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Freedom of Movement in the European Union: Historical Contexts, Present Politics, and Future Patterns

Griffin Baker

Freedom of movement is perhaps the most contentious issue currently in the United Kingdom. During a debate between the leaders of the United Kingdom's political parties during the 2015 election, United Kingdom Independence Party leader Nigel Farage said, "As a member of the EU what do we control about immigration? … Nothing!" He went on to explain that immigration was out of control and that it benefited corporations at the expense of ordinary Britons. In addition, David Cameron, the current Conservative Prime Minister and winner of the election, said, "We do need immigration that's controlled and fair. In recent decades it's been too high and I want to see it come down" (Churcher, Watling). The issue at the heart of this debate in Britain is the freedom of movement in the European Union. This allows the citizens of any EU country to live and work in any other EU country and entitles them to the same treatment as natives. In contrast to the hostility on display in Britain, the European Parliament and Council called the freedom of movement "one of the fundamental freedoms of the internal market" in a 2004 directive that consolidated regulation on freedom of movement (A Common Immigration Policy for Europe). In addition, according to *Der Spiegel*, Angela Merkel ruled out any cap on the number of unskilled migrants from within the EU during talks with David Cameron (Mason, Oltermann). To comprehensively understand the freedom of movement, one must understand its history, its effects on the EU, and its future.

For such a contested right, the freedom of movement has a long history in the EU. In many ways, the freedom of movement has been the normal state of affairs in European history; it was not until the first World War that movement between nations became the subject of heavy restrictions (Free Movement in Europe: Past and Present). Furthermore, the oldest ancestor of the EU, the European Coal and Steel community, had provisions allowing for the free movement of skilled workers for the purpose of employment (Treaty Establishing the European Coal and Steel Community, ECSC Treaty). This provision of the treaty can be viewed as the forerunner for the modern freedom of movement within the EU. Freedom of movement was included in the ECC and subsequently expanded by the European Court of Justice, as the court expanded the definition of "worker" and increased the protections enjoyed by migrants. The modern incarnation of freedom of movement was created by the Treaty of Maastricht, which introduced the idea of a common European citizenship. The freedom granted in the Treaty of Maastricht was subsequently expanded with the implementation of the Schengen free travel zone, which allows for visa and passport free travel between the Schengen area member states (Free Movement in Europe: Past and Present). During the accession of former Communist states into the EU, member states were given 7 years to open their borders to migration from Eastern Europe at their discretion. During this period, Sweden, Ireland, and, strangely enough, Britain, were the only countries to immediately open their borders to the former Communist states, instead of waiting up to 7 years (Free Movement in Europe: Past and Present).

Measuring migration within the EU is a difficult task because the movement of people within the EU is so fluid that few records are created and migration is often temporary. It is thus difficult for statisticians to know how many EU migrants there are. The difficulty of tracking this highly mobile population is further compounded by the fact that different governments within the EU use different standards to classify and measure migration. Nonetheless, a picture of the trends in intra-EU migration can be created. Broadly speaking, large-scale EU migration can be divided into two migration patterns: East-West migration and South-North migration. East-West migration is the movement of Eastern Europeans to Western Europe in response to the lack of economic development in Eastern Europe due to Communist rule. Poles and citizens of the Baltic States mainly migrated to England and Ireland, though Germany was the primary destination of these workers before enlargement (Galgoczi, Leschke, Watt). The other main migration pattern was the movement of Romanians and Bulgarians to Spain and Italy. While this trend continues to this day, it has subsided since the financial crisis of 2008, and, given that Eastern Europe is ageing faster than Western Europe, the number of migrants from Eastern Europe to Western Europe will likely continue to decline (Benton, Petrovic). South-North migration is the migration of EU nationals from Southern European countries badly hit by the 2008 financial crisis to Northern European countries that have weathered the crisis better. In Greece, for example, emigration by EU nationals tripled between 2008 and 2010 (Benton, Petrovic). Overall, migration within the EU appears to primarily be in response to situations that

create or expose stark differences between the economic opportunities of two EU areas, whether they be between East and West or North and South.

The impact of migration on EU countries is complicated and varies by region. Often, migration affects countries in both positive and negative ways, These effects are also highly dependent on the economic situation of each individual country relative to the economic situation of the EU as a whole. For sending countries, migration can negatively impact the economy by reducing the working age population. This is most acute when the emigrants are the countries' best workers. An example of this effect is Poland, which saw the number of its citizens temporarily residing abroad double in the three years since its accession to over 2 million or 4 percent of the working age population of Poland (Galgoczi, Leschke, Watt). On the other hand, emigration can have a positive effect on sending countries in the form of increased remittances; Poland, for example, saw a 60 percent increase in remittances between 2003 and 2007 (Galgoczi, Leschke, Watt). Furthermore, the effects of the freedom of movement on Eastern Europe have not been uniform--Hungary, for instance, has historically been both a sending and receiving country (Moricz).

Immigrants tend to have a much more benign effect on receiving countries than is commonly thought. While it seems an intuitive truth that an influx of poor immigrants would lower wages, the large number of labor regulations and collectively negotiated wage rates in Europe have caused this effect to be extremely inconsistent. Furthermore, there is no evidence that immigration increases

unemployment (Galgoczi, Leschke, Watt). In addition, the distribution of anti-immigrant sentiment in receiving countries suggests that this negative sentiment is a short-term response to changing social makeup of communities experiencing immigration, rather than a long-term response to the economic effects of immigrants themselves.

In Britain's most recent elections, the anti-immigration UKIP performed best in places that had begun to experience immigration, but where immigrant communities were not yet well established or large (From Infusion to Diffusion). Some opponents of immigration have argued that immigration is bad, not because it is bad for native workers, but because it is bad for the immigrants themselves. These "humane" opponents of immigration argue that due to cultural difficulties, immigrants are exploited and ghettoized. Though it is true that immigrants tend to be extremely concentrated in certain industries and locations, there is no evidence that they are systematically or routinely abused (Galgoczi, Leschke, Watt).

The future of the freedom of movement within the EU as a whole seems extremely secure. In the latest Eurobarometer poll, respondents were asked, "What does the EU stand for?" Half of all respondents mentioned the "Freedom to travel, study, and work anywhere in the EU." This makes the freedom of movement the most popular response, putting it 11 percentage points ahead of the next most popular option, the euro. In addition, the negative version of the freedom of movement was much less popular; only 20 percent of respondents said that the EU stood for "not enough control at external borders" (Standard Eurobarometer 82).

Thus, in the EU as a whole, EU citizens are more than twice as likely to identify the freedom of movement as something good than as something bad. However, it should be noted that respondents were not directly asked about the freedom of movement; they were asked to name what the EU stands for. It is possible that directly asking about freedom of movement may induce a markedly different response. However, this seems unlikely. In addition to popular support, the freedom of movement is supported by the bureaucracy of Brussels because it leads to a "deeper" EU. That is to say, freedom of movement increases the level of integration in the EU. The president of the European Commission, Jean-Claude Juncker, has called the freedom of movement a "basic principle of European co-operation" (EU Freedom of Movement Rules Cannot Be Changed - Juncker - BBC News). Furthermore, as quoted at the beginning of this paper, Angela Merkel has ruled out any reduction in the freedom of movement. Thus, the freedom of movement has an imposing array of forces supporting it: popular opinion in the EU supports it, as does the European Commission, and as do prominent heads of state in the EU. The only major force opposing the freedom of movement is the United Kingdom. However, as present, it seems more likely that the EU would allow Britain to leave rather than sacrifice the freedom of movement. Thus, the freedom of movement seems quite secure.

While the future of freedom of movement is fairly certain, the future impacts of freedom of movement are far from certain. Broadly speaking, EU residents will continue to migrate asymmetrically in large numbers as long as the economic conditions in EU countries continue to be significantly different. That is, there will

always be large-scale asymmetrical migration within the EU as long as the freedom of movement remains. For specific migration patterns, the future is slightly more predictable. The old East-West migration pattern will continue to weaken as Eastern Europe ages and catches up to Western Europe economically. As the Mediterranean economies recover, the South-West migration pattern will also weaken, though given the current outlook this will be an extremely slow process. Predicting the emergence of new migration patterns is even more difficult. Studying the history of the freedom of movement reveals that new migration patterns are formed by large political-economic events such as EU expansion or the 2008 financial crisis. Thus, to predict new migration patterns, one must imagine what new political-economic events might take place. Turkey joining the EU is one possibility, with such an event would likely precipitating large-scale Turkish migration to Europe. Another potential migration pattern could be renewed and high level migration from the Baltic States in response to Russian aggressions in their countries. Slightly less menacingly, an impending Greek or British exit would likely cause large scale emigration from those countries. Whatever happens to the EU in the future, the freedom of movement will continue to act as a shock absorber, cushioning the economic impacts of whatever global events hit EU member states by allowing EU nationals to move to greener pastures.

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Looking Up From Below: The Global North and South Through Representative Scholarship

Flora Haberkorn

If world politics are approached primarily from the perspective of the Global South instead of the North, international politics become even more complex than initially assumed. The Global South see a world being taken advantage of by international "bullies" out for power and willing to destroy the world to establish global hegemony. International politics then would become flooded with more unresolved issues and would display the ongoing consequences of state actions to reach their unattainable goal. For most of history, international relations has been perceived predominantly from the view of the Global North. The Global North is the sphere of power that consists of the great powers of the world along with the developed nations of the West. The perspective of the Global North can be represented through the point of view of the realist and liberal theories depicted by John Mearsheimer and Bruce Russett. The Global North is contrasted by the Global South, which is the sphere of power that consists of states that are not usually directly involved in great power politics and are categorized as developing nations. The Global South can be represented through the feminist analysis of Cynthia Enole and the global North-South representative examination by Roxanne Doty.

The initial difference between viewing the world from the Global South instead of the North is the South's recognition of the negative implications of colonization. The Global North typically ignores the importance of the imperialist actions they engage in because a lack of consideration of the sovereignty of the

imperialized countries themselves. This is emulated by Russett's comments

regarding the lack of emphasis on analyzing colonial conflicts in international

relations because the conflicts were considered civil wars (Russett, 14-20). The

Global South views the international stage as an arena that they were

misrepresented in and never invited to participate in, only forced to as medallions

for the great powers to win and pass around. For instance, Doty analyzes what

occurred after the Philippines was granted autonomy from their Spanish colonial

rule. Initially, it was supposed to be able to form an autonomous state that

governed without further intervention; however, it was still under the control of the

U.S. in an unofficial colonial capacity. The U.S. created a paternalist relationship

with the Philippines after the Philippines became autonomous to "help the weak

state of the Philippines become truly independent" because it would portray the

U.S. as not just another colonizer, but instead a liberator (Doty, 82-84). However,

the narrative of the U.S. "helping" these "weak" states was purely false rhetoric

from the view of the local population who took on the burden of becoming the

playground for U.S.'s interventionist strategies, which used force and racism as a

means of controlling the poor local population. Doty explains that the true

underlining reasoning behind the successful liberalization of the Philippines was

the U.S.'s need to secure the new Philippine state as a successful cultivated

democracy to reinforce the establishment of their current regional hegemony, not

purely to help the Philippines become a stable state (Doty 82-83). Similar cases like

the Philippines' relationship with the U.S. occurred in multiple states within the

Global South. These states were simply not allowed to deal with their own internal problems. The consequence of lack of real autonomy has limited each state's personal and natural state growth, making them heavily dependent on another state to the point that they would not be able to function without the assistance of a greater power (Doty 152-153). From the view of the Global South, states that are currently having a great power intervene in their internal problems probably cultivates dissent toward the Global North because of the social and development issues it caused in the past. The states within the Global South did not ask to be fused to these great powers. In essence, the Global South has an ambiguous perception of great power intervention, contrasting with its publically described "altruistic" intentions.

Another defining worldview of the Global North that the Global South is more wary of echoes Mearsheimer's explanation of state behavior. His stance is that states will never be content with their power position in the world, because they need to be the most powerful state relative to all other states, and thus will continually seek to gain power *at any expense* (Mearscheimer, 3). This aggressive position is considered to be a traditional core masculine belief that is attributed to the very identity of the great powers that the states broadcast through their unregulated forceful actions. This belief is then responsible for validating state decisions to even willingly sacrifice women around the world in the more important pursuit of power. The sacrifice of women can be initially be seen within the Global North itself through the lack of women being allowed into powerful positions within

institutions dominated by the Global North states, such as the World Bank and the United Nations. Within these institutions, the most powerful positions are appointed to men, while women are expected to be hosting parties and not engage in drafting resolutions for serious international issues (Enole, 122). This behavior and practice of pushing down women is imperative to identify in states within the Global North because it is imported into the Global South's society as well. Enole extensively reveals how local foreign women are continually being taken advantage of by men from the Global North just because of negative characteristics (such as being fragile and unintelligent) these men assume all women possess. An example of this is provided in the United Fruit Company case Enole examines. The United Fruit Company is an American corporation that sells bananas to the U.S. from factories they have created abroad in states such as Honduras. The conditions within these factories include lower wages for women and little safety for women against their co-workers and their work environment. The construction of those specific conditions forces women to have limited options of survival that include becoming prostitutes and sexual objects for their co-workers (thus endangering themselves) for additional wages (Enole, 141). The company supports the hierarchy they have established because it allows them to spend the least amount of money on workers while maximizing the profit of their company. Therefore, the profits validate the need for the horrible conditions for women. These actions are a mirror of the aggressively masculine initiative for advancement that states within the Global North implement as their primary mode of action. Hence, from the view of

the women from the Global South, this conclusion illuminates the point that the behavior adapted by states in the Global North is important to pay attention to since it is assimilated into companies that become local actors within the states of the Global South. These actions then become immensely important for these developing states because they can cause severe tensions and problems within their populations as they live through the horrific implications of the Global North's initiative to "gain power at any expense". Therefore, within the pursuit of international political advancement, the states within the Global South have more pressure to address issues that are normally pushed aside, such as those surrounding women, than the states within the Global North because of the more immediate threat they have toward their populations.

After reviewing the previous cases brought up by Doty and Enole, it quickly becomes apparent that the world looks much more complex and sinister through the eyes of the Global South. Thus, the Global South acknowledges that the issues within the Global North (that the North ignore in pursuit of power) such as the problem of undermining women that Enole describes, becomes a central issue, as problems first within the societies within the Global North are amplified within the Global South. Additionally, the perception of the depicted helpful nature of the great powers, as shown in Doty's analysis of U.S. intervention in the Philippines, quickly becomes suspicious.

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Where Are the Flying Boats? Latin America's Ongoing Struggle Against Economic Inequality

Lidia Kurganova

In 1966, Fred Freeman predicted that in thirty years time the world would have such technological advances as rocket belts, hovering vehicles, and flying boats. Today, 1996 is long gone, and yet there are still no flying boats. Instead, the world still struggles with inequality at both the local and international levels, which impacts innovation, development, and economic production worldwide. In particular, Latin America faces the issues of underdeveloped manufacturing industries relative to its mass of natural resources and a lack of regional identity. However, recent education reforms and newly signed trade agreements seems to signal reasons for optimism. In the next fifty years, Latin America needs to amend its social inequality and narrow the gap between the rich and the poor by focusing on education, establishing a reliable secondary economic sector, and finding its own identity based on its indigenous and Western heritages.

Since the 1980s, Latin American countries have averaged a 0.5 on the Gini index coefficient, a higher average than both Europe and the United States. However, there has been a recent decrease in the index, due to improvements in education. Starting in the 1990s, Latin American countries have spent a larger percent of GDP on education, which is 20 percent higher than the percentage that the United States spends (Morgenstern, 2012). The gap between rich and poor has shrunk in Argentina in part because the government spends more on preschool education. In all other Latin American countries, with the exceptions of Honduras,

Guatemala, Nicaragua and El Salvador, the new education reforms have triggered an increase in secondary school enrollment, especially among the poor.

The problem now is sustaining the current Gini coefficient or further lowering the level of inequality in the region. Morgenstern suggests that further reform is needed to do so. While the economic boom of the 2000s happened in part because Latin American governments invested more in education, the quality of such education was not improved, leading to questions of quality versus quantity. Another issue is inequality among students, which is directly connected to the issue of educational quality in the region. For example, in order for Chile's Gini coefficient to improve, the government will have to increase quality of public schools. Whether this is accomplished through the hiring better teachers, increasing the wages for teachers, or increasing the quality of the facilities (for instance, having laboratories at the school available for all students), governments will have to do more than simply spend money on education.

Despite this issue, however, Latin American countries have made great strides in the past ten years in their struggle with inequality, and the future of the region looks bright. In fifty years, Latin America is predicted to have lower inequality rates due to recent progress, as well as new education reforms in many countries. However, we should not be blinded by the recent success of the region. Much still needs to happen for the Gini coefficient to remain level, and even more must be done for the inequality rates to decrease. The governments of Latin American countries need to go beyond the simple solution of pouring money into

education: education reforms have to be improved, schools have to be upgraded, and qualified teachers need to be hired. While Latin America seems to be satisfied with increasing education funding to fight high inequality rates, this is insufficient; much more has to be done if the region wants to see lowered inequality rates in the next fifty years.

In addition, Latin America's dependency on Europe and the United States has prevented the region from finding its own identity. Because of its colonial legacy, the foundation of modern Latin America is solely Western, rather than a compromise between indigenous and Western ideals. The colonialists imposed advanced economics that were ill suited for developing the region and its identity; industrialization was imposed on it before the establishment of a raw materials industry. According to Eduardo Galeano, this premature industrialization actually caused more inequality; new machines and agricultural technologies took away people's livelihoods as the population continued to grow. This resulted in higher poverty levels, particularly in the rural areas. Many farmers, unable to compete with the productivity levels of automated machinery, were forced to sell their land. With many losing their jobs, the gap between the rich (who typically owned the machinery that displaced the local laborers) and the poor became even more divided.

A recent solution to this problem comes from the new trade agreements signed between Russia and Latin America. In the face of worsening ties with the European Union and the United States, Russia is in dire need of agriculture and

other basic commodities. This is especially beneficial to Brazil and Argentina, Latin America's largest agriculturally based economies, as it provides a willing market for their meat and grain exports. *TeleSur* reports that both countries will profit from an increased trade surplus due to a reduction in trade regulations. However, this does not solve the problem of dependency. Latin America must establish an efficient manufacturing industry to process its raw materials. Though the continent is resource rich, an economy based in the primary sector harvesting raw materials does not promote economic development. It must have a mature secondary sector that can refine and process the materials for a greater profit. This would finally make Latin America an economically competitive region.

The current export-based economy does not provide a very stable economic future; improvement in the educational and manufacturing sectors is needed. Latin America cannot solely rely on a Russian trade agreement to develop into a major global player. Latin America's separation from the United States and the European Union will force them to adjust their economic foundation from one dominated by its primary sector to one with a strong secondary sector. Though there has been a current emphasis on education, Latin America still does not have the financial strength or global attraction to create an intellectual or service-based economy. Its economy will transition from raw materials and agriculture to manufacturing, which will induce economic growth by giving jobs back to the laborers like farmers. In addition, it will also establish Latin America's post-colonial identity. By creating this new industry that is founded locally, Latin America will establish an economic

system that is uniquely theirs. It will be able to compromise between its indigenous and Western heritages. If Latin America stays on course of fighting social inequality and building a secondary economic sector, it will find its identity naturally and the region will progress toward the right direction...with or without the invention of flying boats.

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The Rise of China: Perspectives From American Public Opinion and Political Divides

Kelsey Landau

As citizens of the reigning hegemonic power in the international system, Americans possess a unique view of the People's Republic of China: a view dominated by a feeling of threat. For more than twenty years, ever since the collapse of the Soviet Union, the United States has enjoyed its position as the world's sole remaining superpower. However, China's economic rise has threatened that feeling of stability, with many feeling that the American economy will soon be taken over by that of China, with deleterious results. This paper will discuss and analyze American perceptions of China's rise from two perspectives: first, how American citizens perceive China's rise, and second, how major political figures in American politics perceive China's rise. The first perspective will be ascertained through opinion polls, while the second, due to its more qualitative nature, will be analyzed through speeches and other statements. Of course, there is no monolithic perception of China's rise; however, as a two-party representative democracy, American views of the country's economic growth, while overlapping, tend to align with either the Democratic or Republican political parties.[1] Because the United

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[1] The United States is a two-party political system. The Democratic Party falls to the center-left on the political spectrum, supporting such issues as gender and racial equality, government regulation, social welfare, universal health care, consumer protection, environmental protection, and labor unions. The Republican Party is on the right of the political spectrum, and supports such issues as free market capitalism, deregulation, small business, strong national defense, socially conservative policies, and privatization. On foreign policy issues, the two parties tend to overlap: both favor a strong role for the United States in the international

States is a two-party system, the perceptions of these two parties are the only two politically relevant ones, and because the United States is a representative democracy, the views of both the citizens and their elected representatives are of paramount importance in shaping what has been termed "one of the most important – if not the most important – bilateral relationships in the world."[2] While both the Democrats and the Republicans, and their elected officials, are wary of China's economic rise, this paper finds that Republicans of all stripes are more likely to feel acutely menaced, largely as a result of the outsourcing of blue-collar jobs to the People's Republic, while Democrats are more likely to favor engagement with the country.

As a democratic country, politicians in the United States are, ultimately, answerable to the people, and so the viewpoints of the American electorate regarding the impact of China's rise indelibly shape American foreign policy. On the whole, American citizens are wary of the world's second largest economy, viewing it as a threat to American economic supremacy. However, it seems "there are few signs of alarmism, belligerence, or erratic fluctuations in opinion."[3] In a 2015 Gallup poll, Americans ranked China third in response to the question "What one country anywhere in the world do you consider to be the United States' greatest enemy

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system, including military intervention when necessary; however, Democrats tend to be preferential to international law, diplomacy, and other forms of soft power, while Republicans support military strength and unilateralism.
[2] Euhwa Tran, "US Public Opinion on China: A New Low?" *The Diplomat* (2015)
[3] Tao Xie and Benjamin I. Page, "Americans and the Rise of China as a World Power," *Journal of Contemporary China* (2010): 482.

today?" behind only the perennial threats of Russia and North Korea.[4] The same

poll found that 54% of Americans viewed China unfavorably, compared to 38% who

viewed the country favorably; this is confirmed by a similar poll completed by the

Chicago Council on Foreign Affairs in 2014, and seems to be a result of Americans

who "base their views on a sense of diminished economic leverage," with "a

substantial 45 percent of Americans mistakenly believ[ing] that China has already

surpassed the United States in terms of economic power."[5] While American military

strength overwhelms that of China, 77% of Americans say that economic strength is

more important than military might, and so this perception of China's economic

strength carries a considerable amount of weight.

    This perception is, largely, a result of Americans feeling threatened by

China's economic rise: the United States has long been the world's largest economy,

and while it remains the country with the highest nominal gross domestic product

(GDP), in 2014 China took the number one spot when measuring economic GDP by

purchasing power parity, which takes into account varying costs of living.[6] This

proved to be a statistical indicator of a fear that the "American Dream," the concept

that people who work hard can make a better life for themselves and their children,

is increasingly growing out of reach. Exacerbated by the 2008 economic crisis,

Americans "are discontented about the present and worried about the future," and

"by an overwhelming margin, the people believe that their country is on the wrong

[4] Gallup News Service, "Gallup Poll Social Series: World Affairs," *Gallup* (2015)
[5] Dina Smeltz and Ivo Daalder, "Foreign Policy in the Age of Retrenchment: Results of the 2014 Chicago Council Survey of American Public Opinion and US Foreign Policy," *The Chicago Council on Global Affairs* (2014): 11.
[6] Ben Carter, "Is China's economy really the largest in the world?" *BBC News* (2014)

track."[7] While China's economic status is just one facet of this fear, it is one that is easy to quantify. Therefore, despite its inaccuracies, American citizens tend to view the country through the lens of a competition that they are losing.

While these polls reflect the majority American opinion concerning China's rise, there are variations within the American public between Democrats and Republicans. Republicans tend to view China's rise as more of a threat than do Democrats. A September 2015 CNN poll found that 40% of Republican voters view China as a "serious threat," compared to just 26% of Democrats.[8] This can be traced, in part, to the loss of American manufacturing jobs to both China and other countries overseas. According to *U.S. News & World Report*, a nonpartisan American newsmagazine, since China joined the World Trade Organization in 2001, "the expanded trade deficit with China cost the U.S. 3.2 million jobs, and three-quarters of those jobs were in manufacturing."[9] Those without a university degree overwhelmingly hold these blue-collar jobs, and those with 47% of those with less education identify as Republicans, compared to 39% who identify as Democrats.[10] As a result, Republican voters are far more likely to be personally affected by the outsourcing of blue-collar jobs to China, and their viewpoints adjust accordingly. This, coupled with fundamentally opposing ideologies – Republicans support free-

[7] William Galston, "A Decade of Decline in the American Dream," *The Wall Street Journal* (2013)

[8] CNN/ORC International, "Full results on immigration, guns, domestic issues," *CNN/ORC* (2015): 9.

[9] Katherine Peralta, "Outsourcing to China Cost U.S. 3.2 Million Jobs Since 2001," *U.S. News and World Report* (2014)

[10] Pew Research Center, "A Deep Dive Into Party Affiliation," *Pew Research Center* (2015)

market economies and individualist concepts while the Chinese Communist Party emphasizes market control and group cohesion – accounts for the negative view of China's rise held by America's right-wing citizenry.

This anti-China sentiment is reflected, as it would be expected in a representative democracy, in the viewpoints of leading Republican politicians. Paul Ryan, the recently elected of the House of Representatives,[11] has echoed the fears outlined above concerning China's economic rise, tweeting in 2012, "When China & other foreign countries hold nearly half of our debt, America's independence is threatened."[12] In April 2015, prior to his speakership, Ryan suggested that letting China take the lead in the negotiations over the Trans-Pacific Partnership would not "be to the benefit of the American worker."[13] These comments reflect the mentality of Republican voters and play off their fears that China will soon surpass (or has already surpassed) the U.S. economically, to the detriment of ordinary Americans. Donald Trump, the presumptive Republican presidential nominee in the 2016 elections,[14] has made equally belligerent statements about China's perceived threat, saying that China has been "taking our jobs [and] they're taking our

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[11] The Speaker of the House is the second in the presidential line of succession, after only the vice-president, and is the presiding officer of the House of Representatives, the lower chamber of the United States' legislative branch. The Speaker is a member of the majority party, and actively works to advance his or her party's legislative agenda. The Democratic Party currently holds the presidency; therefore, Paul Ryan is currently the highest-ranking member of the Republican Party.
[12] Paul Ryan (@PRyan), "When China & other foreign countries hold nearly half of our debt, America's independence is threatened," *Twitter.com* (2012)
[13] Matthew J. Belvedere, "Ryan: If we don't lead on global trade, China will," *CNBC* (2015)
[14] Real Clear Politics, "2016 Republican Presidential Nomination," *Real Clear Politics* (2015)

money."[15] This comment likewise taps directly into Republican fears about outsourcing and declining opportunities – the language of *our* jobs, as if Americans are entitled to them, feeds the Republican view of China as a menace, and the voters' perception, in turn, shapes the opinions of the policymakers.

This equation remains true on the other side of the political aisle as well. As with their citizen counterparts, Democratic Party political leaders are far more likely to say that engagement with China is a net positive for both countries, and that China's economic rise, while cause for concern, does not by itself herald the demise of American hegemonic power. President Barack Obama, the current head of the Democratic Party, delivered in September 2015 the opposite message to that of Ryan and Trump, saying, "American exports to China have nearly doubled and now support nearly one million American jobs," and "Chinese investment in the United States helps support jobs across our country."[16] This message – that China's rise can benefit the United States rather than simply threaten it – will likely also be the position of Hillary Clinton, the current Democratic front-runner for the 2016 election. According to the left-leaning news outlet *Bloomberg View*, as president, Clinton would likely "call for more engagement with China" in much of the same way as Obama has.[17] The views of both Obama and Clinton are reflective of Democratic voters as they are more likely to be better educated and therefore less

[15] Robert Schroeder, "Watch Donald Trump warn China will 'bring us down'," *MarketWatch* (2015)
[16] Barack Obama, "Remarks by President Obama and President Xi of the People's Republic of China in Joint Press Conference," *The White House Office of the Press Secretary* (2015)
[17] Albert R. Hunt, "Where Hillary Clinton Stands," *BloombergView* (2015)

directly impacted by China's economic rise, bilateral engagement, and calls for cooperation can become the watchword of Democratic politicians in a way that they could not for their Republican counterparts.

Ultimately, while American perceptions of China's rise remain varied and heterogeneous, general public opinion views the country as posing a threat to American economic preeminence and U.S. primacy more generally. The ferocity of this view, however, is highly correlated with political party affiliation, with Republican voters – and prominent political figures – far more likely to perceive China as an active threat than those who identify as Democrats. This can be traced back to a direct sense of loss driven by outsourcing and a stumbling, rapidly tech-driven economy, as well as deep-seated ideological differences between Republican and Communist Party ideologies. By contrast, Democrats are less likely to be personally affected by those factors, and their ideology of government regulation and traditional support for diplomacy and bilateral engagement lends itself to more cooperation. Perhaps unsurprisingly, leaders in both parties reflect the dominant perceptions of their own, although whether they influence their voters or the voters sway their leaders is impossible to ascertain. In the end, the perceptions of the American general public regarding China's rise are reflected in their leaders and emerge more out of a domestic context and historical supremacy than from any of China's specific actions.

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The European Union's Promotion of Democracy and Order In a Post-Arab Spring World

Sabrina Philipp

On December 17th, 2010, Mohamed Bouazizi sparked a revolution in the Arab world. That morning, police officers stopped Bouazizi, a Tunisian fruit vendor, and attempted to steal some of the fruit he was selling. When he tried to take back his apples, he was beaten. Bouazizi proceeded to report the crime to local government officials, who did nothing. He then set himself on fire. With this public act of self-immolation, Mohamed Bouazizi called attention to Tunisia's corrupt government and became a symbol of defiance throughout the Middle East. Tunisia was just the beginning: social revolutions calling for democratic reform soon spread to Egypt, Libya, Yemen, Syria, and Bahrain.

In 2004, the European Commission adopted the *European Neighbourhood Policy (ENP),* a program hoping to strengthen ties and foster democracy with the European Union's neighbors. The European Neighbourhood Policy takes a bilateral approach with each of the sixteen countries involved, allowing for a targeted approach to address the needs and priorities of each individual country. Included in the European Neighborhood policy are Egypt, Libya, and Syria. The European Union has stated its commitment to assisting transitioning Arab nations, regardless of ENP status. The European Neighbourhood Policy's stated goal is to

> Put a strong focus on the promotion of deep and sustainable democracy, accompanied by inclusive economic development. Deep and sustainable democracy includes in particular free and fair elections, freedom of expression, of assembly and of association, judicial independence, fight

against corruption and democratic control over the armed forces (European Commission).

The EU also stressed the role of civil society bringing about deep and sustainable democracy. The EU unveiled "more for more" principle, under which the EU will develop stronger partnerships with those neighbours that make more progress towards democratic reform" (European Commission).

A democratic and stable North Africa is now seen as a priority in emerging strategic opportunities and financial investments for European firms. According to a press release from the European Commission on February 8, 2013, "The EU is committed to provide long-term support to all Arab countries engaged in democratic transitions and will assist them in their efforts to overcome any short-term obstacles they are facing. The partnership with the governments emerging from the Arab Spring will develop on the basis of their respective records" (Council of the European Union). In line with the promise of providing support to Arab countries in transition, the European Union has launched initiatives to reform democratic processes, foster emerging civil societies, and stimulate economic growth in the countries affected by the Arab Spring. By doing so, the European Union is taking a role in restoring political, social, and economic order to countries affected by the European Union.

The European Union has made democratic reform in countries affected by the Arab Spring a top priority. Restoring democratic processes manifests in the holding of fair elections in accordance with internationally accepted democratic standards, allowing the presence of nongovernmental organizations, and providing support for

growth in areas of human rights and freedom of assembly. European Union "Action Plans" also cite "enhancing political dialogue and cooperation in areas such as democracy and human rights, foreign and security policy, cooperation in the fight against terrorism, whilst promoting respect for human rights" as a primary initiative. The European Union has primarily promoted political order through SPRING funding and Election Observation Missions.

SPRING (Support for Partnership, Reform and Inclusive Growth) funding is used to address the unique needs of each partner country present in the Southern Mediterranean. These needs can be initiatives for democratic reform or sustainable economic growth. In the case of restoring political order and reforming democratic processes, SPRING funding has been critical to countries affected by the Arab Spring. In 2012, Algeria was given 20 million euros to promote political order, 10 million of which were used for governance and 10 million of which were used in programs to promote democratic reform. In the same year, Jordan was given 70 million euros from SPRING funding. In 2011, Libya was given 39 million euros to be used in projects that promote public administration and democratic transitions, as well as other social programs such as healthcare and education. This came in addition to an 80.5 million euro financial package to provide humanitarian aid. It is important to note that SPRING funding is often used to promote social order as well as political order, based on how the funds are allocated.

Another huge component of the European Union's role in restoring political order in countries affected by the Arab Spring is ensuring that fair elections are

held. Fair elections are the foundation for a democratic government, and, consequently, European Union Election Observation Missions have been monitoring national elections throughout North Africa and the Middle East to assist in their democratic transitions. Election Observation Missions have been extremely successful when used, and in many cases countries have specifically asked for their assistance in holding elections. One success story can be found in Algeria, which hosted a European Union Election Observation Mission for its May 10, 2012 parliamentary elections. Elections saw a remarkable 8 percent national increase in voter turnout from 2007 elections, indicating a greater sense of legitimacy. National voter turnout was 43.16 percent. Additionally, Algeria elected 143 women to its national Parliament, or about one third of the members. The Election Observation Mission released a report shortly after their visit highlighting areas for improvement, such as increased transparency and accessibility to information for political candidates

In Egypt, the May-June 2012 Presidential elections were monitored by two electoral experts, as opposed to a full-scale Election Observation Mission. The electoral experts ultimately concluded that the elections had been conducted fairly and in a peaceful environment. In preparation for Egypt's 2013 parliamentary elections, the European Union offered to send a fully equipped Election Observation Mission to assist in proceedings. Jordan and Libya's recent parliamentary elections were also monitored by European Union Election Observation Missions. Both countries received comprehensive reports of the elections, but were ultimately told

the elections had been conducted fairly and in a safe environment. The European Union's ability to monitor and ultimately educate national governments on how to hold peaceful, democratic elections is critical to the political order of the countries affected by the Arab Spring. There is now an increased presence of nongovernmental organizations and free expression within these countries, but free elections are the most important thing the European Union could accomplish in assisting democratic transitions.

Apart from restoring political order, the European Union has also worked to restore social order in countries affected by the Arab Spring by fostering emerging civil societies. The European Union has stated that strengthening the role of civil society is a priority. By renewing its relationships with regional organizations and calling for increased freedom of expression and assembly, the European Union hopes to see a stronger civil societies that will serve to strengthen national governments. The primary way that the European Union has done this is to provide funding for civil society programs and to advocate for human rights.

In the 2012-2013 National Indicative Programme, Algeria was allocated 172 million euros to focus on its youth, employment issues, and civil society. Bahrain is also currently working closely with the European Union on a project that would design training on human rights issues and bring its national legislation up to international standards. Senior European Union officials have also visited human rights activists in prison and sent strong messages calling for the expansion of human rights. Within Egypt, the European Union has been known for

unwaveringly supporting human rights. President Barroso of the European Commission and President Rompuy of the European Council have both visited Egypt in support of human rights. The European Union also gave Egypt 20 million euros as a "civil society package" immediately after President Mubarak was ousted. Jordan was given a similar civil society package, totaling 43 million euros. Additionally, Jordan was given a large contribution by UNICEF to subsidize the cost of educating Syrian refugee children living in Jordan. This contribution also directly affected Jordanian youth, as those living in host communities had access to its resources. The European Union gave Libya 68 million euros over 2012-2013 to expand its private sector, focusing on security and vocational training.

Thus, as we have seen, the European Union has taken definitive action to restore political and social order in countries affected by the Arab Spring. Arguably the most important area where they need to restore order is within the individual economies of each affected country. From 2011-2013, the European Union provided 3.5 billion euros to stimulate economic growth in the Arab Spring nations. 700 million euros have been given via SPRING funding grants. The European Union has stated its financial interest in North Africa, and has facilitated future investment from European Union institutions and European firms. At the October 2012 European Union-Egypt Task Force, over a hundred European business leaders were present to jumpstart investment in Egypt. The European Investment Bank can also now provide loans for up to 1.7 billion euros to Arab Spring nations, as approved by the European Parliament in February 2011. 1 billion euros will come

from the "Mediterranean Mandate," and the remaining 0.7 billion euros will have an environmentally-friendly focus at the Parliament's request and work to address climate change in the Mediterranean.

The European Union is also facilitating investment by launching the European Neighbourhood Programme for Agriculture and Rural Development (ENPARD). Additionally, the European Union is backing a Mediterranean solar plan and market reforms on energy, and the European Commission is consulting with member states to establish an official "Mediterranean Energy Community," hoping to focus on renewable resources and electricity conservation. The European Union has also continued to pledge its support to the Mediterranean environment via the Horizon 2020 initiative. Finally, the European Union supports the current draft of "Water in the Mediterranean," a strategy making smart water conservation policies.

Addressing the specific needs of each country, the European Union has put together financial packages, as well as deep and comprehensive free trade agreements (DCFTA) to stimulate economic growth. The European Council approved negotiations for free trade agreements with Morocco, Jordan, Egypt, and Tunisia in December 2011. Negotiations with Morocco began in early 2013 and negotiations with Tunisia will begin later this year. Financial packages are made in conjunction with the European Investment Bank (EIB), European Bank for Reconstruction and Development (EBRD), and international financial institutions

(IFIs). The European Union is also financing programs that support small and market enterprises (SMEs) and reduce unemployment.

From 2011 to 2013, Egypt has been working with a 449 million euro financial package. The European Union, European International Bank, and European Bank for Reconstruction and Development pledged an additional 5 billion euros during a November 2012 Task Force. 90 million euros have come from SPRING funding assistance to support socioeconomic reforms. As it stands, the European Union may provide an additional 500 million euros in assistance, with 50 million being given as grants. Egypt is also currently in negotiations to implement a deep and comprehensive free trade agreement in the hopes of deepening investment relations. Tunisia's overall financial package has increased from 240 million to 390 million euros in 2011-2013, 100 million of which is provided through SPRING funding. Finally, Tunisia's financial package focuses on political and socio-economic reforms.

When considering the immediate catalyst for the Arab Spring, it is important to look once again at Tunisia. Mohamed Bouzazi quite literally lit the match that set the Arab World ablaze, with the demand for democracy spreading across the Arab World like wildfire. Just like Bouzazi, the European Union has a vested financial interest in North Africa, and needs it to be stable if it is to act on those interests. Subsequently, the European Union has been working to restore political, social, and economic order in the wake of the Arab Spring. The European Union has launched initiatives to reform democratic processes, foster emerging civil societies,

and stimulate economic growth in the countries affected by the Arab Spring as a means to an end.

While the European Union has made strides from the original turmoil following the Arab Spring, there is still much to be done. Some argue that the European Union is not doing enough. On September 24, 2012, Public Service Europe released an article critiquing the European Union's response to the Arab Spring. A major argument made is that the bilateral approach and country-specific approach is creating a Eurocentric model "in which all roads lead to Brussels," hindering intraregional trade.

Moving forward, the European Union should reconsider its bilateral approach to addressing the specific needs of each country and instead promote regional integration. Following World War II, the authors of the Marshall Plan recognized the need for a program that encouraged equal growth among all countries, while still giving Germany priority. Similarly, the EU should provide a priority list. However, the piecemeal plans that proved ineffective in 1945 have been just as ineffective in 2013. We are seeing a shift toward more long-term financial planning, but Europe also needs to make sure it develops the appropriate leaders to spearhead these initiatives. It is important to note that the European Union has remained firm in its assertion that it will work with governments working toward a democratic transition. The European Union suspended its bilateral cooperation with Syria due to escalating violence, suspending all loan operations and putting the

drafted association agreement on hold. Syria has responded by suspending its membership in the Union for the Mediterranean.

In the long run, peace in the countries affected in the wake of the Arab Spring will only come from short-term European intervention with a long-term objective. Promoting democracy, expanding civil society, and paving the way for international investors will bring stability to North Africa. This stability is key to protecting Europe's investment, creating a democratic bloc in North Africa, and creating a successful model of what a democratic transition should look like.

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The Bear Clashes With the Eagle: The Already-Worsening Relations Between the U.S. and Russia Before the Ukraine Crisis

David Pruden

Introduction

Between 2001 and 2013, U.S.-Russian relations had been drastically deteriorating, even before the events of the so-called "Ukraine crisis" that began in March 2014 ever transpired. The year 2001 is a logical starting point for examining these bilateral relations for several reasons: it was soon after Vladimir Putin was elected Russian President in 2000, it was the year in which George W. Bush was inaugurated president of the United States, and it was the year in which 9/11 occurred and began a new era of American foreign policy that would affect the international community in profound ways (Aron 2013, 1). This paper will seek to interpret the emerging schism in Russian foreign policy vis-à-vis the United States in the post-9/11 and pre-Ukraine crisis era and explore a variety of events and scholarly perspectives that attempt to explain this geopolitical shift that set the stage for the dramatic events of 2014.

2001-2002

U.S.-Russian cooperation was fairly high around the beginning of the 21st century. At least initially, President Vladimir Putin was rather accommodating to the United States. After the September 11 attacks, for example, he was the first foreign leader to call U.S. President George W. Bush to give condolences (Welch 2010, 26). More significantly, after the U.S. invasion of Afghanistan, President

Putin provided an enormous amount of logistical support, including intelligence

sharing, giving permission to U.S. planes to fly over Russian territory, and agreeing

to requests for U.S. military bases in Central Asia (Welch 2010, 26-7).

However, U.S.-Russian cooperation was not monolithic during this time

period. Around the same time, the U.S. accused Russia of committing war crimes in

its campaign in Chechnya, retracted the Anti-Ballistic Missile Treaty, and

expanded NATO toward Russian territory by including several new countries,

including former Soviet states Estonia, Latvia, and Lithuania (Sestanovich 2008, 5).

In its severely weakened state after the fall of the Soviet Union, Russia had little

choice but to acquiesce to these changes. Revealing is the fact that, despite these

forced concessions on the side of the Russians, President Putin and the Bush

administration both agreed that U.S.-Russian relations were at an all-time high

(Sestanovich 2008, 5). After all, these political events did not occur in a vacuum, but

rather were either watered down as time went on or were counterbalanced by other

diplomatic carrots. By September 2002,

> Bush had offered Putin a new strategic arms treaty…, shifted U.S. policy on
> Chechnya from condemnation of Russia to understanding…, supported
> Russia's accession to the World Trade Organization, agreed to have Russia
> chair the G-8[18]…for the first time, initiated a multibillion-dollar international
> version of the Nunn-Lugar program[19], and upgraded Russia's ties to NATO so
> that Russia's representatives could participate on a more equal footing in
> deliberations on European security (Sestanovich 2008, 6).

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[18] The G-8 is a group of highly industrialized countries (and the European Union)
that met annually to foster consensus on global issues. The members of the G-8,
before the suspension of Russia in 2014, were Canada, France, Germany, Italy,
Japan, Russia, the United Kingdom, the United States, and the EU.
[19] The Nunn-Lugar Program was "a U.S. effort launched in 1992 to help dismantle
weapons of mass destruction in the former Soviet Union" (Sestanovich 2008, 6).

For at least this time period, it would seem that the pros outweighed the cons in relations between the former Cold War rivals.

2003-2008

Despite initially modest Russian responses, this sanguine state of affairs was not to continue past the beginning of 2003. The U.S. invasion of Iraq in March 2003 marked a whole new epoch in international backlash against American foreign policy, especially from the previously docile Russian Federation. When speaking of the "'smoking gun' scenario" (i.e., incontrovertible proof of Iraqi President Saddam Hussein possessing weapons of mass destruction), Rubin points out that Putin "told Bush in a private message that he would accept a war if such evidence were found" (Rubin 2003, 54). The evidence, of course, was not found. Thus, the selfsame loss of power that had previously led to easy Russian compliance with American foreign policy initiatives would now backfire, as Russia believed it was not being given the respect it deserved. As Rubin argues, "Putin…would have viewed summit-level discussions about how to respond to different scenarios as a sign of respect for Russia and a demonstration of real partnership. According to key Russian officials, he would then have agreed in advance to setting a deadline for Iraq's compliance" (Rubin 2003, 55). Yet such international coordination did not materialize, as the United States chose a unilateral approach instead (Brzezinski 2009, 7).

As the initially successful U.S. overthrow of the Hussein regime degenerated into a protracted insurgency with no immediate end in sight, the Russian government made increasingly little effort to hide its resentment of American

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actions abroad. For example, in his speech at the Munich Conference on Security Policy in February 2007, President Putin was vitriolic against American unilateralism: "Today we are witnessing an almost uncontained hyper use of force – military force – in international relations….One state and, of course, first and foremost the United States, has overstepped its national borders in every way. This is visible in the economic, political, cultural and educational policies it imposes on other nations" (Washington Post 2007).

The so-called "Orange Revolution," which began in Ukraine in late 2004 and culminated in the January 2005 election of Viktor Yushchenko to the presidency, proved to be another source of tension between the former Cold War rivals. President Putin strongly supported sitting Ukrainian Prime Minister Viktor Yanukovich, despite allegations of election fraud. In fact, the opposition, led by Viktor Yushchenko, charged that Russia expended hundreds of millions of dollars in supporting Yanukovich (Karatnycky 2005, 1, 9). Simes notes that "from Russia's perspective, U.S. support for Viktor Yushchenko's Orange Revolution was not just about promoting democracy; it was also about undermining Russia's influence in a neighboring state" (Simes 2007, 9). For Russia, the success of the American-backed Orange Revolution was yet another example of the United States interfering in the former Soviet sphere. More importantly, this event also confirmed Russia's continued weakness, as it was unable to control the outcome of events even in its own backyard.

However, U.S.-Russian conflict over Ukraine has not been limited to a mere divergence of interests over regime change in the country. Yushchenko also supported Ukrainian membership in NATO and the EU, a move similar to that made earlier by the Baltic States (Kuzio 2006, 5). Additionally, Georgia is another possible candidate for NATO, the official position of which is that membership may be possible for both of the former Soviet states (Brzezinski 2009, 11). Needless to say, NATO membership for either Ukraine or Georgia would severely exacerbate relations between Russia and the West in general and the U.S. in particular. The previous inclusion of the Baltic States into NATO would pale in comparison to the accession of even Ukraine alone.

Relations were to worsen still further in August 2008 when Russia invaded Georgia in order to support the secession of South Ossetia and Abkhazia. Even though this "war" lasted only five days, the consequences were profound: hundreds were killed, thousands became refugees, and U.S.-Russian relations plummeted (King 2008, 2-3). For all its antipathy to foreign interventions, Russia's Georgian invasion was "an attempt to bypass established channels of conflict resolution and unilaterally change the boundaries of another UN member state" (King 2008, 8).

Indeed, the most striking fact about this intervention is that, even though Georgia is a very small country (indeed, South Ossetia itself is only about the size of Rhode Island), it demonstrates that Russia, for the first time since the beginning of the new millennium, had regained at least some of its former Soviet power (King 2008, 4, 13). Whereas at the beginning of Putin's presidency less than a decade

earlier he had no choice but to consent to whatever diplomatic decisions the U.S. made, now Russia was relatively "empowered," at least to the point of being able to conduct its own military operation and not care about how the West responded, even though the U.S. and Europe had discussed possibly "suspending Russia's relationship with the EU [or] boycotting the 2014 Winter Olympics in the Russian Black Sea resort of Sochi" (King 2008, 13).

The year 2008 essentially marks the end of an era in U.S.-Russian relations, as during the timeframe so far examined (early 2001-late 2008), George W. Bush served both his presidential terms and Vladimir Putin served his first two presidential terms. President Obama has so far not fared much better than President Bush in managing relations with Russia.

2009-2013

After being inaugurated U.S. President in January 2009, Barack Obama made the so-called "reset" to improve relations with Russia one of his administration's foreign policy priorities. Similar to U.S.-Russian relations at the beginning of the Bush presidency, initial setbacks were compensated by several mutual achievements that were nevertheless soon rendered politically obsolete by mounting tensions in light of various other developments. As Aron argues:

> [Initial concessions of the reset] included the Northern Distribution Network (a series of logistic arrangements used to ship NATO materiel and personnel through Russian territory to Afghanistan); the cancellation of Washington's planned deployment of missile interceptors and a radar in Poland and the Czech Republic; the signing of New START; and Moscow's vote in June 2010 for UN Security Council Resolution 1929, which imposed sanctions against Iran (Aron 2013, 3).

However, much of this progress would soon be undone. Moscow consequently threatened to withdraw from New START and reversed its position on helping Washington impose sanctions on Tehran. As part of ongoing accusations of human rights abuses that the U.S. has leveled at Russia, the American Congress passed the Magnitskiy Act, which barred Russian officials accused of human rights abuses from entry into the U.S. As a result, Americans were then prohibited from adopting Russian orphans (Aron 2013, 3-4). The initial cooperation of the reset came to an end as it was replaced by tit-for-tat retaliation on several foreign policy fronts.

Aside from the unraveling of these areas of temporary reconciliation, any positive results of the reset were also overshadowed by increasing Russian opposition to American foreign policy initiatives. With the exception of Iraq, between the fall of the former USSR and 2011 Russia had mainly taken issue with American interference in the former Soviet sphere. Beginning with Libya, however, the scale of conflict between Russia and the United States became more "internationalized" (mainly in the Middle East), and the type of Russian responses started to be more action-oriented, such as vetoing American-sponsored UN Security Council resolutions, rather than simply verbal, as in President Putin's 2007 Munich Speech.

Similar to the Orange Revolution, in which Russia tried (and failed) to exert its influence in order to prevent the implementation of Washington's preference of which regime should rule Ukraine, Russia came to regret abstaining on UN Security Council Resolution 1973, which authorized intervention into Libya and

consequently resulted in the NATO campaign that ended up in the overthrow of the

Gadhafi regime (Charap 2013, 4-5). Of course, Russia was not the only country to

abstain from the vote on this resolution; China, India, Brazil, and Germany did so

as well (Buckley 2012, 5). Nonetheless, Russia did not use its veto as one of the

permanent members of the UN Security Council, an action that it viewed as a

mistake that would not be repeated later.

As a result, Russia took a firmer line on Western attempts to sanction the

Bashar al-Assad regime in Syria, mainly by vetoing three UN Security Council

Resolutions against the Assad regime (Charap 2013, 3). Of course, "Syria is a long-

standing ally of Russia, a purchaser of Russian arms, and home to a Russian naval

base" (Buckley 2012, 9). Yet Russia's reservations concerning foreign intervention in

Syria are more deep-seated than a simple protection of Russian interests in the

Middle East:

> Moscow does not believe the Security Council should be in the business of
> either implicitly or explicitly endorsing the removal of a sitting government.
> Many in the Russian foreign-policy establishment believe that the string of
> US-led interventions that have resulted in regime change since the end of the
> Cold War – Kosovo, Afghanistan, Iraq and Libya – is a threat to the stability
> of the international system and potentially to 'regime stability' in Russia
> itself and its autocratic allies in its neighbourhood (Charap 2013, 3).

In reality, both Russia's alliance with Syria and Russian unwillingness to

support regime change should be taken into account vis-à-vis Syria. The fear that

internationally-supported regime changes may one day backfire on Russia itself is a

powerful motivator for the country to hinder them, especially considering the fact

that Russia experienced one of the most volatile regime changes in world history fewer than twenty-five years ago.

Whatever may be the exact confluence of causative factors of Russia's obstruction of actions against the war-torn Middle Eastern country, Russia's approach to dealing with the Syrian crisis has since evolved from one of relying on the UN Security Council veto to becoming more diplomatically self-sufficient. Namely, in September 2013, Russia and the United States reached a diplomatic deal on a UN Security Council resolution that would legally compel Syria to give up its chemical weapons stockpiles after "the world's deadliest chemical attack in 25 years" occurred in Damascus the month prior (Irish & Nichols 2013). More importantly, however, force against Syria was removed as an option (Irish & Nichols 2013).

While such diplomatic cooperation would seem to be at least one instance in which the U.S. and Russia were able to succeed by working together, this development politically benefited President Putin at the expense of President Obama. Noting the shifting power dynamic between the American and Russian presidents, *Forbes* magazine announced on October 30, 2013 in its annual list of the world's most powerful people that Vladimir Putin, and not Barack Obama, was the world's most powerful person (Howard 2013). In addition to the "chess match over Syria," *Forbes* cited Edward Snowden as another reason for Putin's usurpation of Obama's former position as number one on the list (Howard 2013). Indeed, after the

NSA whistleblower was granted temporary political asylum in Russia, President Obama canceled a meeting with President Putin (Parsons & Hennessey 2013).

As of late 2013, this was the most recent major development between the U.S. and Russia. Put simply, President Obama's "reset" of U.S.-Russian relations was a failure. In light of Libya, Syria, and Edward Snowden, bilateral relations between the Russian Federation and the United States have only continued to degenerate despite the optimistic diplomatic initiative at the beginning of President Obama's first term.

Conclusion

It is noteworthy that several issues remain that are not contentious between the United States and the Russian Federation during this timeframe, namely Afghanistan and North Korea. In the case of Afghanistan, Russia seems to have never stopped supporting American efforts to stabilize the war-torn country during either the Bush or Obama presidencies. Yet seeing as how the U.S. had been slated to downsize precipitously its troop presence in Afghanistan, U.S.-Russian cooperation on this matter does not extend past the time period in question (Aron 2013, 3). Regardless of all the tension between the U.S. and China over North Korea and its nuclear program, Russia is content not to interfere in this matter, even though it has since overturned its position on Iran:

> Following North Korea's test of a nuclear weapon in late May 2009, Russia did not object to a UN Security Council resolution condemning the Pyongyang regime. When North Korea further defied the international community…, Russia again joined the chorus condemning Pyongyang's actions. For Russia, North Korea means very little, as it has little trade and economic interests at stake (Kramer 2010, 10).

However, unlike with regard to Afghanistan, Russian "support" in relation to North Korea is not assisting American efforts so much as simply not hindering them (Kramer 2010, 12). Thus, the areas of "cooperation" that exist between the U.S. and Russia are insignificant at best.

Another explanation for the increasing confrontation between the U.S. and Russia is that, as Russia gains more power after recovering from the demise of the Soviet Union, conflict will naturally arise between Russia and the United States. Mankoff puts forward this assessment: "[T]he substance of Russian foreign policy has not changed…[but rather] Russia has found itself more powerful both in relative and absolute terms than in recent years. This change in relative power is more responsible for the increased tension between Russia and the West in 2006 than any newfound aggressive impulse in the Kremlin" (Mankoff 2007, 124, 126). There are different ways to conceptualize this realist argument, however. Sestanovich, for example, counters that "what changed the relationship far more than any disagreements themselves was a shift in the way Russian leaders understood them[:]…namely, that Russia's relations with the United States…were inherently unequal and conflictual and that Russia would better serve its interests if it followed its own course" (7). In other words, Mankoff emphasizes Russia's reemerging power, and Sestanovich underscores a shift in Russian perspective.

Whether it is the reality of Russia's place in the international order or merely the perception thereof, the fact that Russia *is* able to challenge the U.S. more often shows that the former's gain of power is what has allowed President Putin to

abandon the early days of his first term when Russia's national interests were almost always subordinated to Washington's desires. Even though the Russian Federation is still not nearly as powerful as the Soviet Union was, it is becoming more prominent on the international stage as it asserts its own foreign policy goals with increasing frequency and force, both before and after the Ukraine crisis. If the first decade of the 21st century is any indication, the current trajectory of relations between the former Cold War rivals bodes ill for the coming years as confrontation once again becomes the norm in U.S.-Russian relations.

Pros and Cons of U.S.-Russian Relations between 2001 and 2013

Pros	Cons
Extensive cooperation during the U.S. invasion of Afghanistan (intelligence sharing, permission for U.S. planes to fly over Russian territory, etc.)	U.S. accusations of Russian war crimes in Chechnya
Agreement on North Korea's nuclear proliferation	U.S. abrogation of the Anti-Ballistic Missile Treaty
	Largest-ever expansion of NATO, including former Soviet states Estonia, Latvia, and Lithuania
	The U.S. invasion of Iraq and subsequent Russian accusations of irresponsible American unilateralism
	U.S. support of the Orange Revolution in Ukraine
	Possible Ukrainian and Georgian accession to NATO
	2008 Russian invasion of Georgia
	Russian threats to withdraw from the New START Treaty
	Russian reversal of support of sanctions on Iran's nuclear program
	NATO campaign in Libya
	Three Russian vetoes on UN Security Council Resolutions condemning Syrian President Bashar al-Assad
	U.S. accusations of human rights abuses in Putin's regime
	Russian prohibition of Americans adopting Russian orphans in response to the U.S. Magnitsky Act
	President Putin's decision to grant Edward Snowden temporary asylum in Russia

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Identity To Interaction: How Representational Practices Change Encounters

Alfredo Ramirez

There are some universally held beliefs that permeate almost every level of society: Africa is poor and its residents desperate for help, the Middle East is unstable and many of its regional actors are religious fanatics, and so on. However, to say that these are universally held beliefs does not necessarily mean that they are true. These beliefs are sometimes grounded upon a certain understanding of culture and identity of those being portrayed. Some of these portrayals are not based on fact, but merely representations created through discourse to advance state and actor interests in regions of activity. This paper seeks to identify the role identity and culture play in international relations (IR) and world politics, how these representations are turned to reality, and how this reality changes the way states interact with one another.

In order to see what kind of a role culture and identity play in IR and the world, we must first understand what culture and identity signify. Regarding identity, Stuart Hall differentiates between three "concepts of identity" and provides a well-developed analysis of each concept; however, for the purposes of this paper, I take on the definition of identity as the "post-modern subject," writing that "the post-modern subject, conceptualized as having no fixed, essential, or permanent identity…formed and transformed continuously in relation to the ways we are represented or addressed in the cultural systems which surround us" (598).

This definition highlights the essence of what identity is, from its conception to its practice, and is a solid foundation on which to begin an analysis.

As part of this paper's inquiry, insight will be drawn into the inner workings and uses of culture, and so it is necessary to provide a clear definition for the term as well. William H. Sewell, Jr. does not constraint culture to a specific kind of practice or an action that takes place within a specific social setting, but defines it as a "dialectic of system and practice, as a dimension of social life autonomous from other such dimensions both in its logic and in its spatial configuration, and as a system of symbols possessing a real but thin coherence that is continually put at risk in practice and therefore subject to transformation" (47). Such a definition fits well within the contexts and boundaries that this paper seeks to explore.

Having understood what identity and culture mean, it is now much easier to navigate their significance in global politics and IR. I argue that there are two main drivers of these nodal points. The first is at the individual level, where people utilize identity and culture to locate other individuals of similar or identical nature, almost as a kind of social radar, as described by Hale when discussing ethnicity (2004). In reality, Hale's argument fits well within this one, due to ethnicity arguably being a subdivision of identity. This conception helps explain how these social constructions are a reliable tool in the search for and collective grouping of factions of individuals. It also provides a clear pathway to understanding the second conception of identity and culture at the aggregate level. When many individuals are bound to the same concept of culture and identity, they create what Benedict Anderson calls "imagined

communities," where a group of individuals conceive the idea of their collective area as being a shared space of union and camaraderie, despite the fact that they will never know the majority of their fellow cultural citizens (Anderson, 48-50).

At this level, identity and culture are also wielded with much greater breadth and depth, as they are used as building blocks and signifiers of much larger conceptions. Despite identities being confined to a group of people, the beliefs and symbols that belong to them transcend boundaries both geographical and imaginary. Some of the relationships between culture and global politics can be found through uses of culture by the state, in international political economy, pop culture, global flows, and the politics of global consumption and practice (Weldes and Rowley, 12-25).

Steering to an intermediate level of how identity and culture are represented, state formation and national culture are two concoctions that are formed out of a recipe of cultural and identity foundation. In one instance, Hall points to how culture helps creates the narrative of a national culture, sometimes aided by the state, in the form of national narratives, identity, traditions, and foundational myths, among others (596-631). This is an evolving and ever-changing narrative that is utilized in multiple domestic contexts as well as in those international ones already discussed. A powerful and often-cited example is China's state formulation and manipulation if national culture and identity to consolidate the Chinese nation into a unified national culture. Writing about this specific example, Yonginian Zheng states, "The state and other institutions change or reconstruct their culture

or identities to cope with changing domestic and international environments. Changes in their national and international identities are significant for China's international relations" (13). He elaborates further on this issue, discussing how the transfer from a segmentary-lineage society to the resulting Chinese nation-state gave birth to a previously unknown Chinese nationalism that supplied "industrializing societies with linguistic communicability and cultural uniformity through state power" (Ibid). Building on and expanding Hall's argument, Corrigan and Derek Sayer argue that state formation is a process of cultural revolution, as the state creates a new political identity through the manipulation of symbols, rituals, and practices. To say that states (and rational actors) are not continuously involved in a relationship with identity and culture is to erase thousands of years of human history in dozens of complex and interwoven fields.

The examples provided in the previous section demonstrate not only how an actor in the field of domestic and international relations is able to formulate its own identity and culture, but also how it is able to formulate those of the other. When discussing the other, it is necessary to identify it as separate, be it a singular actor or a group, which is outside of the dominant actor's space (political, economic, social, etc.). This practice is not unique to actors, as practices of representation have been displayed by policymakers, scholars, journalists, and prominent figures alike. These representations, when formulated and put into practice in an effective fashion, lead to what Foucalt calls "regimes of truth": a body of shared knowledge, methods, and scientific discourses which produces a correlated understanding of something or

someone that can be used to manipulate encounters with the Other. This form of encounter is something that will be revisited with much greater profundity in the next section, but for now I analyze how a dominant actor's discourse can affect perceptions.

Examples of this kind of representational practice are countless, and for the purpose of conciseness we will touch on only several of them, simply to demonstrate their presence in global politics and IR. Commencing in the United States, Russel Shorto offers an in-depth encounter with the Texas State Board of Education during its selection of what is to be called "U.S. and Texan History." His insight shows how those people in power are able to promote the "truths" which match their beliefs, ideologies, or interests and isolate or eliminate the histories and truths that do not. This method of representation by people in power is fairly common and easily understandable given their positions; as Zalewski and Enlow write, "identity is being fashioned–and constructed–by others, others who have a stake in making up certain social categories and in trying to make people conform to them" (282).

Outside the bounds of the United States, Edward Said's landmark work, *Orientalism*, is an incomparable account of the West's representation of the Other, in this case the "Oriental": those people that were far removed from the European continent but within its zone of encounter, namely in the Near and Far East. Delving deep into the classics of renowned writers, Said finds that the term *Oriental* was "canonical...employed by Chaucer and Mandeville, by Shakespeare, Dryden, Pope, and Byron. It designated Asia or the East, geographically, morally, culturally"

(31). Their writings were portrayed under the Western lens with undue and heavy stereotypes that consisted of laziness, exoticism, and intrigue, as well as suffering under the qualities of effusiveness, inanimate character, and short tempers (35-39). These representations were grounded in a one-sided discourse that prevented any form of mobility on the behalf of the other and outlined a Western superiority that formed the basis of common binaries that were perpetuated over centuries of dialogue.

It is also important to note that, in discussing the identity and culture of the other, most, if not all, actors also provided a juxtaposed manner in which to discuss their own identity. Said addresses this element later in his work, but Iver B. Neumann, in discussing the formulation of Russian identity vis-à-vis Europe, probes deeply into this facet of representational practices, writing that throughout the nineteenth and twentieth centuries, "the Russian state represented itself as 'true Europe' in a situation where the rest of Europe had failed the best in its own tradition…" by turning away from "past values" or not turning to the "future values of socialism," respectively (194). He argues that any form of representation of the Russian identity is linked to some kind of mimicking of European models of governance, economics, and society.

These practices on behalf of states and international actors are not to be entirely attributed to the inner machinations of the state; the formulations of identities require an academic touch in order for it to be given life. Sometimes explicit and intentional, other times inadvertent and simply misguided, scholars of

international relations give life to these discourses through their intellectual works. With regards to the latter form of identity formulation, Doty writes, "the question of representation has historically been excluded from the academic study of international relations...[which has] shaped the horizons of the discipline" (4). This horizon is evident in the common practices of actors and, while outside the scope of this paper, has continued to be shaped in contemporary 21st century international relations discourses.

Given the understanding of how identity and culture play a central role in global politics and IR, as well as how states can formulate and influence these focal points, it is not difficult to appreciate how these representational practices can completely change encounters between actors and groups. Doty illustrates this key point by arguing that "behavior has no meaning at all outside of discourse," indicating that information, namely identity and culture, are central to the actions and conduct of actors during encounters (25). Beginning once again at the domestic level, Herman and Chomsky demonstrated that, during the Cold War, the amount of attention and manner in which U.S. news media presented to a select topic affected the view of American audiences as to what states posed a greater global and domestic threat (1988, 37-86).

On an international scale, some of these encounters can be categorized as what Doty calls "imperial encounters": asymmetrical encounters in which one entity is able to construct "realities" that are taken seriously and acted upon while the other entity is denied equal degrees or kinds of agency (1-25). Though she identifies

numerous cases littered throughout history, especially colonial history, a more recent and continuing example is that of foreign aid given by the West to non-Western states. A discussion of foreign aid and its related components is liable to take up an entire volume of work, but central to the use of foreign aid are the concepts of development and the elimination of poverty. Doty writes, "in the case of the 'third world,' the subjects who personified poverty were the objects of concern. Eliminating poverty was secondary to 'knowing' the mentality, the behaviors, the tendencies of those who were impoverished" (130). In understanding the Other through the lens of Western foreign aid, it opened the doors to all kinds of one-sided practices that centered on the interests of the aiding state, not the aided. Among those interests were the combating of Communism and threats to "the project of an international liberal, capitalist social order" (Doty, 130-131). Subsequent and more modern additions to the encounter through foreign aid include military provisions, surveillance, human rights standards, and governmental requirements.

The nation of the Democratic Republic of the Congo and its colonial history is a quintessential example of an imperial encounter. Kevin C. Dunn studies that vast literature and actions of Western states in the Congo, denoting a powerful and simultaneously tragic example of how representational practices can completely change the actions taken by a state during an encounter. Analyzing the Belgian acquisition of the Congo River basin after the Berlin Conference, Dunn writes, "through repetition, the colonizing discourses of identity became a stabilizing, producing a script that 'naturalized' the domination and domestication of the

Congo" (22). The subsequent actions by King Leopold II were made possible only by this dominant discourse, outlining a justified intrusion into the lands of the central Africa to civilize and tame the savage lands of unexplored Africa. Dunn argues that "representations have political consequence...discourses and imagery on the Congo's identity have directly influenced political policies toward the Congo" (5). Without them, it is entirely plausible that no such Belgian incursion would have occurred, at least without some form of international outcry, and that the current state of affairs in the DRC would be much different from what it is today.

How different would the state of global politics and IR be if representational practices were not utilized to advance state interests throughout the world of the other? The answer to this question is one for which we may not know the answer for a lengthy period of time. It is beyond debate that identity and culture play a central role in the dimension of global politics, and that their conceptions are largely due to formulations on behalf of actors and IR scholars alike. This conception gives birth to what has been called "imperial encounters" (Doty), a one-sided exchange of ideas and interests that are ultimately detrimental to the actor whose identity and culture are being formulated. Over the last few decades, IR scholars have noticed this trend and begun to stimulate a change in the perception of their fellow intellectuals, hoping that their metamorphosis on the issue may provide ground for a similar revolution in global politics. However, we are far from seeing this revolution take place, and even farther from witnessing its effects on global dynamics. For the time being, those that recognize that a more enriched

understanding of culture and identity would lead to groundbreaking advances must simply hold strong, allow for our ranks to grow in numbers, and wait for this perception to grow into a universally accepted truth.

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International Legal Instruments Applicable to Returning Fighters From Syria and Iraq: From Criminalization To Protection

Angelique Talmor

I.   Introduction and Background

Foreign fighters are not a new phenomenon in the realm of international affairs and war: in recent history, there are clear records of foreign fighters in such conflicts as the Soviet invasion of Afghanistan and the 1990s Yugoslav wars. However, the conflict in Syria, which has spilled over into Iraq with the creation of the Islamic State of Iraq and Syria, has included an unprecedented number of foreign fighters. Since the beginning of the upheavals in 2011, it is estimated that 12,000 to 15,000 individuals traveled to Syria as foreign fighters.[1] Moreover, in past conflicts, foreign fighters originated overwhelmingly from the same region as the conflict, while in Syria, this conflict has attracted a much more international array of foreign fighters from over 83 countries.[2]

While the majority of foreign fighters in Syria still stem from the Arab world, it is estimated that at least 3,000 foreign fighters in Iraq and Syria originate from Western countries.[3] Such fighters, having joined "international jihadi groups," are fomenting concerns in the European Union and elsewhere regarding the possible

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[1] Richard Barrett, "Foreign Fighters In Syria- Public Affairs, Global Ethics Forum TV Series," *Carnegie Council for Ethics in International Affairs*, Page 6.
[2] Barrett, "Foreign Fighters In Syria," Page 2.
[3] Barrett, "Foreign Fighters in Syria," Page 3.

threat posed by returning fighters to their home countries.[4] This fear is illustrated in the person of Mehdi Nemmouche, who, after returning from Syria, is facing charges of attaching a Jewish museum, killing four people.[5] However, there have also been cases of fighters returning from their quest for jihad who renounce terrorism.[6] The question thus becomes, what legalistic framework in international law exists on how such returning fighters must be treated? This paper explores the international law which can be applied to returning foreign fighters within the context of the ongoing conflict in Iraq and Syria, and then goes on to analyze the application of such legal restrictions to the treatment of returning fighters in select European states.

II. Understanding State obligations and restrictions Towards foreign fighters in International law

A) Status of Foreign Fighters: who and what context?

The first step in understanding the framework regarding foreign fighters is to attempt to define these individuals, and thus see to what legal regimes they can be subjected. In the case of the foreign fighters in Syria, the only legally binding document on the subject is the unanimously passed Security Council resolution

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[4] Edwin Bakker, Christophe Yves Marie Paulussen, and Eva Entenmannm, *Dealing with European Foreign Fighters in Syria: Governance Challenges & Legal Implications*, International Centre for Counter-Terrorism, ICCT, 2013, Page 3.
[5] International Centre for Counter-Terrorism (2014), Addressing the Foreign Terrorist Fighters Phenomenon from a European Union Perspective. Global Center on Cooperative Security, Human Security Collective, and International Centre for Counter-Terrorism: The Hague, Page 1.
[6] Zack Adesina and Vivek Chaudhary, "UK Terror Fears: My Jihadist Son Returned from Syria Mentally Scarred – Now He Is Being Ignored."

2178 (2014). This resolution is noteworthy because it brings the notion of terrorist into the discussion by labeling the foreign fighters specifically as Foreign Terrorist Fighters.[7] The association of the terms "terrorist" and "foreign fighter" is understandable in Syria, as most foreign fighters leave their home countries in quest of violent jihad, which has become linked to Islamist terrorism since the events of September 11. As a result of this association, an international law text can be applied not only to legal regimes applicable to foreign fighters, but also to terrorists.

The status of the Foreign Terrorist Fighters in Syria also stems from the identification of the armed conflict in Syria and Iraq in International Humanitarian Law (IHL). This conflict is a non-international armed conflict (NIAC), because the conflict is marked by sustained heavy armed violence between a state and one or more organized armed non state-groups, in addition to the fact that the Islamic State insurgents control territory, as required by additional protocol II of the Geneva Convention.[8] Non-international armed conflicts are governed primarily by the common article 3 of the 1949 Geneva Conventions, which calls for the humane treatment of all individuals not involved in hostilities or who have laid down their arms.[9] In an NIAC, "IHL does not make reference to 'combatants' or POW status, or attach any other formal status to members of armed groups (itself an undefined

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[7] UN Doc. S/Res//2178 (2014), article 1.
[8] Sandra Kraehenmann, *Foreign Fighters under International Law*, Page 16.
[9] Ibid; 1949 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, U.S.T. 3114, T.I.A.S. No.3362, 75 U.N.T.S. 31.

term)."[10] Thus, this indicates that under IHL, foreign fighters are regular combatants and they can be charged with committing war crimes if common article 3, which has become codified in customary IHL, is violated.[11] These foreign fighters can therefore be punished under domestic regimes for violating IHL.[12]

B) <u>State Obligations and possibilities to prosecute and punish Foreign Fighters.</u>

Punishment for IHL violations is the first of the possible state legal obligations towards returning fighters. It is clear that the state would have jurisdiction based on nationality, and it has been ascertained by the International Committee of the Red Cross that customary international law gives states an obligation to "investigate war crimes allegedly committed by their nationals."[13] However, what is more complicated the determination of whether these Foreign Terrorist Fighters have violated IHL. There is documentation by such groups as Human Rights Watch and Amnesty International make it seem undeniable that ISIS and other affiliated jihadi rebel groups have indeed committed war crimes and crimes against humanity, but it is still difficult to determine whether or not a specific person has committed a war crime or a crime against humanity.[14] While some have called the conflict in Syria and Iraq the first "YouTube war," it is still

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[10] Kraehenman, *Foreign Fighters under International Law*, Page 19.
[11] ICRC, 'International Humanitarian Law and the Challenges of Contemporary Armed Conflicts', 2011, Page 59.
[12] Ibid., Page 50.
[13] J.M. Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules* (2005), Rule 158, Page 607.
[14] UN Doc. A/HRC/27/60 (2014), Pages 8, 12.

unlikely that returning fighters will be identified in such videos.[15] Yet, if national

legislation exists, as it does in France, in which accomplices must receive the

sentence as the perpetrator, this could be applied to prosecute returning Foreign

Terrorist Fighters on such crimes.[16]

Nevertheless, the strongest obligation states have to returning Foreign

Terrorist Fighters is laid out in UN Security Council Resolution 2178 (2014). Acting

under Chapter VII powers of the UN Charter, this resolution obliges states to adopt

national legislation that prosecutes Foreign Terrorist Fighters, and also those who

return from such activities.[17] Furthermore, it is important to note that it is easier to

identify someone as a Foreign Terrorist Fighter than as someone who has

committed war crimes.

C) Restrictions in International Law on Returning Foreign Fighters

There exist more obligations for states grounded in international law on how

they *cannot* treat foreign fighters than on how they *must* treat them. These

restrictions come from the codified treaties that make up human rights law and

refugee law. Many of these restrictions start from the basis of nationality itself.

While international law recognizes that threats to "the vital interests of a state" can

be a basis for the revocation of nationality,[18] it also affirms that such revocation

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[15] Christophe Paulussen and Eva Entenmann, "Addressing Europe's Foreign
Fighter Issue," *Security and Human Rights* 25.1 (2014): 86-118. Page 90.
[16] Article 121-6 of the French Penal Code.
[17] UN Doc. S/RES/2178 (2014) Article 8.
[18] 1961 Convention on the Reduction of Statelessness Art. 8 (3)(a)(ii); 1997
European Convention on Nationality Art. 7(1)(d).

cannot be arbitrary[19], and that loss of nationality cannot lead to statelessness; as a result, it can only occur if one has dual citizenship.

Additionally, international law prohibits states from forbidding nationals to enter their own countries of origin, more specifically codified as the 'right to enter one's own country' in the 1966 International Covenant on Civil and Political Rights (ICCPR).[20] Thus, Foreign Terrorist Fighters who are nationals (or even permanent residents) have the right to come back, and 'there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable.'[21] Finally, states that have signed and ratified the ICCPR are restricted in the way they handle these Foreign Terrorist Fighters because such individuals have the basic right to a fair trial that presumes their innocence.[22] This is important because it means that legally, people presumed as Foreign Terrorist Fighters before the law must first have to be proven as such.

What can be noted in these restrictions on state behavior vis-à-vis presumed Foreign Terrorist Fighters is that they mainly relate to states that have signed and ratified relevant treaties that codify International Humanitarian Law. Moreover, while there are scholars who argue that some of these legal obligations have become part of customary international law, there remain very few mechanisms through which the application of these legal principles by states can be monitored and

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[19] Art. 8(4), 1961 Convention on the Reduction of Statelessness, Art. 12, European Convention on Nationality.
[20] Article 12 ICCPR.
[21] Human Rights Committee, General Comment No. 27: Freedom of movement, 1999, §20.
[22] ICCPR Aricle 14 (1) (2).

corrected if need be. Notably, this is less true for European states that have signed and ratified the European Convention on Human Rights; these states are under the European Court of Human Right's jurisdiction and therefore have an enforcement mechanism to the human rights principles and subsequent human rights restrictions and obligations towards returning Foreign Terrorist Fighters. As this is the case, and since a considerable amount of presumed Foreign Terrorist Fighters have come from Europe, the next section will focus on the application of relevant international law towards foreign fighters through national action and legislation.

III.   Application of relevant international law: European case studies

A) The United Kingdom

It is estimated that over 400 British citizens have gone to fight in Syria and Iraq since the beginning of the conflict. Unfortunately, it has been difficult for the British authorities to determine those who traveled to Syria and Iraq for humanitarian purposes as opposed to those who went to join terrorist jihadi groups.[23] Despite this hurdle, however, the UK has deemed that British citizens who either plan on or join a side in the Syrian conflict are liable for prosecution under the Terrorist Act of 2006, something that makes logical sense when we see that the term foreign terrorist fighter has replaced that of simply foreign fighter in the scope of the conflict.[24] Parts of the act that can apply to FTFs include assisting

[23] Paulussen, and Entenmann, "Addressing Europe's Foreign Fighter Issue," *Security and Human Rights*, Page 114.
[24] M. Bentham, "Exclusive: Brits who fight in Syria face life in jail", *The London Evening Standard,* 3 February 2014, http://www.standard.co.uk/news/uk/exclusive-brits-who-fight-in-syria-face-life-in-jail-9104171.html.

or actively organizing a terrorist attack and training or being trained for terrorist purposes.[25] More recently, the UK has passed the Counter-Terrorism and Security Act 2015, which included much more draconian measures to counter FTF activities. These measures include the confiscation of suspects' passports as well as the temporary exclusion from the United Kingdom for a maximum of two years.[26] Lastly, the newly passed Immigration Act of 2014 gives the government the right to strip someone of citizenship in certain cases (such as terrorism) even when it will result in statelessness.[27]

Britain has only paid minimal attention to its theoretical international legal obligations when creating national policy against FTFs. While all of these laws include an appeals process, in which suspects could get a sort of fair trial, these people are not presumed innocent until proven guilty in the whole process. Thus, Britain is violating its international legal obligations under the ICCPR discussed above. Likewise, Britain is also violating its obligations under the ICCPR by making it possible to exclude someone from their country of nationality. Most strikingly of all of these is the new Immigration Act, which is a blatant violation of the 1961 Convention on the Reduction of Statelessness. While these laws are now in effect, they are too recent to have been ruled on by the European Court of Human Rights, and while it is likely that a case will be referred at some point, it is still a

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[25] Terrorism Act 2006; section 5, section 6, and section 8.
[26] Counter-Terrorism and Security Act 2015.Chapter 1 article 1 and chapter 2 article 2.
[27] Immigration Act 2014, Clause 60.

question of whether it will make a true difference in the general application and nature of such British legislation.

B) France

Just like the United Kingdom, France has had an alarming estimated 700 citizens who have left France to fight in the Syrian conflict.[28] Having had similar concerns regarding conflicts in Afghanistan and Pakistan, in 2012 France adopted a counterterrorism law which allows the government to prosecute citizens that come back after having committed terrorist acts abroad or have participated in terrorist training camps.[29] This is the only law particularly relevant to *returning* French FTFs.[30] Prosecution under this legislation of returning fighters however, has been difficult because, as Marc Tredvic, a prominent judge in cases of Terrorism noted, "it's particularly complicated to qualify their adventures in Syria as acts of terrorism"[31] This is because there is nothing in French law that states that participating in a war is a crime.[32] While compliance with UNSCR2178 (2014) could change this last fact, the burden of proof still falls on the prosecuting government. However, in regards to the 2012 law, it is estimated that at least 30 returning FTFs

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[28] Barrett, "Foreign Fighters in Syria," *The Soufan Group,* Page 12.
[29] "La France et la lutte contre le terrorisme," France Diplomatie, http://www.diplomatie.gouv.fr/fr/ politique-etrangere-de-la-france/defense-et-securite/terrorisme/.
[30] While a law passed on the 13th of November 2014 reinforced French counterterrorism efforts, putting travel restrictions on those who plan to join terrorist groups, it has no logical applicability towards returning FTFs.
[31] "At least 50 French citizens 'waging jihad in Syria,'" *France 24*, 13 March 2013, http://www.france24.com/en/20130313-syria-french-citizens-jihad-assad.
[32] Paulussen and Entenmann, "Addressing Europe's Foreign Fighter Issue." *Security and Human Rights*, Page 101.

have been arrested and questioned on its basis.[33] In regards to France, we see that

its legislation regarding FTFs, much like in Britain, is based on counter-terrorism

legislation. However, unlike Britain, French legislation has not violated its

international legal obligations, though both countries are parties to almost all of the

same relevant treaties. Nevertheless, there is always the possibility that recent

attacks on *Charlie Hedbo* in January 2015 and at numerous locations in Paris in

November 2015 will push France to pass national security legislation that

disregards certain of its international legal obligations law.

IV.   Conclusion

It is clear that the international legal system poses certain conditions on how

states must treat retuning foreign fighters. However, it is also evident from the case

studies above that states, even those in Europe, who are arguably subject to the

most oversight of their legal commitments, vary on whether to abide by such legal

obligations. The situation of state application of international law in the case of

Returning FTFs is therefore a frequently occurring dilemma of whether national

security interests can override legal obligations. However, letting national security

have primacy over legal obligations is a dangerous precedent to set, as it is a

slippery slope that undermines the general footing of international law. Evolutions

within the context of the advanced European international legal system will be

telling as a benchmark of how legal obligations towards FTFs and terrorists will

evolve more generally in the near future. In May 2015, the member states of the

Council of Europe adopted an additional protocol to its 2005 convention on the

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[33] Ibid., Page 103.

prevention of terrorism, which "implement[s] the UNSC Res. 2178 by stipulating —

via binding international treaty — specific conduct to be criminalized in the

domestic criminal laws of each member state."[34] Finally, it will also be telling to see

how the European Court of Human Rights judges relevant cases in time, hopefully

codifying the balance between human rights and national security policy.

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[34] Quoted from http://justsecurity.org/21207/council-europe-draft-protocol-foreign-
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Decentralization in India: Institutionalization of the Panchayati Raj

Christine Thomas

With a population of over 1.2 billion people ("CIA World Factbook"), India is considered the largest democracy in the world. This, along with its large geographical size, as the 7th largest country by land area ("CIA World Factbook"), and a high degree of ethnic, linguistic and religious heterogeneity acts as the foundation for many of the political issues faced by the country. Since its independence from British imperial rule in 1949, India has struggled to provide public goods and services, alleviate poverty, and promote equality for historically discriminated groups. In 1993, the 73rd and 74th amendments to the Indian Constitution were ratified and signed into law to address these issues at an institutional level through the provision of compulsory local governments. Prior to this, the Indian Constitution defined federalism as a two-tier system between the National Union government and the twenty-nine state governments at the sub-national level. State governments had the discretion to install local governments as they saw fit, although many chose not to out of fear of losing power, and where these local assemblies were employed, their representatives were comprised of high caste elites (Chaudhuri). The amendments to the Constitution not only institutionalized local self-governance as a component of the federal structure, but they also mandated the representative make-up of these governments through election requirements and proportional representation of underrepresented classes. Devolution of power to local levels had been debated throughout the country's

history and yet failed to compel the political elites and members of parliament as a solution to inequality and low state capacity until the last decade of the 20th century. This paper will detail the institutional change of federalism in the emergence of a three-tier government, through its development and effectiveness as well as its impacts and unintended consequences on India's political institutions and society.

The Character of Federalism in India

Federalism captures the relationship between the different levels of government in a political system and how these levels allocate power and policy-making. Broadly speaking the three main forms are unitary, confederal and federal states, however, there are an unlimited number of variations on these with each country.In India, a quasi-federalism form developed due to the geographic concentration of ethnic and linguistic groups, centralization attempts under British rule and the constitutional bargaining process by the Indian National Congress. Separate nationalities, such as the Punjabis, Marathas, Bengalis, Andhras that are still present today, formed in the 10th century and by the 18th century these nationalities had developed into politically powerful kingdoms (Narang). Each with unique religions, languages and folk traditions, it is likely that "had there been no colonial rule in India, these nationalities could have emerged as separate nation states" (Narang 192). Under imperial rule, the British attempted to impose centralized rule over these kingdoms in order to create their empirical jewel. Despite 150 years of colonialism, the British were unsuccessful in impressing a

unitary state due to its large size and heterogeneity. Thus in 1919, the British began to devolve powers to princely provinces and federalism took hold. Based off of historical claims to land and linguistic cleavages, the boundaries of the states drawn in 1929, exemplified this movement towards federalism as minority groups became geographically centered (Narang). The heterogeneity of the Indian population in ethnicity, religion and language has continued to reaffirm the need for a federal state as it ensures representation of these diverse groups and has allowed for some resemblance of self-rule. Due to the long-held historical divisions of these nationalities, people continue to place their individual state's identity before their identity as an Indian citizen and thus the creation of a truly unitary state would be impossible.

However, the debate on the level of central authority and devolution of power continued under the Indian National Congress, the independence movement and the bargaining process of the new Indian Constitution. Formed in 1885, the Indian National Congress (Congress) began a nationalist movement against British rule not only passing resolutions and providing citizens with a political outlet but also organizing boycotts and nonviolent demonstrations for the Indian independence movement. Comprised of a primarily English-educated elite, Congress was initially ambivalent towards the institution of federalism; instead promoting the British concept of more centralized rule (Narang). However, apprehension from the Muslim minority and distinct identity groups that preferred self-determination and rule as the foundation of a larger state organization changed the view of

Congress. Wanting to promote the protection and representation of indigenous peoples as well as the linguistic, ethnic and religious diversity of the country, Congress accepted and promoted the idea of federalism. In 1946 Jawaharlal Nehru, eventually the first Prime Minister of India, proposed a resolution to the Constituent Assembly envisioning:

> A Republic of India wherein the various territories would possess and retain the status of autonomous units together with residuary powers, and exercise all powers and functions of government and administration save and except such powers and functions as were vested in or assigned to the union or as were inherent or implied in the Union or resulted therefrom (Narang 194).

Mahatma Gandhi also championed localized power and sought to divest a majority of power to local councils, known as the Panchayats, as he believed that "close ties existed between cultural values and political life" (Narang 194). These statements seemed to solidify Congress' endorsement of not only a federal state but one in which local self-rule is promoted. After independence, however, this consensus on federalism deteriorated and became a large source of the initial bargain of the Constitution due to the competing preferences within the Constituent Assembly.

Rational choice institutionalism can easily be seen during this initial period of independence as the issues that fraught the emerging independent country, such as administrative failure, partition riots and secession attempts by richer states, caused the motives and preferences of the constitutional actors to shift. Thus. Nehru and other members of Indian National Congress reverted once again from their stance on federalism as they prioritized the stability and unity of the country (Narang). Congress wished to instill policies to improve the standard of living and

increase the productivity of the industrial and agricultural sectors and they believed that this could best be done by the Union government. The Muslim minority had been a powerful voice in opposition to a strong central government, but with the partition of Pakistan and India of 1947, this group was removed from the bargaining process (Parikh). Weighing the need for security and accommodation of diverse interests, the Constituent Assembly compromised and created a unique type of federalism, known as cooperative federalism. Creating a hybrid between a unitary and federal system, cooperative federalism aimed to increase interdependence between a strong federal and multiple regional governments resulting in state governments "that are largely administrative agencies for central policies" (Narang 195). This system of "federalism in form but unitary in substance" has defined the Indian institution for much of its post-independence history.

Cooperative Federalism in practice

Cooperative federalism resulted in a unique relationship between the Union government and states, with much of the policy-making authority residing at the center. The Indian Constitution, as the longest in the world, defines the powers of the Union and state governments in three lists: Union, State, and Concurrent. The Union list, defined by the seventh schedule of the Constitution, includes ninety-seven enumerated powers that only the central government can legislate (*The Constitution of India*). These powers range from national defense to the regulation of state industries such as oil and minerals, any educational institution regarded to be of national importance and all taxes with exception to those dealing with

agricultural land (*The Constitution of India*). Similarly, the seventh schedule also dictates the powers of the states, including police, hospitals and public health and the election of state parliaments (*The Constitution of India*). The concurrent list is comprised of powers that both the union and state governments have authority over. However, the Union government decision-making and laws supersede that of the state. Furthermore, the 97th provision states that "any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists" is at the discretion of the Union government (*The Constitution of India, Schedule VII*). This gives the Union government greater authority over policy-making and allows for the creation of more uniform laws across the country. Surrendering power to the states would allow them to respond to issues and implement policies in a way more to the needs and preferences of their populations. This is especially true since the unique majority groups of the states have different demands and solutions to policy issues and are prohibited from effective self-rule by the power of the Union government. Financially, the state governments are also quite dependent on the center for revenue as the Constitution entails (Parikh and Weingast). The Union government is the primary collector of tax revenue which is distributed to the twenty-nine states at the recommendation of central agencies such as the Planning Commission and the Finance Commission. Furthermore, the Union can dissolve a state government and impose central rule during financial crisis. State governments may also collect tax revenue independently, which provides them with a greater capacity to carry out actions and implement policy.

This quasi-federalist model in India produced an asymmetry of power between the Union government and that of the states. However, the extensions of federalism in 1993 including a third-tier of government worked to modify this power dynamic by not just regulating more power to state governments, but through the further devolving of power to the government level closest to the people.

Institutionalizing reform

The concept behind the Panchayat, or local tier of government, had existed since its early formulation as the primary political institution of India by Gandhi before the country's independence. As previously mentioned, the initial bargain of the Constitution rejected federalism and Gandhi's vision of self-government by Panchayats. However, Article 40 of the Constitution's Directive Principles of State Policy recognized the advantages of decentralization and local autonomy, envisioning steps towards implementing this system (Singh 818). These steps would take a long time to be realized as any legislation regarding the Panchayati Raj was under the jurisdiction of states who were not prepared to relinquish their power to a lower level of government. Over the decades in 1957, 1978 and 1985, commissions were formed in order to study how local governments could be implemented effectively, with dismal results. They found that the failure of the Panchayats lies in the unwillingness of the states to devolve power, the resistance of bureaucracies and the concentrated power of local elites to bar political participation from lower castes (Johnson). In 1986, the L.M. Singhvi Committee recommended the formal creation of the panchayats through a constitution amendment to provide the newly created

institutions with legal authority and legitimacy (Johnson). A constitutional amendment was also seen as necessary because the Union government did not have jurisdiction over legislation concerning the panchayats and state governments were unwelcoming to the idea.

Setting the Context

It is important to understand the context behind why reforms towards federalism and local government were initiated successfully by this time period. First, those in power recognized the failings of "the bureaucratic and centralized apparatus of the Indian developmental state" as a result of Indira Gandhi's use of emergency powers in the 1980's to consolidate the center's power further (Chaudhuri 160). This failure forced them to resort to new options in order to meet the needs of state capacity and localized government they believed would prove a more efficient means of providing services and would create an institution that was more responsive to the needs of the people. Secondly, this reform in federalism took place after the adoption of several economic policies aimed at liberalizing the economy (Chaudhuri). The economic reforms of 1991 severely limited central government control over the economy as it deregulated industries and opened up trade. Previously, the Union government held a large supervisory role over the state governments in their licensing and approval of projects and foreign direct investment (Sinha). With this role diminished, the subnational state governments had more authority over their economies which was accompanied by new demands placed on the states. The main source of opposition for the panchayats had been the

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state governments as they feared the rise of "hourglass" federalism, in which the center had a broad array of powers at the top matched by that of the panchayats at the bottom, leaving state governments with narrow authority (Johnson). Finally, the institutions of federalism and the Constitution overlap because a written constitution is a necessary component to federal structure as it not only describes the relationship between the states and the central government but it also ensures that one government level cannot to usurp the other's power. In India, Constitutional amendments require two-thirds support from both chambers of the legislature, ratification by at least one-half of the state assemblies, and Presidential approval. Any constitutional amendment would need state support in order to meet the special majority standards in the Rajya Sabha, the Council of States, and gain ratification by the state assemblies. In 1989, an amendment similar to the 73rd and 74th was introduced into the lower chamber of Parliament. It was the first attempt at conferring constitutional status upon local governments, however, it "offered states little discretion in the design of local government reforms" (Chaudhuri 157). The measure failed to secure the needed votes in the Rajya Sabha. This was taken into consideration and the bills that would become the 73rd and 74th amendments broadened the provisions relating to the discretionary powers of the states over the panchayats, making the local governments more reliant on the states for authority. This large amount of discretion granted to the states regarding their finances and the implementation of these new local bodies suppressed fears about a loss of power and allowed for the 73rd and 74th amendments to be passed and ratified.

Characteristics of the 73rd and 74th amendments

Devolving power in and of itself would not lead to more effective or accountable local governments, since in the past these institutions were comprised of local elites who wanted to influence policy in their favor at the expense of the poor or marginalized groups (Chaudhuri). The amendments, however, anticipated this and accommodated it through institutionalizing the direct elections of the panchayats or councils. The councils exist at the village, intermediate, and district tiers; headed by a councilperson directly elected by the other members of the Panchayat. Regularly held elections were basically unheard of for local governments before these reforms which previously undermined the legitimacy and political representation of the public (Singh). Representation through elections became the mandate and it was further specified that the council members would hold five-year renewable terms in order to ensure that state governments could no longer simply postpone local elections so as to retain political power (Chaudhuri). As one of the objectives of the reforms was to provide representation to typically marginalized groups and the poor, the amendments stipulated that seats and councilperson positions would be reserved for Scheduled Castes and Tribes in proportion to their populations (Singh). These castes and tribes are historically disadvantaged groups comprised of the untouchable class or Dalits in the caste system as well as indigenous tribesman. These groups are usually the poorest in Indian society and have been afforded similar quotas in the state and national legislatures. The 73rd and 74th amendments, however, furthered the representativeness of government by

requiring that one-third of seats at all three levels are reserved for women. This type of gender-based quota has not been seen anywhere else in the Indian government.

In order to ensure that the elections and functions of the Panchayats would be instituted faithfully and with the necessary oversight to deter corruption, the amendments founded the State Election Commission and the State Finance Commission (Johnson). The State Election Commission is an independent advisory board, whose primary responsibilities are to oversee fair and free Panchayat elections and prepare the electoral rolls of all eligible voters. Most states had previously established such commissions but failed to define electoral constituencies (Johnson). The State Finance Commission is similarly an independent agency with the role of "reviewing the financial position of the Panchayats, and of recommending measures to augment the financial resources available to local bodies" every five years (Johnson 21). Finally, the eleventh schedule of the Constitution stipulated the areas of legislation that the Panchayats would have jurisdiction over, including projects relating to drinking water, infrastructure, rural electrification and social welfare (*The Constitution of India*). The two bills were introduced in the lower house, the Lok Sabha, in September of 1991 by Prime Minister Narasimha Rao of the Congress party (Singh). They mirror each other in all the above regards except for the fact that the 73rd provides provisions for rural local bodies, while the 74th does so for urban local bodies. Passed by majorities in both houses of the national legislature in December of 1992, the amendments were then ratified by more than

half of the state assemblies and given presidential approval on April 24th, 1993 (Chaudhuri). From when the amendments became law, the state governments had one year to implement the necessary reforms.

Impacts and effectiveness

The reforms included in the two amendments are remarkable for a variety of reasons. They display an honest attempt at not only devolving power and reinventing quasi-federalism but also increasing democracy through self-rule by the ethnic groups and representation of women and disadvantaged castes. These electoral stipulations and oversight boards were the institutional rules necessary in order to create a local form of government with the authority to effect real change and increase the level of state capacity and democracy throughout India. However, the control of state governments over the implementation process of the panchayats limited their intended effects and impacts on federalism and the overall political system in India.

The effects of the 73rd and 74th amendments are evident in the political representation and participation of citizens, particularly marginalized groups, and the regionalization of political parties. The amendments established "238,682 additional recognized representative bodies" and over three million new representatives (Chaudhuri 167). Previously, the lowest form of representation came from the members of the state legislative bodies, who represent approximately 200,000 citizens (Chaudhuri). That number decreased dramatically to the members of the Panchayats representing the interests of a few hundred people. The largest

success of the Panchayats was to increase political participation by involving more Indians in government, through voting, and through civic engagement . In the first round of Panchayati elections after the 1993 amendments, a study by the World Bank found that in the Indian state of Rajasthan 53 villages had voter turnout that was over 90% (Johnson). This election also saw women's rate of voter participation also at 90%, displaying that the reservation of seats for women encouraged more women to participate politically. The voter turnout was considerably higher in the Panchayats election than that of the Lok Sabha elections in the following year with an average turnout of 63% (Johnson). This trend has continued as we have now seen at least four Panchayat election cycles with consistently high turnout.

In terms of minority and underrepresented groups, Dalits and scheduled tribe members now hold over 600,000 seats, giving them a platform on which to voice concerns over poverty alleviation and discrimination (Balaboina). While many states complied with the reservation requirements, marginalization of the groups has remained due to their greater visibility and political rights. The caste system in India, a deeply held religious order, is still the informal institution that dictates social hierarchy and movement and thus in practice, the groups held the reserved seats but were given insignificant influence on policy (Balaboina). The argument has also been made that the introduction of the panchayats further "strengthened the hold of the dominant castes" since it scaled back social movements against the caste system due to the appearance of equal representation and rights (Balaboina 182).

Unfortunately, the reservation of seats for the poor and marginalized groups had the unintended consequence of increased violence in some rural regions as upper castes felt their tight grip on control threatened by decentralization and lashed out as those who they perceive as inferior in Indian society (Mathew). The goal of seat reservation was to strengthen the voice of the Dalits in politics so they could enter the conversation on poverty alleviation and equality, not to place a target on their backs and thus this is the greatest failure brought on by the local governments.

The amendments stipulated mandatory and discretionary provisions for the implementation of the panchayats by the state governments. By the imposed deadline of one year, all of the states had created these local institutions and were in the process of holding elections. However, incredible variation amounted in the local structure due to the powers that the states discretionarily devolved. For example, in West Bengal where decentralization has been hailed as a success, the state government gave the panchayats broad authority to legislate employment programs, rural infrastructure projects and welfare programs such as pensions and disaster relief (Bardhan and Mookherjee). A study conducted by the authors, Bardhan and Mookherjee, found that the panchayats were "quite effective on average in channeling developmental resources to the poor" as the leakage rate was on smaller and the share of cultivable land increased (Bardhan and Mookherjee 216). Unfortunately, in other states, this has not been the case as discretionary power has allowed for them to satisfy only the basic requirements of the 73rd and

74th amendments and "delegate functions without the administrative, financial and technical support" necessary to complete the goals set by the panchayats (Johnson 19). While decentralization has been slow and varied between the local and the state governments, the 73rd and 74th amendments opened the space for decentralization to begin between the Union and states, leading to reforms in the broader political and party system.

India faced several changes in the 1990s in concurrence with the establishment of local governments, including economic reforms that further decentralized fiscal power to the states and a disdain for Congress' one party rule. All three of these changes aided in the regionalization of parties and the emergence of coalition governments in India (Narang). Indian National Congress's tight grip on power dissolved when the party lost its parliamentary majority in the 1989 elections ("India's new federalism"). From a historical institutionalist perspective, the party fell into disfavor under Indira Gandhi, who was the daughter of Nehru and served three terms as Prime Minister, as she called for "unitarism over federalism...concentrating on the theme that a strong center was needed not only to serve the interests of balanced development but also to safeguard the unity and integrity of the country" (Narang 198). After her 1971 election was challenged in the Supreme Court of India and she was asked to step down, Gandhi instead requested that the President institute emergency powers set by article 352 of the Constitution in 1975 (Laskar). This period of effective authoritarian rule would last until 1977 and had a profound effect on federalism at it "proved beyond doubt that

centralization could not be a solution to the political and social problems of the nation" (Narang 198). Indira Gandhi's rule as well as that of her son, Rajiv Gandhi, saw a crackdown on regional opposition groups that had begun to form on the basis of class and other identities such as language, religion and ethnicity. Furthering the distrust of central rule by one party, regionalization of the party system took hold and formed the party system that is currently seen in India. The decentralization of fiscal and political powers to the states during the 1990s strengthened the influence that these state parties had on the political system as they gained popularity and became part of coalition governments. Coalition governments have persisted in India since 1989 and are formed with a "national party--typically Congress or the BJP (Bharatiya Janata Party) -- at the core and regional parties acting as crucial makeweights" ("India's New Federalism"). In the case of the current coalition, the regional parties have allowed the BJP to prosper as it tones down the party's Hindu nationalist rhetoric. Coalition governments in a parliamentary system allow for more parties to have an influence on decision-making and often encourage compromise and consensus in order to avoid dissolution of the government, thus increased political pluralism in India. The regionalized parties and coalition governments have been a result of several historical factors including the decentralization of power and emergence of a more federal system in India.

Conclusion

The constitutional recognition and implementation of the panchayats has made progress towards the goals with which it was established but has not fully

delivered on them. On paper, federalism and democratic values were expanded by this change as more power devolved towards the people and the structure and idea of local government became enshrined in the constitution. While it contributed to the formation of coalition governments, this change has the propensity to make an even larger difference as it created a greater space for Indian citizens to become involved in politics and this space is being occupied. With every election cycle, the Indian people are learning more about participatory democracy and those previously shut out of these discussions are asked to join the conversation. Optimism for the viability of the panchayats lies in the idea that individuals can make a difference in their community and country as a whole because they are given a stake in the system through an election to a local, intermediate or district council. If democracy is rule by the people and we are to believe that this is best achieved when the greatest number of voices and opinions are heard, then this institutional reform of federalism made the world's largest democracy a better democracy.

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