovo crisis and during the debate on NATO membership. Last but not least, the assumption of responsibilities by civilians has freed the military from the heavy necessity of making political, social, and economic decisions about the defense and military capabilities of the country. Their expertise is used in the making of all political decisions on defense and armed forces, but the responsibility for making decisions lies with civilians. For the military, there remain the important responsibilities for operational planning, training and preparation of forces, and the maintenance of reserve forces.

Another positive sign of the democratization of civil-military relations is the practice introduced several years ago whereby the executive power reports to the Parliament, and through this to society as a whole, on the implementation of programs for national security and defense. The preparation and publication—including on the Internet—of the annual reports on national security, and on the defense and armed forces, is already both a legal and moral obligation of the political body governing defense matters. This practice has two main results. For the first time, viewpoints on the relationship between stated political objectives and priorities in the sphere of security and defense, programs and policies for their attainment, information on the state of security institutions (including structure, strength, and equipment), and an explanation of the way in which resources are allocated are submitted to the populace. For that purpose, horizontal interaction among the various institutions has been realized, and in the interests of public awareness the typical privacy of the “power” departments has been constitutionally limited. The result is transparency of the guiding assumptions of the state and the attitude towards them of the big political forces, so that civil society can compare, control and, in the long run, correct the course of government.

The next and equally necessary stage, however, that civil-military relations face is related to the challenges of consolidating democracy in Bulgaria. In this sense, Bulgarian society will have to move further toward the values and relations of a fully mature democracy, which, in the sphere of civil-military relations, means the values and patterns of relations of shared responsibility. A consoli-

dated democracy is a political system under which democracy, in its capacity as a complex system of institutions, rules, and stereotyped behavior patterns, has been accepted, in preference to any undemocratic alternative, by the parties to political relations and by the citizens. It can be defined using three parameters: behavior, attitude, and constitutionality.⁵ From the point of view of *behavior*, the democratic regime in a given territory is consolidated if no significant national, social, economic, political, or institutional forces attract considerable resources for attaining their objectives by creating an undemocratic regime or forcible detachment from the state. According to *attitude*, the democratic regime is a consolidated one when a considerable part of the society, even in the face of large-scale economic problems and deep disappointment with the government, continues to think that the democratic procedures and institutions are the most suitable method of government. In terms of *constitution*, a democratic regime is a consolidated one when the governmental and non-governmental forces have to the same extent accepted the fact that conflicts are to be solved within the framework of the nation's laws, procedures, and institutions.

There exists no single type of consolidated democracy. It may develop and improve its quality by enhancing the minimum economic level accessible to all citizens and by expanding the participation of people in the political and public life of the country. Within the framework of the category "consolidated democracy" there exists a process of development, from a democracy with low-quality parameters to a democracy with high-quality ones. To Bulgarian society, however, which is only at the beginning of the process of consolidation of democracy, it is important that the specific conditions and requirements for its success be clearly understood. The necessary conditions that have to be present, or need to be created, to consolidate democracy are: an independent and viable civil society; a political society and culture which respects government procedures; a constitutional consensus that the democratic state embodies the rule of law; and a public administration system capable of being used by, and accountable to, democratic society. In short, this is a system of socially and politically elaborated norms, institutions, and rules that is constitutionally placed between the state and the market. It is especially important to note that a consolidated democracy is a phenomenon that encompasses more than the particulars of a political regime, which is merely a pattern of organization. It is an interactive system, and no sphere therein can function optimally and effectively without definite support from another sphere or, very often, from all the remaining ones. It follows that a precondition for the consolidation of democracy is the acceptance of constitutional liberalism. It represents a system of rights and freedoms of the citizens, protected by the state, the

⁵ J. Linz, and A. Stefan, "Toward Consolidated Democracies," *Journal of Democracy* (Apr. 1996) 14-33.

rule of law, and a separation of powers. For over a century, the Western liberal democracies have combined democratic politics with constitutional liberalism.

Today, 118 out of 193 countries in the world are democracies. The greater part of the world population lives in them: 54.8%. In many states with young democracies, free elections are held, but power is wielded in an authoritarian way and basic human rights are violated. This is the so-called situation of “illiberal democracy”—a regime under which there is detachment of democracy (elections) from constitutional liberalism. The opposite variant is also possible—liberal autocracy. Under this political arrangement, the principles of constitutional liberalism are applied but democratic election procedures are neglected.⁶ Consolidated democracy may develop only in the presence of constitutional liberalism. The experience gained from post-totalitarian transitions shows that the countries of Central Europe move more easily from communism to liberal democracy where they have experienced a phase of liberalism without democracy (those with historical memories of the Austro-Hungarian Empire, for example, are familiar with a classic liberal autocracy). The other states, after the establishment of a democratic political regime, face the serious problems of the transformation of the principles of constitutional liberalism into a pattern of cultural behavior. The lack of a liberal tradition in this respect is a reason for the phenomenon often found in new democracies, where a democratically-elected executive power (Government, President) decides that they possess absolute sovereignty, that the confidence of their electors allows them to centralize power and constantly interfere with the powers and rights of other institutions of state authority and with the activities of the “third sector” (private business).

For civil-military relations in the transitional, post-totalitarian phase, a principal problem is defining the competencies of the various elements within the civil-military relationship, setting out the context for their interdependence, and creating the conditions that will ensure the autonomy of the professional military sphere. This requires establishing a recognized pattern of shared responsibility. This sharing is the main meaning and purpose of the political and constitutional consensus. By definition, consensus is not merely consent, but shared consent. The possible commonalities, or the basis for reaching a consensus, include values, rules of relations, and practical policy. In keeping with these, there are three possible levels of shared consent and responsibility in civil-military relations.

Fundamental consensus is the level at which agreement with respect to common values of the highest order is reached. In the case of civil-military relations, this may be security of the state, society, and individuals, the national interest and national goals, democracy, rule of law, constitutionalism, etc.

Functional (procedural) consensus is the level of consent regarding “the rules of the game” and the norms according to which civil-military relations will func-

⁶ Z. Fareed, “The Rise of Illiberal Democracy,” *Foreign Affairs* (Nov./Dec. 1997)..

tion. These rules are fixed in democratically passed laws, and their observance ensures maximum participation by civil society and maximum military professionalism. For the pattern of shared responsibility, the underlying rules of relations between the civil and the military spheres are that the civil (political) governing body defines the political-strategic objectives of national defense and the tasks of the armed forces, while also providing the resources for these objectives to be carried out; the military, for its part, commands and develops the armed forces in order to carry out the tasks and attain the objectives set by the civil sphere. Civil society controls the military sphere by means of the institutions of political power and organizations of the business sector. The military, as professionals and experts, exercise politically-neutral control over strategic, technical, and operational matters.

Political consensus is the level of shared and practical civil-military decision-making. The main issue in such decision-making is the successful implementation of military reform. It is a crucial element of civil-military relations, of the political governance of defense, and of democratic control over the activity of both the politicians and the military. Everything here has the potential to become extreme: the strategic culture of Bulgarian politicians and the military can change radically; public perceptions and the paradigm of national security, as well as the role of the troops needed for its guarantee, can alter; the fate of scores of thousands of people, their cities, and even entire regions can be affected by policy preferences. Out of these uncertainties can come complex and ambiguous political and popular attitudes toward the specific politicians and military staff involved in either promoting or opposing the reforms, as well as toward the corporate thinking of the political and military elites. The relations between these groups can affect the officer corps as a whole, creating what might be an extreme test of the emerging reformed system. These things need to be avoided.

As experts note, the attainment of government consensus means stability for the defense system, confidence within the governing staff, positive motivation of officers, and the application of military professionalism.⁷ In short, the success of the military reform program means success for the new pattern of the civil-military relations.

The pattern of shared responsibility (consensus) also presupposes a new understanding of the role of conflict in the sphere of the civil-military relations. Shared consent will not always mean unanimity. There are, however, some obligatory "rules" that have to be followed to remain within the cultural pattern of shared responsibility. First, *conflicts (dissent) are allowed only at the level of government (political) consensus*. The conflict at the level of values, of the "rules of the game," means dissent from the consensus pattern of shared responsibility. Conflicts and

⁷ V. Ratchev, "Effective Defence Management and Civil-Military Relations," *Military Journal* 6 (2000), 54.

differences of position at the level of the practical policy of governance of civil-military relations are not only allowed but are even desired. Through them, the discovery of more adequate, optimum, and efficient government decisions is fostered. Second, *an emerged conflict will be solved according to the rules of the game*, through the legal mechanisms governing civil-military relations, adopted by consensus of the constituent subjects. Solving a conflict in this way leads to consent at a higher level, at a new level of balance of the interests between politicians, the military, and society. The application of the principles of consensus is also the way to overcome the unique situation caused by the fact that the military must have an organization separate from the society, with its own structure, culture, and ethics, in order to carry out their tasks for defense of society while, at the same time, ensuring that this military culture corresponds to and protects the civil norms and values of society.

At this level of consensus, one may speak about distributed responsibility.⁸ The distribution of responsibility is in fact the methodology for civil-military relations when defining and implementing defense policy. Two issues remain to be resolved here. One is related to specifying the term “military professionalism.” There exists a need for a Bulgarian debate on this to ensure a fuller understanding of the role of the military and the most appropriate outcome within the military reform program. Education is the other significant issue, and it has two aspects. The first is related to the development of a system, adequate to the nation’s needs, for intensive education of civil staff about all fields of defense. The experience of civilian control in the post-totalitarian period shows that it does not especially matter how good the laws and rules regulating the political government and the civil control of military activity are if there are not enough civilians who are trained to speak with the military in a common language on professional matters. The second aspect relates to the reform of military education. This is of exceptional priority in the context of military reform, preparation for NATO membership, and the attainment of efficiency in civil-military relations. The aim is to create conditions for and then to implement a radical change in the strategic culture and mentality of the military and in their training to work effectively under a democratically accountable civilian governing body.

This pattern of shared responsibility is indicative of the advance of civil society, of military professionalism, and of the maturity of the democratic political culture. But the changes in the pattern of civil-military relations are determined not only by the new domestic environment, but also by the sweeping changes in the international environment. These cannot be fully discussed here but, on their own, they have made the dividing line between civilians and the military thinner. The threat of a large-scale war has faded into the background, to be replaced

⁸ *Ibid.*

by new, largely non-military aspects of security.⁹ The people living within one state or civil society are sharing to an increasing extent common space with the rest of the people in the world. The shared risk factors—environmental pollution, refugee flows, humanitarian crises, and the rest—become increasingly more global, meaning that no state can avoid them nor is capable of coping with them alone. Consequently, by trying to solve the problems of common risk, states have to reconsider how to best use their armed forces for political, economic, environmental, and other means. The reconsideration of the notion of security supposes a new approach to problems; the only reasonable certainty is that the future is unlikely to warrant a return to the narrow military approach characteristic of the Cold War. This process of globalization contributes directly to a new world order. As a result, security and defense policy is formed by increasing numbers of interested parties—not only states, but also multinational corporations, pressure groups, non-governmental organizations, and mass media—each of them possessing a certain capacity for global influence and action.

These changes give rise to new concepts of national security. They question the role of the armed forces as the only or best means of protection in situations where the state may be seeking ways to ensure security for their citizens against economic development problems, health care difficulties, environmental threats, etc. This confronts the armed forces with questions relating to their legitimacy in the eyes of the society. This is not surprising. The main difficulty for the armed forces is that the changes in the external strategic situation and the domestic environment are taking place simultaneously instead of consecutively. While the armed forces are subject to reductions and restructuring, they are being required to carry out an increasingly wider range of tasks, including participation in peace support operations as well as traditional operations. That is why the politicians require from them more flexibility, a requirement that is itself indicative of the need to change to the new pattern of civil-military relations outlined above. If Bulgaria wants to participate in the international security system, it should immediately proceed to the gradual application of the pattern of shared responsibility between politicians, the military, and society advocated in this article. This ought to be the national Bulgarian security goal, formulated within a developing consolidated democracy. It is hard to see how integration within NATO and/or the EU will be possible in the absence of these conditions.

⁹ *The Military and the Society in Western and Eastern Europe. Comparative Study*, (Moscow, 2000), 21-41 (in Russian).

Beyond Defense Planning

Daniel N. Nelson¹

Introduction

When the World Trade Center towers were destroyed by terrorists and more than three thousand people died, old notions of defense planning collapsed as well. As Secretary of Defense Donald Rumsfeld noted, the United States' defenses were not designed to protect an American city from a civilian U.S. airliner that departed from a domestic airport. He might have said, with equal veracity, that one cannot “plan” for the unimaginable.

The term “defense planning” evokes two misconceptions. The first of these conceptual problems lies in the notion of “planning,” while the second concerns the idea of “defense.” To begin to address these misconceptions means putting an end to our inability to envision alternative defense planning systems that could be public, transparent, and plural.

To plan is to outline, conceive, prepare—all of which connote static assumptions about future scenarios. Herein lies one problem with the notion of defense planning, since any effort to anticipate anything beyond the most proximate threat scenarios is fraught with uncertainty. Defense planning *qua* “defendology”—a compulsive devotion to, and de facto ideology of, preparation for war—is often equated with the processes of modernizing and westernizing armed forces.² Yet, at the core of early 21st century defense planning lies the real dilemma of whether or not “defense” is what defense planning in this age is all about.

In the following pages, such a conceptual dilemma is discussed, after which some of the implications of this intellectual debate are considered. In brief, I argue that NATO—and other alliances, ministries, or other large organizations generally—are preoccupied, almost to the point of compulsiveness, with the “Maginot Line mentality” of planning, and have great difficulty grasping the notion of “de-planning.” Such a mentality focuses on what is already in place, and therefore must be supported. Even if a particular element of strategy or an item

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² Tomo Radicevic, “Defence Transparency Development: The Case of Croatia” (paper delivered at the workshop on defense transparency, sponsored by the Center for Democratic Control of Armed Forces (Geneva), Sofia, Bulgaria, April 2001), manuscript.

in the inventory does not work, it is maintained. This planning fails to recognize that what is not needed or does not work ought not be implemented or maintained. Fixated on documentary products (often produced for external audiences or their own political constituencies), armed forces, defense ministries, and other parts of national security structures grind out “planning” treatises that repeat the same messages, and that often go unread.

The most important question to be asked is: Are we now in need of “defense” planning? In the discussion below, I suggest that we now require something quite different and substantially divorced from the idea of defense. Defense is primarily military in nature, with armed forces constituting the primary means to deter enemies and defeat them in combat if conflict ensues. In cases where enemies are not precisely defined, live among their victims, and intertwine “them” with “us,” against whom is defense planning directed? If a state, a government, or a citizenry perceives the greatest threat to be from terrorist cells, crime, corruption, drugs, infectious diseases, or other amorphous perils, what are the effective weapons?³ Where is the frontline? Who are the troops?

Planning for What?

Within Western paradigms, and certainly those of NATO and the United States, defense planning follows broad and far-reaching strategic assessments that define national interests and the potential threats to those interests. Typically, these are labeled as the “security strategy of the ____ republic” and “defense doctrine of the ____ republic.”⁴ Only after such long-term and wide-ranging analyses do the nuts and bolts of defense planning follow, detailing the kinds of forces and equipment needed to ensure that threats are countered and interests protected. Such efforts can be, and often are, prepared within national security structures, for internal use only, meant to inform legislators and executive authorities of Ministry of Defense and General Staff assessments of needs.

In the milieu of transitional systems, where socioeconomic and political environments are being remade at the same time that a country’s leaders must find new bases for security,⁵ defense planning must be accompanied or preceded by reforms of the armed forces and defense ministry. “Concepts for the reform of the ____ MoD” or “Development of the ____ Army to the Year 20XX” have been characteristic labels for such documents in post-communist Central and South-eastern Europe.⁶

³ The European Commission’s Eurobarometer has tracked such concerns during the last decade.

⁴ For example, these were the terms used in the Slovak case. See Ivo Samson, “Slovakia,” in *Central/East European Security Yearbook*, ed. Daniel N. Nelson (Washington, D.C.: Brassey’s, 2001).

⁵ Regarding the challenges and implicit conflicts of such a triple transition, see Daniel N. Nelson, “Democracy, Market, Security,” *Survival* 35:2 (Summer 1993): 156-171.

⁶ Again, drawn from the Slovak case. See Samson, *op. cit.*

Defense planning is thus the stage of national security thinking that matches means to ends, and that addresses the goals of effecting policy, not the formation of policy itself. Defense planners, presumably, think far less about strategic wisdom or reasoned policy, and far more about organizational and managerial deficiencies that might impede implementation. Ideally, they aim to “plan smart, manage smart, and buy smart.”⁷ Defense planning is supposed to be, more than anything else, the organization and management of the military side of national security.⁸

But, insofar as defense planners plan, for what are they planning? Their vision is preordained by interests and threats defined and pronounced by higher levels. Told to plan for certain conflicts or dangers, they do so. In logical syllogisms—if..., then—defense planners consider how to ensure necessary capacities to balance threats, organizing and managing human and material resources given certain strategic aims and policy goals.

This logic, however, confines defense planning to: 1) narrow assumptions about future scenarios, 2) limited resource parameters, and 3) pre-ordained, static thinking. Charged with responsibility for readiness, defense planning takes on the character of preparing for the anticipated, likely, and expected. Inevitably, planning becomes managerial, with little attention given to the least expected or most unlikely scenario. Policymakers typically do not ask for a blueprint for what they do not expect. One of the clearest statements of this desideratum (even demand) of top policymakers was once made to the author by a leading official of the Clinton Administration:

“... don’t waste my time or yours by giving me recommendations for what is a 10 percent probability. What is 50 percent or more probable—that’s what interests me. Prepare me for what I’m most likely to see, or second-most likely to confront *tomorrow* based on what happened today or yesterday.”⁹

Yet, events having the character of crises invariably are tense and dangerous because they combine the high potential for violence with severe time constraints and substantial uncertainty. Further, crises generated by least-likely scenarios are those that are most costly to confront.

It is in the nature of planning, in other words, to pursue strategic interests or meet policy demands with top-down, off-the-shelf plug-ins—standardized but adapted capacities—rather than to seek profoundly innovative answers based on

⁷ These are the three key defense planning tasks as noted by Dr. Gordon Adams, George Washington University, in remarks delivered at the George C. Marshall Center, Garmisch, Germany on April 30, 2001.

⁸ An example of such organizational and managerial emphasis in defense planning is Ashton B. Carter and John P. White, *Keeping the Edge: Managing Defense for the Future* (Stanford, CA: The Preventive Defense Project, Stanford University, 2000).

⁹ Comment to author by senior Clinton Administration Department of Defense official, 1999.

entrepreneurial and de-centralized initiatives.¹⁰ Innovations and initiatives, which can be encouraged, but can not be produced on demand, are not scripted by planners.

For long-established political systems with more or less democratic credentials and ample wealth, these traits of defense planning may be troublesome and wasteful, but not debilitating. Where a triangular transition has been undertaken simultaneously—to democracy, free markets, and security—defense-planning myopia can hurt badly. In smaller, poorer states new to democracy, one error in every 2000 decisions made in anticipating national security needs can, ten years later, leave a bankrupt treasury, a vulnerable country, and a civil-military chasm.

To make planning less rigid—to assume less, lock in fewer human or material resources over the long run, and to leave more alternative paths open—may be the nucleus of the process of *defense de-planning*. In other words, to plan less, not more, may be required of ministries and armed forces in order to avoid the “tyranny” of the plan. Instead of planning until one drops, a better mantra might be “less is more.”

The phenomenon of planning too much can be seen when decisions about force levels, procurement, or training (three principal arenas of traditional defense planning) are derived from over-determined empirical models or from templates, software, or lobbyists imported from elsewhere. Large, long-term resource commitments can become defense-planning nightmares that deter or supplant ideas—indeed, obstacles that constitute the antithesis of thinking.

Sometimes, these over-the-horizon plans are determined by ideology or by raw local economic interests. In the current United States inventory (or soon to be procured), there are, among others, almost one hundred B-1 bombers that do nothing, an enormously expensive V-22 “Osprey” tilt-rotor assault aircraft that has killed many Marines in accidents, and mechanized artillery that are too heavy to be deployed in most zones of potential conflict. The reasons for such blunders lie not with simplistic economic determinism but rather with a planning system locked in cement.

Among the many examples one can cite of this long-term planning excess is Slovakia’s decision during the Meciar government to purchase 72 L-159 subsonic jet attack aircraft, a number that is certainly twice Slovakia’s reasonable requirement, and a purchase that locks Bratislava into egregious costs that will debilitate all other modernization and training goals.¹¹ Deferring decisions, and understanding that premature “plans” have the consistency and characteristics of

¹⁰ A good example of this standardization was the Croatian Ministry of Defense report, drawn from an analysis of defense white papers in the late 1990s, finding eighteen common themes among such studies, even to the point of repeating the same wording. See *Defense Transparency: Defense White Paper* (Rakije: DEFIMI, 2000) as cited in Radicevic, *op. cit.*

¹¹ Author’s discussions with Slovak Defense Ministry officials, Bratislava, March 2001.

quicksand, would have been wiser. Romania's aircraft decision, largely one of upgrading MIG-21s and a few MIG-29s until the country has a decade of additional perspective, and perhaps more money, exhibits the ability to step back from that kind of long-term planning, when to fail to do so might lock very costly errors into place.¹²

Accepting imprecision, expecting the unexpected, and demanding that solutions to tomorrow's crises be derived less from a script or blueprint than from a sense of innovative capability and decentralized responsibility, are all essential to de-planning. To plan less does not mean to minimize preparation; pre-positioning equipment, simulation exercises, field training, and similar measures can continue. Pre-positioning tanks does not preordain their use. Simulations and games do not require that we memorize moves. Rather than a rote if-then logic of defense planning, the tools of national security should be maintained with maximum decentralization and flexibility; resources need, first and foremost, to be assembled in light of a crisis and its unique character.

Such de-planning has implications for personnel, equipment, and training. Implicit trade-offs become immediately evident, as leading security policy decision-makers grapple with choices between obtaining necessary numbers and quality of people, buying hardware, and sustaining operations. Usually, all of these cannot be done equally well. Particularly in smaller, poorer countries, it may be that *none* of these tasks can be done well. Choices may be limited to creating national security policies that avoid the worst damage, or minimize harm.

Still, armed forces that eschew planning for conflict against specific opponents in rigid scenarios must broaden their training of personnel, and create units that are smaller (battalions, companies, or smaller detachments) to be assembled into larger organizations as needs require. Multi-purpose weapons and equipment, cross-training, "jointness," and other concepts are essential to such flexibility. These innovations have been discussed for years in many defense ministries (including the United States), and still require budgeting and procurement expertise. Rather than being more expensive, these concepts are likely to produce economies of scale and long-term savings.¹³ If applied by countries with limited resources, such principles will quickly highlight the dangers of over-planning by large, entrenched defense bureaucracies, for whom planning is another name for the sinecures many career officers and bureaucrats enjoy.

¹² Thomas Szayna comments favorably on this Romanian decision in his report, *NATO Enlargement 2000-2015* (Santa Monica, CA: RAND Corporation, 2001). Further, in conversations with the author, senior NATO officials engaged with MAP countries have noted that the Romanian action, made by the previous government (1996-2000), reflected financial realities and the need to defer decisions until all options are clear.

¹³ Personal communication to author by Dr. Gordon Adams, former deputy director (1993-1998), Office of Management and Budget, Office of the President. Adams is now director of the National Security Program in the Elliot School at George Washington University, Washington, D.C.

Defense Against Whom?

Decoupling our thinking about defense planning from excess and inflexibility is only half the battle. The very notion of defense carries with it the implication of threat from someone or something else. Even when any potential threat seems remote, the use military force is explained and rationalized to democratic citizens as an act of defense, defending principles if not territory.¹⁴

The “other” from whom we seek protection via our own capacities or those of allies is, however, becoming increasingly difficult to distinguish from “us.”

Moreover, as peril becomes more diffuse, and organized armed force seems less potent against such threats, the use of multilateral, unconventional, non-military responses are beginning to unravel national defense planning. Planning within states or among states (in alliances) is being complicated and confounded by the emergence of supra-national and sub-national authorities that use resources and assets. For example, the European Union resolved, in 2000, to create a rapid reaction force of 60,000 personnel. Whatever the ultimate success of such an endeavor, the personnel and equipment of this force are to be “shared” with NATO.

Furthermore, increases in the size and frequency of humanitarian interventions or peacekeeping deployments require adjustments in the standard norms of defense planning, whether in terms of manpower, equipment, funding, or training. Such events are, by their very nature, unpredictable in the long term. To the extent that such commitments can be planned, planners must join with humanitarian NGOs and international bureaucracies (at the UN Secretariat, at OSCE, etc.) to consider all aspects of deploying erstwhile “national” equities in such crises. Defense planning, in other words, is becoming denationalized and far more plural.

In the literature of critical security studies, vigorous discussion has been devoted to the “discourse” of security, and the incessant “securitization” of topics that might otherwise be seen from a different perspective.¹⁵ Most discussions of defense planning begin with a survey of the security environment, go on to talk about the recent transformation of multilateral organizations or bilateral relations, and then look at individual countries’ capacities to find or obtain security via those organizations.¹⁶ The broad strategic assessment flows, almost automatically, towards the assumption that we require “defense,” and that certain institutions provide capacities for that defense. Defense equals security. More insecurity requires more defense.

¹⁴ An analytical treatment of such themes within leaders’ speeches (Bill Clinton and Tony Blair) as they sought to convince their citizens that military action against Serbia was justified and warranted because of Kosovo is Paul Chilton, “Justifying the War,” in *At War With Words*, eds. Mirjana Dedaic and Daniel N. Nelson (Berlin: Mouton de Gruyter, forthcoming 2002).

¹⁵ There are countless volumes and articles in this literature. Their general flavor is suggested by Ronnie Lipshutz, ed. *Critical Security Studies* (Boulder: Roman & Littlefield, 1996).

¹⁶ Quite understandably, given RAND’s U.S. Air Force clients, Thomas Szayna follows this formula in his thorough report, *op.cit.*

The neologism “defendology” embodies such a formula. Ever on the watch for more threats, defendologists (?) study insecurity, beginning with the assumption that defense is the paramount role of the state. Finding (or creating) and defining threats, the response to which is the creation of heightened state-organized capacities *qua* military and intelligence assets, are the leitmotif of defendology.

This equation, however, ignores at great peril an alternative view: that security is not merely capacity-driven (by having better armies, bigger alliances, growth economies), but is rather and increasingly a function of *a dynamic balance between threats and capacities*.¹⁷ Under this view, threat-abatement thus becomes a critical partner of capacity-enhancement; both must be manipulated and utilized to ensure such a balance.

Defense planning may preordain a capacity-driven understanding of security, denying to a country and its population many productive (and cheaper) paths to stability, peace, prosperity, and other desiderata.

Security-planning, a broader concept, embodies fewer of the implications of ‘other’-directed defense derived from the push to enhance capacities. To plan for security is to consider, more broadly, how the dynamic balance between threats and capacities can be maintained, and to create a robust policy designed to abate threats. De-nationalized security planning, indeed, stresses international collective cooperation.

Open, Limited, or Closed? A National Security Planning Continuum

Three characteristics or traits differentiate between internal security planning systems. First, the *locus of decision-making* regarding national security planning may vary from highly public to decisively non-public and dominated by a party or clique. In the former, questions regarding armed forces personnel, their armaments, and training are all posed, aired, and debated in public forums. Positions of decision-makers are evident and defined, and both domestic and international publics can know about decisions taken and policies made by a country’s institutions regarding defense.

The *degree of accountability*, or the level of scrutiny of the process by which such decisions are arrived at, is a second way in which security planning can vary. Legislative oversight, media investigation, non-governmental organization examination, and scholarly study are all essential aspects of transparency, which is an essential trait of open security planning.

Third, and perhaps most deeply, who decides and *who has policy input* varies greatly. A broad representation of various socioeconomic and political groups and interests indicates a plural security-planning environment, while a closed system

¹⁷ For developments and iterations of these ideas, consult Daniel N. Nelson, “Security In A Post-Hegemonic World,” *Journal of Peace Research* 22:3 (September 1991): 333-345. Also see Daniel N. Nelson, “Great Powers, Global Insecurity,” in *Global Security: Challenges for the 21st Century*, eds. Michael Klare and Jogesh Chandrani (New York: Basic Books, 2000).

would accept only inputs via one channel without broad representation. (See Table below)

Type of Security Planning Systems

Characteristics	Open Security Planning	Semi-Open Security Planning	Closed Security Planning
Decision locus	Public	State	Party
Accountability Scrutiny	Transparent	Translucent	Opaque
Representation Inputs	Plural	Selected	Unitary

Transparency

In developing a security-planning apparatus, transparency is a “must have.”¹⁸ To see into and through deliberations that eventuate in resource allocation for armed forces and all security structures is essential, for nascent democracies and for long-in-the-tooth democracies alike. One does not need to see everything in order for transparency to exist. Yet, to the degree that specific programs or activities on which human and financial resources are being spent are concealed, the normative bases of democracy are violated, and the pragmatic needs of security planners (to know and have their constituencies know what they are doing and why) are ignored.

Transparency does not imply simply announcing and broadcasting everything. Rather, to be transparent suggests procedural visibility and clarity, both facilitated by media investigations, parliamentary oversight, and academic scrutiny. Absent this public portrait of security planning, the process quickly reverts to byzantine rites and holy writ. The frequent involvement of national secrets militates against transparency, and it is often thought that the de-planning emphasis noted above will endanger sources and processes essential to “national technical means.”

Translucent systems offer glimpses and outlines, but never details. *Opaque systems* hide most of the national security planning process. There are many points on this spectrum, and these three points only illustrate a much larger phenomenon whereby open, limited, and closed security-planning systems are differentiated from each other in part by their degree of accountability and “penetration.” Every system that seeks to conceal activities, maintain “black” programs, and hide true intentions winds up with its Iran-Contra scandal, ministerial resignations for shady transactions, or massive investigations.

To ensure transparency requires proactive measures to provide and reveal information to the press, to discover errors, mistakes, and malfeasance from within,

¹⁸ Dr. Gordon Adams, Lecture presented to the George C. Marshall Center, April 30, 2001.

and to maintain regular and cooperative liaisons with national legislative bodies. Transparency does not simply happen; it must be assiduously pursued.

Academic study can be enhanced through scholar-in-residence programs in ministries and agencies. Legislative oversight can be expanded by developing reciprocal civilian and military competencies regarding security issues, through joint educational opportunities, on-the-job exchanges (secondments), liaison offices, and frequent, regular, and detailed briefings. Capacities for substantive media reporting can be improved through the provision of ample and accurate information about security issues, planning, and policies and the joint education of journalists with legislators, bureaucrats, and officers. Ideas such as these are easily listed but far more difficult to implement, yet the route to transparency is through these endeavors.

Pluralism

It is not true that thinking about national security, and the defense package within larger matters of security, will always benefit from adding people or institutions to the process. It is equally untrue that denying access, minimizing input, and limiting debate will enhance the quality of national security products.

The notion of pluralism—which means not just abundant inputs, but the contribution of ideas and opinions across a wide spectrum—is surely part of modern democratic thought. But it is also a concept implicit to effective leadership and decision-making. Without knowing the alternatives, leaders have no options, and without hearing debate and criticism, they cannot rationally choose among alternatives when they are presented to them.

Pluralism is the presence, in decision-making, of representative diversity, but it ought not be confused with cacophony. Institutionally, democracies typically include parliamentary elites (defense committees, for example) in security planning. Academic and think-tank experts are called upon to provide data and opinion. Business, ethnic, and other interest groups are solicited for their opinions concerning parts of the world or specific threats. Most importantly, the General Staff, the Defense Ministry, and the intelligence agencies are not the only entities that contribute views, positions, and assessments. Indeed, the writing and editing of national security documents requires, for true pluralism to be implemented and maintained, a much wider vetting, by skilled, experienced, and trusted individuals in business, academe, think tanks, and other socioeconomic and political institutions. Critical views, alternative assessments, or sharply divergent interpretations of data on which a defense ministry may have drafted original documents or budgets must be sought.

Yet merely including multiple voices in the process would offer little pluralism if all voices, for example, were dominated by one party, one class, or one cultural identity. Hence, the full breadth and scope of socioeconomic, cultural, and political diversity deserve solicitation and careful attention, as all these may affect

security. These inputs cannot be ad hoc and random, but rather must be seen as appropriate and necessary to the nation's effort to balance threats and capacities, and thereby to achieve security.

Pluralism in security planning can be promoted, although not guaranteed, by a number of measures, none of which are confined to one political system or culture. In any country, ministries, agencies, and branches of government must contact each other and interact to some degree on matters of national security. Formal and regular contact, referred to in the United States and most NATO countries as the "interagency process," can be inaugurated with personnel exchanges across institutions: secondments from the foreign ministry to the defense ministry, from the intelligence services to a parliamentary committee staff, or from the general staff to the presidency.

Additional pluralism can be encouraged if top decision-makers (ministers, a prime minister or president) purposefully establish among key advisors a "B team" that is charged with creating alternatives to prevailing thinking, thereby forcing into the security planning process some interpretations and findings that run counter to orthodoxy. Panels of "outsiders"—from academe, business, NGOs, religious communities, and others—can be named by top decision-makers and challenged to address the same national security issues as those being addressed inside the government, and could produce policy recommendations that might depart substantially from governmental orthodoxies.

Security as a Public Good

Via both transparency and pluralism, an open discussion of security planning can be generated and maintained. These concepts *open* such an essential issue, removing it from the realm of party and clique or from within the bureaucratic corridors of presidencies, ministries, and parliaments.

By embracing these values, an opportunity is created to transform "defense planning" into a less rigidly-planned and stasis-oriented process that considers a country's larger security environment. By relying less on planning and more on a better understanding of routes to security that do not depend on capacities alone, the grip of defense planning on security thinking might be broken.

At the core of such a conceptual shift is seeing security not as the product of capacities alone, but as a dynamic balance between threats and capacities. In this formula, threat abatement is just as essential a component of security policy as defense planning. From the model of *planning a defense against others* from within the confines of a comfortable clubhouse into which few others will be admitted, we need to move towards the notion of *security with others*. Not a "clubhouse

good” but a public good, security for each member is at best partial unless it is holistic.¹⁹

Today’s defense planners may not yet be ready for such transitions. But it is already clear that every state’s security is no longer the domain of an intra-party elite or junta, who once upon a time could guard their control of the opaque resource allocation process for defense.

¹⁹ For an expansion of this notion of security as a public good, see Daniel N. Nelson, “Post Communist Insecurity,” *Problems of Post-Communism* (September, 2000). Also see “Civil Armies, Civil Society,” *Armed Forces & Society* 25:1 (September 1998).

Preparing to Fight Unloved Wars

*John J. Maresca*¹

The American response to the terrorist attacks of 11 September 2001 has given the world another glimpse of how the U.S. military will use its technological advantages to fight distant wars in the twenty-first century. The Pentagon is unlikely to withhold any new weapons systems from its operations against Osama bin Laden and the Al Qaeda network, because his terrorist attacks are seen as unprincipled aggression against the American nation. The tactics used appeared for the first time in the fighting in Bosnia and Kosovo, but those were more limited operations, without the use of ground forces, and some technologies deployed in Afghanistan were not used there. However, like the wars in former Yugoslavia and Somalia, the war waged over Afghanistan was an “unloved” war: Americans did not want to see their troops die in it. The lessons of such wars are many, relating to the entire continuum of warning, conflict termination, and reconstruction. All of these phases must be addressed in planning to face such conflicts, or they will not be won. America is steeling itself to fight such “unloved” wars, for these are the types of challenges the world’s only superpower will face in the years ahead.

Since the end of the Cold War, the international community, particularly the United States, has increasingly been called upon to respond to conflicts where their essential national interests have been only marginally engaged. At the same time, there has been very little readiness among Western publics to sustain casualties in these conflicts. Engagement in such wars has simply not been considered essential for national survival and therefore not worth loss of life. The September 11 attacks changed this equation because, for the first time, such an “unloved” conflict was brought directly to the American homeland.

“Loved” wars are conflicts in which human sacrifice is seen as heroic and worthwhile. The Second World War was a “loved” war; we are still rapturously watching films that evoke the heroism and sacrifice of those who fought it. But wars that are distant from our national interests, or must be fought over issues to which Americans cannot relate, are not “loved.” Losses of American lives are considered unjustifiable in such wars; these are other peoples’ wars, even when they include direct attacks on Americans.

“Unloved” conflicts share a number of characteristics. They are local wars, fought in remote, unfamiliar regions. They are based on obscure ethnic rivalries and competing claims to territory, or on extreme and suicidal interpretations of scriptures that most Westerners do not understand. These conflicts are sustained

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by unsophisticated populations and legendary hatreds, and are fueled by quasi-feudal warlords. They are set off by locally-important triggering events, and have occurred in recent years in the Balkans, the Middle East, the Caucasus, Southeast Asia, Central and South Asia, and Africa. Unfortunately, their potential for recurrence is relatively high, as impoverished peoples seek relief from their distress. And the new element, after September 2001, is that any of these local wars may have direct repercussions in the West.

These conflicts commonly threaten regional and even global stability, and therefore attract the attention of the industrialized world, which wants them controlled and contained. But outsiders rarely have more than a superficial understanding of the issues involved, and once they are engaged in such conflicts it is difficult for them to walk away, lest they leave the situation worse than they found it.

In addition, these conflicts are fought with savage ferocity. Rape, ethnic cleansing, suicidal terrorism, and wholesale destruction of towns, villages, and institutions have all been used as military instruments, and this comes at a time when the Western world seeks to avoid even minimal collateral civilian casualties in its approach to warfare. The suicide attacks on New York and Washington brought this type of warfare to America's doorstep— indeed, into its very living room.

There is not yet a world conflict management body to take the lead in responding to such conflicts. Such a body would need the powers of the UN Security Council combined with the values of the industrialized Western world and the military and technological capabilities of the U.S., and is unlikely to emerge any time soon. For the foreseeable future, effective response to such conflicts can come only from ad hoc coalitions of the willing, with a UN Security Council mandate and direct or implicit American leadership.

A combination of experience, technical advances, and new possibilities has given the international community the ability to respond to such conflicts or potential conflicts in ways that take into account diffident Western public attitudes. But planning must be comprehensive and based on the lessons we have learned. Another factor is that the United States has unique technical abilities, which are essential for the battlefield tactics needed to avoid taking numerous casualties, but is reluctant to share these technologies, even with close allies. This gap between American conflict-response capabilities and those of America's likely conflict coalition partners is steadily growing, and aggravates the differences in national perceptions that already surround almost any conflict. While the U.S. is racing toward ever more technologically-sophisticated weapons systems, its allies are focused more on human-scale techniques for peacekeeping and rehabilitation of war-torn local societies.

Effective response to "unloved" wars must take advantage of both technical advances and the human lessons learned in recent years. This mix must be woven

into an integrated continuum of actions that respond in different ways to each phase of an emerging/evolving conflict. Each conflict is different, and responses must take account of specific factors, but in every case planning must address all phases of the conflict together, with specialized forces and abilities designated and made available in advance for each phase. This is the conflict-response continuum:

Phase 1. Pre-conflict warning and engagement, and addressing the roots of conflict

Forewarning. Detecting indicators of a nascent conflict before it occurs must be developed into a more accurate and comprehensive science, using indicators based on experience coupled with new technologies integrated into a system that provides information and analysis to national authorities and international structures on a close-to-real-time basis. The huge amounts of information that are routinely available need to be sifted efficiently; potentially related items need to be put together so that they become more meaningful; indicators and clues need to be shared internationally.

Developing political will to engage. More difficult than foreseeing conflicts is translating warnings of conflict into the political will to take action. To do this there must be new devices and channels for using warnings to stimulate discreet consultations, political awareness, decision-making power, and conflict-prevention action. This is also the stage at which coalition-building must begin. Information sharing must be more complete and effective.

Reinforced conflict prevention. Conflicts cannot be prevented without some threat of forceful response to offset local pressures for confrontation. Well-intentioned diplomatic mediation alone is unlikely to forestall a desire for blood revenge. Conflict prevention efforts should be reinforced with meaningful penalties for aggressive behavior by warlords, and at least the implied threat of use of force. The involvement of the UN Security Council, the world's only body with the recognized right to use force for reasons beyond legitimate national self-defense, is necessary from the earliest stages of the conflict-response continuum. This is needed to ensure the development of a common understanding of the problem, which will eventually form the basis for legitimate intervention and use of force.

Addressing the roots of conflict. Conflicts are rooted in resentment and dissatisfaction that become so strong that political extremists find support among peoples who feel excluded from what they feel is their rightful place in the world. Where such conditions exist, they should be addressed through long-term programs of redressment and economic development. This requires a measure of foresight, tolerance, and understanding that the international community, and sovereign governments, have historically had great difficulty mustering.

Phase 2. Conflict termination: coalitions and zero casualties

Consolidating conflict coalitions. Once conflicts emerge, they must be terminated with unflinching international political will. Bringing together ad hoc coalitions of the willing to terminate a conflict depends on a common understanding of the risks inherent in the conflict and the possibility of its possible spread. Recognition is needed that world stability is essential to all countries' national interests; this in turn must lead to the logical conclusion that the conflict must be ended in order to restore regional stability. A broad common understanding of the conflict response continuum is also essential at the political level. These elements must be translated into a joint appreciation of the development and implications of the specific conflict being faced.

Casualty-free conflict termination: technologies. Weapons systems must be developed that carry technologies even further than today's state of the art. There must be additional development of unmanned airborne reconnaissance and intelligence-gathering systems that are directly linked in real time to battlefield weapons control teams. The ability to read minute details at a distance, so as to differentiate between potential targets and non-combatants, must be developed much more thoroughly than it is today. Distant intelligence-reading and battlefield management teams must have at their disposal attack systems which can launch pre-programmed, hyper-accurate, pin-point weapons from unmanned platforms without risk to friendly personnel or non-combatants. The technical ability to fight war without sustaining casualties is near at hand, and raising it as a research and development objective will accelerate development of the needed systems. America is the nation most likely to develop or perfect the needed technologies, and must be willing to share them with its allies.

Casualty-free conflict termination: tactics. Non-combatant casualties must be kept to a minimum, but military efforts cannot be precluded because of them. Tactics also need to be refined, based on recent experience, so that intense punishment is carried directly to the headquarters of hostile factions, to force early stand-down, while avoiding wholesale destruction or casualties to friendly or innocent persons. Elimination of warlord leaders must be a key objective, and the tools needed for it need to be available. As frightening as these concepts sound, they are key to the ability to respond effectively to future conflicts.

Phase 3. Post-conflict rehabilitation and exit

Energetic post-conflict stabilization. This cannot be conceived of simply as peacekeeping. Whatever peacekeeping is required can only be the means that make possible an intense period of society-wide stabilization. This must be prepared in advance, as a cohesive effort. Trained outsiders must enter quickly and substitute for normal governmental services while working with and grooming local replacements. Handing over responsibilities to qualified, newly-trained locals must take

place as soon as possible. Recent international experience provides some models for such efforts, and includes both good and bad examples of what is needed.

Long-term societal rehabilitation. This must be seen in advance as a very long-term commitment to reshape everything from the legal framework to the political context and the educational curricula used in schools. The objective should be to develop positive approaches based on local cultures, stressing non-violent progress free from long-standing hatreds and vendettas. Specific programs must be developed that will encourage and facilitate business investment and economic development in the post-conflict area, providing an element of hope for a better life. Ten to twenty years would be a typical timeframe for such a reconstruction effort. "Exit" strategies should take account of this long-term obligation. Talking in terms of quick exits is misleading.

All of the measures described above will be difficult, but they are the only real basis for effective response to the "unloved" wars the international community is likely to face in the years ahead.

Amid all the debate following the events of September 11, 2001 and the subsequent campaign in Afghanistan, differences of opinion emerged among scholars, commentators, and officials across the Euro-Atlantic Partnership Community. This is neither surprising nor undesirable. However, much of the debate has lacked a scholarly U.S. view of the conceptual essentials underpinning American actions. The CONNECTIONS Quarterly Journal is grateful to the undersigned authors and the Institute for American Values for permission to reproduce the article below.

What We're Fighting For: A Letter from America

At times it becomes necessary for a nation to defend itself through force of arms. Because war is a grave matter, involving the sacrifice and taking of precious human life, conscience demands that those who would wage the war state clearly the moral reasoning behind their actions, in order to make plain to one another, and to the world community, the principles they are defending.

We affirm five fundamental truths that pertain to all people without distinction:

1. *All human beings are born free¹ and equal in dignity and rights.*
2. *The basic subject of society² is the human person, and the legitimate role of government is to protect and help to foster the conditions for human flourishing.*
3. *Human beings naturally desire to seek the truth³ about life's purpose and ultimate ends.*
4. *Freedom of conscience and religious freedom⁴ are inviolable rights of the human person.*
5. *Killing in the name of God⁵ is contrary to faith in God and is the greatest betrayal of the universality of religious faith.*

We fight to defend ourselves and to defend these universal principles.

¹ From the United Nations Universal Declaration of Human Rights, Article 1.

² *A Call to Civil Society* (New York: Institute for American Values, 1998), 16; Aristotle, *Politics* VII, 1-2.

³ Aristotle, *Metaphysics*, 1-1; John Paul II, *Fides et Ratio*, 25 (Vatican City, 1998).

⁴ United Nations Universal Declaration of Human Rights, Articles 18-19.

⁵ Bosphorus Declaration (Istanbul, Turkey, February 9, 1994); Berne Declaration (Wolfsberg/Zurich, Switzerland, November 26, 1992); and John Paul II, Papal Message for World Day of Peace, Articles 6-7 (Vatican City, January 1, 2002).

What are American Values?

Since September 11, millions of Americans have asked themselves and one another, Why? Why are we the targets of these hateful attacks? Why do those who would kill us, want to kill us?

We recognize that at times our nation has acted with arrogance and ignorance toward other societies. At times our nation has pursued misguided and unjust policies. Too often, we as a nation have failed to live up to our ideals. We cannot urge other societies to abide by moral principles without simultaneously admitting our own society's failure at times to abide by those same principles. We are united in our conviction—and are confident that all people of good will in the world will agree—that no appeal to the merits or demerits of specific foreign policies can ever justify, or even purport to make sense of, the mass slaughter of innocent persons.

Moreover, in a democracy such as ours, in which government derives its power from the consent of the governed, policy stems at least partly from culture, from the values and priorities of the society as a whole. Though we do not claim to possess full knowledge of the motivations of our attackers and their sympathizers, what we do know suggests that their grievances extend far beyond any one policy or set of policies. After all, the killers of September 11 issued no particular demands; in this sense, at least, the killing was done for its own sake. The leader of Al Qaeda described the “blessed strikes” of September 11 as blows against America, “the head of world infidelity.”⁶ Clearly, then, our attackers despise not just our government, but our overall society, our entire way of living. Fundamentally, their grievance concerns not only what our leaders do, but also *who we are*.

So who are we? What do we value? For many people, including many Americans and a number of signatories to this letter, some values sometimes seen in America are unattractive and harmful: consumerism as a way of life; the notion of freedom as meaning no rules; the notion of the individual as self-made and utterly sovereign, owing little to others or to society; the weakening of marriage and family life; plus an enormous entertainment and communications apparatus that relentlessly glorifies such ideas and beams them, whether they are welcome or not, into nearly every corner of the globe.

One major task facing us as Americans, one that was important even prior to September 11, is facing honestly these unattractive aspects of our society and doing all we can to change them for the better. We pledge ourselves to this effort.

At the same time, other American values—what we view as our founding ideals, and those that most define our way of life—are quite different from these aspects, and they are much more attractive, not only to Americans, but to people everywhere in the world. Let us briefly mention four of them.⁷

⁶ “Excerpt: Bin Laden Tape,” *Washington Post*, December 27, 2001.

⁷ See *A Call to Civil Society* (New York: Institute for American Values, 1998).

The first is the conviction that all persons possess innate human dignity as a birthright, and that consequently each person must always be treated as an end rather than used as a means. The founders of the United States, drawing upon the natural law tradition as well as upon the fundamental religious claim that all persons are created in the image of God, affirmed as “self-evident” the idea that all persons possess equal dignity. The clearest political expression of a belief in transcendent human dignity is democracy. In the United States in recent generations, among the clearest cultural expressions of this idea has been the affirmation of the equal dignity of men and women, and of all persons, regardless of race or color.

Second, and following closely from the first, is the conviction that universal moral truths (what our nation’s founders called “laws of Nature and of Nature’s God”) exist and are accessible to all people. Some of the most eloquent expressions of our reliance upon these truths are found in our *Declaration of Independence*, George Washington’s *Farewell Address*, Abraham Lincoln’s *Gettysburg Address* and *Second Inaugural Address*, and Dr. Martin Luther King, Jr.’s *Letter from the Birmingham Jail*.

The third is the conviction that, because our individual and collective access to truth is imperfect, most disagreements about values call for civility, openness to other views, and reasonable argument in pursuit of truth.

The fourth is freedom of conscience and freedom of religion. These intrinsically connected freedoms are widely recognized, in our own country and elsewhere, as a reflection of basic human dignity and as a precondition for other individual freedoms.⁸

To us, what is most striking about these values is that they apply to all persons, without distinction, and cannot be used to exclude anyone from recognition and respect based on the particularities of race, language, memory, or religion. That’s why anyone, in principle, can become an American. And, in fact, anyone does. People from everywhere in the world come to our country with what a statue in New York’s harbor calls a yearning to breathe free and, soon enough, they are Americans. Historically, no other nation has forged its core identity—its constitution and other founding documents, as well as its basic self-understanding—so directly and explicitly on the basis of universal human values. To us, no other fact about this country is more important.

Some people assert that these values are not universal at all, but instead derive particularly from Western, largely Christian, civilization. They argue that to conceive of these values as universal is to deny the distinctiveness of other cul-

⁸ See John Witte Jr. and M. Christian Green, “The American Constitutional Experiment in Religious Human Rights: The Perennial Search for Principles,” in *Religious Human Rights in Global Perspective*, vol. 2, eds. Johan D. van der Vyver and John Witte, Jr. (The Hague: Martinus Nijhoff Publishers, 1996). See also Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983); and Michael J. Perry, *The Idea of Human Rights: Four Inquiries* (New York: Oxford University Press, 1998).

tures.⁹ We disagree. We recognize our own civilization's achievements, but we believe that all people are created equal. We believe in the universal possibility and desirability of human freedom. We believe that certain basic moral truths are recognizable everywhere in the world. We agree with the international group of distinguished philosophers who in the late 1940s helped to shape the United Nations' Universal Declaration of Human Rights, and who concluded that a few fundamental moral ideas are so widespread that they "may be viewed as implicit in man's nature as a member of society."¹⁰ In hope, and on the evidence, we agree with Dr. Martin Luther King, Jr., that "the arc of the moral universe is long, but it bends toward justice,"¹¹ not just for the few, or the lucky, but for all people.

Looking at our own society, we acknowledge again the all-too-frequent gaps between our ideals and our conduct. But as Americans in a time of war and global crisis, we are also suggesting that the *best* of what we too casually call "American values" do not belong only to America, but are in fact the shared inheritance of humankind, and therefore a possible basis of hope for a world community based on peace and justice.

What about God?

Since September 11, millions of Americans have asked themselves and one another, What about God? Crises of this magnitude force us to think anew about first principles. When we contemplate the horror of what has occurred, and the danger of what is likely to come, many of us ask: Is religious faith part of the solution or part of the problem?

The signatories to this letter come from diverse religious and moral traditions, including secular traditions. We are united in our belief that invoking God's authority to kill or maim human beings is immoral and is contrary to faith in God. Many of us believe that we are under God's judgment. None of us believe that God ever instructs some of us to kill or conquer others of us. Indeed, such an attitude, whether it is called a "holy war" or "crusade," not only violates basic principles of justice but is in fact a negation of religious faith, since it turns God into an idol to be used for man's own purposes.¹² Our own nation was once engaged in a great civil war, in which each side presumed God's aid against the other. In his *Second*

⁹ Some people make this point as a way of condemning those "other" cultures that are presumably too inferior, or too enthralled by false beliefs, to appreciate what we in this letter are calling universal human values; others make this point as a way of endorsing (usually *one* of) those cultures that are presumably indifferent to these values. We disagree with both versions of this point.

¹⁰ Richard McKeon, "The Philosophic Bases and Material Circumstances of the Rights of Man," in *Human Rights: Comments and Interpretations* (London: Wingate, 1949), 45.

¹¹ Martin Luther King, Jr., "Where Do We Go From Here?," in *The Essential Writings and Speeches of Martin Luther King, Jr.*, ed. James M. Washington (New York: HarperCollins, 1986), 245.

¹² John Paul II, Papal Message for World Day of Peace, Article 6 (Vatican City, January 1, 2002).

Inaugural Address in 1865, the sixteenth president of the United States, Abraham Lincoln, put it simply: “The Almighty has his own purposes.”

Those who attacked us on September 11 openly proclaim that they are engaged in a holy war. Many who support or sympathize with the attackers also invoke God’s name, and seem to embrace the rationale of holy war. But to recognize the disaster of this way of thinking, we as Americans need only to remember our own, and Western, history. Christian religious wars and Christian sectarian violence tore apart Europe for the better part of a century. In the United States, we are no strangers to those who would murder at least in part in the name of their religious faith. When it comes to this particular evil, no civilization and no religious tradition is spotless.¹³

The human person has a basic drive to question in order to know. Evaluating, choosing, and having reasons for what we value and love are characteristically human activities.¹⁴ Part of this intrinsic desire to know concerns why we are born and what will happen when we die, which leads us to seek the truth about ultimate ends, including, for many people, the question of God. Some of the signatories to this letter believe that human beings are by nature “religious,” in the sense that everyone, including those who do not believe in God and do not participate in organized religion, makes choices about what is important and reflects on ultimate values. All of the signatories to this letter recognize that, across the world, religious faith and religious institutions are important bases of civil society, often producing results for society that are beneficial and healing, at times producing results that are divisive and violent.

So how can governments and societal leaders best respond to these fundamental human and social realities? One response is to outlaw or repress religion. An-

¹³ Intra-Christian examples of holy war or crusades emerged with particular force in Europe during the 17th century. According to some scholars, the principal characteristics of holy war are: that the cause for which the war is fought has a clear connection to religion (i.e., that the cause is “holy”); that the war is fought under the banner and with the presumption of divine authority and assistance (the Latin term used by 11th century Christian crusaders was “*Deus Volt*,” or “God wills it”); that the warriors understand themselves to be godly, or “warrior saints”; that the war is prosecuted zealously and unsparingly, since the enemy is presumed to be ungodly and therefore fundamentally “other,” lacking the human dignity and rights of the godly; and, finally, that warriors who die in battle are favored by God as martyrs. Eventually, in Christianity, the development of just war doctrine, with its emphasis on moral universalism, largely called for the elimination of religion as a just cause for war. As early as the 16th century, some natural law theorists such as Franciscus de Victoria and Francisco Suarez were explicitly condemning the use of war to spread religion. “Difference in religion,” Victoria wrote, “is not a cause of just war.” See James Turner Johnson, *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts 1200–1740* (Princeton: Princeton University Press, 1975), 112-123, 154. See also Roland H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation* (Nashville: Abingdon, 1960), 148.

¹⁴ *A Call to Civil Society* (New York: Institute for American Values, 1998), 16. This theme is developed in Aristotle, *Metaphysics*, 1-1; Bernard J. Lonergan, *Insight: A Study of Human Understanding* (New York: Longmans, 1958); and others.

other possible response is to embrace an ideological secularism¹⁵—a strong societal skepticism or hostility regarding religion, based on the premise that religion itself, and especially any *public* expression of religious conviction, is inherently problematic. A third possible response is to embrace theocracy—the belief that one religion, presumably the one *true* religion, should be effectively mandatory for all members of society and therefore should receive complete or significant state sponsorship and support.

We disagree with each of these responses. Legal repression radically violates civil and religious freedom and is incompatible with democratic civil society. Although ideological secularism may have increased in our society in recent generations, we disagree with it because it would deny the public legitimacy of an important part of civil society, as well as seek to suppress or deny the existence of what is at least arguably an important dimension of personhood itself.¹⁶ Although theocracy has been present in western (though not U.S.) history, we disagree with it for both social and theological reasons. Socially, governmental establishment of a particular religion can conflict with the principle of religious freedom, a fundamental human right. In addition, government control of religion can cause or exacerbate religious conflicts and, perhaps even more importantly, can threaten the vitality and authenticity of religious institutions. Theologically, even for those who are firmly convinced of the truth of their faith, the coercion of others in matters of religious conscience is ultimately a violation of religion itself, since it robs those other persons of the right to respond freely and with dignity to the Creator's invitation. At its best, the United States seeks to be a society in which faith and freedom can go together, each elevating the other. We have a secular state—our government officials are not simultaneously religious officials—but we are by far the Western world's most religious society. We are a nation that deeply respects religious freedom and diversity, including the rights of nonbelievers, but one whose citizens recite a Pledge of Allegiance to “one nation, under God,” and one that proclaims in many of its courtrooms and inscribes on each of its coins the motto, “In God We Trust.” Politically, our separation of church and state seeks to keep politics within its proper sphere, in part by limiting the state's power to control

¹⁵ We wish here to distinguish “secular” from “secularism.” Secular, derived from the Latin term meaning “world,” and suggesting “in the world,” refers merely to functions that are separate from the church. Secularism, by contrast, is a philosophy, an “ism,” a way of seeing the world based on rejection of religion or hostility to religion.

¹⁶ For this reason, advocates of secularism may underestimate the degree to which human societies, even in theory, can simply dispense with “religion.” Moreover, they almost certainly miscalculate, even accepting many of their own premises, the social consequences of suppressing traditional religion. For if we understand religion to be values of ultimate concern, the 20th century saw two world-threatening examples—Nazism in Germany and communism in the Soviet Union—of the emergence of secular religions, or what might be called replacement religions, each violently intent on eliminating its society's traditional religious faiths (in effect, its competitor faiths) and each, when in power, ruthlessly indifferent to human dignity and basic human rights.

religion, and in part by causing government itself to draw legitimacy from, and operate under, a larger moral canopy that is not of its own making.¹⁷ Spiritually, our separation of church and state permits religion to *be* religion, by detaching it from the coercive power of government. In short, we seek to separate church and state for the protection and proper vitality of both.¹⁸

For Americans of any religious faith, the challenge of embracing religious truth *and* religious freedom has often been difficult. The matter, moreover, is never settled. Ours is a social and constitutional arrangement that almost by definition requires constant deliberation, debate, adjustment, and compromise. It is also helped by, and helps to produce, a certain character or temperament, such that religious believers who strongly embrace the truth of their faith also—not as a compromise with that truth but as an aspect of it—respect those who take a different path.

What will help to reduce religiously-based mistrust, hatred, and violence in the 21st century? There are many important answers to this question, of course, but here, we hope, is one: Deepening and renewing our appreciation of religion by recognizing religious freedom as a fundamental right of all people in every nation.

A Just War?

We recognize that all war is terrible, representative finally of human political failure. We also know that the line separating good and evil does not run between one society and another, much less between one religion and another; ultimately, that line runs through the middle of every human heart.¹⁹ Finally, those of us—Jews, Christians, Muslims, and others—who are people of faith recognize our responsibility, stated in our holy scriptures, to love mercy and to do all in our power to prevent war and live in peace.

Yet reason and careful moral reflection also teach us that there are times when the first and most important reply to evil is to stop it. There are times when waging war is not only morally permitted, but morally necessary, as a response to calamitous acts of violence, hatred, and injustice. This is one of those times.

¹⁷ As the leaders and scholars who produced *The Williamsburg Charter* put it in 1988, “the government acts as a safeguard, but not the source, of freedom for faiths, whereas the churches and synagogues act as a source, but not the safeguard, of faiths for freedomThe result is neither a naked public square where all religion is excluded, nor a sacred public square with any religion established or semi-established. The result, rather, is a civil public square in which citizens of all religious faiths, or none, engage one another in the continuing democratic discourse.” See James Davison Hunter and Os Guinness, eds., *Articles of Faith, Articles of Peace: The Religious Liberty Clauses and the American Public Philosophy* (Washington, D.C.: The Brookings Institution, 1990), 140.

¹⁸ *A Call to Civil Society* (New York: Institute for American Values, 1998), 13.

¹⁹ See Alexander Solzhenitzyn, *The Gulag Archipelago*, Vol. I (New York: Harper and Row, 1974), 168.

The idea of a “just war” is broadly based, with roots in many of the world’s diverse religious and secular moral traditions.²⁰ Jewish, Christian, and Muslim teachings, for example, all contain serious reflections on the definition of a just war. To be sure, some people, often in the name of realism, insist that war is essentially a realm of self-interest and necessity, making most attempts at moral analysis irrelevant.²¹ We disagree.²² Moral inarticulateness in the face of war is itself a moral stance, one that rejects the possibility of reason, accepts normless-

²⁰ See Jean Bethke Elshtain, ed., *Just War Theory* (Oxford: Blackwell, 1992); Elshtain, Stanley Hauerwas, and James Turner Johnson, Pew Forum on Religion and Public Life Conference on “Just War Tradition and the New War on Terrorism” (<http://pewforum.org/events/1005/>); James Turner Johnson, *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts 1200–1740* (Princeton: Princeton University Press, 1975); James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton: Princeton University Press, 1981); Johnson, *The Quest for Peace: Three Moral Traditions in Western Cultural History* (Princeton: Princeton University Press, 1987); Johnson, *Morality and Contemporary Warfare* (New Haven: Yale University Press, 1999); Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition* (New York: Greenwood Press, 1990); Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955); John Kelsay and James Turner Johnson, eds., *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Tradition* (New York: Greenwood Press, 1991); Terry Nardin, ed., *The Ethics of War and Peace: Religious and Secular Perspectives* (Princeton: Princeton University Press, 1996); William V. O’Brien, *The Conduct of War and Limited War* (New York: Praeger, 1981); Rudolf Peters, *Jihad in Classical and Modern Islam* (Princeton: Markus Wiener, 1996); Paul Ramsey, *Speak Up for Just War or Pacifism* (University Park, PA: Pennsylvania State University Press, 1988); Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977); and Richard Wasserstrom, ed., *War and Morality* (Belmont, CA: Wadsworth, 1970).

²¹ The Latin axiom is: *Inter arma silent leges* (In times of war the law is silent). Classical exemplars of this perspective include Thucydides, Niccolo Machiavelli and Thomas Hobbes; for a more recent treatment, see Kenneth Waltz, *Man, the State and War* (Princeton: Princeton University Press, 1978). For a sensitive but critical survey of the contribution of this school of thought to international theory, see Jack Donnelly, *Realism and International Relations* (Cambridge: Cambridge University Press, 2000).

²² Intellectual and moral approaches to war as a human phenomenon can generally be divided into four schools of thought. The first can be called realism: the belief that war is basically a matter of power, self-interest, necessity, and survival, thereby rendering abstract moral analysis largely beside the point. The second can be called holy war: the belief that God can authorize the coercion and killing of nonbelievers, or that a particular secular ideology of ultimate concern can authorize the coercion and killing of nonbelievers. The third can be called pacifism: the belief that all war is intrinsically immoral. And the fourth is typically called just war: the belief that universal moral reasoning, or what some would call natural moral law, can and should be applied to the activity of war. The signatories to this letter largely disagree with the first school of thought. We unequivocally reject the second school of thought, regardless of the form it takes, or whether it springs from and purports to support our own society (“our side”) or the side of those who wish us ill. Some of the signatories have much respect for the third school of thought (particularly its insistence that non-violence does not mean retreat or passivity or declining to stand for justice, but often means quite the opposite), even as we respectfully, and with some degree of fear and trembling, differ from it. As a group we seek largely to embrace and build upon the fourth school of thought.

ness in international affairs, and capitulates to cynicism. To seek to apply objective moral reasoning to war is to defend the possibilities of a civil society and a world community based on justice.

The principles of just war teach us that wars of aggression and aggrandizement are never acceptable. Wars may not legitimately be fought for national glory, to avenge past wrongs, for territorial gain, or for any other non-defensive purpose.

The primary moral justification for war is to protect the innocent from certain harm. Augustine, whose early fifth-century book, *The City of God*, is a seminal contribution to just war thinking, argued (echoing Socrates²³) that it is better for the Christian as an individual to suffer harm rather than to commit it. But is the morally responsible person also required, or even permitted, to make for *other* innocent persons a commitment to non-self-defense? For Augustine, and for the broader just war tradition, the answer is no. If one has compelling evidence that innocent people who are in no position to protect themselves will be grievously harmed unless coercive force is used to stop an aggressor, then the moral principle of love of our neighbor calls us to the use of force.

Wars may not legitimately be fought against dangers that are small, questionable, or of uncertain consequence, or against dangers that might plausibly be mitigated solely through negotiation, appeals to reason, persuasion from third parties, or other non-violent means.²⁴ But if the danger to innocent life is real and certain, and especially if the aggressor is motivated by implacable hostility—if the end he seeks is not your willingness to negotiate or comply, but rather your destruction—then a resort to proportionate force is morally justified.

A just war can only be fought by a legitimate authority with responsibility for public order. Violence that is free-lance, opportunistic, or individualistic is never morally acceptable.²⁵

²³ Socrates' judgment that it is better to suffer evil rather than to do it is conveyed to us by Plato in the *Apology* (32-c to 32-e) and constitutes a key moment in moral philosophy.

²⁴ Some people suggest that the "last resort" requirement of just war theory—in essence, the requirement to explore all other reasonable and plausible alternatives to the use of force—is not satisfied until the resort to arms has been approved by a recognized international body, such as the United Nations. This proposition is problematic. First, it is novel; historically, approval by an international body has not been viewed by just war theorists as a just cause requirement. Second, it is quite debatable whether an international body such as the UN is in a position to be the best final judge of when, and under what conditions, a particular resort to arms is justified, or whether the attempt by that body to make and enforce such judgments would inevitably compromise its primary mission of humanitarian work. According to one observer, a former UN Assistant Secretary-General, transforming the UN into "a pale imitation of a state" in order to "manage the use of force" internationally "may well be a suicidal embrace." See Giandomenico Picco, "The U.N. and the Use of Force," *Foreign Affairs* 73 (1994): 15. See also Thomas G. Weis, David P. Forsythe, and Roger A. Coate, *United Nations and Changing World Politics* (Boulder, CO: Westview Press, 2001), 104-106; and John Gerard Ruggie, *The United Nations and the Collective Use of Force: Whither? Or Whether?* (New York: United Nations Association of the USA, 1996).

²⁵ In just war theory, the main goal of the legitimate authority requirement is to prevent the anarchy

A just war can only be waged against persons who are combatants. Just war authorities from across history and from around the world—whether they be Muslim, Jewish, Christian, from other faith traditions, or secular—consistently teach us that noncombatants are immune from deliberate attack. Thus, killing civilians for revenge, or even as a means of deterring aggression from people who sympathize with them, is morally wrong. Although in some circumstances, and within strict limits, it can be morally justifiable to undertake military actions that may result in the unintended but foreseeable death or injury of some noncombatants, it is not morally acceptable to make the killing of noncombatants the operational objective of a military action.

These and other just war principles²⁶ teach us that, whenever human beings contemplate or wage war, it is both possible and necessary to affirm the sanctity of human life and to embrace the principle of equal human dignity. These principles strive to preserve and reflect, even amid the tragic activity of war, the fundamental moral truth that “others”—those who are strangers to us, those who differ from us in race or language, those whose religions we may believe to be untrue—have the

of private warfare and warlords—an anarchy that exists today in some parts of the world, and of which the attackers of September 11 are representative embodiments. The legitimate authority requirement does not, on the other hand, for several reasons, apply clearly or directly to wars of national independence or succession. First, these latter types of conflict occur within a state, not internationally. Moreover, in many such conflicts, the question of public legitimacy is exactly what is being contested. For example, in the war for independence that resulted in the founding of the United States, just war analysts frequently point out that the rebelling colonies themselves constituted a legitimate public authority, and, further, that the colonies had reasonably concluded that the British government had, in the words of our Declaration of Independence, become “destructive of these ends” of legitimate government, and therefore itself had ceased to function as a competent public authority. Indeed, even in cases in which those waging war do not in any plain sense constitute a currently functioning public authority—for example, the Warsaw Ghetto Uprising of Polish Jews in 1943 against the Nazi occupation—the legitimate authority requirement of just war theory does not morally invalidate the resort to arms by those seeking to overthrow illegitimate authority.

²⁶ For example, just war principles often insist that legitimate warfare must be motivated by the intention of enhancing the likelihood of peace and reducing the likelihood of violence and destruction; that it must be proportionate, such that the social goods that would result from victory in war discernibly outweigh the evils that will attend the war; that it must contain the probability of success, such that lives are not taken and sacrificed in futile causes; and that it must pass the test of comparative justice, such that the human goods being defended are important enough, and gravely enough in danger, to outweigh what many just war theorists view as the standing moral presumption against war. This letter focuses largely on principles of justice in declaring war (in the terminology employed by many Christian just war thinkers, *jus ad bellum*) and in waging war (*jus in bello*). Other principles focus on justice in settling the war and restoring conditions of peace (*jus post bellum*). See Jean Bethke Elshtain, ed., *Just War Theory* (Oxford: Blackwell, 1992); U.S. Conference of Catholic Bishops, *The Challenge of Peace: God’s Promise and Our Response* (Washington, D.C.: United States Catholic Conference, 1983); and other sources cited above in note 20.

same right to life that we do, and the same human dignity and human rights that we do.

On September 11, 2001, a group of individuals deliberately attacked the United States, using hijacked airplanes as weapons with which to kill in less than two hours over 3,000 of our citizens²⁷ in New York City, southwestern Pennsylvania, and Washington, D.C. Overwhelmingly, those who died on September 11 were civilians, not combatants, and were not known at all, except as Americans, to those who killed them. Those who died on the morning of September 11 were killed unlawfully, wantonly, and with premeditated malice—a kind of killing that, in the name of precision, can only be described as murder. Those murdered include people from all races, many ethnicities, most major religions. They included dishwashers and corporate executives.

The individuals who committed these acts of war did not act alone, or without support, or for unknown reasons. They were members of an international Islamicist network, active in as many as 40 countries, now known to the world as Al Qaeda. This group, in turn, constitutes but one arm of a larger radical Islamicist movement—growing for decades and, in some instances, tolerated and even supported by governments—that openly professes its desire and increasingly demonstrates its ability to use murder to advance its objectives.²⁸

We use the terms “Islam” and “Islamic” to refer to one of the world’s great religions, one with about 1.2 billion adherents, including several million U.S. citizens, some of whom were murdered on September 11. It ought to go without saying—but we say it here once, clearly—that the great majority of the world’s Muslims, guided in large measure by the teachings of the Qur’an, are decent, faith-

²⁷ As of January 4, 2002, official estimates were that 3,119 persons had been killed by the September 11 attackers, including 2,895 in New York, 184 in Washington, and 40 in Pennsylvania. Although this letter refers to “our citizens,” included among those murdered on September 11 were many citizens of other countries who were living in the U.S. at the time of the attack. “Dead and Missing,” *New York Times*, January 8, 2002.

²⁸ In addition to the murders of September 11, members of radical Islamicist organizations are apparently responsible for: the April 18, 1983 bombing of the U.S. Embassy in Beirut, killing 63 persons and injuring 120; the October 23, 1983 bombings of U.S. Marine and French paratroop barracks in Beirut, killing 300 persons; the December 21, 1988 bombing of Pan Am Flight 103, killing 259 persons; the February 26, 1993 bombing of the World Trade Center in New York City, killing six persons and injuring 1000; the June 25, 1996 bombing outside the Khobar Towers U.S. military barracks in Dhahran, Saudi Arabia, killing 19 U.S. soldiers and wounding 515; the August 7, 1998 bombing of U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing 224 persons and injuring more than 5,000; and the October 12, 2000 bombing of the USS *Cole* in Aden, Yemen, killing 17 U.S. sailors and wounding 39. This list is incomplete. (See *Significant Terrorist Incidents, 1961-2001* (Washington, D.C.: U.S. Department of State, Bureau of Public Affairs, October 31, 2001). In addition, members of organizations comprising this movement are also responsible for numerous failed attempts at mass murder, both in the U.S. and in other countries, including the attempt to bomb the United Nations and the Lincoln and Holland Tunnels in New York in 1993 and the attempt to bomb the Los Angeles International Airport on New Year’s Eve, 2000.

ful, and peaceful. We use the terms “Islamicism” and “radical Islamicist” to refer to the violent, extremist, and radically intolerant religious-political movement that now threatens the world, including the Muslim world.

This radical, violent movement opposes not only certain U.S. and Western policies (some signatories to this letter also oppose some of those policies), but also a foundational principle of the modern world, religious tolerance, as well as those fundamental human rights, in particular freedom of conscience and religion, that are enshrined in the United Nations’ Universal Declaration of Human Rights and that must be the basis of any civilization oriented to human development, justice, and peace.

This extremist movement claims to speak for Islam, but betrays fundamental Islamic principles. Islam sets its face *against* moral atrocities. For example, reflecting the teaching of the Qur’an and the example of the Prophet, Muslim scholars through the centuries have taught that struggle in the path of God (i.e., *jihad*²⁹) forbids the deliberate killing of noncombatants and requires that military action be undertaken only at the behest of legitimate public authorities. They remind us forcefully³⁰ that Islam, no less than Christianity, Judaism, and other religions, is threatened and potentially degraded by these profaners who invoke God’s name to kill indiscriminately.

We recognize that movements claiming the mantle of religion also have complex political, social, and demographic dimensions, to which due attention must be

²⁹ The relationship between the *jihad* and just war traditions is complex. Pre-modern *jihad* and just war perspectives overlapped in important ways. Both could legitimate wars aimed at advancing religion, and both sought clearly to disassociate such wars from wars involving indiscriminate or disproportionate tactics. In the modern era, *jihad* has largely retained its confessional component—that is, its aim of protecting and propagating Islam as a religion. The confessional dimension of *jihad* thinking in turn seems to be closely linked to the view of the state widely held by Muslim authorities, a view that envisions little or no separation of religion from the state. By contrast, modern Christian thinking on just war has tended to downplay its confessional elements (few Christian theologians today emphasize the value of “crusades”), replacing them with more religiously neutral arguments about human rights and shared moral norms, or what some Christian and other thinkers term “natural moral law.” Some Muslim scholars today seek, in the case of *jihad*, to more fully recover the sense of the term as “exertion” or “striving for good” in the service of God, thereby similarly downplaying its confessional elements and emphasizing, for our increasingly plural and interdependent world, the term’s more universal dimensions and applications. For example, see Sohail M. Hashmi, “Interpreting the Islamic Ethics of War and Peace,” in *The Ethics of War and Peace: Religious and Secular Perspectives*, ed. Terry Nardin (Princeton: Princeton University Press, 1996), 146-166; and Hilmi Zawati, *Is Jihad a Just War? War, Peace, and Human Rights under Islamic and Public International Law* (Lewiston, NY: Edwin Mellen, 2001).

³⁰ For example, Muslim scholars affiliated with the Muslim World League recently reaffirmed at a meeting in Mecca that *jihad* strictly prohibits “the killing of noncombatants” and attacks against “installations, sites and buildings not related to the fighting.” See “Muslim scholars define ‘terrorism’ as opposed to legitimate jihad,” *Middle East News Online* [www.middleeastwire.com], posted January 14, 2002. See also Bassam Tibi, “War and Peace in Islam,” in Nardin, ed., 128-145.

paid. At the same time, philosophy matters, and the animating philosophy of this radical Islamicist movement—in its contempt for human life, and by viewing the world as a life-or-death struggle between believers and unbelievers (whether non-radical Muslims, Jews, Christians, Hindus, or others)—clearly denies the equal dignity of all persons, and in doing so betrays religion and rejects the very foundation of civilized life and the possibility of peace among nations.

Most seriously of all, the mass murders of September 11 demonstrated, arguably for the first time, that this movement now possesses not only the openly-stated desire, but also the capacity and expertise—including possible access to, and willingness to use, chemical, biological, and nuclear weapons—to wreak massive, horrific devastation on its intended targets.³¹

Those who slaughtered more than 3,000 persons on September 11 and who, by their own admission, want nothing more than to do it again, constitute a clear and present danger to all people of good will everywhere in the world, not just in the United States. Such acts are a pure example of naked aggression against innocent human life, a world-threatening evil that clearly requires the use of force to remove it.

Organized killers with global reach now threaten all of us. In the name of universal human morality, and fully conscious of the restrictions and requirements of a just war, we support our government's, and our society's, decision to use force of arms against them.

Conclusion

We pledge to do all we can to guard against the harmful temptations—especially those of arrogance and jingoism—to which nations at war so often seem to yield. At the same time, with one voice we solemnly say that it is crucial for our nation and its allies to win this war. We fight to defend ourselves, but we also believe that we fight to defend those universal principles of human rights and human dignity that are the best hope for humankind.

One day, this war will end. When it does—and, in some respects, even before it ends—the great task of conciliation awaits us. We hope that this war, by stopping an unmitigated global evil, can increase the possibility of a world community based on justice. But we know that only the peacemakers among us, in every society, can ensure that this war will not have been in vain.

³¹ The historian Eric Hobsbawm, in his study of the 20th century, published in 1995, particularly warns us, as we confront the new millennium, of the emerging crisis of “non-state terrorism” made possible by the growing “privatization of the means of destruction,” such that organized groups, operating at least to some degree independently of public authorities, are increasingly willing and able to perpetrate “violence and wreckage *anywhere* on the globe.” Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century 1914-1991* (London: Abacus, 1995), 560.

We wish especially to reach out to our brothers and sisters in Muslim societies. We say to you forthrightly: We are not enemies, but friends.³² We must not be enemies. We have so much in common. There is so much that we must do together. Your human dignity, no less than ours—your rights and opportunities for a good life, no less than ours—are what we believe we are fighting for. We know that, for some of you, mistrust of us is high, and we know that we Americans are partly responsible for that mistrust. But we must not be enemies. In hope, we wish to join with you and all people of good will to build a just and lasting peace.

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³² From Abraham Lincoln, *First Inaugural Address*, March 1861.

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The EU as a Security Actor in the Mediterranean: Problems and Prospects

Dr. Claire Spencer¹

Introduction & Overview

The title of this paper suggests that it is probably not in its role as a security actor that the European Union (EU), as an institution, feels most comfortable. The suggestion that exercising this role involves confronting “problems,” rather than the more palatable “challenges,” is indicative of the type of changes taking place both within and outside the EU that render its security goals difficult to attain. One of the reasons for this is that the EU, along with other international organizations, has moved from responding to the symptoms and manifestations of insecurity to attempting to identify and address root causes of instability and insecurity, both on its periphery and elsewhere.

Arriving at a shared analysis of what these root causes might be, across different national and community agencies, even before considering the appropriate level of response, is a task of enormous complexity. Above all, it has meant that the EU’s common security ambitions have become as problematic *to define* in a conceptual sense as the ensuing responses are to coordinate in practice. The goal posts of Europe’s security debate, in other words, have been shifting since the late 1990s, and these shifts will now have to be taken into account in the way that the EU approaches regions such as the Mediterranean.

This paper will examine the ways in which the changing character of the EU has complicated the tasks of first identifying and then addressing its policy priorities in the Mediterranean. I will argue that the EU needs to reassess the EMP in a context that goes beyond the parameters of the Barcelona template alone. This is because changes in this broader context of security planning now directly impinge on its future prospects. In 1995, the security climate in the Mediterranean was different from the climate obtained in 2001, just as the EU’s responsibilities in the defense and security-planning sphere have grown beyond what was envisaged five years ago. The EU’s linkage of these developments to the Mediterranean context has nevertheless been slow.

It could be, for example, that the concept of the “Mediterranean” as a region—currently conceived as comprised of the EU’s twelve southern partners—needs to be revisited in terms of its continuing utility as a functional regional unit. If the EU were to determine its priorities more fundamentally, it might make more strategic

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sense to approach the region in thematic rather than strictly geopolitical terms. If, as increasingly appears to be the case, the emerging and most pressing concerns of the EU in the region are both sub-national and supranational in character, then the heavily government-to-government focus of current policy may need to encompass other actors and forms of co-operation than those that exist under the current EMP model. One might cite the destabilizing consequences of uneven economic development in states lacking democratic accountability as a sub-national problem, and the transnational links of organized criminal networks engaged in trafficking people, drugs, and arms as a supranational problem. In order to address the root causes of both problems, more flexible response mechanisms are required than those that have evolved through the multilateral and state-centered mechanisms of the Barcelona process; it is this area that crucially needs to be included in a review of the EMP.

Security: Problems of Conception

Adjusting to this change of emphasis will also, however, require Europeans to reconsider what they actually mean by security with regard to the specific (and largely non-military) challenges Europe faces in the Mediterranean and Middle East. The initial objective of the Barcelona process, put most succinctly by Bechir Chourou, was that, "Europe wanted a secure access to oil and gas and protection against waves of migrants."² This is not, however, how the "political and security" chapter of the Barcelona Declaration reads. Its focus is instead on co-operation with respect to the more standard agenda of "hard" security objectives, such as arms control, the peaceful settlement of conflicts, confidence-building, and conflict prevention. In contrast, southern Mediterranean definitions of security are almost entirely drawn in economic terms, the principal aim being to secure European financial and technical assistance in pursuit of existing development goals, while accepting the restructuring of markets to meet the needs of increased international competition (if not the direct needs of the citizens and subjects of each state). The political and diplomatic aspects of Barcelona are acceptable only insofar as they remain unspecific, universal, and inapplicable to real crises or internal affairs.

In discussions over the gaps between these visions, what is less frequently commented on is how difficult it has been for EU to operationalize its own security concepts in a harmonized way. The first challenge for the EU's coordination of Barcelona's broad objectives across political, institutional, and bureaucratic lines is that the core activities of security planning lie in ministries of defense and ministries of external affairs rather than in trade or development ministries. Even within the same ministries, the desk officers for the Mediterranean region

² Bechir Chourou, in written evidence submitted to the European Union Committee, Sub-Committee C (Common Foreign and Security Policy), House of Lords, London, November 2000.

are not always linked into debates on where to place the emphasis for coherent security planning. Indeed, it may even be the case that individual ministries are working at cross purposes, where one department of the ministry of defense, for example, is busy promoting arms sales in the Middle East, while another is engaged in arms control in the same region. Not all EU governments explicitly try to coordinate these issues, and few coordinate them well.

There is also a problem of cultures within security communities. The military, for example, tends to see things in a “can-do” way, while civilian officials, conscious of budgets and public responses, are perceived to be more cautious. There is also a disconnect between the theoretical or academic debate on security and the demands of practical policy-making. Academics may well have “redefined” security in the post-Cold War world to include the environment, human rights, “societal” security, and rule of law. In practice, however, governments have a tendency to adapt existing instruments and policies to prevailing circumstances in the hope that reinvigorating and renaming them—as in the case of the UK’s Defense Diplomacy—will somehow enhance any improvements in the overall security environment.

Another divergence that arises with regard to the definition of “security” is that not all EU governments see security in the same way. In the case of the Mediterranean, as already noted, those closest to the region have practical issues to deal with, such as illegal migration and organized crime, that only have distant echoes in Northern Europe. Where shared challenges and problems exist, they are different in both their scale and impact on individual European societies. For historical and other reasons, some EU member states attach more importance to human rights than others—usually in inverse proportion to their proximity to the region in question—where, for others, access to oil, gas, and other commercial interests sets the parameters for the debate. There are also special cases, such as France’s relations with Algeria, which, for a number of overlapping reasons, make the management of security issues extremely problematic.

Similarly, there are also differences—or, rather, varying emphases—over how to approach areas of contention, such as the Middle East peace process. A series of EU “common positions” may well have been formulated, but France has traditionally favored being more proactive on the political front than either the UK or Germany, the former because of the primacy of policy convergence with the U.S., the latter because of historical sensitivities vis-à-vis Israel. Where, as is the case with the Barcelona process, several actors on the EU side (nations, communities, EU presidency) are dealing with at least twelve actors on the southern side, the challenge of merely reaching an agreement, before even considering how it is to be implemented, is considerable. If, in turn, the security implications impinge on one or more parties, or are based on fundamentally divergent interpretations of the term “security,” it is small wonder that few substantive initiatives have either

emerged from this process or have been measurable against any independently agreed criteria.

There are likely to be no simple answers to these considerations, affecting as they do all areas of EU foreign policy. The utility of maintaining a process merely to keep lines of communication open over security issues has nevertheless been of diminishing returns since the inception of Barcelona. The failure of the Euro-Mediterranean Partners to adopt the Charter for Peace and Stability in November 2000 was spurred by the conceptual contradictions outlined above just as much as it was driven by the immediate fall-out from the situation in the Middle East. However, if the future process were to be scaled down, or graduated to accommodate specific issues at different regional levels, there might well be some potential to advance beyond general aspirations. The problem is that, even in the most critical assessments of Barcelona, such as the EU External Relations Commissioner's paper of September 2000 on "reinvigorating" the Barcelona process, there has been no question of adjusting or reconfiguring the geopolitics of the Barcelona model along with refocusing its content.

Under the rules of the EU, it is for member states to make this reappraisal. Their contribution, in the form of the Common Mediterranean Strategy (CMS) agreed upon at the European Council in Feira in June 2000, not only adopted Barcelona's geographical focus wholesale, but added Libya to its terms of reference. As a general list of existing EU policies towards the Mediterranean, to which were added references to the EU's new security and defense policy (ESDP) and developments in the JHA area, the CMS missed a genuine opportunity to revise the central tenets of the EU's relations in the Mediterranean, the better to match its instruments to achievable end-goals. Instead, as the EU's High Representative for CFSP, Javier Solana, wrote in the context of assessing the value of "common strategies"—strategies as instruments to enhance the internal coordination of the EU's external action:

"Regarding the Mediterranean, the perceived lack of added value of the C[M]S compared with the already comprehensive Barcelona Process and the difficulties in defining the relationship between the C[M]S and the EU's role in the Middle East Peace Process have put the consistency of the EU's approach towards the region into question. The unspoken competition between the C[M]S and the ongoing effort to draw up a 'Charter for Peace and Stability' in the Barcelona framework has added to this confusion."³

Security: New Times, New Instruments

If achieving political coordination and coherence has to date proved difficult, the EU has nevertheless been increasing the instruments at its disposal, adding a mili-

³ Report by the Secretary-General/High Representative, *Common Strategies*, Council of the European Union, Doc. No. 1487/100, 21 December 2000 (declassified 30/01/01), Art. 16.

tary dimension to complement its largely “soft” security tools. This addition offers opportunities, but also risks, for enhancing the effectiveness of EU policy towards the Mediterranean. The main opportunity consists of being able to offer more direct military-to-military contacts within the Mediterranean, with a view to adding an EU dimension to the type of cooperation in training and joint exercises which already takes place at the bilateral level and in smaller groupings. The key, as ever, is for EU member states to decide what the added value of a European dimension might be, particularly since it is not clear who, or which budget line, would assume the extra cost to national forces of including an EU dimension in any of the training activities they might already have planned for national purposes.

The main risk arises from the potential neglect of the EU’s Mediterranean partners as the European Security and Defense Policy (ESDP) agreed upon at the Helsinki European Council in December 1999 begins to take operational shape. Until now, the elaboration of the ESDP has largely focused on institutional arrangements, capabilities, and process rather than on the operational side of the policy, especially with respect to its geographical scope. Of the various potential scenarios envisaged for the deployment of the European rapid deployment force, none have focused specifically on the Mediterranean. Rather, in the planning stages, the aim has been to plan for generic types of activity (outlined as four types of “Petersberg tasks”) with no specific regional focus, even if Balkans-style ground operations (Bosnia, Kosovo, Albania) have undoubtedly colored their potential remit.

While the EU’s focus on internal arrangements, commitments, and capabilities is entirely understandable in terms of the way the policy has been conceived, it could nevertheless pose external problems—particularly in the Mediterranean—as these capabilities take shape. Multilateral and bilateral dialogues (as the WEU’s handling of the Eurofor and Euromarfor issue demonstrated in the mid-1990s) are often notorious for not discussing in a timely fashion exactly what is on people’s minds. It is in this connection that Barcelona’s confidence-building aspirations might best be put to effect, with an emphasis on prior (not *post facto*) consultation and joint engagement where individual Mediterranean states or their international waters may be affected.

The Common Strategy on the Mediterranean in fact updated the terms of reference of the Barcelona process by referring to the need to take developments in the ESDP “into account” in the context of promoting security in the Mediterranean (Article 13). More explicitly, the Strategy stated that, “the EU intends to make use of the evolving common European policy on security and defense to consider how to strengthen, together with its Mediterranean Partners, cooperative security in the region” (Article 8).⁴ What this might consist of, however, has yet

⁴ European Council, *Common Strategy of the European Union on the Mediterranean Region*, Annex V, Presidency Conclusions, European Council, Feira, June 2000 (SN 200/0 ADD I).

to be elaborated on, nor does the Strategy make any explicit linkage between the ESDP and the Barcelona process.

Given the demands of constructing the ESDP itself, explaining its potential effects on or relevance to the Mediterranean is clearly not a priority for its main promoters.

To date, the main external focus of the EU with respect to the ESDP has been to clarify and establish its relationship with NATO, which in the short run has meant a concentration on extensive explanatory efforts with the United States, both before and after the change of U.S. administrations. To a lesser but arguably no less important extent, this explanatory effort has also engaged Turkey, Russia, and non-EU NATO allies. For those outside these circles, however, the lack of a specific regional focus for the deployment of the EU's rapid reaction capability has raised some concerns on Europe's periphery. Despite reassurances, there is still a feeling that regions such as the Mediterranean could well be subject to some kind of EU-inspired military activity, if only in a "trial run" of these capabilities, for example.

Once again, the conceptual problem associated with this is that the ESDP, like the Common Strategy on the Mediterranean and the EU's JHA agenda, is fundamentally about Europe itself, not its neighbors. Maintaining the separation between the EU's internal and external security policy agendas may nevertheless serve to create unhelpful negative impressions about the EU's intentions on its immediate borders unless these intentions are clearly articulated in the processes, such as Barcelona, where the parties involved may express their concerns. A prerequisite for this level of clarity, however, is that the EU conduct a deeper re-examination of its existing priorities and policy frameworks of the kind outlined here.

Conclusions

This discussion may appear to have strayed some distance from more standard or traditional discussions of security issues within the Mediterranean, but its intention is to contribute towards explaining why the stated ambitions of the EU are not always followed up in practice. To a large extent, their progress is dependent on the resolution of issues being worked out elsewhere, the results of which only gradually feed into the security processes devised for the Mediterranean itself. There is also the perennial question of internal EU coordination, both at the Community level and nation-state level, which remains extremely taxing. Here, the intricacies of the EU's decision-making processes come to the fore, since the way in which policy decisions are reached often has the most impact on the way they are expressed and acted on, or on whether or not they ever advance any further than declarations of unachievable intent. The uneven application of external

policy is, as a result, by no means due to a lack of good will or foresight *per se*, or for want of an effort to make all sections of the orchestra play in tune, often with no clearly identified conductor. The real problem and challenge for an enlarging EU is to revise existing policy formulations and refine the instruments deployed in ways flexible enough to make a difference in the arenas to which they are applied.

One approach might be to scale down the ambitions of regional policy frameworks and to concentrate on more focused and concrete strategies. Compared to the EU's country-specific policies (towards Russia and the Ukraine, for example), or even initiatives towards smaller regional configurations (such as the "Northern dimension"), the Mediterranean has perhaps always been too unwieldy a subject to permit a properly integrated, focused, or balanced European foreign policy. To admit this, however, does not necessarily mean that the Barcelona framework should be abandoned altogether. To use the parallel of the OSCE, there is scope for addressing a number of security-related issues in a framework of this size, even if measurable results are difficult to achieve over specific issues.

As far as more effective implementation of policy is concerned, however, the kind of framework adopted might better be determined by the objectives, rather than the other way around. Combating transnational crime, for example, requires coordination across regional boundaries (Central Asia and the Balkans as well as the Mediterranean, for example) where the networks and activities in question are concentrated.⁵ For the longer-term objectives of Barcelona, in turn, a more graduated and country-specific set of priorities is needed, above all to assist in creating stable processes of change. Along with targeted and decentralized development assistance, central to this graduated approach would be initiatives that strengthen the capacity of the populations of the region to determine their own political and economic destinies, not least in order to pre-empt more violent responses to demographic and other internal pressures. The counterpart to this is for the EU to avoid any unnecessary strengthening of the centralizing—and ultimately undemocratic—tendencies of a number of the region's current leaderships. The guiding principle should be to tailor responses to more objectively defined needs of security cooperation rather than to the demands and expectations of pre-established frameworks such as Barcelona.

Time is of the essence in a review of the EU's *modus operandi* in the Mediterranean, precisely because enlargement will change the parameters of debate about what security means for Europe. Territorial and cultural divisions can no longer act as the key determinants, or "gate-keepers," of what enters and leaves the European space. This is particularly true of regions like the Mediterranean immediately on the EU's borders, where the price for ignoring the demands of the peoples of the region, as opposed to those of their governments, is already making itself felt.

⁵ For a discussion of security and organized crime in the Mediterranean, see Claire Spencer, "The Mediterranean Matters—More than Before," *World Today* 57:3 (March 2001).

Rather than being the actors in the rise in organized crime and the trafficking of people, the majority of the region's populations are their victims. If the EU were to reformulate a strategy directly to address, rather than by-pass, their concerns, a future picture might be one of genuine partnership at different and more integrated levels. Only then would Mediterranean security be truly "indivisible."

Peace Building in the Balkans: Is There a Need to Stay the Course?

Frederic Labarre¹

A year ago, Thomas L. Friedman published an already-famous article in which he claimed that democracy was sprouting tentatively in the ethnically pure states of the former Yugoslavia, whereas in multi-ethnic Bosnia, democratic development was farther from the goal set by the Dayton Accords than ever. Mr. Friedman's thesis is that Dayton's provisions should be abandoned, Bosnians (whatever their constituency) should decide for themselves where they want to live, and then let democracy take hold after the populations have "parted." Only this, Friedman feels, can help Bosnians to think beyond tribal interests, concluding that it is "not an accident McDonald's still refuses to operate [there]."²

These calls to abdicate any responsibility for promoting the ideal of multi-ethnic coexistence as framed by the Dayton Peace Accords (DPA) are not infrequent. The International Crisis Group pointed out in its December 2000 report that elections were only helping to dig deeper divisions between communities by allowing extremists to perpetuate their strangle hold on power.³ The ICG believes that it is time to rethink the DPA's strategy of elections as a means of speeding up democratic development and allowing a NATO pullout. It advocates that the international community take all the measures allowed by the Dayton Accords to enforce compliance by the parties, instead of putting its faith blindly in a democratic ethos that is simply not emerging. Implicit in this assessment is the notion that, since the implementation of Dayton seems too difficult, its usefulness comes into question as a matter of consequence. By extension, amendment of the DPA or its eradication would nullify the possibility of multi-ethnicity. The ICG's position is tantamount to revisionism.

These positions are similar, but there are nuances. Mr. Friedman would have the international community preside over a more or less formal "population exchange" that would see Croatia and Serbia inherit a form of "sphere of influence" over their respective populations in Bosnia, while NATO would take on the spon-

¹ Frederic Labarre, a former Advisor to the Ministry of Defense of Estonia, is currently resident at the Royal Military College, Kingston, Ontario, Canada. This paper was originally delivered at the 2nd Reichenau Workshop of the PiP Consortium's Working Group "Crisis Management in South East Europe."

² Thomas L. Friedman, "Not Happening," *New York Times*, 23 January 2001, section A, p. 21. The comment on McDonald's is in reference to a study that claims (correctly) that no two countries containing McDonald's restaurants have ever fought wars against each other.

³ ICG Balkan Report #104, "Bosnia's November Elections: Dayton Stumbles", Sarajevo/Brussels, 18 December 2000, executive summary.

sorship of a “Sarajevo Muslim mini-state”⁴ This approach would scrap six years of Dayton efforts in favor of something that the international community has been trying to prevent in the first place: chauvinistic nationalism bent on reassembling various ethnic communities within what they claim as their “historical territories.” Against this, the ICG advocates an increase of pressure within the framework of Dayton. In other words, it proposes the evolution of mandates from the high officers of the international community, such as the Office of the High Representative of the UN.⁵ The two positions can be summarized by this question: Must the Balkan peace-building process (within the DPA framework) stay the course or not?

It is central to the assumptions underpinning the answer to this question discussed here that there are grounds to defend the ideal of multi-ethnicity that transcend Balkan power balances. If the Balkans are allowed to sprout as many precedents for secessions and territorial unions as there are nations, then other disgruntled groups outside the Balkans may invoke these precedents for their own claims, threatening the territorial integrity of countries that have harbored national minorities peacefully for centuries. The case made here is that the DPA-triggered peace process is adequate as it is, and that successful implementation depends more on political will than on the DPA itself as a document. In criticizing the lack of progress on the ground, DPA abdicators and revisionists place too much blame on the framework, without regard for the deeds that (should) follow in its support, both from the communities and from external actors working in support of peace.

This paper is divided into three sections. The first deals with the “abdicators” claims, because they need to be addressed, for not all of them are entirely accurate. The second answers the claims of “revisionists” by matching conflict resolution theory with the achievements of the DPA regime. The third matches the achievements of various actors working in the service of peace with the provisions of the DPA. It shows that, while absolute success is not yet at hand, there have been numerous breakthroughs, and that the situation is ripe for further improvements.

The essay concludes that not only are peace and democracy *not* antithetical to multi-ethnic coexistence, but that the prospect of seeing it implemented in the Balkans is real, because the setbacks encountered recently are neither the fruit of ethnic hatred nor of a faulty peace deal.

PART 1: Countering preconceptions and assumptions

Thomas Friedman’s analysis is illustrative of the opinion of those who advocate a rapid troop pullout and the abandonment of the DPA as a tool for bringing self-sustaining peace to the Balkan region. Those who hold this opinion can be

⁴ Friedman, *op. cit.*

⁵ ICG #104, *op. cit.*

described as “abdicators,” since they wish to abdicate any responsibility for promoting peace in the Balkans. There is some consensus surrounding this position, but it is flawed in many respects. Outlining its basic features, and attempting to refute some of them, is necessary.

The first thing that should be said is that the overarching goal in the Balkans is to prevent further state disintegration and the emergence of separatist parties, such as in Kosovo. The existence of these parties belies the notion that Serbia is ethnically pure; Kosovo’s majority is ethnic Albanian, and Kosovo is still a province of Serbia proper (at least in law, if not in fact). The assumption that the Kostunica regime enjoyed a peaceful transition also entertains some distortion of facts. The transition was not that peaceful, and the Kostunica regime, albeit an extraordinary and welcome improvement over the Milosevic regime, faces many challenges which make it unreasonable to accurately assess its “decency” so early. Serb officials did meet with NATO Secretary General Lord Robertson,⁶ the Serbian government is actively trying to improve the security situation in Southern Kosovo,⁷ and the country is rapidly breaking out of its isolation, but the delay in extraditing Slobodan Milosevic did create some doubts. This delay was not contingent on President Kostunica’s will alone, but on the occasion of the November elections in Bosnia, in which Milosevic supported the SDS, a Dayton-resistant party whose most famous member (and founder) is none other than indicted war criminal Radovan Karadzic⁸. So the question is: Does Milosevic enjoy remnants of personal or political power with a support base that could threaten Kostunica? The level of support enjoyed by Slobodan Milosevic can be more readily evaluated now that he is under arrest than during the elections last fall, and events so far seem to indicate that a challenge to President Kostunica is unlikely. At the same time, the peculiarities of Balkan politics make it unwise to ascribe evil intentions to politicians supporting views unpalatable to Western tastes.

Saying that democracy and pluralism are going backward in Bosnia is not accurate. Refugees are returning, and elections are being held. The elections themselves, it is true, keep re-electing the candidates of whom Western powers are weary, but even this is less true now that Bosnia deemed itself worthy of a non-nationalist government for the first time in ten years.⁹ But should that be the criterion of success? Mr. Friedman certainly confuses goals and consequences in his analysis. The goal of the Dayton Accords is not to pull out NATO troops as soon

⁶ NATO Press Release (2001) 020, 15 February 2001, “Statement by the Secretary General.”

⁷ NATO Press Release (2001) 017, 9 February 2001, “Statement by the Secretary General on the Covic Peace Plan.” See also Jolyon Naegele, “Yugoslavia: Serbia Offers Peace Plan for Presevo Valley,” *Radio Free Europe/Radio Liberty* 5 February 2001, www.rferl.org.

⁸ ICG, *op. cit.*

⁹ “Bosnia Gets First Non-nationalist Government in 10 Years”, Reuters, Sarajevo, February 22 2001, via www.centraleurope.com/news.php3?id=295540&brief=text.

as possible. It is quite likely that troops would remain in Bosnia and Kosovo for a long time to come, even if democratic development exceeds expectations.

The goal of the accords is to ensure self-sustaining democracy and economic development, but troop pullouts should be a consequence of *unambiguous* improvements in the local security situation. And improvements of the security situation are not contingent on homogeneous ethnic communities. Rather, as Mr. Friedman himself says, the disappearance of Franjo Tudjman and Slobodan Milosevic from the political scene has allowed free and fair elections. Mr. Friedman uses two different concepts to compare Croatia and Serbia with Bosnia. He claims correctly that the downfall of the dictators has brought democracy to the first two, but that multi-ethnicity is to blame in Bosnia for its lack of progress toward democracy. The United States Institute of Peace (USIP) claims to the contrary in a recent report that states that the demise of the dictators provides fresh opportunities to make the DPA stick.¹⁰

Official obstructionism, not multi-ethnicity as a concept, is actively hindering progress in Bosnia and is making Dayton implementation so difficult. This is what an analysis of the peace effort suggests: first, that individuals—and not communities—are responsible for the lack of progress; second, that a more assertive implementation of the mandate and application of pressure to those resistant individuals is needed; and, third, that this is only one stage of the peace process. In that respect, it is not possible to determine *where we should be* five years on, because it is impossible to know how long it takes to achieve the *desired peace*. However, peace building theory can show *where we are*.

Concepts used by the abdicators do not help in understanding the difficulties the international community is facing on the ground in Bosnia (and in other conflicts around the world). Abandoning Dayton now would send the signal to Bosnia that it is just not worth the effort, that the lives of millions are not worth the \$5 billion invested so far (while the scores of millions of Western Europeans were worth Marshall Plan money after World War II). It would send a signal to thousands of field workers, some of whom are unpaid, that the legal basis for their efforts is flawed and is being scrapped. Scrapping Dayton would trigger doubts as to the capacity of great powers to craft a usable agreement, let alone implement it. It would tell soldiers who have risked their lives in the service of peace that their efforts are ineffective, and to the loved ones of those who have already made the supreme sacrifice that they have done so in vain. It would have consequences for the NGO community, which could lose its newfound status as a legitimate international actor in the post-Cold War era. It would deter donors and philanthropists from displaying their generosity, because the expense would be deemed

¹⁰ Jon W. Western, "Bosnia's Next Five Years: Dayton and Beyond" (Washington, D.C.: USIP, USIP, September 2000), www.usip.org/oc/sr/sr001103/sr001103.html

futile. And it would justify public apathy toward the plight of their neighbors in the global village.

True, the Dayton Accords are not perfect. Dr. Mihailo Crnobrnja has said, correctly, that they are not an “agreement,” but rather they were arrived at because the “Americans slowly but firmly converted mediation of a dispute into enforcement of a settlement.”¹¹ Continued UN and military presence will be required for a long time to come in the Balkans. This would ring true even in the absence of the Dayton Accords, even with a perfect agreement. To give a sense of proportion to the task at hand, we need only compare the Dayton effort with traditional peacekeeping efforts. The UN has been in Cyprus for nearly 40 years¹² and, granted, has prevented violence there; thus no one questions the efficacy of UNFICYP. But the DPA calls for more than just an end to violence. It calls for self-sustaining, total, or positive peace.

PART 2: Theory and aspects of conflict resolution

The implementation of the Dayton Accords, whether freely arrived at or imposed, is necessary to achieve positive peace (freedom from want and fear) instead of negative peace (the simple absence of violence between parties). Achieving positive peace in the Balkans is like raising the Titanic *and* setting to sail again, an endeavor much more complicated than the already arduous proposition of rising from the abyss! The aim of this section is to demonstrate that the DPA and the accompanying proposition of multi-ethnic coexistence can succeed without amendments.

This is not the first time that modern conflict resolution practice has met with criticism. Tom Woodhouse has fruitfully refuted the claims of three critics of peace operations (particularly of peace operations in Africa) and, in so doing, has found that many do not acknowledge the different and successive stages a peace process goes through. This is also a problem with Mr. Friedman’s analysis. He supposes that NATO troops and aid volunteers should be back home after five years, as does Michael O’Hanlon, with the difference that O’Hanlon recognizes the progress already made in Bosnia.¹³ In addition, critics put too much emphasis on the need for outsiders to solve the problem, claiming that, “in the perspective of peace building *from below* solutions are derived and built from local resources.”¹⁴ According to the USIP, an excessive emphasis on “local empowerment” has been

¹¹ Mihailo Crnobrnja, “Moving Towards the End Game in Bosnia,” Canadian Secret Intelligence Service, Commentary #64, December 1995, www.csis.scrs.gc.ca/eng/comment/com64_e.html.

¹² Alex Morrison, ed, “Global Situation Report of Current UN Peacekeeping and Related Operations” in *Peacekeeping and International Relations* 27:3-4 (Double issue, July-October 1998), (Clementsport, Nova Scotia: Pearson Peacekeeping Centre): 14-15.

¹³ Michael O’Hanlon, “Troops Partly Come Home,” *Foreign Affairs* 80:2 (March-April 2001): 4.

¹⁴ Tom Woodhouse, “International Conflict Resolution: Some Critiques and a Response,” Centre for Conflict Resolution Working Paper #1, June 1999, p. 26 (citing International Alert, Goodhand & Lewer, Goodhand & Hume).

one reason for the lack of progress.¹⁵ This only further supports the point that efforts by major actors should not be discontinued, and should moderate local power holders' grip on the masses.

This last statement would seem at odds with the many pleas of the UN Secretary General for renewed involvement and support from the *international* community. In addition to the various stages of scaling down conflict, there is a division of labor between international actors and NGOs; Woodhouse's reference pertained mainly to NGOs.¹⁶ And there is no doubt that the work of NGOs has not met with the same obstruction as that of the UN, OSCE, or NATO, because NGOs are not thought to be politically dangerous. But to keep our reply consistent with the assumptions of abdicators and revisionists, this section will concentrate on intervention by major actors of the international community, so as to verify the impact of "outsiders" in favor of a lasting peace.

Two doctrines

Two broad doctrines have emerged in the search for positive peace. One is based on consensual constitution-making, followed by internationally monitored elections. The other calls for a provisional government whose task it is to introduce confidence-building measures under international supervision in order to restore trust and thence to begin the task of peace building, starting from a liberal constitution, followed by elections.¹⁷

In Bosnia, a variant of the first doctrine was used. It turned out to be a perversion, mainly because the parties did not negotiate in good faith, and because the terms of the agreement were pressed upon them, with the result that obstacles or difficulties may have deliberately been inserted in the final document. But if the intent for U.S. mediators was to ensure that the DPA led to justice predominating over mere negative peace, there is no question that these ideals are being implemented even if the DPA is not considered just *in itself*. By acting as a plan to favor justice, the DPA ensures that the remnants of the belligerent communities' *healthy* national pride are salvaged by placing blame where it belongs, and insisting on prosecution of war criminals. This is deemed essential if a self-sustaining, multi-ethnic peace is to take root. Already, the administrative successes brought about by the international community are contributing to a sense of normalcy!¹⁸

This eases the work of the Hague Tribunal because the DPA is the expression of a consensus (albeit imposed) of all disputants. As a result, the work of various organizations named in the DPA is done in the service of the inherent understanding that individuals are to blame for the problems in the Balkans, not communities.

¹⁵ Western, *op. cit.*

¹⁶ Woodhouse, *op. cit.*, p. 22.

¹⁷ *Ibid.*, p.4-5.

¹⁸ Western, *op. cit.*

This undermines the belief within these communities that the “other” is responsible for war, but instead points out that a perverted element of that community, evil because of selfish motives—and thus who cannot be associated with the aims of his community—is the perpetrator. This also stakes the ground over which reconciliation will in time be achieved.

Some DPA provisions, especially those pertaining to elections, allowed the ICG to predict that it was too early for Bosnians to go to the ballot box. It argued correctly that the outcome would simply confirm ethnic segregation by a stroke of the pencil.¹⁹ By the admission of the Organization of Security and Cooperation in Europe (OSCE) in a 1996 report, elections then (and since) have not been free and fair.²⁰ Lately, election rules have been modified with the express intent to eliminate corrupt candidates, an initiative encouraged by the USIP.²¹ But it must be said that the mere action of reaching for the ballot box slot is morally superior to that of reaching for a clip of ammunition.

Conflict is seen as a wave whose crest usually culminates in a truce. In the case of Bosnia, this truce was more or less imposed. Nevertheless, a lessening of the violence, if not a lowering of tensions, generally follows. It is on the basis of a truce that traditional peacekeeping is possible. The UN tried traditional peacekeeping—the mere separation of belligerents with their consent—without success between 1991 and 1994. The following years saw NATO’s first attempt at peace enforcement, or the imposition of peace.²² The results, judging by the statements of the abdicators and revisionists, are modest. Modern peacekeeping—the kind of mission that also takes into account such evolutions as peace building and peacemaking (notions that earned public acceptance in the wake of Boutros Boutros-Ghali’s “Agenda for Peace” publication)—uses the notion of traditional peacekeeping as part of a process that encompasses peace enforcement, peacekeeping, peacemaking, and peace building. It intervenes, before other forces are set in motion, in the service of conflict resolution with the aim of achieving positive peace. Similarly, peace building—the term used to describe the concerted action of the international community and the work of NGOs and IO—intervenes after the fog of war has evaporated. Sometimes, organizations are anxious to help, and they often do not wait for hostilities to stop. This is the case of the Red Crescent and the Red Cross, *Médecins sans Frontières*, and even some less well-funded NGOs, such as Conflict Resolution Catalysts (CRC). Very often, peace building does not necessarily represent or occur at the end of the violence, but it makes peace enforcement necessary if the work of the littlest NGO is to bear fruit. It is

¹⁹ ICG Bosnia Report #16: “Elections in BiH”, Sarajevo, 22 September 1996, p.1.

²⁰ *Ibid.*, p.59-62.

²¹ Western, *op. cit.*

²² Martin A: Smith, “On Rocky Foundations: NATO, the UN and Peace Operations in the Post Cold War Era”, Bradford, Bradford University, Peace Research Report #37, September 1996, p.58.

certain that the international community's actions, however flawed they may be, deserve to be commended, not cancelled.

Rather, as David Last puts it, peace building is the term used for organizations seeking a new role. In Bosnia, it refers to the need to build trust among parties, an idea that "hinges on the belief that interests are not fundamentally inimical."²³ The actions of the international community lead us to believe that the work to be done in Bosnia is not a matter of ethnic identity—a question that could raise controversy and arguments—but of bread-and-butter, negotiable issues. The USIP agrees with Crnobrnja, in that ethnic cleansing, for all its horrors, still proved an arduous task, and this fact confirms the possibility to live together.²⁴

There are indications that existing enmity is not directly or inherently ethnic in character, but may be strategic, economic, or some combination of various elements. The issue of the Posavina corridor and the town of Brcko lends itself well to such an interpretation, as this area gives access to the Danube. Eastern Slavonia is also a case in point, as it is reputed to be oil-rich.²⁵ Other similar claims can be made with regard to the Kosovo region, which would be the gateway for Caspian and Black Sea oil. But it is not because the UN or some other power believes in the fact that agreement is possible, given sufficient good will, that the Dayton Accords should be maintained. Dayton is but a stage²⁶ in a peace process that promises to be long and protracted. Furthermore, negotiable issues do not preclude multi-ethnic coexistence.

When humanitarian work and armed factions are active simultaneously, this can and does convey the impression that nothing is settled and that nothing can be settled. Stopping parties from fighting is the business of the parties, true. But it is also the business of the international community, when it has a mandate to do so. Abdicators and revisionists are right to say that not all is well in Bosnia, but since they emphasize the persistence of residual tensions between communities, the impression one gets is that everyone prefers fighting to a peaceful solution.

This is not entirely accurate. One reason why there are obstacles to the implementation of Dayton is that the international community is only just now beginning to use a more robust approach to the problem. Before condemning the Dayton Accords, therefore, one would be wise to give international actors time to use all the tools at their disposal. The UN and other powers are trying a balancing act that requires substantial skill; to rid the Balkans (and other hot spots around the

²³ Major David M. Last, *Theory and Practice of Conflict De-Escalation* (Clementsport, Nova Scotia: Pearson Peacekeeping Centre Press, 1996), 27.

²⁴ Western, *op. cit.*

²⁵ Hans Binnendijk, ed., *Strategic Assessment 1997* (Institute for National Strategic Studies, Fort Lesley J. McNair, 1997), p. 150-151.

²⁶ Jeremy King, "The Dayton Agreement: Perspectives on Dayton," Draft reading package for MND Southwest HQ Training Session, Kingston, Ontario, 8-20 August 2000, p. 2 (Quoting Xavier Bougarel).

world) of war criminals without using methods whose precedents could be further detrimental to the existence of the nation-state as we know it. This accounts for a large part of the international community's incapacity. But, as I demonstrate later, such concerns are taking a back seat to the goal of bringing peace and justice to the Balkans.

David Last argues that the difficulties encountered at this stage of the peace process were foreseeable and normal. He concludes that the violence that led to the 1995 peace accords would inevitably lead to segregation. It is this sub-stage of peace building that is currently being overcome. Segregation will sooner or later lead to de-polarization, perhaps in another five years, perhaps with another \$5 billion. There are indications that Bosnia is de-polarizing already, with the election of its new government and the fact that the nationalist backlash it has triggered on the Croat and Serb side has not been echoed in the respective ethnic communities in Bosnia.²⁷ In Croatian-held regions of Bosnia, members of the HDZ have allegedly started intimidating moderates and have called for police and army members to defect from Federation functions after SFOR troops tried to close a bank that allegedly funded aggressive nationalists in Bosnia. Interestingly, this initiative also figured in to the thinking of DPA believers at the USIP.²⁸ This attempt has been shown to be failing; the army is not losing as many defectors as the HDZ would hope, and temporary deserters are now renewing their contracts with the moderate Federation government in ways that prevent their intimidation.²⁹ The government in Croatia proper is not showing signs of support for separatists in the neighboring Federation, who find themselves political outcasts after the elections, whose rules were revised by the OSCE.³⁰ The rules, criticized as "undemocratic" by EU officials, were specifically designed to exclude radical elements. It is thought that such elements are now running out of money and support, and this, more than the election rules, contributes to their radicalization.³¹ What's more (and which comes to the rescue of the notion that ethnic coexistence is possible), the radicals are highly localized. This confirms the belief that animosity is more created than inherent. Using international actors' power more efficiently (meaning more "aggressively") is a matter of common sense as much as it is a logical progression. Dealing with the few resistant elements the way that SFOR is doing prevents others from using the radical model to affect regional stability. The fact that this

²⁷ "Bosnian Croats in Show of Support for Self-Rule", *AFP*, 12 April 2001, www.europeaninternet.com/bosnia/news.php3?id=367544. The article mentions only "several hundred peoples," indicating that the demonstrations were locally organized.

²⁸ Western, *op. cit.*

²⁹ "One Quarter of Bosnian Croat Soldiers Claim Loyalty to Moderate Government", *AFP*, 25 April 2001, www.europeaninternet.com/bosnia/news.php3?id=388041&brief=text.

³⁰ "OSCE Bosnia Election Rule Aided Radical Croats," Reuters, April 19 2001, www.europeaninternet.com/bosnia/news.php3?id=382726.

³¹ "Bosnian Croat Nationalists Stir Violence – US Envoy," Reuters, April 23 2001, www.europeaninternet.com/bosnia/news.php3?id=385543.

model can affect stability is being verified as these lines are written, insofar as the Serb community, most probably under the influence of xenophobic leaders, is impeding the rebuilding of a mosque in Bosnia.³² There is no denying that they take after the recent tactics of the separatist HDZ. But in the Mostar Canton, where the HDZ is most prominent, the actions of the international community, which had drawn criticism just a few months ago, are succeeding. The HDZ is sending a delegation of parliamentarians back into the government to voice their grievances in a more legitimate fashion. This move was accompanied by calls for deserters to return to their barracks.³³

Similarly, recent reports that there have been demonstrations organized by Serbs over the arbitration decision that would hand over a portion of Sarajevo to the Muslim-Croats operate almost in the same way, giving reason to High Representative Wolfgang Petritsch.³⁴

Only after the de-polarization threshold has been crossed can the international community hope for reconciliation.³⁵ At the present rate, we are looking at perhaps another fifteen to twenty years of involvement in the Balkans, and this is entirely normal. One indication that things are going according to theory (if not to plan) is the fact that the military presence is being reduced, despite the recent troubles outlined above. The constabulary presence continues to increase, with the help of a steady contingent of UN International Police Task Force (IPTF) training ever-greater numbers of indigenous police officers. When NATO took the field in 1995, there were initially 60,000 troops, a number that was slashed by nearly half—and according to plan—to 32,000 the following year. Last year, numbers were reduced further, to 20 000, indicating tangible progress in the field.³⁶ Similarly, the strength level of the IPTF, which reached 2011 in 1998,³⁷ has since decreased and is not to go over 1850 by order of the Secretary General.³⁸

Calls for mass withdrawal would not only violate the theory, but also the common sense of the peace effort in Bosnia. The indications that can be mustered to determine whether the peace effort is going anywhere can be ascertained from the success of the UNMIBH and the military support it has received. But more to the point, the details of the mission and the information gathered from various reports identify the real source of friction in the implementation of Dayton and

³² "Serbs Scuttle Bosnia Mosque-building Ceremony," Reuters, May 6 2001, <http://www.europeaninternet.com/centraleurope/news.php3?id=406180&brief=text>.

³³ "Bosnian Croat Grouping Seeking Return to Government," *AFP*, 4 May 2001, www.europeaninternet.com/bosnia/news.php3?id=402623.

³⁴ Interview of UNHR Wolfgang Petritsch on "Simpson's World," *BBC World*, 4 May 2001, 0700 GMT.

³⁵ Last, *op. cit.*, p.122.

³⁶ www.nato.int/sfor.

³⁷ S/1998/227 and S/1998/491.

³⁸ S/2000/1137, para.35. At the same time, UNMIBH is expected to wrap up its mission in December 2002.

the achievement of workable ethnic relations. This is what I propose to examine in the next section.

PART 3: Building trust and order

The only way that multi-ethnic coexistence can be generated is through the building of trusting relations between communities. This is only possible, in turn, through the sort of good governance that is prescribed in the DPA provisions. In other words, the communities must learn to trust their institutions before they can trust each other. Inherent in this doctrine is the understanding that institutions in irresponsible hands do more harm than alleged centuries-old ethnic mistrust.

Good governance requires good people much more than good institutions. Jeremy King concluded in an overview of the security sector reform in Bosnia that, as long as political parties continue to be funded by criminal elements, change is unlikely. In another piece, he and former Canadian Defense Minister Jean-Jacques Blais argue that rebuilding war-torn societies is nearly impossible if the “political, social and economic environment in which reconstructed institutions must function is fundamentally hostile to the rule of law.”³⁹ What these authors are referring to are features of a functional society operating in conditions of positive peace. We will see that the residual resistance encountered in Bosnia revolves around the political sphere. One can tentatively assume that individuals, rather than communities, are at odds with the peace process. Let’s see if this perception stands the test of reality.

Mihailo Crnobraja is the first to admit that Dayton is but a halfway house to a resolution. He says that, “the political and military rulers made continuous efforts to accustom the people to believe there was no possibility of agreement because of the ‘other side.’”⁴⁰ The evidence shows that this Dayton-resistant leadership is currently embattled in Bosnia. Even the reports of the ICG and the reports of the UN Secretary General bear this out, and conclude that certain individuals and groups have a stake in keeping tensions high.

Is it possible to physically remove the impediments to the process? Initially, the UN attempted to deal with the symptoms of the conflict, in the belief that common sense would prevail and things would sort themselves out. They haven’t. In order to control the mushrooming of illegal checkpoints in the early post-war days, the UN’s IPTF introduced a policy whereby Republika Srpska and Federation authorities would ask permission to hold checks of no longer than 30 minutes in the zone of separation. This led to a significant decrease between June and September of 1997.⁴¹ The introduction of a common “inter-ethnic” license plate further

³⁹ Jean-Jacques Blais and Jeremy King, *The Military, Human Security and the Rule of Law: Civil Military Cooperation in Post-Conflict Peace Processes*, (Clementsport, Nova Scotia: Pearson Peacekeeping Centre, 2000). Tuition material from the PPC.

⁴⁰ Crnobraja, *op. cit.*

⁴¹ S/1997/966, para. 14.

increased freedom of movement and decreased instances of illegal checkpoints.⁴² When the introduction of the plates was completed, however, the obstruction did not come from the field, but from Croat officials in cantons under their control.⁴³ This may have had more to do with some Croats' desires of realizing the illegal (by Dayton standards) "Herceg-Bosna" para-State.⁴⁴ The wrangling over the issue of insignias for the Federation police force participates in the same notion as an "independent Herceg-Bosna."⁴⁵ By June 1999, the Secretary General reported that freedom of movement had ceased to be a pressing issue in Bosnia.⁴⁶

However the change brought to peoples' lives by the common license plate operated in their minds, it is undeniable that it eased a lot of the tensions associated with moving about the country and has contributed to an impression of normality. Granted, it perhaps remains just an impression, but its effects cannot be denied. There may be room here for the idea that administrative multi-ethnicity can give way to civic multi-ethnicity. Even if small changes are imposed by the international community, these changes will nevertheless relieve the tensions between groups because resistant elements will not be able to proactively intimidate others, since ethnic boundaries will be blurred by egalitarian legal and administrative reform.

Another consequence was that the IPTF could start devoting more time to training local police in democratic law enforcement. Even provided that the laws exist, the notion that policemen can be trained to obey the rule of law is not evident, and the police will require continuous scrutiny from the international community. Suffice it to say that this is not an arbitrary goal; Bosnia needs a police force all sides can trust. The police force must operate in the interest of the law and not of the tribe. In any case, the IPTF could not continue the petty task of monitoring checkpoint violations. The increasing number of applicants for police duties made it urgent to set up training programs and facilities. The other issue was that the IPTF had a clear mandate to help create a genuine police force that would enforce laws autonomously. Its strength, for the whole of Bosnia, was to be 18,438.⁴⁷ The fact that some IPTF officers were able to be transferred from Bosnian duty to Kosovo inevitably means that the police is already somewhat trustworthy.⁴⁸

The emphasis on an independent and democratic police force follows the rationale that two things will allow a massive withdrawal of foreign troops from

⁴² *Ibid.* See also S/1997/966, para. 10.

⁴³ S/1998/491, para. 16.

⁴⁴ Gerald Knaus and Marcus Cox, "Whither Bosnia?" *NATO Review* 3 (Winter 2000-2001), online version. www.nato.int.

⁴⁵ S/1999/284, para. 3.

⁴⁶ S/1999/670, para. 21.

⁴⁷ S/2000/1137, para. 10.

⁴⁸ S/1999/779, para. 60.

Bosnia. The first pertains to the medium term, and the second to the long term. In the medium term, it is hoped that the creation of a competent police force will generate new trust in authorities. For this trust to emerge, absolute and scrupulous observance of democratic policing principles and practices is essential. It will take less time to develop a police corps than to generate trust, which can only develop in the long term, but there is no other way. It is correctly believed that democratic policing should be sought as an end in itself, but the DPA's provisions initially promoted the initiative as a means to demonstrate that state power is representative and that it treats all communities the same. This is another example of "administrative" multi-ethnicity.

When sufficient policing capabilities have been mustered and when their level of competence is deemed satisfactory, then the international community will be able to contemplate a troop pullout. In early 2000, the Secretary General was noting substantial progress from police restructuring, but still pointed at interference at the official level.⁴⁹ What the experience of the IPTF reveals is that there are a number of people who are genuinely interested in participating in restoring democratic order in Bosnia. Furthermore, the calls of the Secretary General to use more robust methods⁵⁰ to deny resistant officials the initiative to stall the peace process points not to the exasperation of the international community, but to the possibility of ridding Bosnia of troublemakers now that they are sufficiently isolated.

The coercive approach that has lately yielded some success has drawbacks, and was met with violence against IPTF forces in some cases. Such incidents are conspicuous for their occurrence so long after the signing of the DPA, but the same report states that the historic changes in Serbia open the door to real and meaningful security for the region, giving further credence to the notion that security depends on the good faith of the leaders and the effectiveness of state agencies, and not on their respective communities⁵¹.

This analysis echoes the belief that Crnobjerka has always held: the conflict revolves more around the predatory assertions of Croat and Serb leaders seeking their respective spheres of influence in Bosnia than around "ancient hatreds."⁵² "It took a long time and a lot of concentrated effort for nationalist zealots to exploit the ethnic differences of Bosnia," Crnobjerka notes.⁵³

It is ironic that the solution advocated by abdicators would justify the existence of these spheres of influence, and would realize the goals of Milosevic and Tudjman better than the Dayton Accords ever could. The elements calling for ethnic separatism are less vocal than before, but fears and memories of the war lead people to vote along ethnic lines. "Safety in numbers" is the rationale behind ir-

⁴⁹ S/2000/215, para. 31.

⁵⁰ S/1999/1260, para. 20 and 25, also S/2000/215, para. 34.

⁵¹ S/2000/1137, para. 38.

⁵² Crnobjerka, *op. cit.*

⁵³ *Ibid.*

responsible claims of danger in electoral platforms. The Croat HDZ still made a strong showing because of such tactics in the November 2000 Bosnian elections, and the leader of the nationalist faction Ante Jelacic remains fiercely anti-Dayton and anti-Federation.⁵⁴

However, the elections in Serbia proper have changed the complexion of the security situation. The mood in Bosnia may yet warm up to Dayton, making advocacy of scrapping the agreement premature. Milosevic's removal may help terminate Karadzic's influence in the Republika Srpska. President Kostunica's position may well provide a platform for *rapprochement* of the communities, and recent hints at the possibility of a South African-style truth and reconciliation commission⁵⁵ may yield the results that are hoped for in the region. But most importantly, it vindicates the thesis that the continuation of conflict revolves around a few individuals, and not the incompatibility of the communities or the shortcomings of the DPA.

Similarly, post-Tudjman Croatia has vowed not to challenge Bosnia's sovereignty. There is an increasing discrepancy between the activities of the nationalist party in Croatia and its pendant in Bosnia. Ante Jelacic may soon turn out to be an embarrassment to the political elite in Croatia proper that has resolutely decided to take on the task of meeting EU integration goals. This increased isolation makes the prospect of success in Bosnia more achievable, because it removes the imponderables stemming from the politics of neighboring states. It also has the prospect of radicalizing resistant elements, but, once again, the communities themselves cannot be blamed for this, and we should not expect a peace treaty to close the door to every political contingency the West doesn't like.

This points to the physical removal of those who obstruct the peace plan as key to the success sought in Bosnia. These officials hold on to their positions because of the material wealth and resources they gain from them.⁵⁶ This would not merely remove impediments to the peace process; it would also promote economic conditions necessary for a lasting peace by returning these resources to the people. Despite its cynicism, even the ICG believes the Bosnians can live together. This is not a new concept; Crnobrnja describes how the multinational character of Bosnia is well ingrained, but he adds, "[t]his tolerance and blending of cultures most probably could have endured the country's conversion to democratic statehood, had it not been for the aggressive nationalism that spilled over. . . ."⁵⁷

As a result, the ICG calls for a more consistent application of the international community's powers.⁵⁸ The UN has anticipated these calls, and has shown itself

⁵⁴ Knaus and Cox, *op. cit.*, and also ICG Report #104, p. 10.

⁵⁵ Interview of President Kostunica in Davos by Amir Tahiri, *London Al-Sharq al-Awsat*, 15 Feb. 2001, p.7, via FBIS NTIS-WNC.

⁵⁶ ICG, *op. cit.*, p. 8 and p. 19.

⁵⁷ Crnobrnja, *op. cit.* "The multi-ethnic character of Bosnia".

⁵⁸ ICG, *op. cit.*, p.17.

willing to take decisive action in service of the Dayton Accords. It was proactive in adopting measures that permitted the creation of a border police force.⁵⁹ In a private conversation, Jeremy King has stressed that this police force is the only thing that works as intended in Bosnia. In late 1999, 22 officials who purposefully obstructed refugee returns were removed.⁶⁰ The question of refugee returns is also one that can create difficulties, but the UNHCR has initiated the policy of “open cities,” basically rewarding local officials with aid money if they help repatriation efforts. This is consistent with Kofi Annan’s belief that carrots work better than sticks.⁶¹ While the task has proven more formidable than anyone has ever predicted, progress is being registered, and the lack of returnees can safely be attributed to the fact that those who have left will not be coming back, perhaps because they have chosen to remain where they are, either in the community of the majority elsewhere in Bosnia or the former Yugoslavia, or because they have successfully rebuilt their lives in other countries.

After having peaked at 253,000 in 1996, refugee returns dropped⁶² until 2000, which was a record year for returns because of increased stability. Further calls have been made in the hope of triggering further homecomings, especially in Republika Srpska.⁶³ The anomaly here is not the failure to see returns, but rather the weird provision of the Dayton Accords that allows people to vote in their former area of residence (why return?). This has the prospect of unduly shifting local electoral balances so that they do not represent the new reality on the ground.⁶⁴ Neither the source nor the intent of this provision was ever made clear, but it is possible that it was designed to revert to the *status quo ante* or erase the past by nullifying the effects of ethnic cleansing. Such an attempt works at cross-purposes, as it only serves to remind the voters of the events that went on between 1991-1995. A full reversal is impossible, as Crnobrnja notes.⁶⁵

Refugee returns are a means to undermine the power of nationalist elites resistant to change by bringing about local pluralism. It is not for purely ethnic reasons, but for political ones that returns are being prevented. It is as if the obstructionists know that democracy was just around the corner if returnees made their voices heard at the ballot boxes.

⁵⁹ S/2000/215, para. 33.

⁶⁰ S/2000/1260, para. 18.

⁶¹ Woodhouse, *op. cit.*, 14.

⁶² Source: UNHCR Sarajevo.

⁶³ “Bosnian Croat Nationalists Stir Violence – US Envoy,” Reuters, April 23 2001, www.europeaninternet.com/bosnia/news.php3?id=385543.

⁶⁴ General Framework Agreements, Annex 3, §4.1. While casting a ballot officially confirms the desire to return to the previous area of residence, it does not prevent voters from delaying their decision to return, and so these individuals may be exercising a bit of common sense before rebuilding their lives in an area whose stability is not assured yet.

⁶⁵ Crnobrnja, *op. cit.*

Until 2000, returns had not materialized to the point where a legitimate overthrow of extremists was possible. This, in truth, is what the ICG and Friedman are condemning. Yet it is undeniable that “five years on, the nationalist power structures are fragmenting, undermined by the war-weariness of the population and the inexorable return to normality.”⁶⁶ We could certainly debate the timeliness of the use of the term “inexorable.” But surely positive peace is taking root, no matter what the critics say. This is greatly due to the more assertive role that the Office of the High Representative has chosen. It is the improvement of the performance of national institutions that will help Bosnia achieve a sustainable peace, not a re-drafting or the abandonment of the Dayton Accords. And, as we have argued, the performance of the institutions is forever tied with the integrity of the persons and institutions responsible for them in Bosnia, not to the fact that society is ethnically clean.

Conclusion

There remains a great deal to be done in Bosnia and, admittedly, difficulties still lie ahead, but they will be ironed out with the removal of obstructionists. Rather than a faulty peace deal, we are grappling with an international community unsure of what is to be done, as its actions carry consequences that could further undermine the existence of the nation-state. Attempting to decide everything for the Bosnians creates precedents for scores of developing countries recovering from war. Great power colonialism could be replaced by international organization colonialism, by security organization occupation.

Furthermore, what legitimacy will the Bosnian state have if everything is imposed from without? The Bosnians need to decide their future by themselves. In the end, the de-polarization that Last refers to may take a shape that is not intended by the international community, meaning that it may trigger the destruction of Bosnia, and the end of the desire to live together. But how different would that decision be from that taken by the Czechs and the Slovaks in the early 1990s? Of course, this outcome may be avoided if we stick faithfully to the Dayton Accords. Dayton is not a precise guidance tool, nor was it intended to be. Democracy can earn its name only when the people are empowered to affect the direction of their country. The decision to separate, were it to come, would be legitimate if made in a climate devoid of threats and intimidation, where the discourse is political and not coercive. A break up of Bosnia (or any other country, for that matter) is permissible only if the new states created by secession have a chance of being recognized as sovereign after the decision, and if the decision emerges out of informed, reasoned, measured, and responsible political debate, not from the paranoid ramblings of selfish and corrupt officials.

⁶⁶ Knaus and Cox, *op. cit.*.

Conflict theory analysis reveals that the peace process is not nearing its end, not because the premises on which it is based are faulty, but because it takes a long time to rebuild war-torn societies, period. It is the nature of the process and its goal—positive peace—that determine the time of completion, not the nature of the conflict. The DPA represents a legalized and binding truce with a road map to peace. The situation in which Bosnia finds itself now is a difficult crossroads. Some would say turn back, but there are more reasons to press on.

Evidence that the international community is adopting a more robust approach should be interpreted as an instance of success reinforcement, not imminent failure. As the implementation of the Accords becomes more systematic, and international actors' initiatives become more insistent, beneficial intransigence liable to propel the process into its final stage becomes possible. But as the UN Secretary General has put it in nearly all of his reports, for this to occur, donor fatigue must be combated, and the prospect of success emphasized.

The evolution of the role of the various security organizations, including that of NATO, which, according to King, is starting to resemble policy making,⁶⁷ is not the result of frustration with the process, but indicates that the conflict may not be as intractable as first thought, and that practical, tangible solutions can be applied. As the results of the international actors compare more favorably in the eyes of the Bosnians to the failed promises of nationalists, it is quite likely that the communities will jettison obstacles to the peace process.

Friedman thinks that the debacle in Bosnia is so complete that McDonald's won't open its restaurants there. What the preceding essay has sought to demonstrate is that the international community's efforts are part of a concerted plan—the DPA operating in harmony with countless private field NGOs and other actors. It has shown that these actors are confronted not by insurmountable ethnic differences, but by petty officials. The problem is certainly not the content or the spirit of the Dayton Accords, a mere stage in the peace process, but those individuals. For these reasons, despite the setbacks, we should stay the course with Dayton, and remind ourselves that positive peace does not come as fast and as cheaply as a burger and fries. Multi-ethnic coexistence is possible with the right ingredients. After all, what's a Big Mac without the secret sauce?

⁶⁷ Jeremy King, "Reviewing Security Sector Reform in Bosnia Herzegovina", unpublished draft paper from the Pearson Peacekeeping Centre, 2000, p. 4.