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The European Parliament's Resolutionary War

Mitchell Belfer

With Europe tying itself in knots over the twin problems of Brexit and the cresting wave of populism, EU foreign affairs are undoubtedly playing second fiddle to internal matters at preset.

The danger of such a state of affairs is that important gains made in democratizing foreign policy are squandered. And that the vacuum is filled by an assortment of narrow interests that do not necessarily reflect wider European values or strategic interests.

Concerns over a democratic deficit in foreign policy were heeded in the 2010 Lisbon Treaty, which gave the European Parliament fresh powers in the area and added a co-decision making mechanism intended to make Commission decisions more transparent and accountable.

Unfortunately, the change has not had the desired effect. Far too many European Parliamentarians have assumed foreign affairs positions that run counter to their constituency's interests, their state's foreign policy and the other branches of the Brussels bureaucracy. So, the democratisation of foreign policy has not streamlined the process, but rather contributes to confusing it — and the EU is no closer to having an accountable and transparent foreign policy.

Nowhere is this more obvious than with the so-called Rule 135 which authorises "a committee, an inter-parliamentary delegation, a political group or Members reaching at least the low threshold (one-twentieth of Parliaments Component Members) to request the President in writing to hold a debate on an urgent case of a breach of human rights, democracy and the rule of law." This is an important device in the European Union's toolbox. For it to work properly, it has to be handled with care.

Sadly, over the course of the 2014-2019 parliamentary mandate, Rule 135 has become deeply politicised and is used in an inconsistent, even

arbitrary, manner. Even more troubling is that some MEPs are waging a resolutionary war by abusing the process and proposing resolutions that isolate states from the wider international community.

Since the wider Middle East has been at the centre of strategic thinking of the EU, it is important to also gauge the glaring inconsistency in European policy making when considering the regions' largest (Iran) and smallest (Bahrain) states.

Whereas Bahrain has entered European parliamentary discourses as a target of criticism, Iran has gradually been rehabilitated. And, despite the handful of European Parliamentarians that consistently targeted Bahrain with Rule 135 resolutions — while never focusing on Iran — nothing has really changed on the ground: Bahrain remains a religiously tolerant and progressive state while Iran remains a closed, theocratic, Islamic Republic.

It is a sad fact that since the beginning of the 2014 mandate not a single resolution has been proposed — let alone passed — against Iran despite the grotesque human rights abuses that have been carried out in the name of Ayatollah Khomeini's Islamic Revolution. During the same period, Bahrain had to deal with no less than four Rule 135 resolutions against it — often as part of an agenda that included ritualistic murder of albinos in Malawi, genocide of the Rohingya in Myanmar and violence against Christian pastors in Sudan. Bahrain does not belong on such a list. Iran does.

Such an inconsistency is not restricted to the cases of Bahrain and Iran — it is a widespread problem. During the same period the European Parliament sought to exercise Rule 135 only five times against China, once against Venezuela and, shockingly, also only once against North Korea.

The choice to add or omit, praise or criticise, partner with or against a country falls on the shoulders of MEPs, and it is through them that Europe is represented internationally.

It is therefore more than a requirement, but an institutional prerogative, that European Parliamentarians approach foreign policy with good conscience, impartiality and a sense of civic responsibility. Failure to do so risks unravelling Europe's own international reputation as an honest broker in international relations.

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Research articles

China's South Asia Policy Under Xi Jinping

India's Strategic Concerns

Vinay Kaura

China has always been interested in enlarging its economic and political influence in South Asian geopolitics. Several factors are responsible for China's long-lasting interest in the region. China's policy towards South Asia has been a combination of unique bilateral relationships, characterised by economic opportunities, territorial disputes, security challenges, containing Indian power and resisting American influence. China is containing India's influence and power by strengthening Pakistan's strategic and military capabilities. While solidifying the traditional bond with Pakistan, China remains focused on enhancing its influence with Bangladesh, Nepal, Bhutan and Sri Lanka. The article argues that Chinese diplomacy in the Xi Jinping era shrewdly blends strategic objectives with economic incentives. Under his watch, China's strategic challenges to India have thus increased in recent years. This threat intensification has been accompanied by a growing gap between India and China in terms of strategic capabilities, which has serious implications for India's national security.

Keywords: China, Xi Jinping, India, Pakistan, South Asia, Indian Ocean, Counter terrorism, OBOR, Afghanistan

A brief bonhomie between India and China was brutally challenged by China's communist leadership when the border dispute between two Himalayan countries resulted in a war in 1962. India was defeated and

isolated. Thereafter, China underwent a comprehensive review of her policies towards South Asia and enhanced its ties with Pakistan, a close ally of the United States (US). In the ensuing years, China's South Asia policy was shaped around the Sino-Soviet equation of the Cold War era, which largely remained one-dimensional as security was the primary concern. China's internal security compulsions had also forced her to extend friendly overtures to South Asian countries. Having adopted the policy of opening up in the era of Deng Xiaoping, China began a concerted effort to enhance economic ties with most of the South Asian countries. Around the mid-1980s, the former USSR reoriented her policies, aiming at rapprochement with China. India also made a bold diplomatic initiative to engage with Chinese leadership. After the end of the Cold War, China redefined her South Asia policy to create space for enhanced political influence and economic partnership with the region, especially India.

South Asia has assumed increasing significance in world politics in the post-Cold War era. Its importance has further grown since 9/11, as the region is home to one of the world's most intractable bilateral disputes between India and Pakistan, and between India and China. South Asia has embraced economic liberalization leading to stronger links with the rest of the world. By virtue of its sheer size and population, India is the dominant country in the South Asian region. However, India's relations with its South Asian neighbours have been affected by several territorial disputes. On the other hand, with increasing economic might, China's ability to shape international outcomes has gradually increased. While China's rise offers greater opportunities for global trade and connectivity, it has also fostered anxiety in some countries, such as over China's future intentions vis-à-vis its neighbours. Consequently, China's relations with South Asia have become more intensive and extensive over the past few years. China has been facilitating much deeper contacts between Beijing and regional capitals across many policy domains, including economic, diplomatic and security. Since South Asia has always been perceived by New Delhi as its traditional sphere of influence, China's actions have far reaching implications on India, both economically and strategically.

Given the relatively short period of observation, this article makes use of various current sources for analyzing the political, military and strategic significance of Chinese policies towards South Asia since Xi Jinping's assumption of Chinese leadership. The article is structured as

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follows: (1) an overview of China's new foreign policy approach; (2) various pillars and tools of China's South Asia policy; (3) India's concerns and response. The article employs a qualitative analysis of secondary literature, with media reports, official documents and public statements providing important sources for grasping China's behaviour in the region. The assessment can assist academics and policy makers in understanding China's approach towards South Asia and enhance understanding of India's strategic concerns and response.

New foreign policy approach

As Chinese political, economic and military power grows at remarkable pace, the impact of Chinese external behaviour on the South Asian region has correspondingly undergone a perceptible change. Earlier, China had adopted a conservative and low-profile approach to international affairs under Jiang Zemin and his successor, Hu Jintao. Since Xi Jinping assumed leadership, it has become commonplace to refer to Chinese foreign policy behaviour as muscular and assertive. In comparison with the strategy of keeping a low profile, which was the cornerstone of previous Chinese leaders, Xi Jinping has laid emphasis on the strategy of striving for achievement in shaping a favourable environment for China's progress.[1] Under Xi, China's diplomatic establishment is increasingly viewing the country as a leading global power with wide-ranging interests and responsibilities, and is abandoning the traditional conservative and low-profile approach to international affairs and foreign policy.[2]

Some observers are of the opinion that China will gradually begin to treat friends and enemies differently by using varied instruments in its diplomatic toolkit. China would like to increase the dependence of its neighbours on good relations with China, and also ensure that their interests are closely aligned with those of Beijing. Therefore, those that are seen playing a constructive role in China's development will receive generous economic and security benefits, whereas the countries seen as seeking to prevent China's development will be ignored and punished.[3]

Periphery diplomacy

The concept of 'periphery diplomacy' has become a keystone in China's official diplomatic discourse. Beijing has been moving from a focus on traditional great power diplomacy to prioritizing peripheral or

neighborhood diplomacy. That shift has gradually transformed China's foreign policy since Xi Jinping came to power. Under his leadership, Beijing has undertaken several initiatives to expand its influence and restore China's image in the region since 2013. While major power relations remain one of the top priorities, China's neighbourhood has gained a new significance in the country's diplomacy. The shift was confirmed at an official conference organised by the Central Committee of the Communist Party of China in October 2013. President Xi Jinping observed that:[4]

> The strategic goal of China's diplomacy with neighbouring countries is to serve the realization of the two 'centenary goals' and the great rejuvenation of the Chinese nation. China needs to develop the relations with neighbouring countries in an all-round manner, consolidate the friendly relations with neighbouring countries, and deepen the mutually-beneficial cooperation with neighbouring countries...China needs to develop closer ties with neighbouring countries, with more friendly political relations, stronger economic bonds, deeper security cooperation and closer people-to-people contacts.

The increasing attention paid to the periphery or neighbourhood is not without reason.[5] China has gradually realised that becoming a power centre in the regional system should be a logical outcome of its rise. Positive relations with the neighbouring countries would improve China's strategic position and help expand its global influence. If China's periphery remains unstable, it would not be able to secure societal cohesion and national security. Although China has always paid attention to its relations with neighbouring countries, until very recently its diplomacy was not considered as an organic whole in terms of an overarching foreign policy strategy.[6] Diplomacy towards neighbouring countries was conducted mostly on bilateral terms, focusing on specific issues.

It has been suggested that China's diplomacy can be analysed through the 'three circles framework', which presumes that China's foreign policy is focused on three areas – three concentric rings – with China in the centre. The first circle-level handles bilateral relations with neighbouring countries; the second circle-level deals with the South Asian region and China's counter-terrorism diplomacy, and the third circle-level is all about global powers including the US and the European Union. It has been argued that Xi is paying more

attention to China's periphery as well as the Asia-Pacific region, and is displaying more activism at the global level. Since China shares land borders with 14 countries, it is natural that it would put more emphasis on peripheral diplomacy. Thus, China's diplomacy toward neighbouring countries and South Asian region can be framed as a part of its peripheral diplomacy.[7]

Xi has made the revival of the celebrated Silk Road trading route through the 'Silk Road Economic Belt' and '21st Century Maritime Silk Road' a centerpiece of his foreign policy agenda. In September 2013, he proposed the creation of the Silk Road Economic Belt in a speech titled "Promote People-to-People Friendship and Create a Better Future" at Kazakhstan.[8] Silk Road refers to the historical trade routes linking Asia to Europe through a region that spans South Asia, East Asia, Central Asia and West Asia. Projected as a network of regional infrastructure projects comprising roads, rail links, energy pipelines, and telecommunications ties, the initiative called for the integration of the countries situated on the ancient Silk Road into a cohesive economic area. In October 2013, Xi proposed in Indonesia the creation of the 'Twenty-first Century Maritime Silk Road'[9] as a complementary initiative aimed at fostering collaboration in Southeast Asia, Oceania and North Africa through the South China Sea, the South Pacific Ocean and the wider Indian Ocean area.

Pillars of Chinese strategy in South Asia

China's South Asia policy is primarily aimed at sustaining its global rise. Beijing is eager to increase its strategic, economic and political influence in the region, to ensure economic development of China's Western regions including Xinjiang and Tibet, to reduce political instability and jihadist threat in the restive Xinjiang region, to curtail India's growing influence, to reduce the ability of potentially hostile powers like the United States and Japan to Chinese interests and to promote economic integration. In order to achieve these objectives, China has employed various means, which are discussed below.

One belt, one road project

The major objective of the two highly ambitious projects, referred to as the 'One Belt, One Road' (OBOR), or Belt and Road Initiative (BRI), is to win over neighbouring and other countries in the region through increased trade incentives and transport connectivity. Beijing is fram-

ing its diplomatic approach in strategic terms with frequent reference to OBOR. Different explanations and interpretations have been offered as to what drives OBOR. Broadly speaking, there are four political and economic objectives behind the OBOR. First, China wants to build up a regional system with Chinese leadership, which promotes closer ties between China and its neighbours. Second, this would build a more extensive infrastructural and communication network in the region, facilitating closer economic integration. Third, this would help Chinese companies to invest abroad and export its surplus production, thus helping in the development of its western region. Fourth and most importantly, this China-led and Eurasia-wide initiative is seen as a profound challenge to the current global politico-economic status quo maintained by the US, prompting a Chinese analyst to term OBOR as heralding a 'post-Westphalian world'.[10]

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Xi Jinping considers the OBOR project to be in the interest of South Asian countries. One needs to pay close attention to what Xi had stated in Islamabad in April 2015 (that China was prepared to align its strategies with those of South Asian countries for mutual benefits). He further said that 'the Chinese side is willing to, within the framework of South-South cooperation, offer assistance and support to South Asian countries within its own capacity and that China-Pakistan economic corridor project will bring prosperity in all parts of Pakistan and the region, The Silk route project is a significant move on the part of China to fully open up'.[11] Clearly, Xi has been trying to argue that the OBOR would lead to boosting the interconnectivity of countries along the traditional land and maritime Silk Road. For instance, Beijing wants Bangladesh to align its seventh Five Year Plan with China's thirteenth Five Year Plan. Similarly, during the meeting between Xi Jinping and former Nepalese Prime Minister K P Sharma Oli in March 2016, it was hoped that both sides could fit together China's 'Belt and Road' initiative with Nepal's reconstruction and development plan as well as speed up the establishment of a China-Nepal free trade zone.[12]

A number of regional economic corridors that China has launched are actually part of OBOR. The most important are the China-Pakistan Economic Corridor (CPEC) providing China's western provinces with access to the Indian Ocean through the Pakistani port of Gwadar, the Bangladesh China India Myanmar (BCIM) economic Corridor giving Yunnan Province access to the Bay of Bengal, the China-Mongolia-Russia economic corridor as well as the new Eurasia land bridge

economic corridor. Nevertheless, there are some structural challenges that confront the Chinese formulations on OBOR proposal. The implementation gap, unilateral conceptualization and lack of transparency are some of the factors that weaken any attraction for India regarding OBOR. New Delhi has refused to join the project since it is wary of increased Chinese influence over its neighbourhood. Hence, the OBOR initiative would find it extremely difficult to 'navigate the irreconcilable geometries of South Asia that prevent India from providing full backing to OBOR'. If India gives the green light to the project, it would be tantamount to 'legitimisation to Pakistan's rights on Pakistan Occupied Kashmir and Gilgit Baltistan under the China-Pakistan Economic Corridor (CPEC) that is "closely related" to OBOR'.[13] However, an Indian analyst feels that the Chinese have the capital, the technology and the requirement to speed up the development of the countries along the OBOR project, adding "that the tunnel, road and rail links that it intends to build will pierce the natural ramparts of South Asia, the Himalayas, and end India's geographical hegemony over the rest of south Asia."[14]

Greater interest in SAARC

The South Asian Association for Regional Cooperation (SAARC) is a regional association of eight South Asian countries, namely Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Although SAARC is not a vibrant association like Association for Southeast Asian Nation (ASEAN), it remains the only regional grouping which comprises all members of the Indian subcontinent. China has always been interested in becoming associated with SAARC. It was granted observer status at the Dhaka Summit in 2005, with Pakistan, Nepal and Bangladesh supporting the move. Ever since, China has made significant progress in terms of its participation in SAARC.

Many of the SAARC countries have expressed interest in joining either the Silk Road Economic Belt or its oceanic equivalent, the Maritime Silk Road. China has strengthened its foothold through funding various development projects in the region. For instance, in November 2014, China's Deputy Foreign Minister Liu Zhenmin, declared China's intention to increase the level of trade between South Asia and China to $ 150 billion.[15] The high-level bilateral visits between China and SAARC countries have strengthened the po-

litical, economic and military ties and have also allowed China to play a greater role in SAARC, seriously reducing India's role. However, China's role in SAARC is limited by its observer status, the slow progress of SAARC, and India's increased role, which act as counterweights to China.

India's Prime Minister Narendra Modi has made renewed efforts to reach out to South Asian countries. This regional outreach includes a new vision for SAARC. On the face of it, India and China share common goals for SAARC. But, both would like 'to be at the center of this regional integration process'.[16] With the SAARC remaining fractured due to ongoing India-Pakistan tensions, the possibilities of South Asia becoming a unified trading and diplomatic bloc has diminished. Meanwhile, China's own plan is working on a bilateral basis, a strategy Beijing has already been pursuing with lucrative trade and investment deals in Sri Lanka, Bangladesh, Nepal, Maldives and Afghanistan.

All weather friendship with Pakistan

China has serious boundary disputes with India. It claims huge portions of India's territory in Jammu and Kashmir and Arunachal Pradesh, with a large chunk of India's territory in Jammu and Kashmir already under Chinese occupation. A close China–Pakistan relationship has allowed China to construct all-weather roads, railway, airfields and ports to connect all passes and military posts in Pakistan-occupied Kashmir (PoK) for securing energy and transport routes as well as for easy movement of its troops. The China-Pakistan relationship continues to be underpinned by a mutual rivalry with India. As undermining India's emergence as a great power is a common objective of both the countries, Beijing's strategy in South Asia has been to ensure that Pakistan can ably perform a credible balancing role. The convergence of strategic interests between China and Pakistan also characterises the policy outlook of Xi Jinping, who has expanded China's military and economic relations with Pakistan.

Pakistani Prime Minister Nawaz Sharif said during Chinese President Xi's visit to Pakistan in April 2015 that 'Friendship with China is the cornerstone of Pakistan's foreign policy'.[17] China has termed Pakistan as its 'irreplaceable all-weather friend' and the two often describe their friendship as higher than mountains, deeper than oceans, stronger than steel, and sweeter than honey. China has always valued the

geostrategic position of Pakistan and considers it useful in countering India. China has helped Pakistan build its arsenal of nuclear weapons and has emerged as Pakistan's top arms supplier, a position until recently held by the US. Andrew Small rightly argues that 'China has been Pakistan's diplomatic protector, its chief arms supplier and its call of last resort when every other supposed friend has left it in the lurch. Virtually every important moment in Pakistan's recent history has been punctuated with visits by its presidents, prime ministers and army chiefs to Beijing, where the deals and deliberations have so often proved to have a decisive impact on the country's fate'.[18]

Beijing has emerged as Pakistan's great economic hope, which is apparent from the triumphant declaration of energy and infrastructure projects worth $46 billion, projected as China's biggest overseas investment. Pakistan is the most crucial link to China's grand designs for a new silk road connecting the energy fields of West Asia and the markets of Europe to the East Asian region. The ambitious 3000-kilometre-long China-Pakistan Economic Corridor (CPEC) would link the northwestern Chinese province of Xinjiang to Pakistan's Gwadar port via PoK through a massive network of roads, railways and pipelines. The Gwadar port is already operational, but lacks road connectivity to central Pakistan. It is expected that Gwadar would be linked to China at the end of 2017 with the completion of the M-8 motorway and the upgrade of the Karakoram Highway.[19]

Pakistan plays an important role for Beijing in dissuading the Islamist extremist organizations operating in its territory from targeting China, and cracking down on uncontrollable elements. But this relationship is not with its underlying tensions. It must be recalled that President Xi had to cancel his scheduled Pakistan tour in late 2014 due to security concerns arising from political disturbances in the country.[20] Xi's first Pakistan visit was also the first visit of a Chinese head of state in a decade. The CPEC would pass through politically volatile Baluchistan province of Pakistan, where a long-running separatist insurgency raises important questions about the feasibility of the plan. Given Pakistan's ideology of Jihad and the policy of asymmetric warfare against India, Pakistan army cannot go all out against terrorist groups functioning within its territory. However, Beijing shares a very complicated relationship with Islamabad in this respect for the simple reason that Pakistan's practice of state-sponsorship of terrorism has actually benefitted China in the first place. Chinese strategists are fully

aware that Pakistani terrorism today is directed not only against the Jammu and Kashmir but also the entire Indian state. Pakistan's intention to undermine India's emergence as a great power suits China well. Although Xi has been pursuing the policy of prioritizing economic interests in China's South Asia policy, he is not likely to give up either the China-Pakistan nexus or Chinese assertiveness on Sino-Indian border.

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According to Andrew Small, China-Pakistan relations have become more important to China than they ever have been before. Pakistan's utility to China has been growing and 'now Pakistan is a central part of China's transition from a regional power to a global one…Its coastline is becoming a crucial staging post for China's take-off as a naval power, extending its reach from the Indian Ocean to the Persian Gulf and the Mediterranean Sea'.[21]

Military modernisation and maritime assertiveness

The central location of China makes it the geostrategic heartland of Asia. As all the regional states are located along either its land or maritime periphery, the rise in China's military power affects almost every Asian state. China's assertive external behaviour can be explained with reference to the persistent growth in China's military capabilities, dramatic shifts in the global distribution of power, particularly those resulting from declining faith in America's leadership capabilities. China was the driving force behind the Obama administration's policy that called for America to 'rebalance' its forces to the Asia-Pacific region.[22]

The growing military expenditure of China is reflected in modernization plans in all military spheres – the Army, Navy, Air Force and nuclear force. Until recently, China's military equipment was reverse-engineered Soviet equipment. But things have been changing fast. For instance, the People's Liberation Army (PLA) has inducted Type 98 and Type 99 tanks which are thought to be equivalent to the best 'Main Battle Tanks' in the world, while also testing new attack and reconnaissance helicopters, the Z-10 and Z-19.[23] China has also unveiled its own stealth fighter, the J-31, which seeks to match the world's most advanced fighter plane. China is reconfiguring its entire range of land based atomic missiles, by enabling them to carry multiple warheads. That includes changes in the single warhead DF-5 as well as the DF-31A missiles.[24] China's share in the international arms exports market has risen from 3.6% in 2006-10 to 5.9% in 2011-15.[25] South Asia geopolitics cannot remain unaffected with this pace of military modernization.

Xi Jinping has relentlessly consolidated his personal grasp of military power through intensive political will and the military reform announced in 2015, which remains the most comprehensive since the one started by Deng Xiaoping 30 years ago.[26] Xi's initiatives for streamlining the functioning of the military are aimed at improving the efficiency, professionalism and war-fighting capability of the military. Seven PLA's regional commands have been consolidated into five 'theaters'.[27] More than 100 high-ranking military officers have been punished for various offenses, particularly on corruption charges. Xi has recently created and become the chairman of the Central Commission for Integrated Military and Civilian Development (CCIMCD), whose aim is to reduce costs and facilitate the sharing of technology and resources between the armed forces and the civilian sector. The maritime and cyber domains are likely to benefit from the adoption of civil-military integration.[28]

The transformation and modernization of the military could create new operational challenges for the US military as well as threaten India's security.[29] The speed and scale with which China has undertaken infrastructure modernization in Tibet and the PoK undermine the current military balance along the India-China border.[30] Besides testing new tanks,[31] China is also building its missile capabilities in Tibet, basing them on the region's growing infrastructure. With China upgrading its nuclear and ballistic missiles to target India, it is highly unlikely that India's nuclear deterrence will reach full maturity for another decade. Together with military modernization, Beijing has been trying to make sure that China faces no hurdles in getting access to South Asia through well-built highways and rail networks.[32] This has enabled China to have unobstructed access towards Arabian Sea, Bay of Bengal and to the whole Indian Ocean.

The Indian Ocean provides critical sea routes connecting West Asia, Africa and South Asia with the broader Asian continent to the east and Europe to the west. Some most important strategic chokepoints, including the Straits of Hormuz and Malacca, are found in the Indian Ocean. India is the central power in the Indian Ocean, which is the life-line of India because of 7,500 km of coastline. The geo-strategic and geo-economic significance of the Indian Ocean has grown over the years. It is not without reason that Robert Kaplan mentions that geopolitics of the 21st century would be shaped by events in the Indian Ocean.[33] Whereas China's rising international stature and India's grow-

ing economic rise have heightened the strategic value of the Indian Ocean, America's 'rebalance' to Asia has also raised concerns over security in the region.[34]

China's efforts to bolster its military presence in the Indian Ocean region counter the geo-strategic and geo-economic pillars of India's grand strategy. India perceives China as trying to reshape the strategic environment in its favour, particularly by forming alignments with countries in the Indian Ocean region that could be used against India. Port developments in Kyaukpyu in Myanmar, Chittagong in Bangladesh, Hambantota in Sri Lanka and Gwadar in Pakistan have been made possible by China's technical and financial assistance.[35] Although the efficacy of these ports as full scale naval bases has been questioned, it would not be entirely inaccurate to claim that they could be useful logistics points for Chinese naval vessels. Building strategic ties with India's neighbours might be driven by China's economic and strategic reasons, but it has been viewed by many Indian strategic experts as 'aimed at preventing India's emergence as an Asian and global power'.[36] China has recently announced its intention to build its first overseas naval base at Obock in Djibouti, ostensibly to support China's anti-piracy and peacekeeping operations. The US and Japan are already operating their naval bases at Djibouti.[37] China's logistical base at Djibouti enables a round-the-year naval presence in the Indian Ocean.

The deployment of Chinese submarines in the Indian Ocean raises disturbing questions about Beijing's long-term objectives. With the geopolitical scenario in South China Sea heating up significantly due to aggressive posturing by China and its creation of artificial islands, it seems strategically reasonable that the Chinese navy is beginning to shift its focus to the Indian Ocean not only in terms of power projection but also in terms of securing the sea lines of communication through the Indian Ocean region.[38] China's recent acquisition of commercial facilities in the Indian Ocean region seem more in the nature of dual-use bases that can be upgraded to military facilities in the event of a crisis.[39]

Furthermore, the maritime component of China's Silk Road project runs through the Indian Ocean. The $46-billion CPEC would provide China with smooth access to the Indian Ocean through the Gwadar port besides running through PoK. As per Chinese calculations, CPEC and BCIM would connect the Maritime Silk Road with Silk Road Eco-

nomic Belt and bring all South Asian countries into the OBOR network. China's acquisition of overseas military facilities in the Indian Ocean may be defended as essential for maritime security as well as for Maritime Silk Road project, but what really causes concern is the issue of 'the lack of transparency'.[40]

Enhanced relations with Afghanistan

For Beijing, Afghanistan should not become a safe haven for Uighur radical groups; insecurity in Afghanistan should not destabilise Pakistan and other Central Asian republics; the rise of extremist Islamist forces in Afghanistan should not exert ideological influence in Xinjiang; and proxy battles in Afghanistan between India and Pakistan should not escalate tensions in South Asia. For more than a decade, China was satisfied to be on the sidelines in Afghanistan, trying to minimise its political involvement and avoid being seen cooperating with the US. Beijing also relied upon Islamabad to play a leading role in ensuring a stable outcome in Afghanistan, and to take care of Chinese interests there in the aftermath of imminent American withdrawal. But Xi Jinping seems to have realised that China can no longer avoid a more active role in dealing with Afghanistan if it wants to secure the desired geopolitical, security and economic outcomes. Ever since the US decided to scale down American presence in Afghanistan, China has given more importance to its bilateral ties with Afghanistan in order to plug the political vacuum as well as to secure OBOR projects.

Since Ashraf Ghani came to power in 2014, and repercussions of increasing influence of the Islamic State (ISIS) came to be discussed, China has begun to take part in international efforts to bring the Taliban to the negotiating table for maintaining peace in Afghanistan, including its bordering areas of Pakistan, where China is planning to invest in a number of projects under CPEC. Beijing became involved in the Quadrilateral Coordination Group (QCG) comprising Afghanistan, China, Pakistan, and the United States.[41] Pakistan, Afghanistan, China and Tajikistan established a new Quadrilateral Cooperation and Coordination Mechanism (QCCM), which was a Chinese initiative, but the Pakistan army actively contributed to its establishment.[42] The urgency of establishing another 'quadrilateral' mechanism stemmed from the failure of the QCG dialogue process.[43]

Chinese foreign minister Wang Yi visited Kabul and Islamabad in June 2017 in a bid to reduce tensions between Afghanistan and Paki-

stan. Wang's mission was a significant shift in China's Afghan policy, as it was aimed at creating an opportunity for Beijing to exercise greater influence over South Asian geopolitics.[44] Seen from an Indian perspective, the emerging axis between Moscow, Islamabad and Beijing seems to have put Pakistan once again in the driver's seat over the future of Afghanistan. China's diplomatic efforts in tandem with Pakistan and Russia to accommodate the Taliban as a tool against the ISIS have implications for India. However, unilateral efforts by China to reach out to the Taliban have not yet had concrete results.

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Selective counter-terrorism

China views terrorism, separatism and extremism as posing potential threats to a wide range of national security interests that include social stability, national unity, sovereignty and territorial integrity. China's counter-terrorism efforts presently focus mainly on its Muslim ethnic Uighur population in the Xinjiang region. China's official use of the term 'terrorist' seems to be reserved almost exclusively for describing those tied to Xinjiang. However, some Chinese scholars and government-affiliated experts have also characterised the riots among ethnic Tibetans as terrorism. China's primary concern is the prevailing instability and lawlessness around its periphery. The proximity of these locations to Xinjiang has given rise to fears that Uighur separatists could use these areas as staging grounds for attacks against China or link up with Islamic radicals already operating in Afghanistan and Pakistan which are the primary focus of Beijing's efforts in this regard. China has leaned heavily on Pakistan to do more to combat the activities of the Eastern Turkestan Islamic Movement (ETIM) and the Eastern Turkistan Islamic Party (ETIP), both of which operate in Pakistan's tribal areas, where offshoots of Taliban and al-Qaeda provide training and monetary support to Uyghur Jihadists.[45]

India and China have been engaged in counter-terrorism cooperation. In May 2015, when Prime Minister Modi visited China, both the countries 'reiterated their strong condemnation of and resolute opposition to terrorism in all its forms and manifestations and committed themselves to cooperate on counter-terrorism'.[46] In November 2015, India and China issued a joint statement in which they 'agreed to enhance cooperation in combating international terrorism'.[47] In September 2016, R N Ravi, Chairman of Joint Intelligence Committee of India and Wang Yongqing, Secretary General of Central Politi-

cal and Legal Affairs Commission of China held 'in-depth discussions on enhancing cooperation in counter-terrorism and security and on measures to jointly deal with security threats and reached important consensus in this regard'.[48] However, this commitment is not reflected on the ground.

China seeks regional and global support for targeting Uighur Islamists but refrains from backing India's efforts to weaken the terror groups like the Jaish-e-Mohammed (JeM) and Lashkar-e-Taiba (LeT), who are considered the Pakistani army's 'strategic assets' to wage asymmetric war against India. This selective characterization poses several challenges for the success of counter-terrorism efforts in South Asia. India's application to the UNSC Sanctions Committee (also known as 1267 Committee) to designate the JeM chief, Masood Azhar, as a terrorist has been repeatedly rejected because of China's veto. China is the only country in the UNSC to oppose Masood Azhar's inclusion in a UN blacklist of terrorist individuals, entities, organizations and groups. Even a former Chinese diplomat who had once served in India has struck a different note and expressed his disapproval of China's official policy of blocking India's bid to get Azhar branded as a global terrorist.[49] China's decision is a logical corollary of its friendship with Pakistan. Beijing has a long history of supporting Pakistan in the UN whenever India has brought up the matter of Pakistan-sponsored terrorists. When India sought UN censure of Pakistan for releasing LeT commander Zaki-ur Rehman Lakhvi, China blocked the move on the grounds that India did not provide sufficient information against him.[50]

China's friendship with Pakistan stands in the way of Beijing cooperating meaningfully with India in tackling terrorism in South Asia. However, it has not been easy for China to navigate the relationship 'with a country that is both the greatest source of China's terrorist threat and the crucial partner in combating it'.[51] Unfortunately, it would most likely take a major terrorist attack inside China with links to Pakistan to force a change in current Chinese policy. That Xi Jinping's China, Islamabad's biggest benefactor and stakeholder, is reluctant to do much about these perils darkens the prospects for peace in South Asia.

India's concerns and response

Beijing's indulgence with India's smaller neighbours has influenced India's threat perception in South Asia. China's economic and security overtures to Afghanistan, Bangladesh, Bhutan, Myanmar, Nepal, Paki-

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stan and Sri Lanka confirm India's apprehensions of China's strategy of the encirclement of India. Concern has been growing in New Delhi that China is taking advantage of India's difficulties with some of its South Asian neighbours. Although China has not declared a formal military alliance with any South Asian country against India, New Delhi has been apprehensive of a two-pronged attack by China and Pakistan along its northern border. Because of these factors, the Modi government has paid particular attention to deepen the special bonds of friendship with smaller neighbours by catering to their economic and infrastructural requirements. As India presently lacks the material capacity to engage in a zero-sum game with China in the South Asian region, using soft power diplomacy to influence the neighbours is the right strategy.

China's South Asia Policy Under Xi Jinping

India has taken a serious view of China's military modernization and maritime assertiveness. Consequently, New Delhi's bilateral and multilateral defense cooperation with regional actors such as Japan, Australia, Singapore, South Korea and Vietnam has increased in unprecedented ways in recent years. Prime Minister Modi has upgraded India's 'Look East Policy' into 'Act East Policy'. One of the attractions of close relations with India from the perspective of ASEAN countries is the belief that those relations would help alleviate the effects of Chinese assertiveness in the region. India is treating its engagements with states in the region as a counterbalance to China's power aspirations. In the current century, India wants multipolarity to emerge rather than Chinese hegemony in the region.

One of the major determinants of Xi Jinping's South Asia policy is to neutralise the perceived American strategy to contain China with the support of regional allies. It is worth noting that the US-China relationship is characterised by a mix of competition and cooperation, with the balance of those elements varying by issue and region. Although the US-China competition has remained less acute in South Asia, where Beijing's current military reach is more modest,[52] the present scenario is likely to change in coming years when India comes closer to the US in the global strategic calculus. India's geostrategic significance in the Indian Ocean with a powerful navy along with contemporary geopolitical dynamics operating in the Indo-Pacific region leaves no option for the Trump Administration but to co-opt New Delhi as America's preferred strategic partner.

In a significant departure from India's traditional policy of not entering into a military agreement with any major power, Modi has

made India's strategic preference in favour of the US unambiguously clear with Indo-US Logistics Exchange Memorandum of Agreement (LEMOA). By deciding to sign the LEMOA, the government has overcome a long-held resistance to the agreement.[53] India's only agreement of a broadly similar nature was the 1971 Indo-Soviet Treaty of Peace, Friendship and Cooperation ahead of the Bangladesh war. Fundamentally strategic in nature, that agreement did not have much scope of military cooperation.[54] In contrast, the LEMOA allows militaries of India and the US to operate by using each other's bases for logistics support. This will have far reaching ramifications on the regional balance of power in South Asia, where the US has acquired the strategic support of India and Japan as it readies to meet China's challenge. Chinese 'unilateralism' and 'coercion' in the Indian subcontinent and the Indian Ocean region risks inviting responses from both inside and outside the region. Obama administration's 'pivot' policy was partially aimed at constraining Chinese power strategically in Asia. Hopefully, Donald Trump will not only continue but also step up this effort.[55]

India's leading strategic affairs analyst, C Raja Mohan, forcefully argues that it is in India's interest to seek out greater cooperation with the US, primarily because of two reasons. First, despite significantly expanding its material capabilities in the last two decades, India does not find itself in a position to contain Pakistan unilaterally as well as balance Chinese power. Second, any strategy being adopted by India that emphasises on achieving these outcomes 'would strengthen India's position by pooling its resources with that of another power that shares these interests'.[56]

Conclusion

Until the end of the Cold War, China's interests in South Asia were centred on geopolitical imperatives. By 1990s, China economic reforms required it to engage with the economies of South Asia. The rising threat of extremism has heightened China's concerns about the risks of instability across the whole region, though it has remained loyal towards its closest friend, Pakistan, so far. China has continued to see the jihadist threat as containable, or at least one that can be managed by the Pakistani military. Besides its security relationship with Pakistan, China's main tools in the region are still diplomatic and economic. Yet the scale of its economic resourc-

es and the nature of the investments are consequential to South Asia's stability, if China chooses to deploy them more actively with strategic goals in mind.

Some South Asian countries such as Bangladesh, Sri Lanka, Nepal and the Maldives, are not likely to attach the desired weight to Indian perspectives unless India emerges as a major economic power by introducing suitable economic reforms. India should continue to persuade its neighbours not to blindly agree on Chinese projects that might imperil their own security and sovereignty in the long run. Moreover, China's continued goal of balancing India through Pakistan, and its narrow conception of the terrorist threat, means that it cannot be expected to deal effectively with stability issues in the region. It does not serve China's interests to have tensions with India as it cannot rise successfully without winning the support of all its South Asian neighbours.

Vinay Kaura

There is a deep reservoir of frustration and disillusionment in India concerning China's South Asian policies. The dominant view exists that New Delhi needs to get tougher with Beijing on a broad range of issues, including boundary disputes. At a time when China's power and influence is growing both regionally and globally, while those of the US seem to be relatively declining, getting tough with China could be potentially dangerous. In such circumstances, India would like to see greater US presence to balance potentially disruptive Chinese behaviour in South Asia.

India under Narendra Modi has both opportunities and challenges in Xi Jinping's South Asia policy. India can work towards economic opportunities which may arise in South Asia as China promotes regional connectivity. Strategically, India needs to be prepared to face challenges as Xi Jinping's diplomacy is aimed at establishing a new Asian order in which China would play the leading role.

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Notes

1 For comparative analysis on the strategy of keeping a low profile and the strategy of striving for achievement, see, Yan Xuetong (2014), 'From Keeping a Low Profile to Striving for Achievement,' Chinese Journal of International Politics, 7(2), pp. 153-84.

2 Nien-chung Chang Liao (2016), 'The sources of China's assertiveness: the system, domestic politics or leadership preferences?,' International Affairs, 92(4), p. 818.

3 Camilla T. N. Sørensen (2015), 'The Significance of Xi Jinping's "Chinese Dream" for Chinese Foreign Policy: From "Tao Guang Yang Hui" to "Fen Fa You Wei,"' Journal of China and International Relations, 3(1), pp. 53-73.

4 Ministry of Foreign Affairs of the People's Republic of China (2013), 'Xi Jinping: Let the Sense of Community of Common Destiny Take Deep Root in Neighbouring Countries,' 25 October, available at: <http://www.fmprc. gov.cn/mfa_eng/wjb_663304/wjbz_663308/activities_663312/t1093870. shtml> (accessed 24 April 2017).

5 Shen Dingli (2013), 'Diplomacy with neighbors,' China Daily, 30 October, available at: <http://www.chinadaily.com.cn/opinion/2013-10/30/content_ 17067913.htm> ' (accessed 5 May 2017).

6 Zhao Huasheng (2016), 'Afghanistan and China's new neighbourhood diplomacy,' International Affairs, 92(4), pp. 891–908.

7 Dong Ryul Lee (2016), 'China's Perception of and Strategy for the Middle Powers,' in Sook Jong Lee, Transforming Global Governance with Middle Power Diplomacy, New York: Palgrave Macmillan, pp. 61-86.

8 Ministry of Foreign Affairs of People's Republic of China (2013), 'President Xi Jinping Delivers Important Speech and Proposes to Build a Silk Road Economic Belt with Central Asian Countries', 7 September, available at: <http:// www.fmprc.gov.cn/mfa_eng/topics_665678/xjpfwzysiesgjtfhshzzfh_ 665686/t1076334.shtml> (accessed 18 May 2017).

9 ASEAN-China Centre (2013), 'Speech by Chinese President Xi Jinping to Indonesian Parliament,' 03 October 3, available at: <http://www.asean-china-center.org/english/2013-10/03/c_133062675.htm> (accessed 22 May 2017).

10 At the June 2016 Shangri-la Dialogue in Singapore, Professor Xiang Lanxin, director of the Centre of One Belt and One Road Studies at the China National Institute for SCO International Exchange and Judicial Cooperation had given this remark.

11 Xinhua (2015), 'China, Pakistan will move forward together: Xi,' China Daily, 21 April 21, available at: <http://www.chinadailyasia.com/nation/ 2015-04/21/content_15254001.html> (accessed 25 May 2017).

12 Ministry of Foreign Affairs of the People's Republic of China, 'Xi Jinping Meets with Prime Minister K.P. Sharma Oli of Nepal,' 23 March, available at < http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1349933. shtml> (accessed 4 June 2017) .

13 Samir Saran and Ritika Passi (2016), 'Seizing the 'One Belt, One Road' opportunity,' The Hindu, 02 February.

14 Prem Shankar Jha (2016), 'Why India Must Embrace China's One Belt One Road Plan,' The Wire, 13 August, available at <http://www.thewire. in/58810/india-must-embrace-chinas-one-belt-one-road-plan/> (accessed 25 May 2017).

15 Xinhua (2014), 'China pledges increased engagement with SAARC,' 26 November, available at: <http://www.news.xinhuanet.com/english/china/2014-11/26/c_133816410.htm> (accessed 2 June 2017).

16 Shannon Tiezzi (2014), 'China Makes Inroads Into India's Backyard,' The Diplomat, 27 November, available at <http://www.thediplomat.com/2014/11/china-makes-inroads-into-indias-backyard/> (accessed 29 April 2017).

17 Saeed Shah (2015), 'China's Xi Jinping Launches Investment Deal in Pakistan,' Wall Street Journal, 20 April, available at <http://www.wsj.com/articles/chinas-xi-jinping-set-to-launch-investment-deal-in-pakistan-1429533767> (accessed 21 March 2017).

18 Andrew Small (2015), The China-Pakistan Axis: Asia's New Geopolitics, New York: Oxford University Press, p.2.

19 Arif Rafiq (2015), 'How China and Pakistan Are Beating India in the New Great Game', The National Interest, 12 June, available at <http://www.nationalinterest.org/feature/how-china-pakistan-are-beating-india-the-new-great-game-13096?page=show> (accessed 16 May 2017).

20 Mateen Haider (2014), 'Chinese president cancels Pakistan trip, India visit still on,' The Dawn, 05 September, available at <https://www.dawn.com/news/1130052> (accessed 21 June 2017).

21 Small (2015), p. 1.

22 Anthony H. Cordesman (2015), 'Chinese Strategy and Military Modernization: A Comparative Analysis,' The Center for Strategic and International Studies, 01 September, available at <https://www.csis.org/analysis/chinese-strategy-and-military-modernization-comparative-analysis> (accessed 4 August 2017).

23 Rajeswari Pillai Rajagopalan (2017), 'India–China relations A new turn under Xi Jinping?,' in Hoo Tiang Boon (ed), Chinese Foreign Policy Under Xi, Routledge, pp. 98-99.

24 Atul Aneja (2016), 'China focuses on nukes as tensions with U.S. rise,' The Hindu, 18 December.

25 Abheet Singh Sethi (2016), 'China behind Pak's growing confidence, supplies 63% of Islamabad's arms need,' Hindustan Times, 30 September.

26 Ka Po Ng, 'The Xi Jinping imprint on the Chinese military,' in Hoo Tiang Boon (ed), Chinese Foreign Policy Under Xi, Routledge, pp. 36-48.

27 Cristina L. Garafola (2016), 'People's Liberation Army Reforms and Their Ramifications,' Rand, 23 September, available at < https://www.rand.org/blog/2016/09/pla-reforms-and-their-ramifications.html >; Michael Chase and Jeffrey Engstrom (2016), 'China's Military Reorganization Aims to Tighten Party Control and Strengthen the PLA's Warfighting Capabilities,' Rand, available at <https://www.rand.org/blog/2016/09/chinas-military-reorganization-aims-to-tighten-party.html> (accessed 6 August 2017).

28 Leo Lin (2017), 'China's Answer to the US Military-Industrial Complex,' The Diplomat, 11 April.

29 Pinaki Bhattacharya (2016), Transforming PLA: Impact on Indian Security, New Delhi: Centre for Joint Warfare Studies.

30 Vinod Bhatia (2016), China's Infrastructure in Tibet and POK-Implications and Options for India, New Delhi: Centre for Joint Warfare Studies.

31 Sutirtho Patranobis (2017), 'China tests new tanks on Tibet plateau with an eye on India,' Hindustan Times, 29 June.

32 Arun Sahgal (2012), 'China's Military Modernization: Responses from

India,' in Ashley J. Tellis and Travis Tanner, Strategic Asia 2012–13: China's Military Challenge, Washington, DC: The National Bureau of Asian Research.

33 Robert Kaplan (2010), Monsoon: The Indian Ocean and the Future of American Power, New York: Random House.

34 Eleanor Albert (2016), 'Competition in the Indian Ocean,' CFR Backgrounders, 19 May, available at <http://www.cfr.org/regional-security/competition-indian-ocean/p37201> (accessed 15 June 2017).

35 Joseph Yu-shek Cheng (2016), China's Foreign Policy: Challenges and Prospects, Singapore: World Scientific Publishing, p. 329; Robert D. Kaplan (2012), The Revenge of Geography: What the Map Tells Us About Coming Conflicts, New York: Random House Trade Paperbacks, p. 250; Arijit Mazumdar (2015), Indian Foreign Policy in Transition: Relations with South Asia, New York: Routledge, p. 131.

36 Dinesh Yadav (2016), "Look East' to 'Act East': India's Policy Shift or 'Old Wine'?,' in Gurpreet S Khurana and Antara Ghosal Singh (ed.) India and China: Constructing a Peaceful Order in the Indo-Pacific, New Delhi: National Maritime Foundation, p. 59.

37 Katrina Manson (2016), 'China military to set up first overseas base in Horn of Africa,' Financial Times, 31 March, available at: <https://www.ft.com/content/59ad20d6-f74b-11e5-803c-d27c7117d132> (accessed 11 April 2017).

38 P K Ghose (2016), 'Chinese warships in the Indian Ocean: Are they a real threat?,' Observer Research Foundation, 24 May, available at <http://www.orfonline.org/research/chinese-warships-in-the-indian-ocean-are-they-a-real-threat/> (accessed 14 June 2017).

39 Abhijit Singh (2016), 'India may not admit it but its new deal with the US can change the balance of power in Asia,' Quartz, 12 September, available at: <http://qz.com/778177/lemoa-india-may-not-admit-it-but-its-new-deal-with-the-us-can-change-the-balance-of-power-in-asia/> (accessed 29 April 2017).

40 Gurpreet S Khurana (2016), 'India and China: Maritime Cooperation in the Indo-Pacific Region,' in Gurpreet S Khurana and Antara Ghosal Singh (ed.) India and China: Constructing A Peaceful Order in the Indo-Pacific, New Delhi: National Maritime Foundation, p. 119.

41 Office of the Spokesperson, Washington (2016), 'Joint Press Release of the Quadrilateral Coordination Group on Afghan Peace and Reconciliation,' 11 January, available at: <http://www.state.gov/r/pa/prs/ps/2016/01/251105.htm> (accessed 20 March 2017).

42 Dawn (2016), China-mooted counterterrorism alliance takes shape,' 04 August, available at: <https://www.dawn.com/news/1275303/china-mooted-counterterrorism-alliance-takes-shape> (accessed 3 June 2017).

43 Atul Aneja (2016), 'China now a major player in the AfPak-Central Asia theater: Chinese scholar Hu Shisheng,' The Hindu, 26 August.

44 Vinay Kaura (2017), 'China Makes Diplomatic Play in Afghanistan,' Middle East Institute, 12 July, available at < http://www.mei.edu/content/article/china-makes-diplomatic-play-afghanistan>.

45 Shannon Tiezzi (2013), 'Who Is Fighting China's War On Terror?,' The Diplomat, 26 November, available at <http://thediplomat.com/2013/11/who-is-fighting-chinas-war-on-terror/> (accessed 11 May 2017).

46 Press Information Bureau (2015), Government of India, Prime Minister's Office, 'Joint Statement between the India and China during

Prime Minister's visit to China,' 15 May, available at <http://pib.nic.in/newsite/PrintRelease.aspx?relid=121755> (accessed 30 May 2017).

47 Press Information Bureau (2015), Government of India, Ministry of Home Affairs, 'Joint Statement between the Ministry of Home Affairs and the Ministry of Public Security of the People's Republic of China,' 21 November, available at: <http://www.pib.nic.in/newsite/PrintRelease.aspx?relid=131765> (accessed 10 March 2017).

48 KJM Varma (2016), 'India, China hold 1st high-level dialogue to combat terror,' Livemint, 27 September.

49 PTI (2017), 'Ex-Chinese diplomat asks China to 'adjust' stand on Masood Azhar,' Times of India, 06 January.

50 Hindustan Times (2015), 'China blocked India's move at UN for action against Pakistan over Lakhvi's release,' 23 June.

51 Small (2015).

52 Andrew Small (2014), 'Regional Dynamics and Strategic Concerns in South Asia: China's Role,' A Background Paper of the CSIS Program on Crisis, Conflict, and Cooperation, Washington, DC: The Center for Strategic and International Studies, January.

53 Varghese K George (2016), 'India, US sign military logistics pact,' The Hindu, 30 August.

54 Sushant Singh (2016), 'India, US sign key defence pact to use each other's bases for repair, supplies,' Indian Express, 31 August.

55 David Shambaugh (2017), 'Dealing with China: Tough Engagement and Managed Competition,' Asia Policy, 23, January, p. 6.

56 C. Raja Mohan (2014), 'Regional security challenges,' Seminar, 653, January.

Contextualising Fulani-Herdsmen Conflict in Nigeria

Kingsley Emeka Ezemenaka, Chijioke Egwu Ekumaoko

This article examines President Muhammadu Buhari's role in the long-running conflict between Fulani herdsmen and farmers in Nigeria. Having attained the rank of fourth-deadliest terrorist group in the world, the attacks of Fulani herdsmen on Nigerian farmers and vice versa are gaining international coverage, but commanding too little internal investigation. Using qualitative and quantitative methodological approaches, this article reveals that the conflict between the farmers and Fulani herdsmen is multifaceted. This article debunks factors such as ethnic ties and overt regional favouritism on President Buhari's approach to the conflict. The research findings also implicate security agencies as drivers of the conflict by aiding the Fulani herdsmen with acquisition of arms, and withholding information useful for addressing the conflict. Endemic corruption, political incompetence and political misdemeanour are shown to be key factors exacerbating the conflict between Fulani herdsmen and farmers.

Keywords: Nigeria, Fulani herdsmen, farmers, conflict, security

In international relations discourse, the issues of state interaction and state dependency arise because of problems facing nation-states, particularly resource scarcity. Such problems may be classified as internal or external. For many African nations, and for Nigeria specifically, external factors include a history of colonial experience, neo-colonialism, membership of international organizations, and shared sovereignty. But as Clark has already noted, 'a large majority of studies focused not

on states, leaders, and their interests, but on the legacy of colonialism and the structure of the world economy, which they perceived to account for Africa's poor record of post-colonial development'.[1]

Despite the return of democracy to Nigeria in 1999, Ekumaoko noted that insecurity has continued to rank as one of the problems of highest concern for the country.[2] In the oil-producing states of the Niger Delta, militancy has destabilized the economic, social and political wellbeing of many Nigerians. The affected citizens point to marginalization and poor representation in a poorly-structured federal system as their primary grievances against the state. Between 2009 and 2014, the Islamic terrorist group Boko Haram destroyed lives and property on a rampage through north-eastern Nigeria. The terrorists proclaimed their aim of Islamizing the entire country. Though it is unclear why, the wave of destruction at the hands of Boko Haram has steadily declined following the election of President Buhari in 2015. While relative peace seems to have returned to north-eastern Nigeria, another form of unrest and insecurity is escalating across the entire country.

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Records from IFRA-Nigeria (2014) show that violent deaths as a result of clashes between herdsmen and farmers accounted for 68percent of the total number of deaths across north-central Nigeria (786 of 1,150).[3] This trend of fatal conflict has since spread to the eastern part of the country, with a total of 710 Nigerians killed by Fulani herdsmen over ten months in 2015-16 (Mamah and Ndujihe).[4]

This present spike in insecurity in Nigeria is especially worrisome because of the underlying factors attributed to it- factors that indicate that the spate of recent attacks will not discontinue without government action. The Nigerian state now faces many challenges in pivotal areas such as terrorism, militancy, ethnic tension and religious conflict. The conflict between farmers and Fulani herdsmen has prompted the need for a state intervention before the issue escalates enough for the international community to brand Nigeria as another 'failed' African state. More worrisome still is the way President Buhari's administration is addressing the problems of Fulani herdsmen in Nigeria. The crucial point on which this study is anchored is the reluctance of the presidency to address the herdsmen-versus-farmers conflict as it foments in its early stage, before it threatens state legitimacy and sovereignty.

The Fulani herdsmen and farmers conflict are not a one-way conflict, both have suffered causalities. However, from 2010 to 2013, Fu-

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lani militants killed around 80 people. In 2014 alone, Fulani militants (who are also herdsmen) killed a total of 1229 people, making them the fourth deadliest militant group in the world according to the Global Terrorism Index.[5] A recent report by Mercy Corps, a global humanitarian organization funded by the British Department for International Development (DFID), said 'the endless conflict between farmers and herdsmen across the country, especially in the north-central, is costing Nigeria at least $14 billion in potential revenues annually' (Agbedo).[6] This study investigates the hypothesis of how state are weakened by institutional deficiency, while showing how the Nigerian state responded to the Fulani-Farmer conflict and security challenges which increases ethnic disparaties and xenophobic attacks. This article makes no attempt to prioritize the related problems since no single issue stands out as slighter or weightier. While the conflict's causes and consequences are many, the primary issues discussed are state legitimacy, sovereignty, and the president's leadership role in governing the state.

This study also seeks to address the gap in the literature concerning behavioural roles in addressing regional and ethnic conflict caused by the actions of nomadic herdsmen. Therefore, it examines the leadership behavioural role and introduces a new line of thought using the presidency role on the current conflict between Fulani herdsmen and farmers through an exploration of three questions:

1. Does the president's cultural and ethnic affiliation to the Fulani tribe influence the way he addresses the conflict between farmers and Fulani herdsmen?
2. Is state security, legitimacy and sovereignty challenged by this conflict?
3. What are the consequences of the Buhari administration's inability to address the conflict in a timely or effective manner?

Methodology
In evaluating the observable phenomenon of the presidential role on the Fulani herdsmen and farmer conflict in Nigeria, the methodology of this study adopts a collaborative and adaptive research design that makes use of theory, regional and community situations with the objectives mentioned above and theoretical framework to help investigate and analyse the presidential role on the Fulani herdsmen and farmer conflict in Nigeria. Furthermore, the hypothetical problems

and notion associated with the presidential ethnic affiliation with the Fulani in addressing the conflict will be tested and addressed through the qualitative usage of an instrumental case study approach and quantitative method of data collection and analysis.

Data collection: The data were gathered through the use of a questionnaire (general information concerning the Fulani herdsmen and farmer conflict was extracted from the Nigerian population through the quantitative method using questionnaires to reach a sample of 200 respondents); 15 interviews (these were conducted across key security sector operatives consisting of members of the police, the Nigerian Security and Civil Defence Corp (NSCDC) and the State Security Services (SSS), as well as media practitioners and key politicians whose roles relate to the Fulani conflict); the local Fulani herdsmen representative (traders) and existing literature from journals, books and newspapers.

Data analysis: The five months' worth of empirical information gathered from the questionnaire were analysed using the SPSS statistics software program, using logical regression with interpretations, and interviews were transcribed. Also, quantitative information was compared with the qualitative narrative and phenomenological analysis. With this, gaps in the literature concerning regional and ethnic conflict that are caused by Fulani herdsmen, farmers and the presidential role in resolving the conflict will be better understood and subsequently addressed.

Study rationale

This research advances the debates of the presidential role on the regional and ethnic conflict caused by nomadic herdsmen (Fulani and farmers) in Nigeria, by showing and explaining the underlying factors that destabilizes peace and security. It is significant to African affairs studies because it takes a state-centric approach to the study of democracy and advances the debate on regional security in an African nation. This state-centric approach seeks to set aside for a moment questions of colonialism, neo-colonialism and other countries' foreign policy in order to achieve a deeper understanding of domestic political behaviour. This deeper understanding is necessary if we are to see more insightful studies of challenges to state legitimacy and sovereignty within the framework of regional and international politics.

As Malaquias argues, the realities of political, social, cultural, religious, and other connections to national and ethnic groups cannot be

ignored or dismissed in new African(ist) approaches to understanding contemporary African phenomena.[7] And as Clark notes, 'for Africanists on the continent, a large majority focused not on states, leaders, and their interests, but on the legacy of colonialism and the structure of the world economy, which they perceived to account for Africa's poor record of post-colonial development.'[8]

Literature review

Recent studies of Nwanegbo and Odigbo,[9] Hassan[10] and Okemi[11] have suggested that Nigeria is facing enough security challenges to place it in the category of fragile or failing state. Studies from Richard attempted to explain the state failure as a result of inept leadership.[12] Agbaje wrote about religious sentiments,[13] Nnoli wrote about ethnicity,[14] also Nnoli[15] and Offiong discussed and described the effect of ethnicity.[16] Atwood[17] and Ogbeidi[18] talked extensively on corruption and Osaghae[19] and Ekeh[20] discussed the colonial legacy and the personal attributes of political leaders in Nigeria. The dominant perception among the international community is that African leaders govern failed states--christened with ugly names like "corruptocracies", "chaosocracies" or "terrorocracies"-which occur because of the perennial violence and insecurity that bedevils the continent. African leaders agree on the severity of the crises on the continent, but how do they respond to these crises? What leadership styles, roles and initiatives are emerging? Leadership style is of importance as one style may produce a very different outcome than another. In this regard, the Nigerian political 'leadership' (past and present, military and civilian), as well government institutions have suffered and still suffer from certain legitimacy problems that stem from the nature of the state's composition and authority.

The work of Burgess et al. revealed how African leaders are influenced by ethnic orientations. Their study revealed that political regime changes matter and leaders disproportionately invest in those districts where their ethnicity is dominant under autocracy and attenuated when the same leaders are in a democratic setting and increase constraint on the leader.[21] For example, sub-Saharan Africa plays the role of prime mobilizer of resources for the people, but when the state is hijacked by one or more ethnic groups under autocracy who use the state machinery for selfish ends as opposed to national development concerns, a predatory state emerges where 'clientelism' and nepotism

are used for state development.[22] Another exploratory study by Chin, who noted that most leadership research is silent about how race and ethnicity influence the exercise of leadership, showed that cultural variations emerged on a factor consistent with a humane orientation and collaborative leadership style.[23] From the foregoing, one can say that African leaders such as Buhari are influenced by regional and cultural orientations.

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Ogundiya summarised the prevailing explanations for political crises as: differing political cultures among differing ethnic groups; the lingering impacts of colonialism; ethnicity-based political parties; the loss of idealism; the politics of cultural sub-nationalism; and the politics of regional security. Each of these crises is compounded by an apparent unwillingness to attack these problems at their foundation.[24] Upholding this summary of the political situation, Suberu argues that:

> A fundamental feature of the contemporary Nigerian psyche is the deep and profound distrust for government. The dream of responsive and popular government in Nigeria has collapsed in the face of repeated abortion and frustration of popular aspirations by consecutive Nigerian governments, very few Nigerians believe that government can act for the public good.[25]

The Fulani herdsmen conflict traces back to 1980-1984, involving the Tiv people of Benue state in a violent conflict with Fulanis resulting to theloss of about 80 cattle which meant a lot of loss for the Fulani's. (WEP 2012).[26] In March 2014, the fatality trend in North East Nigeria with the rate of about 1187 dead people also indicated lethal violence associated with herdsmen attack and other drivers of violence. (IFRA-Nigeria 2014)[27]. The curation of attacks and fatalities by SBM intelligence (2016), revealed that Pastoral conflict is the deadliest threat which has resulted to 470 victims killed during cattle rustling and about 1425 killed in attacks involving Fulani herdsmen, with an average of 30 deaths per attack by Fulani herdsmen and the residents of the attacked communities account for most of the deaths.[28] Concerning the South-East region which the study focuses on, 9 people were killed by suspected herdsmen in Nimbo/Ukpabi community in Enugu state. Thus, security agencies failed to prevent the attack even when they were forewarned by the community of the imminent attack. (Amnesty International 2017). Due to the incessant clash of Fulani herdsmen and farmers, there is now a general notion that any attack on farmers are executed by Fulani herdsmen.[29] This is stressed by USAID/Nigeria

(2014) that when rural massacre occurs the media puts the blame on Fulani instead of 'unknown gunmen'.[30]

Theoretical framework

This study mainly employs Chabal's twofold theoretical tenets of the politics of surviving and politics of suffering, supported by several additional theories used to examine leadership behaviour. Chabal's 'politics of suffering and smiling'[31] is useful here to explain the legitimacy of African politics on local and national scales in Nigeria. He explains that 'ordinary people engage in economic activities to maintain life and a degree of self-respect'. He goes on to argue that for an understanding of what is happening in regional politics, it is vital to consider the informal political experience, made up of a number of socio-economic and political facets that are outside the sphere of traditional academic analytical categories. An understanding that incorporates formal as well as informal experience helps us attribute importance to previously neglected relationships and causalities, and to rationalize behaviours that may appear 'irrational' according to standard economic logic.

The first part of the twofold theoretical tenet adopted here explains President Buhari's role in the conflict between farmers and Fulani herdsmen as a role borne out of what Chabal calls 'the politics of surviving,' specifically as it concerns migration. The politics of surviving (using migration) explains that people are not confined to the domestic arena. Africans have always moved in search of work, goods and land, and the erection of colonial territorial borders, later solidified into national frontiers, has not erased this traditional migration. Modern Africans, like many people throughout the world, are prepared to move for economic gain and/or out of economic necessity. The nomadic Fulani herdsmen customarily migrate to gain access to green pastures for their cattle, a custom which increases their economic activity and gains. This activity has become ever more desperate in recent times as pasture land is developed into housing and farmland. Chabal's contemporary 'politics of surviving' provides an excellent insight into attitudes of and toward migrants, extensive African diasporas, the interrelation between migration and modern technology, and migration between nation states. However, Chabal doesn't adequately apply his theory to the locality of migration *within* states (such as that witnessed by the nomadism of the Fulani). For example, on climate change, the Abugu and Onuba studies

revealed that pastoralists migrate within the state due to extreme and harsh weather conditions largely caused by climate change.[32] Also, Nte notes climate change as the cause of Fulani herdsmen conflict.[33]

President Buhari's hesitation to address the attacks made by Fulani herdsmen may be due to understanding rather than ignorance: a compassion for the Fulani tribe who are struggling to meet livelihood needs in the face of severe drought and drastically reduced pasture. However, Buhari seems not to have taken into consideration the scale of the conflict associated with migrations in contemporary African societies. According to Chabal, if the ability to survive is not in doubt, neither is the depth of suffering endured by the millions of desperately poor people who have no access to the "clientelistic" networks that are so essential to life in Africa.[34]

The second part of the twofold theory examines President Buhari's role through Chabal's 'politics of suffering' with specific reference to violence and conflict. Whether intentional or not, President Buhari's fight against corruption, with little attention given to other aspects of Nigeria's politics, has resulted in a 'politics of suffering,' leading to violence and conflict because people are struggling for basic resources and survival. This struggle cuts across all forms of resources, including the basic livelihood needs of the farmers and Fulani herdsmen central to this study.

From Chabal's theory, one prelude to violence and conflict is the *informalization* of the state. *Informalization* of the state causes trouble for the powerless in that it decreases certainty around justice. In the absence of effective top-down security measures, widespread abuses spring up, where groups of people prey on each other for survival. In rural areas, the state powers have few resources with which to curb violent activities or resolve emerging local conflicts. Conflict which takes the three forms of 'degradation of the human body, the collapse of shared values and the breakdown of social order' is, according to Chabal 'like a low-grade fever that never ends... it is probably that such persistent subjection to an arbitrary and continuous form of brutality is having long-term psychological effects we do not yet fully understand'.[35] One psychological effect manifesting itself in Nigeria is the stereotyping of Fulani ethnic tribes as violent dagger-carriers; a dreadful, unwanted component of Nigerian society.

Leadership theory shows how leaders' behaviour affects their ability to perform tasks set before them. Different theories concerning lead-

ers have been put forward, ranging from behavioural theories, modern theories, contingency theories and transformational theories. Horne noted that 'People point to a leader who is benign, corrupt, power thirsty, sincere, charismatic or whatever, because humans give up their individual freedom in exchange for a greater good so that everyone may live well, but few persons may realize that there is a profound philosophical underpinning to leadership'[36]. This study utilizes role-play theory (a subset of Behavioural theory) to explain the leadership role of President Buhari. Role-play theory according to Mead, Person and Merton refers to:

> [T]he explanation of what happens when people are acting out social processes and the consequences of their doing so. Each person is an actor representing a typical individual in a real-life scenario performing within a specific context and a set of functions with which are associated norms, expectations, responsibilities, rights, and psychological states.[37]

Mead et al highlight that the principal function of role-play theory is its application to conflict resolution, and for discovering information about exhibited behaviour that needs to be addressed. Role-play theory elucidates social positions in education, economics, science and government, which underpin social cohesion in the state. The central problem with 'role-playing' in leadership is that individuals cannot be representative for everyone all the time. In other words, individual role-play is limited in time, space and to specific situations, and may not accurately respond to real life events.

Overview of the Fulani herdsmen and farmer conflict in Nigeria

From the Nigeria Fact sheet, Nigeria has a vast land mass of 923,768 square kilometres, with about 800km of coastline, making Nigeria a potential maritime power.[38] Nigeria has abundant land for agricultural, industrial and commercial activities. The country's topography ranges from lowlands along the coast and in the lower Niger valley to high plateaus in the north and mountains along the east. Nigeria's ecology varies from dense tropical forest in the south to dry savannah spreading through the middle belt region to the far north, yielding a diverse mix of plant and animal life. The vegetation and climatic conditions shape and inform the occupation of the various peoples of Nigeria. For instance, the people of the southern part are

mainly fishermen and farmers because of the coastal line forming their boundary. This is also true for the peoples of the forest hinterland of the south-east and west. For the northern part of the country, agriculture and cattle rearing are not just occupations, but ways of life.

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Historically speaking, cattle are highly valuable in the north, where they serve as a medium of exchange as well as a means of estimating a man's wealth, honour and prestige. Cattle have such religious, ritual, political, social and economic significance that 'bride price' is determined by the number of cattle owned by the suitor. The pre-historic trans-Saharan trade, which lasted into the twentieth century and spanned the entire West African region -- reaching Timbuktu, Songhai, Dahomey, Gao, Djenne, Tuareg, Agadez, Kanem, Borno, and far into the Berber regions of the north-- was made possible using cattle and camels. Long-distance trade was viable because of the constant migration of cattle herdsmen in search of greener pastures.

The root cause of conflict between Fulani herdsmen and farmers in Nigeria is the natural tension between herdsmen struggling to find rich pastures to graze their cattle and farmers struggling to convert and maintain productive farmland without the interruption and destruction that can be caused by migratory grazing. The Fulani herdsmen are one of the largest semi-nomadic groups in the world and own most of the cattle in Nigeria. Blench states that the exact period the Fulani -also known as Fulbe - moved into Nigeria is unknown, but they are believed to have been present in the far north from the sixteenth or seventeenth centuries.[39] The Constitution of the Federal Republic of Nigeria recognizes the right of citizens to move and live freely in the country while respecting private territorial properties and spaces of different tribes in the country:

> 'Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit therefrom'.[40]

Like every other citizen in the country, Fulani herdsmen enjoy their right to movement while carrying out their business in the country. However, the ancient nomadic culture of the Fulani herdsmen conflicts with modern society, which tends to prioritise the land rights of settled urban and agricultural communities. The Fulani migrations also impede other citizens' use of state and federal lands and roads.

Herdsmen are often seen grazing or moving their cattle across federal and state roads meant for public transportation, and strict punitive measures do not exist to discourage such actions. Beyond violent conflict, disturbances caused by the herdsmen and their cattle include competing with vehicular movement on roads and littering roads with dung. Those familiar with Fulani herding activities will perhaps point out that this trend is nothing new, and ask why Fulani grazing should be an issue now. To answer this anticipated question, this study points to the dramatic increase in the number of casualties. Over the last decade, this conflict has claimed human lives at an increasing rate: deaths now number in the thousands.

It must be noted that the Fulani also have incurred loss of lives. The Armed Conflict Report reveals that between the first and seventh of January 2002, the conflict between herdsmen and farmers in Mambilla Plateau State resulted in the death of more than 96 herdsmen and the loss of 53,991 cattle, which led to mass internal migration of affected communities.[41] Notable Fulani clashes over farmland destruction occurred on September 30 2012, April 5 2014, February 18 2016, March 5 2016, April 12, 19 and 25 2016, June 16 and 20 2016, and December 18 2016. Of the ten cases in total, eight were recorded in 2016 alone.[42] In February 2016 over 300 people were killed in the state of Benue, and in March 2016 over 40 were killed in Enugu state, with many more fleeing their homes as a result. More recently, 20 Tiv farmers were killed with dozens more severely injured in Dan-Anacha, Gassol Local Government area, Taraba State. The deaths were attributed to Fulani militia who used sophisticated guns.[43] Armed clashes, crop destruction and nuisance have combined to transform the customary behaviours of the Fulani into a serious public disturbance, one that needs to be addressed by a democratic administration that bears the slogan of 'change'.

Additionally, the presidential silence in response to grievances raised by farmers has been unsatisfactory. Lip-service to concern for security and intentions to address the conflict have been met with scepticism. Recently, there have been measures taken to address Fulani herdsmen issues, such as by Ayodele Fayose, Governor of Ekiti, who signed an anti-grazing bill in 2016 after the suspected killing of two people by herdsmen in the Oke Ako community at Ikole Local Government, Ekiti.[44] Fayose is the first executive governor to implement such a decisive punitive measure. Observers are concerned that Buhari is unable to dissociate himself from his cultural ties in discharging his

responsibility to the state as a Nigerian president. Furthermore, the president's (lack of) response to the conflict has raised far-reaching concerns, such as:

1. President inaction to farmers and Fulani herdsmen conflict is part of his Caliphate hidden agenda.
2. The Sultan of Sokoto, who is the chairman of the Board of Trustees of MACBAN cattle breeder's association and enterprise, uses the economic gain associated with cattle business to perpetrate crimes of trespassing, destruction of people's property, kidnapping, arson, murder and ethnic cleansing etc.[45]

It was shortly after the Ekiti state law on herdsmen movement that the (Federal) senate passed a bill against Fulani herdsmen using major roads in the Federal Capital Territory of Abuja. Perhaps the Fulani herdsmen misunderstand the federal constitution on freedom of movement in the country, or have misconstrued their cultural rights assured them by the country's current constitution.

State legitimacy and sovereignty

National government is primarily a means to address important national issues, such as security and human rights. The interference of the government is sometimes dubbed 'negative sovereignty' that breeds disorganized, divided, corrupt and chaotic nation-states.[46] As Clapham notes:

> Sovereignty is a mechanism through which weak states seek to protect themselves against strong ones. Thus, the weaker the internal legitimacy of a state, the greater its external dependence will be. This in turn exacerbated the relationship between the government and the people whom it ruled.[47]

In a heterogeneous state like Nigeria, the challenges to state legitimacy and sovereignty result from the state's inefficiency in addressing long-standing issues in the society: security problems, marginalization, ethnic disenchantment, and the dominance of certain ethnic groups in state affairs. Specific challenges facing the current administration are:

1. An exacerbated conflict between farmers and Fulani herdsmen
2. Ethnic domination of Fulani-Hausa over other ethnic groups in Nigeria.

On the challenges of state legitimacy, Chabal and Daloz[48] assert that 'one of the most important societal forces to challenge and replace the primacy of the state in Africa is the so-called "Big Men" or "Warlords".' This phenomenon has clear parallels with what is seen in Nigeria concerning the Fulani herdsmen, who are challenging the state supremacy by taking laws into their hands in reactionary and organised attacks that have killed thousands of people. Of course the Fulani herdsmen are not the only lethal non-state force acting in Nigeria today: Boko Haram continues to top the lists of groups challenging state legitimacy through deadly force. The challenges to the sole possession of power by the Nigerian state fit a pattern of revolutions brought about by inequality, marginalization, and differing ideologies.

External recognitions of government coupled with internal disturbance can in some cases not quell but compound challenges to state legitimacy. 'The weaker the state,' says Clapham, 'in terms of its size and capabilities, its level of physical control over its people and territory, and its ability or inability to embody an idea of the state shared by its people, the greater the extent to which it will need to call on external recognition and support' (Clapham 1996:11).[49] Examples of external assistance failing to resolve questions of legitimacy have already manifested themselves in Nigeria. This played out when the United States military came to support Nigeria in fighting the Boko Haram terrorist group in the Sambisa Forest with little or no success. Support –whether military or economic- from the international community rarely comes on a platter of gold, and is always conditional on the adoption of other policies that will be institutionalized for the benefit of the benefactor when help is accepted. This undermines the internal and international policies, and ultimately the sovereignty of the beneficiary state.

The role of every leader is determined by a number of concomitant factors that play on the leader's idiosyncratic attitudes, reactions and sentiments. Individual leaders can be biased, discriminatory, repressive, suppressive, marginalizing, inclusive, sincere, progressive or otherwise.

From President Buhari's inaugural speech, in which he declared that '[he is] for nobody, and belong[s] to nobody,' the president's actions demonstrate favouritism. This behaviour has led to a decline of legitimacy for his government. People question the sincerity, intentions and purposefulness of the president toward the Nigerian project. Especially in south-eastern Nigeria, where the president received significantly

fewer votes when he was initially elected, the level of disenchantment is high. The president has been quoted saying that he will remember the regions that gave him a larger percentage of the vote before he looks to other regions. This has played out in a way that made the South-East senators to visit Buhari, demanding developmental projects in the South East.[50]

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The consequences of the Buhari administration's inability to address the conflict between farmers and Fulani herdsmen in a timely and effectively manner

From Benue to Enugu state, people have been gruesomely killed by Fulani herdsmen. This pattern of conflict isn't limited to hand-to-hand combat, either: an attempt was made by the Department of State Services (DSS) to arrest prominent Pastor Suleman for speaking out against herdsmen.[51] In response to individual incidents and to the conflict as a whole, the Nigerian government has done little more than passing the buck around. Small wonder, then, that the citizenry wishes the president dead.[52] This sentiment conforms to the information gathered during the interview at the NSCDC, which revealed that violent incidents and the larger issues behind them are being addressed only by protocols of meetings and deliberations to be debated by the senate. This has proved to be an inadequate measure to stem the escalating loss of life. Protocols and meetings are of course a necessary element of addressing the issues in Nigeria, but prolonging action longer than necessary mars the whole process. Issues concerning human and national security should be addressed as fast as possible before they escalate. This type of delaying tactic is what led to the formation of the full-blown Boko Haram insurgency in Nigeria, the resurgence of Biafra agitations, and the militants of the Niger Delta in Nigeria. These conflicts always have early warning signs, but the Nigerian government traditionally ignores latent problems until they escalate.

One of the consequences of President Buhari addressing the Fulani conflict on time is the approaches of state governors addressing such conflicts wrongly. For example, the Kaduna State Governor, Mallam Nasir el-Rufai, has made it known through print media that his government paid off a Fulani group in Southern Kaduna to prevent killings. According to the governor, the payment was compensation for Fulani herdsmen aggrieved by their loss of cattle and lives following the violence after the 2011 election.[53] This payment came to light

during heightened debate about the president's stance on the conflict. The consensus response in Kaduna to the compensation was that the governor was effectively paying killers not to kill again, when instead they could be apprehended and made to face the law. The compensation was seen as informal damage control, rather than the formal measure that the residents of southern Kaduna hoped for. This pattern of inadequate policy, escalation and weak response is a microcosm of what is playing out across Nigeria.

Results and discussion
Interviews
Interview responses gathered from the NSCDC revealed that the NSCDC have not been deeply involved in the conflict. Thus, the federal government have included the NSCDC to help douse the conflict between Fulani herdsmen and the farmers. According to minutes of the NSCDC meetings held with federal government representatives, the central point deliberated was access to roads: how the Fulani herdsmen can migrate through communities in their search for cattle-grazing pasture without destroying farmland. The minutes also contained an admonishment directed at both herdsmen and farmers, who were advised to report all grievances to officially sanctioned security agencies, instead of taking the law into their own hands. Information presented during the meeting revealed that Fulani herdsmen agreed to pay a commensurate amount for crops destroyed in the cases where cattle damaged farmland. In closing the meeting, the NSCDC highlighted that plans for designated grazing reserves advocated in 2016 as a measure to address the conflict are yet to be implemented.

One of the key respondents is a cattle dealer and the secretary of the Ebonyi state chapter of the Cattle Dealer's Association. We interviewed this respondent, who has consented to be cited as Alhaji Sule Mohammed, at Garki Market, Abakaliki on 03 February 2017. Alhaji Sule Mohammed, who is well versed with the Fulani herdsmen and Hausa community in general, noted that the herdsmen are nomadic and may therefore be not educated enough to recognize state law. In his words, 'The Fulanis survive mainly on rearing of cows and dwell on fertile land irrespective of the land being a farmland or not, which has been their pattern of life since time immemorial. During the dry season, which is also known as summer, they move southwards in search of green pastures to graze their cattle and during the rainy season they

return to their homes which are mostly located at the Northern region of the country, thus urbanization has made grazing impossible, while the remaining available fields for grazing are used for farms'. Alhaji Sule Mohammed specified the root of the conflict as a lack of available grazing fields. An increase in population has caused people living in the settled societies to develop the places the Fulani herdsmen usually graze during the dry season. Over successive migration seasons, less and less of the Fulani's customary grazing land is available to them. Consequently, the Fulani herdsmen, not understanding the implications of trespassing due to their level of education, and valuing their cows more than anything they possess, graze their cattle in forests and on farmland.

Alhaji Sule Mohammed said that the conflict has had grave consequences for Nigeria's national security. He said that the security operatives help herdsmen to procure arms and weapons in the name of self-defence. Although he couldn't mention any security agency, he said that none of them are innocent of this crime, and that greater blame should be apportioned to the security operatives for the enormous increase in challenges, scale and casualties caused by the violent dimension that the conflict has taken on in recent years.

On the conflict's consequences for the country's economy, Alhaji Sule Mohammed noted that due to the ban placed on cattle imports from Niger Republic and Chad, there has been increase in purchase prices. For example, a cow sold in 2012 for $306 (exchange rate 150,000 naira) could now be sold for $449 to $510 (current exchange rate 220,000–250,000 Naira) depending on the size and the owner's bargaining power. Thus, the conflict affects the economy and raises the cost of staples for the poor masses.

Regarding public perception of the conflict, Alhaji Sule Mohammed (and other anonymous respondents) informed this study that due to the importance of (or sentimentality towards) ethnicity and religion in Nigeria, many Nigerians place blame for the conflict on President Buhari's bias toward the Fulani. Although it is agreed that Buhari doesn't condone the violence, many believe that the implicit support of the president is enabling the Fulani herdsmen to continue their armed provocations and deadly attacks.

On the question of whether security operatives have been adequately equipped to curb the conflict, Alahji Sule Mohammed asserted that 'Nigerian security is the best in Africa but they are corrupt. Corruption

everywhere: spiritually; economy; religion; politics; security- name it. They are very corrupt and that is affecting their operations and function. Are they not the people selling weapons to the herdsmen? It is unthinkable how ordinary civilians come in possession of such rifles like (the) AK 47, Mac 4 and other deadly weapons meant for the security operatives. They have what it takes to douse the situation but are very corrupt and that impedes their effectiveness. They are selling the weapons.' This anecdotal evidence is in accord with Bendix and Stanley who noted that, 'the security sector, especially the police and the military, often contributes to violent conflict rather than containing or preventing it'.[54] Alhaji Sule Mohammed stated that the president is tackling the conflict seriously, 'doing his best to arrest the situation,' by dealing with militancy, insurgency and the herdsmen violence. Adequate security, advocacy and campaigns through the media are being put in place. At the moment, there are no punitive measures in place. Responding to a question about what he thought the best measures for resolving the conflict would be, Alhaji Sule Mohammed said that there should be round table discussion between farmers and herdsmen, and that a thorough investigation into the activities of the security operatives would go a long way toward dousing the conflict. Measures for weapon control should be put into place, and outright disarmament of the herdsmen should be conducted, since they are not part of the security agencies.

From the farmer's side, two key respondents practicing subsistence farming volunteered for interview while others were not willing to interview due to fear of security operatives harassing them and the similarity in information to the two respondents. With the absence of mechanized farmers in the region of our research to get detailed information, a mechanized/commercial farm known as Aroms Farms in Edo State was enlisted for interview concerning the challenges of Fulani herdsmen. During the request for interview, the CEO of Aroms Farms, Aigbehi Emmanuel Aroms, provided us the link to an excerpt regarding farming needed for this study with explanation on how he invested 100 million Naira ($317,715) with a mission to create food security, employment and quality agricultural product for Edo state. Nonetheless, this mission was countered by the Fulani herdsmen whose mission is to create fear, food scarcity and food dependency from the North and lost 50 million naira ($158,858). He backed his assertions with an explanation that 'cows don't eat pineapple and pineapple which is part of

the farms produce were not only destroyed by the Fulanis but an entire field of pineapple was uprooted' and his workers were severely injured too, while some lost their lives, which shows that the Fulani herdsmen were not just wondering into farms with cows but with the mission to destroy farms. Also, he stated that destruction of farms was not done during day time but at night when farmers have all gone home and part of the effect of the dreadful activities by the herdsmen discourages the youth from engaging in agricultural business. An excerpt of similar information granted for this study can be found at (https://www.facebook.com/AromsAigbehi/videos/229877960851653/; https://www.facebook.com/AromsAigbehi/videos/228510110988438/)

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Shedding more light on the qualitative result above, this study used the quantitative approach to control and test the observable phenomenon and the results are show below.

Quantitative result

Table One. Logistic Regression Model for the Prediction of Fulani-Herdsmen Conflict Effect on Nigeria's Security

Predictor	Coeff.	Standard Error	p Value	Odds Ratio	CI Lower Limit	CI Upper Limit
EthVio	-0.237	0.164	0.148	0.789	0.573	1.088
SepAgit	-0.328	0.165	0.047	0.721	0.522	0.995
StateLegit	0.445	0.205	0.030	1.045	1.045	2.330
Constant	-1.515	1.380	0.272			

Source: Field work research (2017)
* Predicted Probability is of Membership for 'No'
Dependent Variable = Fulani-Herdsmen conflict undermine the country's security (Yes, No)
Independent variables: EthVio = Causes ethnic violence; SepAgit = Causes separatist agitations; StateLegit = Challenges state legitimacy

To determine the relationship between 3 independent variables: EthVio, SepAgit, and StateLegit and the dependent variable: Fulani-herdsmen conflict undermines the country's security, a binary logistic regression model was performed. Hosmer and Lemeshow Test (p = 0.418)

shows that the model fits the data, with 91.3percent correct prediction and Nagelkerke R Square of 0.160. Reasoning that Fulani-herdsmen causes ethnic violence does not significantly influence participants' outcome that it undermines the country's security (p = 0.148, Exp(B) = 0.789, 95percent C.l. = 0.573 – 1.088) but the reasoning that it causes separatist agitations significantly influence their outcome that it undermines the country's security (p = 0.047, Exp(B) = 0.721, 95 percent C.l. = 0.552 – 0.995). Furthermore, reasoning that Fulani-herdsmen challenges state legitimacy does not influence participants' outcome that Fulani-herdsmen conflict undermines the country's security (p = 0.030, Exp(B) = 1.560, 95 percent C.l. = 1.045 – 2.330).

Table two. Logistic Regression Model for the Prediction of Factors that Challenge State Legitimacy and Sovereignty due to Fulani-Herdsmen Conflict

Predictor	Coeff.	Standard Error	p Value	Odds Ratio	CI Lower Limit	CI Upper Limit
ForInt	-0.152	0.129	0.241	0.859	0.667	1.107
NeoCol	-0.154	0.139	0.261	0.857	0.654	1.122
StateFail	-0.053	0.112	0.638	0.949	0.761	1.182
Constant	0.514	0.893	0.565			

Source: Field work research (2017)
* Predicted Probability is of Membership for 'No'
Dependent Variable = State legitimacy and sovereignty are challenged due to Fulani-Herdsmen conflict (Yes, No)
Independent variables: ForInt = Foreign interference; NeoCol = Neo colonialization; StateFail = State failure/Failed state

To establish the reasons that determine that Fulani-herdsmen conflict challenges state legitimacy and sovereignty, a binary logistic regression model was also performed. The model was shown for data fit as revealed by the Hosmer and Lemeshow Test (p = 0.290), with 86.4 percent correct prediction and Nagelkerke R Square of 0.160. According to the study participant; foreign interference, neo colonialization and state failure are factors that could predict that Fulani-herdsmen conflict can challenge state legitimacy and sovereignty (See Table two).

However, the influence of these factors was not significant in this study (p > 0.05).

The two methods employed have a common ground in revealing the observable phenomenon concerning the Fulani-herdsmen and the regression analysis revealed gave more insight on some of the variables employed for the research which is focused on the undermining of the country's security.

Interviews conducted by this study found the conflict to be multifaceted, with several root causes and exacerbating problems. Attempts to interview the security agencies raised a further concomitant problem: the security agencies were extremely reluctant to release useful information that could help in addressing this trend and future occurrences of conflict. Other respondents, including cattle dealers and herdsmen, blame the security operatives for providing the Fulani militants with weapons.

Responses gained through questionnaires suggest that the security operatives and agencies feared giving out information because the Buhari administration uses the DSS to survey and hunt down people with opinions that contradict the administration. To an extent, this makes Buhari's administration not democratic but positions Buhari instead as a 'quasi democratic dictator'. Recently, the popular entertainer known as 2face (Innocent Idibia), who wanted to lead Nigerians in protest against the countless disappointments of the Buhari administration, was secretly caught, interrogated and threatened by the DSS.

The findings presented in the tables above informs us about Chabal's theoretical explanation in understanding the neglected relationships and causalities having taking into consideration the regional and community situations, and to rationalize behaviours that seems to appear "irrational" due to standard economic logic. What seems to appear irrational in the behaviours of Fulani herdsmen is linked to the politics of surviving or strategies of surviving. Therefore, the actions and behaviours of the Fulani herdsmen and the farmers is a resource problem. The empirical result from the regression has shown that the challenges of state legitimacy caused by Fulani herdsmen do not determine that the herdsmen weaken the country's security. This informs us that the causality of these challenges can be addressed by a holistic approach from the presidency through a bottom-up approach, which means addressing regional and ethnic problems from its root causes.

Conclusion

The resurgence of conflict between farmers and Fulani herdsmen was first significant in south-eastern and north-central Nigeria, before spreading throughout the entire country. Popular opinion holds that the conflict is sustained by three contributing factors: inept performance in the country's official leadership roles; a related decline of state legitimacy; and the challenging of the state's sovereignty by armed non-state actors. There is also a widespread belief that the president's Fulani ethnic origin is the main reason for his reluctance to implement punitive measures to curb the conflict. This perspective has emerged because the president has not adopted a holistic approach for addressing conflicts in Nigeria. It is also vivid as the Fulani herdsmen attacks have met all conditions of a terrorist group, yet the Federal government under the leadership of the president has not proscribed it as a terrorist group but channelled its energy in proscribing the IPOB group in South-Eastern Nigeria, a terrorist group,[55] who have adopted peaceful protest in the fight against marginalization. Therefore, this study after investigation into the conflict between farmers and Fulani herdsmen in Nigeria has concluded that President Buhari's approach to leadership on this issue is unsuccessful in preventing the escalation of the conflict.

The loss of faith in government has exacerbated the activities of the militants, insurgents and separatist agitators engaging with activities that undermine the country's sovereignty and the exclusive power of the state to exercise the use of legal force. For this reason, the presence of the Boko Haram terrorists remains devastating in the north-east; militants in the Niger Delta region are blowing up oil pipelines, kidnapping and killing expatriates; and in the south-east, there is agitation for the sovereign state of Biafra,[56] with the presence of climate change, the conflict among farmers and Fulani herdsmen is farfetched if the Federal government ceases to address the issue of climate change which has become a reality and provision of alternative means for the Fulani herdsmen. Consequently, this study recommends that 1) the state quell the Fulani herdsmen and farmer conflict, 2) cattle ranches should be provided for the herdsmen, and 3) they should be educated and reoriented on alternative methods for cattle/animal husbandry through their local chiefs or representative to understand the state has adopted a democratic rule, and the local methods of subsistence and survival that disrupt the peaceful society will not be condoned in a democratic state.

Finally, this study debunks the fact that the president is ethnically biased in Federal allocation and security sectors in Nigeria as envisaged by many people. Below is the list of different ethnic group represented in the country:

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Chief of Defence Staff – General Olonisakin Abayomi Gabriel – Yoruba
Chief of Army Staff – Tukur Yusuf Buratai – Kanuri
Chief of Naval Staff – Ibok Ekwe Ibas – Ibibio
Chief of Air Staff – Abubakar Sidique – Fulani
IG Police – Ibrahim Kpotun Idris – Nupe
Director of DSS – Lawal Daura – Fulani
Comptroller of NSCDS – Abullahi Gana – Nupe
Minister of Defence – Mansur Mohammed Dan Ali – Kanuri
National Security Adviser – Babagana Monguno – Kanuri

Limitations of the study

In as much as we tried our best to gather information over a period of five months, we faced a serious constraint in the form of the security agencies' reluctance to cooperate. Some security agencies were reluctant to give us adequate information regarding the conflict between Fulani herdsmen and farmers; presumably because the security agencies are themselves partly responsible for dousing tensions between the parties involved. As a matter of fact, a fraction of the questionnaire that was distributed among junior security sector staff delivered unreliable results because, in answering the questions, they had assumed the role of farmers. When confronted regarding the misinformation, we were told that their superior had directed them to answer the questionnaire as farmers. We disregarded the compromised questionnaires thus. Notwithstanding, we salvaged cogent and important information regarding the Fulani herdsmen and farmers from key personnel in the security sector whose identities are protected by the ethics involved in this study. Any further research on this conflict (conducted during the present administration) should bear in mind that similar challenges may be encountered in soliciting non-partisan opinion and information from security agencies. Thus, while this is an ongoing conflict, causalities from both Fulani Herdsmen and famers keep increasing and the statistics keeps undermining the period 2016 and early 2017 which this research was conducted.

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Notes

1 Clark John F. (2001), 'Realism, Neo-Realism and Africa's International Relations in the post-cold War Era, state,' in Kevin C. Dunn and Timothy M. Shaw. (eds.) (2001), *Africa challenge to International Relations Theory*, Palgrave Macmillan, p. 85-102.

2 Ekumaoko C. Egwu (2013), "The influence of television broadcasting of Boko haram insurgency activities on the residents of Abakaliki, Ebonyi State Nigeria," unpublished M.A Theses, University of Ibadan.

3 IFRA-Nigeria (2014), 'Fatality Trends,' The Nigeria watch project. Nigeria Stability and Reconciliation Programme. (1)

4 Emeka Mamah and Clifford Ndujihe (2016), '710 Nigerians killed by Fulani herdsmen in 10 Months - Igbo Youth Movement,' *The Vanguard,* 27 April, available at: <http://www.vanguardngr.com/2016/04/710-nigerians-killed-fulani-herdsmen-10-months-igbo-youth-movement/> (accessed 11 November 2016).

5 Global Terrorism Index (2015) 'Measuring and understanding the impact of terrorism', Institute for Economics and Peace.

6 Onyedika Agbedo (2016), 'Tracking endless Fulani herdsmen/farmers clashes,' *The Sun,* 27 December, available at:<http://sunnewsonline.com/tracking-endless-fulani-herdsmenfarmers-clashes/> (accessed 04 September 2016).

7 Assis Malaquias, (2001), 'Reformulating International Relations Theory: African Insights and challenges', in Kevin C. Dunn and Timothy M. Shaw. (eds), *Africa challenge to International Relations Theory*, Palgrave Macmillan, p. 11-28.

8 Clark John F. (2001), 'Realism, Neo-Realism and Africa's International Relations in the post-cold War Era', state' in Kevin C. Dunn and Timothy M. Shaw. (eds.), *Africa challenge to International Relations Theory*, Palgrave Macmillan, p. 85-102.

9 Nwanegbo, C. Jaja, and Jude Odigbo (2013), 'Security and national development in Nigeria: The threat of Boko Haram,' *International Journal of Humanities and Social Science* 3(4) pp.285-291.

10 Hassan Muritala (2014), 'Boko Haram Insurgency and the Spate of Insecurity in Nigeria: Manifestation of Governance Crisis,' *Research oh Humanities and Social Sciences*.

11 Okemi M. Eshioke (2013), 'Boko Haram: A religious sect or terrorist organization,' *Global Journal of Politics and Law Research*, 1(1) pp. 1-9.

12 Joseph A. Richard (1983), 'Class, state, and prebendal politics in Nigeria,' *Journal of Commonwealth & Comparative Politics,* 21(3) pp. 21-38.

13 Agbaje Adigun (1990), 'Travails of the secular state: religion, politics and the outlook on Nigeria's Third Republic,' *Journal of Commonwealth & Comparative Politics,* 28 (3) pp. 288-308.

14 Nnoli O. (1979), *Ethnic Politics in Nigeria*, Fourth Dimension Publishing Company.

15 Nnoli O. (1995), *Ethnicity and Development in Nigeria*, Aldershot Brookfield USA.

16 Offiong, A. Daniel (1980), *Imperialism and dependency: Obstacles to African development*, Fourth Dimension, Enugu, Nigeria.

17 Atwood, J. Brian (1998), 'Corruption: a persistent development challenge,' *Economic perspectives A USIA Electronic Journal*, 3, pp. 513-16.

18 Ogbeidi Michael M. (2012), 'Political leadership and corruption in Nigeria since 1960: A socio-economic analysis,' *Journal of Nigeria Studies*,1(2).

19 Osaghae Eghosa (1998), 'Legitimacy Crises, the character of the state and social mobilization in Africa: An Explanation and form of character,' *Democratic Mobilization in Nigeria: Problems and prospects*.

20 Ekeh, Peter P. (1975), 'Colonialism and the two publics in Africa: A theoretical statement', *Comparative studies in society and history*,17 (1) pp. 91-112.

21 Burgess, Robin, Remi Jedwab, Edward Miguel, Ameet Morjaria, and Gerard Padro i Miquel.(2011)'Ethnic favoritism,' Unpublished manuscript.

22 Noyoo, N. (2000), 'Ethnicity and development in sub-Saharan Africa,' *Journal of Social Development in Africa,* 15(2) pp.55-68.

23 Chin, J. Lau. (2013). 'Diversity leadership: Influence of ethnicity, gender, and minority status,' *Open Journal of Leadership*, 2(1), 1.

24 Ogundiya, I.S. (2009). 'The cycle of legitimacy crisis in Nigeria: A theoretical exploration,' *Journal of Social Science*, 20 (2) pp.129-142.

25 Suberu, R.T. (1988), "Constraints on the Process of Mobilization in Nigeria. In Democratic Mobilisation in Nigeria," Proceedings of the 15th Annual Conference of the National Association of Political Science (NPSA) held at the University of Ibadan June.

26 Women Environmental Programme (2012). 'Project Report on Conflict Mapping Into Incessant Crises between the TIV farmers and the Fulani Herdsmen in Guma and Markudi Local Government Areas of Benue state, Nigeria and Multi-stakeholders Dialogue'.

27 IFRA-Nigeria (2014), 'Fatality Trends,' The Nigeria watch project. Nigeria Stability and Reconciliation Programme. (1)

28 Sbm Intelligence (2016), 'A look at Nigeria's Security Situation'.

29 Amnesty International (2017). 'Amnesty International Report 2016/2017, the state of the world's human rights.' Amnesty International Ltd. London.

30 USAID/Nigeria (2014), 'Nigeria cross-sectoral conflict assessment'. Democracy International, Inc. Wisconsin.

31 Chabal Patrick (2009), *Africa: the politics of suffering and smiling,'* Zed books.

32 Solomon Ogbonna Agbugu and Chinwe Obiora Onuba (2015). 'Climate Change and Pastoral Conflicts in the Middle Belt and South-East Nigeria: Implication on Human Resource of the Regions,' *Global Journal of Human Resource Management*.3 (5) pp. 44-51.

33 Nte Timothy Ubelejit (2016).'Fulani Herdsmen and Communal Conflicts: Climate change as precipitator,' *Journal of Political Science and Leadership Research*. 2 (1)

34 Chabal (2009), p. 150.

35 Chabal (2009), p. 154.

36 Jeremy Horne, (2013), 'The philosophical Foundations of Leadership,' <http://www.leadership-central.com/philosophical-foundations-of-leadership.html> (accessed 21 November 2016).

37 Margaret Mead, Talcott Parsons and Robert K. Merton, (2014), 'Role Theory, 23 January, available at: <http://www.leadership-central.com/role-theory.html> (accessed 21 November 2016).

38 Nigeria Fact Sheet (2001), 'Nigeria High Commission,' pp. 03.

39 Roger Blench (1994) 'Fulbe, Fulani and Fulfulde in Nigeria: Distribution and identity,' Working Paper, 23. R.M. Blench. Federal department of livestock and pest control services. Nigerian national livestock resource survey circulation version.

40 Nigerian Government (1999), The Constitution of the Federation of Nigeria.

41 Armed Conflicts Report – Nigeria (2009), '1990 - first combat deaths update.'

42 Omawumi Eyekpimi (2016), 'History of Fulani Herdsmen and Farmers Clashes in Nigeria,' *The infoguidenigeria,* 21 June, available at: <https://infoguidenigeria.com/fulani-herdsmen-farmers-clashes/ > (accessed 01 December 2016).

43 The Nation (2016), '20 Tiv Farmers killed on Taraba's Peace Day,' *Sahara Reporters,* 20 December 2016, available at: <http://saharareporters.com/2016/12/19/20-tiv-farmers-killed-tarabas-peace-day> (23 December 2016).

44 The vanguard (2016), 'Fayose Signs bill on grazing prohibition into law,' *The Vanguard,* 29 August, available at: <http://www.vanguardngr.com/2016/08/fayose-signs-bill-grazing-prohibition-law/> (accessed 07 November 2016).

45 The Rainbow, (2015), 'Afenifere's threat to secede from Nigeria: Open letter to Sultan of Sokoto,' *The Rainbow,* 11 September, available at: <https://www.thenigerianvoice.com/thread/45425/196016/1> (accessed 07 November 2016).

46 Grovogui Siba N. (2001), 'Sovereignty in Africa: Quasi-statehood and other Myths' in Kevin C. Dunn and Timothy M. Shaw. (eds), *Africa challenge to International Relations Theory*, Palgrave Macmillan 2001, p. 29-45.

47 Clapham Christopher (1996), *Africa and the international system: the politics of state survival,* Cambridge University Press,50. P. 01.

48 Chabal, Patrick, and J-P. Daloz (1999), *Afrika works: disorder as political instrument.*

49 Clapham Christopher (1996), *Africa and the international system: the politics of state survival,* Cambridge University Press, 50, P.01.

50 Levinus Nwabughiogu (2016), 'Revealed! Real reasons south East Senators visited Buhari,' *The vanguard*, 12 November available at: <http://www.vanguardngr.com/2016/11/revealed-real-reasons-south-east-senators-visited-buhari/?\> (accessed 07 December 2016).

51 Kamarudeen Ogundele (2017), 'Drama as Fayose foils DSS plan to arrest Apostle Suleman,' *The Punch,* 25 January, available at: <http://punchng.com/drama-fayose-foils-dss-plan-arrest-apostle-suleiman-ekiti/> (accessed 02 February 2017).

52   Abimbola Adelakun (2017), 'Why we wish our presidents dead,' *The punch,*
     26 January available at: <http://punchng.com/wish-presidents-dead/>
     (accessed 02 February 2017).
53   The vanguard, 'We've paid some Fulani to stop killings in Southern
     Kaduna - El-Rufai', *The Vanguard,* 03 December, <http://www.vanguardngr.
     com/2016/12/weve-paid-fulani-stop-killings-southern-kaduna-el-rufai/>
     (15 January 2017).
54   Daniel Bendix and Ruth Stanley (2008), 'Security sector reform in Africa:
     The promise and the practice of a new donor approach,' *The African Centre
     For the Constructive Resolution of Disputes.* Occasional Paper Series: 3, (2).
55   Anthony Ogbonna (2017). 'Ipob stands proscribed, terrorist group-
     FG'. *The Vanguard*, 19 September, available at: <https://www.
     vanguardngr.com/2017/09/ipob-stands-proscribed-terrorist-group-fg/>
     (accessed 9 October,2017)
56   Kingsley Emeka Ezemenaka and Jan Prouza (2016), 'Biafra Resurgence:
     State Failure, Insecurity and Separatist Agitations in Nigeria,' *Central
     European Journal of International and Security Studies (CEJISS)* 10 (4). pp.
     157-178.

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Lessons from Occupy Diraz

The Role of *Velayati* Twelver Activism in the Bahraini Occupy Space Movement

Vladimir Remmer

A social movement exists in space. The relation between a social movement and space offers unique perspective into that social movement itself. Several dimensions of that relation can be observed in Occupy Diraz. It occupied a space that symbolised the movement's grievances; by occupying a space continuously, day and night, it shaded the light to a chasm that separated Shiite and Sunni members of society and offered a pole of attraction to those who identified with grievances and interests of the Shiites in Bahrain; it provided a territory in which occupiers had a choice between remaining within the matrix of the religious-sectarian hierarchy or attempting to construct a community based on principle of horizontality (complete openness of participation and no formal leadership); and it engaged in confrontation over the occupation of space with the agents of the state. The paper shows how the Occupy Diraz movement founded on the ideals of radical Islam leads to the prefiguration of a radical Islamic protostate in a space it possesses and controls. The paper provides a rationale for criticism of Occupy Diraz for emphasising the possession of space and doctrinal aspect of ideology espoused by occupiers over an opportunity to expand on the principles of horizontality, embracing reform and principles of democracy.

Introduction

On 20 June 2016, the Government of Bahrain revoked the citizenship of Sheikh Issa Qassim, one of Bahrain's most prominent *Shia* clerics and the spiritual leader of the largest *Shiite* rejectionist-opposition group *AlWefaq*.[1] Within an hour of Qassim's citizenship revocation announcement, thousands of Bahrainis occupied the streets of Diraz surrounding Sheikh Issa's compound, the symbolic heart of *Shiite* resistance to Sunni AlKhalifa rule in Bahrain.

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In Diraz, the international observers of organised struggle for justice experienced what on the surface appeared as a spontaneously organised, diffused, and decentralised leaderless movement that sprang out of perceived injustice inflicted by the government upon the spiritual leader of *AlWefaq* in Bahrain and, by extension, upon the *Shiite* community at large. However, close examination of this social movement reveals remanence of the *AlWefaq* Islamic Society harnessing its organisational structure and legitimacy in directing its coercive powers to generate and direct anger and frustration into the mobilisation of human resources and space surrounding Qassim's compound. In this contested space, *Velayati* twelvers openly and directly challenged the state functions of the government of Bahrain with far greater hostility than in previous randomly-formed groups of *Velayati* protest marches, *Barbagi*-site prayers, and episodic violent confrontations of *Shi'a* youth with PSF [Public Safety Forces].[2]

The initial intention of the protestors was tantamount to resisting any attempts by agents of the state that would try to deport Sheikh Qassim or even serve him court documents. Soon the action began to take the shape of the occupy-space movement by drawing on nationalistic identity and the perceived grievances of the community. The occupation inspired a nationwide movement, with the number of people who gathered in the streets reaching levels that had not been seen since the 2011 Pearl Revolution.[3] The Diraz occupation, the first and largest occupation of its kind since February 14, 2011, became the apex of the movement, attracting people from all over the Archipelago. It challenged the Bahraini political system which, according to Bahraini Human Rights Activists, exercised undue powers of persecution over *Shiite* rights activists, and skewed the economy and national politics in the service of the ruling classes.

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On June 21, 2016, only a day after crowds converged on the Sheikh Qassim compound, the head of the dissolved *Ulama* Islamic Council Sayed Majeed Al-Mashaal announced turning the rally held in Diraz into a permanent one, denouncing the revocation of *Shiite* leader Ayatollah Sheikh Issa Qassim's citizenship. 'We will not leave this place... If the PSF want to reach Sheikh Issa's home, they have to cross over our bodies', said Al-Mashaal in the presence of thousands of protestors assembling near Sheikh Qassim's home in Diraz.[4]On June 22, 2016 *Ayatollah* Isa Qassim received a direct phone call from the head of the *Shia* seminary (*Hawza 'Ilmiyya*) in Iraq's Najaf Grand Ayatollah Sayyed Ali Al-Sistani.[5,6] Grand *Ayatollah* Al-Sistani stressed that 'such abuse does not harm the status of Ayatollah Qassim', in essence reaffirming the legitimacy [as well as the edicts and fatwas] of the highest-ranking cleric in Bahrain.[7]

In accordance with *Shiite* practices, no political activity should be allowed during the age of *Al-Gheebah* [until return of the *Mahdi*]. They demand deliberation and guidance on issues of collective action from community's supreme religious authority, namely Ayatollah Issa Qassim.[8] His interpretation of the *Qu'ran* and the *Sunna* in concert with current socio-political conditions and colloquy by *al-Majlis e-Ulama* yields the rationale and perhaps final decision on the direction *Shiite* collective action will undertake. The aforementioned view underlines the substantial difference between occupy movements informed on new-liberal values and ideological precepts and Occupy Diraz, exhibiting innate duality as being both a political and religious movement.

Apart from the history of *Shiite* insurgence in Bahrain, the occupation was inspired by a massive wave of protests sweeping the world. It all began with Iran's abortive Green Movement protesting electoral fraud in 2009; then the Arab Spring that spread from Tunisia in 2010 to Egypt, Libya, Syria and elsewhere in 2011; the occupation of Zucotty Park in Manhattan giving birth to the Occupy Wall Street movement; the Occupy *Abay* movement in Russia; and the *Indignados* in Spain. In all those protests, demonstrators defied authorities by occupying outdoor public spaces while determined to remain day and night until their demands were satisfied. The occupiers of Diraz had a similar agenda except that they initially refrained from verbalising any demands. From the onset, the purpose of the Diraz occupiers was tantamount to denying agents of state access to Sheikh Issa's compound. Though occupations other than Diraz had a storied history in facto-

ries, farmland, and protest encampments outside of city centres, the size, persistence, and loci of these occupations were something new and garnered them worldwide attention. Hence, it was reasonable to expect a similar level of attention granted to the Diraz occupation.

Occupations of the past two decades did not have the exact same objectives. Those of Occupy Wall Street and its offshoots around the United States and Europe were directed at the financial system and economic inequality; those in Europe protested austerity; the Arab Spring occupies, including the Bahrain's Pearl Revolution, sought to bring down the government. But on the surface, there were significant similarities beyond that of convergence space. In each case young people, facing uncertain economic prospects, took prominent roles; the Internet and social networking were used to mobilise and operationalise the movement; occupying a common space for several days or weeks, the occupants developed at least incipient organisational structures that were non-hierarchical and promoted an egalitarian, non-alienated form of interaction. However, the substantial difference in the case of Occupy Diraz was, that from the very onset, the movement was bereft of horizontality. Participation in Occupy Diraz was sanctioned by *Shiite* religious oligarchs who hijacked the leadership of the movement at its inception.

The level of participation and the spill-over effect across geography fascinated observers of all those occupations. Since the beginning of the 21st century we have come to recognise the convergence space as an organic element of the contemporary political repertoire. Each occupation broadcasts intimate characteristics of occupiers, including their collective interests and tactics of attainment. Hence, the occupation epitomises the importance of this element in civic movement analysis. Henri Lefebvre argues that space must be interpreted as more than a neutral container of activity.[9] Space is actively produced, not only in its physical disposition but also in its social meaning, by the activities that go on in it, or that go on in some spaces but not others. Some have argued that Lefebvre overemphasises the production of space by capital as a means of social control: 'Rather than locating struggle at the centre of the analysis, it is capital as a producer of abstract space that is placed centre-stage'.[10] But this contrast between abstract and concrete or "lived" space brings contestation over space to the fore: as rulers attempt to turn space into abstract space, devoid of particular properties and amenable to social control, subordinates

construct counter-spaces in which they strive to maintain their attachment to particular localities and assert their right to determine the activities that go on in particular spaces.[11,12] A relationship between territories subject to the control of different groups is 'not just a matter of lines on a map; it is a cartography of power'.[13] Through a subordinate group's challenge to a ruling group's claim, space is socially produced: Contestation in and over space changes the space itself; cf.[14,15]

In this context, the importance of space for social movements becomes visible. All social movements are organised in space, but some movements are about space: who possesses the particular space as well as who is entitled to be present in, control, and perform what kind of activities in those spaces.[16,17,18] The occupation is also different from most social movements by its concentration in a particular location. As Peter Marcuse explains, 'When space is occupied by the movement it gives it a physical presence, a locational identity, a place that can be identified with the movement that visitors can come to, and where adherents can meet'.[19] For some decades now, access to some *Shiite* villages in Bahrain has been intermittently restricted or regulated by sect activists within. This phenomenon came to the fore in June of 2016, when in Diraz only *Velayati* twelver youth, families, and elders almost exclusively were allowed to transit through the village; order among occupants was maintained by unarmed sect activists subordinate to religious clergy; *Velayati* leaders were put in charge of organisation and mobilisation; *Velayati* twelver clerics assumed responsibility for decision-making on what activities would be allowed to take place in the subordinate terrarium. In Lefebvre's terms, the space is concrete, experienced by its inhabitants as lived and uniquely identified with the activities that take place in it.[20] Marcuse further elaborates: '[an occupied space] also has a second function: it is an opportunity to try out different forms of self-governance, the management of a space and, particularly if the physical occupation is overnight and continuous, of living together'.[21] An observer informed on the influence of *Velayat-e Faqih* in Bahrain would fully expect the *Velayati* form of governance to play out in Occupy Diraz.

Two more aspects of being in a specific location are useful to stress. First, what Charles Tilly calls symbolic geography: the choice of location symbolises something about the movement; it is not usually chosen at random. Locations carry meanings, and those meanings can telegraph the message that the movement wishes to convey.[22]

Second, since the onset, the Diraz occupation exhibited pronounced signs of confrontation, expectancy, and preparedness for a virulent showdown between occupants and agents of the state overwhelmingly belonging to a different sect. Occupation by a social movement, as a rule, aims to liberate space to allow a population to act in defiance of the authorities' attempts to subdue and exclude them. The space of the *Velayati* village in Bahrain was always occupied by members of the twelver-sect. Thus, the connotation of confrontation remained, and was raised to the forefront. Here, the occupation enforced the exclusive right to determine the use of a space which on the basis of the concept of public space was designated as accessible to all the public irrespective of the sectarian or religious belonging. The occupation of Diraz is in inverse relation to all other occupations that are an exercise of the freedom of speech and public communication, a practice of democracy with the implicit or explicit claim that the public authorities violate democratic principles by preventing occupiers from exercising their rights. The occupations of Diraz involved confrontation with agents of the state charged with containing any threats to democracy and public order and were licensed to use force to do so. To advance understanding of the significance of space for this movement and the political dynamic associated with it, the artricle proceeds as follows:

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Part 2 will examine the symbolic significance of Diraz, and show how this unique location creates a binding energy that makes participation possible, mobilises and perpetuates occupation.

Part 3 addresses the importance, independent of the location's symbolism, of occupying a defined space, identified as a counter-space and a concrete space in opposition to the surrounding abstract space of authorities.

Part 4 depicts prolonged possession of space by an organised group as a dynamic event that channels the energy of space into creativity and experimentation. Here we also show how Occupy Diraz improves on tactics of beleaguerment and proselytisation, application of the Internet-based social media networks, and manipulation of mass media networks in accruement of power.

Part 5 posits that since its inception, the Occupy Diraz movement exhibited elements of '*Velayati* twelver's Islamic protostate' with direct ties to religious oligarchs outside Bahrain's national borders. This phenomenon not only precipitated confrontation between occupants

and authorities but also inhibited the ability of the movement to attain tangible political benefits on behalf of the Shiite community in Bahrain.

Part 6 will introduce the inherent dichotomy of *Velayati* twelver's Occupy movement of being both the political and religious movement, as well as structural limitation and constraints such dichotomy imposes. It addresses the prospect of the loss of space with the eviction of the occupation and suggests the avoidance of some of the negative consequences of the practice of occupation and its identification with a particular location.

This study draws on the experience of visiting *Shiite* villages, direct interaction with occupiers, and qualitative interviews with prominent members of the *Velayati* community, as well as the *Velayati* foot soldiers. The interviews were primarily about the topic of political participation and sectarian conflict mitigation, and the role of social networking on the Internet in opposition mobilisation; but in all of them respondents were asked about their general political orientations and their participation in the occupation. To authenticate this research, the article has also used documentary evidence harvested mostly from Internet-based open sources, in the text, photographic evidence and videos produced by activists, international human rights defenders, and other observers.

This article argues for the centrality of the possession over space, and control over space, to the evolution of a social movement. It aims to use the experience of Occupy Diraz to highlight sharp structural differences between occupy movements inspired by new-liberal progressive ideas and occupy movements based on *Velayati* twelver ideology, as well as implications of subjugation of political pursuits to sectarian-religious precepts. The paper stresses that occupy movements inspired by *Velayati* twelver radical Islamic ideology inescapably creates a community bereft of horizontality, and in its prefiguration it strive to achieve a protostate in the image of the *Velayati* Islamic republic subjugated to religious oligarchs outside Bahrain's national borders. Such a movement, when under control by religious oligarchy and radical sectarian actors, is unable to reject radical religious and sectarian dogmas in favour of democratic political pursuits and will inevitably fail to achieve tangible policy changes that advance group's interests.

Diraz as symbolic geography

Symbolic geography for Charles Tilly (2000) includes the 'use of emblematic monuments, locales, or buildings in dramatisation of demands, [and a] struggle for control of crucial public spaces in validation of claims to political power'.[23] The symbolism of the preceding 'The Pearl Square' [GCC-roundabout] occupation of the February 2011 was rooted in edicts by *Shiite* religious oligarchs referring to it as "*dawaar al lulu'a*".[24] The symbolism of OccupyDiraz, on the other hand, inescapably represented the *Shiite* village, the site where the most senior *Shiite* cleric, *Ayatollah* Issa Qassim, dwelt and preached.

There is a subtle symbolic significance in the *Shiite* enclave as a cradle of the *Velayati* movement. It can be inferred that the claim for territorial integrity and independence extends to any domain where a *Shiite*-organized group has clear and continuous priority viz., member's household, *Shiite* village, tribal enclave, or any other manifestation of the vertical hierarchical node from last-born daughter of the poorest member to a sheikh or a spiritual leader. Such a claim is further supported by sect members' ethno-anthropological congruence, their tendency to coalesce into societal vertical nodes, the quintessential communal isolation mechanism supporting quasi-autonomous enclaves, and is compounded by theological provisions for governance and judicial practices. The *Velayati* twelver ordinances belabour on coercive actions on behalf of the community, of which the vertical hierarchy is the essential feature and where the segmentation between vertical nodes in the society is maintained by prohibition of horizontal formation connections with other sectarian, ethno-religious groups, and enforced by intimidation, elimination, or neutralisation of perceived threats inside and outside the group's domain.[25]

The 'activist' Twelver Shiism implies presence, within the *Shiite* enclave, of the centralised authoritarian structure combined with a judicial framework, both inherent elements of *Velayat-e Faqeeh* and incongruent with the concept of horizontality.[26] The *Shiite* Islamic movement, representing the collective interests of *Velayat-e Faqeeh* members in Bahrain, draws its legitimacy and energy from the sociocultural edifice that is the *Shiite* enclave. Here, the *Shiite* Islamic movement bridges the gap between the spiritual domain ever-present inside the *Shiite* enclave and surrounding world, as well as acts as a conduit through which *Shiite* community projects collective interests outwardly. It is the vehicle through which the *Shiite* community forms coalitions of aspirants for

polity in pursuit of an opportunity to fulfil exigency to extend the governance compatible with *Velayat-e Faqeeh* ideology in Bahrain.

Apart from the symbolism represented by the *Shiite* enclave, there is a symbolism of grievance. Occupation of the *Shiite* village, home to Bahrain's most senior cleric, brought forth the unresolved contention in interaction between the followers of Sheikh Qassim and all those who ardently support the ruling clan. The occupation emblazoned the perception that sectarian power and sectarian greed were a major force in the concentration of wealth and income in the hands of a Sunni minority at the top of the societal pyramid, whose share of benefits had increased in the past decades. The occupation propagated the notion that the inequality between these sects has reached record levels.

Indeed, in Diraz occupants challenged the government practice of naturalisation and citizenship revocations that disproportionately targeted members of the *Velayati* sect. At the same time, *Shiite* activists denounced the naturalisation of the foreign skilled workforce claiming that citizenship is being conferred for largely illegitimate 'political' motives, calling it 'citizenship for vote'. Unemployment among *Velayati* youth was another issue brought to the fore by the occupation. There are widespread allegations that *Shiites*, competing for government jobs, have been systematically excluded at least since the Iranian revolution. 'The events 1979, the Khomeini threat, raised the loyalty issue for us' — a prominent government official confided to us.[27],[28] Grievances expressed by occupiers and associated to discrimination in the sphere of education have been closely correlated to freedom of speech and have to do with occupiers demands for unrestricted teaching of *Shiite* religious, tribal and sectarian philosophical precepts and practices emphasising primacy of *Shiite* collective sectarian interests. Similarly, grievances related to freedom of speech have been focused on the inability to effectively mobilise mass media, TV stations (*ALWEFAQ* TV) and local newspapers, in an attempt to connect with grassroots, particularly the youth.[29] Occupiers used strong terms to condemn state interference with Diraz 'Friday Cerements' in the vicinity of *Sheikh* Qassim's compound. The occupiers lamented to dozens of mosques throughout the island damaged or demolished by the state.[30]

Interaction in a counter-space

The occupants chose Diraz as a specific location for public protest. But the importance of space went beyond the location's symbolism. In oc-

cupations described in the previous chapter, some of the effects of oc-
cupying a fixed location in physical space, with the intention to remain
day and night for an indefinite time, would have arisen even if it had
been elsewhere, albeit not the case of Diraz. The symbolism of the oc-
cupation in the case of *Velayati* twelver activism reaches beyond griev-
ances of the community, and into a province of consecration of the
Shiite enclave itself. *Velayati* twelver doctrine encourages the physical
confrontation with the authorities in defence of the spiritual leader-
ship of the movement. The tactic of indefinite occupation in this case
asserts the occupiers' presence against the power that claims not only
to dominate the space in question and to produce the impenetrable
physical barrier that separates the leader of the *Velayati* twelver move-
ment and those who will attempt his removal from the space presently
occupied, but also produces a counter-space in which occupiers can
communicate regardless fear of reprisal.

Occupiers remained in Diraz day and night in a view of the interna-
tional community. They organised activities that sustained the occupa-
tion physically and intellectually, and they confronted conflicts among
themselves and with the surrounding neighbourhood. The similarity
between Diraz occupation and those in the Middle East, North Afri-
ca, and Europe, is that it became an occasion for communication and
organisation considerably more intense than what we came to expect
from more ephemeral protest movements. As a counter-space, it 'in-
sert[ed] itself into spatial reality . . . against power and the arrogance of
power'.[31] Diraz occupation became a nucleus identifiable with *Velayati*
protostate in Bahrain.[32]

As in the case with most occupy movements, permanent physical
presence in Occupy Diraz stimulated ongoing interaction and created
a site for ideological indoctrination. Why is it important? Not all *Shi-
ites* are members of the twelver sect, and not all twelvers are members
of the *Velayati* rejectionist opposition movement in Bahrain. Here,
full-time occupiers and others who came in out of curiosity or feel-
ing of sectarian unity had an opportunity to immerse into ideology
sermonised by Ayatollah Issa Qassim and his disciples. The site itself,
the setting of the street became a stage, and occupiers and visitors be-
came actor galvanised with vibrant energy of the ongoing drama of
space-capture. The site became a reservoir where entire families and
entire clans converged. In the course of the day, they formed groups
to complete their designated tasks on behalf of the community. They

are almost spontaneously coagulated into working groups designed to perpetuate the occupation, promote collective interests and strengthen the organisational structure.

The occupation was structured as a top-down hierarchy. The religious leadership held regular meetings making decisions on behalf of the collective; information, edicts from meeting flew downwards throughout the organisation. This aspect of the Diraz organisational architecture alerts to the absence of horizontality to which we are accustomed to seeing in most known examples of occupations of the time. However, the concept of egalitarian structure of the lower strata was clearly present among members of the movements, as it reflects the ordinance of *Velayati* ideology. 'Imam and the clergy have the duty to use the political apparatus to apply the laws of Allah and to bring about a system of equality for the benefit of the people', writes Imam Khomeini expanding on the mission of Imams and the clergy with respect to followers of the *Velayati* twelver movement.[33]

The occupation permeated a sense of internal transparency. Actions or inactions of every individual was seen or heard by all. These interactions conveyed the sense of egalitarianism and everyone participated in designated activity and shared experiences. The boundary delineated by the epidermis of occupation established the terrarium [no-go zone] now under control of the *Velayati* protostate. Diraz confirms the thesis that the replication of occupations in places small and large, with or without symbolic targets, has the importance of having a permanent location in an identifiable space, wherever that space might be.

Many political and religious activists have grown dependent on communication via the Internet-based social networks, e-mails, YouTube videos or blogosphere; the occupation of Diraz re-focused interaction on face-to-face communication in real time and real space. Mediation by computer or television screens makes communication abstract and removes it from the substance of interpersonal relations, and over-reliance on the Internet has been criticised as 'slacktivism' in political science literature.[34]

However, there is little doubt about the Diraz movement (at least initially) being heavily dependent on Internet-based social networking for mobilisation and operationalisation. Yet, on a number of occasions and for extended periods of time the Internet and cellular communication in Diraz became intermittent. This phenomenon prompted the Occupy leadership to pivot to direct participation.

Foreign-based media, such as *LuaLua*TV, and international support accounts on Facebook and Twitter had a role in bridging geographies of participation and connecting the international support mechanism to active participation in the movement's activities. Social media offered to international activists an opportunity to virtually join the movement, to interact with occupiers and share their stories. This 'virtual surrogate' to the spill-over effect of Diraz occupation assisted distant participation in the creation of digital convergence spaces and imaginaries based on the Diraz occupation.

Lefebvre (1974/1991) argues that urban space — especially the space dominated by finance capital —is depersonalised and abstract. Diraz is a unique experience since it was not depersonalised by finance capital, but produced by the *Shiite Velayati* oligarchy choosing this very site to become their home, base of operations, a space from which the message of *Velayati* ideology permeates the island and goes beyond. The face-to-face interaction only enforced this notion. Counter-spaces, Lefebvre implies, are necessary spaces of concrete personal relations, because they are in part a protest against the abstraction imposed by authorities as part of their arsenal of social control. For decades now, the *Shiite* enclave was actively produced by *Velayat-e Faqih* ideology and religious oligarchs as means of their own social control over subordinate populations. At the same time, the rulers of Bahrain employ capital and coercion to transform *Shiite* enclaves into a more abstract space, devoid of direct *Velayati* twelver influences. In fact, it is care provided by agents of state and manifested in financial and judicial benefits, housing, education, medicine that constituted in this case an 'arsenal of government's social control'. Hence, Diraz counter-space begets a connotation of a space of concrete relations of those militant towards a governance and action by an opposing religious sect.

In Diraz every adult has a voice, but the decision in collective action has rested with elected or designated elites among *Velayati* clergy. Facilitators from the public have been trained to ensure a consensus, though no consensus vote among participants in sit-in was ever taken. Occupy Diraz was governed in accordance with the *Velayat-e Faqih* paradigm — the decision-making by consensus among religious authorities or an ordinance by the *primus inter pares* of religious authorities. According to our interviews of occupiers, clerics in the leadership were accessible and attentive to the opinions of the masses. On the ground level people communicated rather fiercely. Gathered in small

groups they discussed issues associated with their predicament, their goals and aspiration. Designated activists commuted between groups spreading the message. This activity alone engenders a unique sense of empowerment, especially when one realises that the message has been heard and repeated by thousands of occupiers.

Maintaining overnight and continuous occupation is a big task. A number of activists had been tasked with responsibilities that ranged from keeping the place clean to providing medical care or intragroup communication, receiving and distribution of donated supplies. *Hezbollah al-Hijas* members were responsible for maintaining order and discipline among occupiers, protection of woman and children and interactions with outsiders and agents of state.[35] A group of activists with propensities for writing, arts, the media, and the Internet-based information technology became responsible for getting the message to the outside world, and assisted in continuous mobilisation of the movement.

Diraz occupation remained proactive in sending and receiving envoys to and from other *Shiite* villages and even overseas. Diraz activists and clerics maintained close ties with political exiles in the UK and EU. This undeniably set the pattern, organisationally and ideologically.

A space for experimentation

The *Velayati* visions of social change do not simply exist *a priori*; they are actively produced in speech, praxis and locus. When *Velayati Shiites* filled the streets adjacent to Issa Qassim's compound and refused to leave, their actions became spatial in that *Shiites* protested in a particular space, and this space transformed into a site of contested social and power relations, spatially facilitating an extensive political action.

While in sit-in, occupiers shared a general rejection of the materialism and alienation they found in contemporary Bahraini culture and strove to reinforce principles of *Velayat-e Faqih* in the entirety of the *Shiite* movement itself. An occupation fosters a unique internal process that encourages experimentation. In the case of Occupy Diraz , it deepened into an aspiration to create a living quasi-egalitarian community in the image of Iran's Islamic Republic.

An occupation site provides especially fruitful ground because it has a location that becomes the home of the occupiers twenty-four hours a day for an indefinite time.[36] The boundaries are only partially permeable — they act as if they were sealed off from the rest of the

world and reinforce *Velayati* principles of their own structures and norms. As protesters stay at a site around the clock for days or weeks, the occupation becomes more than a protest site; it becomes a space for living. In Diraz occupiers created a living community; in it occupiers sought to establish a society of Islamic equality in which every member of the *Shiite* sect had an equal share.

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The Diraz occupation of 2016 only marginally drew on prior models developed by movements that rejected the top-down leadership of traditional, secular new-liberal, progressive movements. In the West, the aspiration of prefiguration was first expressed by late nineteenth-century anarchists.[37] It was revived by some US leftists in the 1970s and embraced by the US women's movement, the anti-nuclear movements in the US and Europe in the 1970s, movements in solidarity with the *Zapatista* uprising in Mexico, and the anti-globalisation movement of the 1990s and the early years of the twenty-first century. From these movements, it spread to the occupations of 2011.[38,39,40,41]However, in sharp contrast with Western liberal progressive values, Occupy Diraz embraced top-down organisational architecture, moreover, from the very onset of the movement, paradigm and praxis of prefiguration were an intrinsic component of the *Shiite* twelver sect.

When the constituency of a social movement grows up to be a living community, community ties strengthen the movement. The community created in an occupation can be compared to what has been called 'free spaces', 'small-scale settings within a community or movement that are removed from the direct control of dominant groups, are voluntarily participated in, and generate the cultural challenge that precedes or accompanies political mobilisation'.[42] The occupation of Diraz was different, however, in two important respects: firstly, the free space described continued in perpetuity; secondly, it provided not only a site of calm and refuge but most importantly a nucleus, an apex of the *Velayati* protostate in Bahrain. The occupation of 2016 was the site where confrontations were planned and organised continuously. It resembled free spaces, however, by giving people the freedom and warrant to enact relationships that are different from those characterising mainstream society, testing and demonstrating the alternative possibility — the *Shiite* Islamic Republic.

Some of the functions were transferred to an occupation's organisation, from the processes for informing the occupiers to the provision of food, medical care, and security. The leadership, however, appeared

uninterested in the provision of well-defined spaces such as working groups that would establish and maintain fidelity to the principle of horizontality — defining principles in the cases of traditional western new-liberal movements. The principle of prefiguration, on the other hand, had unmistakable presence in Diraz occupation. Those principles accepted by the *Velayati* hierarchy have inspired many specific practices. For example, occupiers practiced pedagogy of proselytising and ideological indoctrination of the young and new to the movement, based on the conviction that everyone should take an active part and develop new experiences reflective of the sectarian ideology. Proselytisation and exigency of subjugation to *Shiite* collective sectarian interests or practices are built into the mobilisation process and interactions *Shiite* Islamic organised groups undertake with the outside world.

As already discussed, many occupiers had highly developed Internet-based social media communication skills. They shared their skills with novices. They regarded themselves as 'citizen journalists' and believed that every *Velayati* was entitled to a voice regardless of prior training or experience in social networking. For such tasks as consensus facilitation and media production, domestic and foreign based platforms manned by *Velayati* sympathisers were systematically utilised. The information, such as training manuals, and carefully crafted photo and video feeds, would be immediately disseminated via the Internet.

The anti-hierarchical and prefigurative ideals of occupations so familiar to Western observers are just that — ideals. In practice, of course, they do not work perfectly, especially in MENA. Participation was not open to all comers. Those inside the sit-in designated area were constantly observed and many who wanted to participate in the movement without a place of loyalty were simply turned away. Some were suspected of being infiltrators. Further, even in the small space of Diraz, there was a physically demarcated stratification. Areas closest to the Qassim compound had been designated for religious patriarchs, community elders, and *Hezbollah al Hajaz* militants, further away from the compound one could see less significant, however valued, members of the sect. Some who regarded themselves as serious political activists viewed this gradient as one of ideological hierarchical commitment.

It was argued, moreover, that there is tension between the prefigurative ideal and intervention on national political issues. At a minimum, attention to interaction processes with a view to the distant future

may distract attention from immediate goals.[43,44] Hammond writes that the '[aforementioned] two sets of activities may be best served by entirely different models of organisation; pushing for political change in the society may require a more bureaucratic, top-down form of organisation'.[45] Polletta, in a sharp contrast, asserts that bureaucratic organisation is more likely to deflect attention from pursuing the goals, and that participatory, horizontal movement organisations are best designed to retain the mobilised commitment of their adherents.[46] It must be noted that for decades now, *Velayati* twelver's strife for dominance was exercised in strict adherence to *Velayat-e Faqih* top-down organisational architecture, yet the movement had failed to achieve any tangible political goals, and entered a phase of demobilisation and dislodgment. Occupy Diraz broadcast a consistent political message of opposition to the Sunni sectarian power of Al Khalifa clan and the resulting economic inequality, but by refusing to make concrete political and economic demands and attempting, instead, to create an internal process based on *Velayat-e Faqih* doctrine, it emphasised prefiguring the Islamic State over the immediate achievement of more partial political reform.

Generally, communities committed to political values suffer from reluctance to compromise when it comes to solutions. Everyone is committed to the same values, but people interpret them differently and propose different ways of implementing them. Because participation and community are based on values rather than any material or traditional incentives, each person may be determined to persuade others of the correctness of his or her interpretation. This makes them reluctant to compromise despite their commitment to consensus.

Interviews conducted on the ground indicate that most participants in Occupy Diraz were deeply committed to creating a new form of social interaction, with a view toward a new society. Many of those questioned concluded that the experience was truly liberating despite conflict and frustration, and offered a model on which they could build in future socio-political experiments. Occupation seems to have succeeded in substantially expanding the loyalty dimension of the movement.

Space of confrontation

Occupation implies ongoing competition between a party attempting to retain its collective control over the terrarium it occupies and its population, and forces striving to regain collective control of the ter-

rarium and repel the occupier. Protest occupations, on the other hand, designed to present a claim in public space, defend claim in confrontations with authority, and promote a specific agenda.

Since its onset, the Diraz occupation mounted a challenge to authorities to open confrontation in a space that was *Velayat i*twelver's enclave for decades. While we came to expect that authorities would regulate the time and manner of use of public spaces, we, however, believe that in democracy the authorities are not expected to pick and choose which non-violent organised groups with legal right to free speech are eligible to exercise their right in a designated public space. But what about the use of public space where an organised group known for its violent tendencies chooses to mount a challenge to authorities by converting the space into a nucleus for the protostate complete with boundaries controlled by militant youth, religious taxes [*khums*, *zakat*, *jizyah*, and *khaeaj*] being collected in accordance with *Velayati* framework of beliefs, services provided to occupant, law enacted by the clergy, and all events are planned and administered by the designated committee of twelver senior clerics through handpicked activists?

From early the days of the protests, Diraz occupiers have been subjected to significant pressure from the *Shiite* religious and sectarian authorities outside Bahrain national borders. Iran's Supreme Leader *Ayatollah* Ali Khaminie [the supreme leader of the state sponsor of international terrorism], Iraqi *Ayatollah* Sayyed Kazem Al Haeri [known for his direct affiliation to domestic and International terrorism], Sayed Hassan Nasrallah, Secretary General of *Hezbollah* [an organisation designated Foreign Terrorist Organisation by the United States Department of State], all issued fatwas calling for violence in Bahrain.[47,48,49,50] Edicts and fatwas of *Velayati* leadership in abroad targeting Diraz occupation exposed lateral connections between the leadership of the Occupy Diraz movement in Bahrain and *Shiite* religious oligarchs outside Bahrain's national borders as well as vector gradients connecting members of the movement to known political violence movements and Muslim radicals throughout the Middle East and North Africa.

While Occupy movements informed by progressive values sought to expand the meaning of 'public' in public space, Occupy Diraz redefined the meaning in accordance with *Velayat-e Faqih* edicts pertaining *al-Gheebah Era.* The agent of state responded by imposing restrictions and attempts on disrupting Occupy gatherings and public Friday sermons that in the experience of authorities incited violence and posed

public inconvenience when contrasted with other, permitted gatherings. The restrictions imposed by the authorities in turn provoked the occupiers and their supporters to defend their de facto possession of space. In Occupy Diraz, confrontations with the PSF, even though armed with non-lethal defensive weapons, came to be a defining characteristic of the movement and to a significant degree determined the reaction of international public opinion. The vast majority of the occupants had extensive experience in engaging in political marches, manifestations, and acted out of belief that the state is repressive and that asserting their rights means engaging in truculent, potentially unlawful activity. Some other occupiers did not have such clear views, but the very act of participating in the occupation was a force of proselytisation and indoctrination in *Velayati* twelve ideology.

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Collective participation in acts of defiance energises and empowers participants and escalates discourse. Individual commitment to participation in high cost collective action, such as Occupy Diraz, fosters conditions for a risk-avert group of individuals to overcome the 'free rider' problem by the participants transmitting harvested and amplified anger and frustration, ratifies one's commitment to the cause and creates confidence in the outcome. Those responses are expected to manifest even more likely when actions are disruptive and risk of repression is elevated. Participants in gatherings that are forbidden or subject to repression make a rational choice to transgress established norms of behaviour to act on their beliefs. The act of transgression, especially when it is repressed, ratifies the belief in one's righteousness, furthers the conviction that those rights are being trampled on, and elevates the determination to assert them. Even in the event of failure, this heady experience recasts their understanding of the rest of the world in light of their belief in the cause, draws boundaries between those who are for and against, and clearly identifies comrades and enemies.[51]

Throughout the Diraz occupation, the Bahraini government maintained an information blockade pertaining to events taking place in the area surrounding the Issa Qassim compound or policing procedures with respect to occupants. However, a confidential 27-page 'agreement for the provision of services', obtained by *The Observer*, signed on 14 June 2015 by the UK's College of Policing and Bahrain's Ministry of Interior, predicts the response of the Bahraini Security Force to a collective action such as an occupation.[52] It is inferred that the PSF defines

protest as a policing problem and sees its job as preventing disorder. When engaging protestors, it creates a self-fulfilling prophecy, producing the very violence it fears, as shown by the 22 December 2016 event.

Bahraini Security has a well-established strategy for dealing with protest that can be surmised as 'command and control'. The overall objective is to impede protesters from entering the designated area, and responding forcibly when they attempt to do so; conduct video surveillance of the occupied site; interfere with means and ways of protest mobilisation by impeding the flow of normative and utilitarian resources in and out of the area.

PSF were the occupiers' main counterparts in confrontation, although occupiers also faced off against the judicial powers and state administration. Violent confrontations between agents of state and protesters took place primarily on the outskirts of the Diraz village. Initially, these skirmishes drew the attention of the media. Allegations of PSF abuses, circulated by Shiite media sources, created public sympathy for the protesters.[53] Images and commentaries from Diraz disseminated through weaponised-by-activists social media acted as a cognitive amplifier to reactive emotions that mobilised dozens of protests and violent confrontations in various areas across the country. The image of the repressive PSF became a central part of the Diraz overall critique of Bahraini society and, by contrast, of its sense of itself.

Some observers would argue that the PSF response was disproportionate in relation to any kinetic threat that could emanate from occupiers. The number of arrests accentuated elevated levels of repression targeting members of the sect, increasing the perception of risk associated with continuation of collective action in support of interests of the *Shiite* twelver clergy. And it seems the result was self-fulfilling, emboldening the protesters to raise the level of provocation.

The overwhelming majority of the protesters, however, were committed to nonviolence as a principle and were ready to pursue nonviolent solutions. They acted peacefully, if provocatively, albeit a small number of militant youth scattered at the perimeter of the occupied terrain and armed with white-weapons and Molotovs exhibited the propensity for violence and sought opportunity to incite chaos. They knew that the PSF response made them look good to the *Velayati* audiences, and the experience fostered a culture which essentially glorified the impending arrests. The PSF, however, responded as if violence or

the realistic threat of violence by the protesters were the norm. It must be noted that for months the Ministry of Interior, increasingly wary of the occupation's apparent staying power, made no decisive move to dislodge them and end the occupation.

Loss of space

The enduring nature of the social movement is comprised of three core functions: it must survive; it must strengthen itself; and in its fidelity to first two functions it must weaken the power structure of state. It follows that the loss of control over space weakens the movement and in turn strengthens the state this movement is striving to oppose. Events since June 21, 2016 confirm the importance of physical space to the Occupy Diraz movement and its offshoots. It was proven that its concentration in a single location [Diraz] was a source of energy feeding a nationwide campaign of resistance. Also, ambiguity surrounding the concept of 'space occupied by *Shiite Umma*' precludes the state from complete eradication of the movement, since life in Diraz is likely to continue as it was — in strict adherence to *Velayat-e Faqih* — emblematic to a core premise of the movement. On the other hand, once occupiers return to their own villages and their own daily lives, the attention of masses domestically and on the international stage will no longer centre on a specific site, and the aura of Occupy Diraz will inevitably fade away.

The success of Occupy Diraz was constrained by a number of structural factors. The first and perhaps most significant factor lies in its duality of the movement of being both religious and political. Within the socio-political environment dominated by the propensities for ethno-religious reconciliation, a movement inspired by *Velayati* twelver's ideology has to weigh out benefits and losses it incurs in pursuit of its interests through collective action, since at the essence of such a pursuit lies hard to reconcile ambiguity. The ambiguity in ideas and values embraced by the *Shiite* Islamic organised group pursuing its collective interests is rooted in its dual nature as both a religious and political actor. As a religious actor, it fully accepts the preeminence of Sharia interpretation by the *Shiite* spiritual leaders [*Ayatollah* Issa Qassim] over laws enacted by parliaments and states, and has to base its collective action programs and policy prescriptions on primacy of the sect's interests and religious views. As the political actor, it is required to exhibit a higher degree of flexibility, perhaps even replacing the idea of

strict adherence to the sect's views of Islam with the mere requirement that laws and policies be compatible with their spiritual leader's interpretation frame of reference. However, due to *Velayati* twelver's innate ideological rigidity, the latter may only come as the result of a deleterious internal power struggle. Such group will have a hard time retaining the support of the devoted *Velayati* if they perceive the action as renunciation of *Velayat-e Faqeeh* values as the basis for legislation. Therefore, the dual source of authority, religious and political, inside the *Shiite* Islamic movement is mitigated by subjugation of the political leadership and decision-making process to religious authority.[54] Such an arrangement appears detrimental to the ability of a movement to achieve its aim as it denies the *Shiite* movement an element of horizontality, and hinders the ability to pursue political goals and solutions on behalf of all *Shiites* irrespective of their sectarian affiliations. Moreover, though occupiers claim to represent the entire *Shiite* population, they mainly come from a particular subset, chiefly the *Shiites* on *Velayat-e Faqih*.

Furthermore, this structural limit is manifested by the concept of the *Shiite* religious hierarchy and subjugation on all issues to the sect's religious authority. Apart from its conflict with ideals of horizontality, it implies the council on all affairs of the organised group by *Shiite* religious entities external to the group's territorial domain. Such a council on affairs of the group by an external *Shiite* religious-sectarian authority induces the common lateral gradient to the group's organisational structure. The dichotomy of this authoritarian mechanism lies in the benefit, on the one hand, from provision for a nucleus universal to the *Shiite* movement's structure responsible for the capacity to act, and losses, on the other hand, incurred from the rise in the cost of collective action in the environment, where a group's interests are in unremitting conflict with Bahrain's national security interests and sovereignty. This structural element denies the movement operational flexibility, reduces the speed with which it responds to a fluid external sociopolitical environment, allows agents of the state to control operational tempo, seize the initiative and place the Occupy Diraz movement in a position of weakness in a constantly reactionary state.

Primacy of 'religious over political' limit has to do with the underlying tenets of *Velayat-e Faqih* twelver doctrine that is likely to induce an embryo of authoritarian structure to *Shiite* Islamic movements, expand on the intimate need for establishment of governance and seed judicial

practice in a space occupied by the *Shiite Umma*, provide rationale for claim to a space, stipulate exigency to collect taxes, and wield coercive power on behalf of collective interests of the community—all in strict adherence to interpretations of the *Qur'an* and the *Sunna* by the elected spiritual leader or the elected council of religious authorities. *In précis*, a *Shiite* Islamic movement, progeny of *Velayat-e Faqeeh* paradigm, in control over space or terrarium inside nation-state's national borders can be defined as a *Shiite* Islamic protostate. Hence, the state takes a dim view of the occupation as a threat to its national security rather than a collective action by the movement that seeks an opportunity to address its grievances associated with economic inequality, a general rejection of the materialism and alienation the *Shiite* community finds in Bahrain's contemporary culture. In this paradigm, irrespective of occupier position on confrontation, PSF agents of the state are committed to violence and will win the immediate violent confrontation. The agents of the state, in position of superior forces, will succeed in removing non-residents [members of Occupy] from Diraz.

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The history of the Occupy movement informs us that the occupation is impermanent — yet another structural limit. Whether because of protestor fatigue, repression, inadequacies in mobilisation and operationalisation of the movement, the occupation will end. If a movement depends on or is identified with its possession of a fixed space, the loss of that space will weaken the movement while strengthening the state it endeavours to oppose.

Marcuse writes: 'The defence of the permanent and round-the-clock occupancy of a specific space can lead to a fetishisation of space that make[s] the defence of that space the overwhelming goal of the movement, at the expense of actions furthering the broader goals that that space is occupied to advance'.[55] The relevance of space to the movement was especially elevated, in the case of Occupy Diraz, where the movement is mobilised around urgency to prevent an agent of state from entering the space where the *Velayati* twelver supreme leader finds refuge. Here the term fetishisation, coined by Marcuse, accentuates excessive preoccupation with a persona at the centre of occupation and occupation itself, in detriment to goals of social justice and sectarian equality.

The *Velayat-e Faqih* paradigm removes Marcuse's concern that pursuing political goals in society at large at the same time as forming the relations of a new social order poses a dilemma. It was demonstrated

that prefigured alternative social arrangement is an intrinsic quality of the movement informed on the ideology of *Velayat-e Faqih*. Hence, the process of assembling a community out of *Velayati* twelvers [such as Occupy Diraz] directly and actively promotes goals associated with an immediate sociopolitical change, and there is nominal or no divergence (in resources expended) between forging the relations of a new social order and larger socio-political goals. Therefore, Occupy Diraz does not exhibit the same detriments from fetishisation with prefiguration as observed in the Occupy Wall Street movement in the United States, in the Occupy *Abay* movement in Russia, and in the *Indignados* in Spain.

Lastly, we stress the fetishisation of confrontation. The occupation of public space places the movement in opposition and conflict with the authorities. Given the mode of operation of the PSF, any such confrontation is likely to result in coercive counter-action by means of direct violence and judicial proceedings. For many young members of the movement, violent confrontations with PSF, acts of episodic low intensity terroristic activities, arrests, became a goal in itself. *Velayati* youth in Bahrain often reserve to the strategy of confrontation with agents of the state in order to win the attention of domestic, international community and human rights activists. This tactic has significant and irreconcilable shortcomings. In the environment of international hypersensitivity to any manifestation of terroristic activity by the organised group pursuing political goals, such strategy further alienates militant Bahraini youth and widens the chasm between the radical fringe and *Shiites* actively seeking political dialogue with the royal family and peaceful resolution to sectarian tensions in the Kingdom. Clearly, fetishisation with confrontation only distracts attention from the larger goals of social justice.

The aforementioned fetishisms might have diminished the movement's capacity to represent grievances of the *Shiite* community in Bahrain and call out the government on issues of sectarian inequality and justice. Organisers of the movement had extensive experience and awareness of the history of protest activity in the current socio-political environment, and were fully aware of deleterious effects of tactics inspired by religious-sectarian tenants to the overall strategy of reconciliation and democratic reform.

Conclusion

At the inception of the movement, public discourse was about social justice for the *Shiite* majority, economic and political inequality. The international media was dominated by themes of Occupy Diraz – calls for freedom to Bahraini prisoners of conscience and news stories spiked providing welcoming exposure to the movement, comparable only with the coverage of the 'Pearl Revolution' itself. Criticism of treatment of prisoners in Bahrain, and violation of human rights became an important part of policy advocates throughout the region, Europe and America as lawmakers and human rights defenders adopted the language and position on those issues by the movement. Nearly all major political entities from the European Union to the United States condemned the actions of the Kingdom with respect to Issa Qassim and prisoners of conscience held by the Ministry of Interior, and they issued stern warnings to the government of Bahrain. The international outrage culminated with human rights agencies releasing a flurry of reports and statements concerning the state of affairs in the Kingdom.[56] Innovative actions of Occupy Diraz, its physical presence, and the contest for space fulfilled the goal of garnering the attention of the international community and significantly advanced the collective interests of the *Velayati* twelver sect in Bahrain. However, fetishisation with prefiguration further exposed the ambiguity of subjugation within the movement of collective interests and action to tenants of *Velayat-e Faqih*, those substantially handicapping its ability to reach political goals. In the same paradigm, the causality of the movement's confrontation with authority, which rests with *Velayati* twelver doctrine, relegated the movement to an incessant deleterious struggle for survival, drawing it further away from socio-political and economic objectives. Occupy Diraz became a laboratory where top-down bureaucracy in a social movement was rigorously tested for its ability to push for political change in an autocratic society. Diraz offers strong evidence that the pursuit by the movement of socio-political interests may significantly benefit from implementation and fidelity in its future endeavours to principles of horizontality and, most importantly, departure from *Velayat-e Faqih* ideological precepts.

Lessons from Occupy Diraz

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Notes

1 The political association "Islamic *Al-Wefaq*" was founded on November 7, 2001, by Bahraini members and exponents of *Hizb Al-Da'wa al-Islamiya* of Najaf, the Islamic political party tied to acts of brutality and terrorism in Iraq dating back to the mid-twentieth century. As its antecedents, it stems out of Marxism-Leninism, the ideology of communism, socialism, and Shiite sectarian supremacy, and incorporates the mission of preservation and expansion of the nationalistic identity of the *Shi'a* on *Velayat-e Faqeeh* [*velayati* twelvers] and Islamic revolution employing political violence, as means of attainment, as fathered by Imam Rouhullah Khomeini, potentate of the Islamic Revolution in Iran. *AlWefaq* was dislodged in July of 2016, accused of undermining the state, spreading sectarianism, and getting involved in "terrorist" activities.

2 Bill Law (2014), 'Razed mosque symbol of divided Bahrain,'*BBC*, 27 March, Available at <http://www.bbc.com/news/world-middle-east-26721084> (accessed 24 November 2016).

3 Remmer, Vladimir (2017), *Politics and Economics of Insurgence in Bahrain,* Pittsburgh, PA: Dorrance Publishing, p. 98.

4 Staff Writer, 'Sayed Al-Mashaal (2016), 'Announces Permanent Rally outside *Sheikh* Isa Qassim's Home.'*Bahrain Mirror.* 21 June, (available at <http://bhmirror.myftp.biz/en/news/31963.html> (accessed 14 November, 2016).

5 Staff Writer, (2016), 'Ayat. Sistani hails Bahraini cleric's peaceful efforts.'*PressTV.* 23 June, available at <http://www.presstv.com/Detail/2016/06/23/471768/Ayatollah-Sistani-Sheikh-Isa-Qassim-Bahrain-Manama-regime-citizenship> (accessed 26 June, 2016).

6 Born in Iran, Grand *Ayatollah*Sayyed Ali Al-Sistani, son of renown Sayyid Muhammad Baqir, is a student of Imam al-khu'i'; it is widely believed, that *Ayatollah* Sistani has the highest rank among the *mujtahids* (interpreter of the scripture) and scholars throughout the Islamic World, and especially in the *hawzahs* of Najaf Ashraf and Qum. "*Biography.*" The Official Site of the Office go His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani Available at <https://www.sistani.org/english/data/2/> (accessed 14 February, 2017).

7 U.S. Embassy in Manama, official communication (7 August, 2011), 'The Shi'a Clerical Hierarchy in Bahrain,' *The Guardian,* published 18 February, 2011, available at <http://www.telegraph.co.uk/news/wikileaks-files/> (accessed 23 November 2016).

8 Nasir M. Shirazi, '*Universal Government of the Mahdi.*' Islamic Sources, <www.islamic-sources.com> available at <http://www.en.islamic-sources.

com/download/E-Books/History/Universal-Government-of-the-Mahdi.
pdf> (accessed 14 February, 2017).

9   Henry Lefebvre (1991), *The Production of Space,* trans. by Donald Nicholson-Smith, Oxford: Blackwell (Originally published 1974).

10 Andrew Herod (1994), 'On workers' theoretical (in)visibility in the writing of critical urban geography: A comradely critique.'*Urban Geography* 15, pp. 681–93.

11 Henry Lefebvre (1991), pp. 33-40.

12 Jeffrey S. Juris (May 2012), 'Reflections on #Occupy Everywhere: Social media, public space, and emerging logics of aggregation.'*American Ethnologist* 39, Number 2, p. 269.

13 Doreen Massey (2005), *For Space,* London: Sage, p. 85.

14 Henry Lefebvre (1991), pp. 381-383.

15 Donald S. Moore (1997), *Remapping Resistance; 'Ground for struggle' and the politics of place.'* in *Geographies of Resistance*, ed. Steve Pile and Michael Keith, London: Routledge, p. 88.

16 Charles Tilly (Fall 2000), 'Spaces of Contention.'*Mobilization* 5, No. 2: pp.135-159.

17 Jillian Schwedler (Fall 2012), 'The Political Geography of Protest in Neoliberal Jordan.'*Middle East Critique*21, no. 3, pp. 259-270.

18 Marina Sitrin and Azzelini Dario (2012) *Occupying Language: The Secret Rendezvous with History and the Present,* New York: Zuccotti Park Press, pp. 94-101.

19 Peter Marcuse (Spring 2012), 'Keeping Space in its Place in the Occupy Movements.'*Progressive Planning* 191, pp. 15-6.

20 Henry Lefebvre (1991), pp. 33-40.

21 Peter Marcuse (Spring 2012), p. 16.

22 Charles Tilly (Fall 2000), p. 137.

23 Ibid.

24 As taught by the Bahraini *Shi'a* clerics, the "Pearl Roundabout" represented a person called Abu Lulu al-Majoosi—al-Majoosi, the person who in Karbala killed Omar bin Khatab [an Islamic scholar and one of the prophet companions] and Bahrain is another Karbala meaning that the *Shi'a* must wage war on *kufrs* and *murtads* [non-muslims, foreigners and members of Sunni sect] to get their freedom.

25 Vladimir Remmer (2017), p. 90.

26 Imam Khomeini. *Islam and Revolution*. trans. A. Hamid, Berkley, CA:Mizan Press. 1981: p. 40.

27 Staff Writer (May 2015), 'Labor's Day in Bahrain: More Than 7400 Unemployed.'*AhlulBayt News Agency [ABA]*. 5 May, available at <http://en.abna24.com/index.php/service/bahrain/> (accessed 14 November, 2016).

28 Vladimir Remmer (2017), p. 130.

29 Shaikh Ali Salman (2012), *Speech of the Secretary-General of AlWefaq National Islamic Society,* March 31, available at <http://alwefaq.net/cmsen/2012/04/02/6325/> (accessed 26 June, 2016).

30 Roy Gutman (2011), 'Bahrain's official tally shows cost to Shiites of mosques crackdown, Bradenton.'*Herald*. 30 May, accessed at <http://www.bradenton.com/2011/05/30/3252966/bahrains-official-tally-shows.html> (accessed 26 June, 2016).

31 Henry Lefebvre (1991), p. 382.

32 The concept protostate derived from the Maoist movement of the early twenties century, this is often considered the gold standard for any insurgency. In paradigm, an insurgency weakens the state thorough guerrilla attacks, terrorism, subversion, and physical operations while it simultaneously serves the function of the state in areas it controls. In the classic Maoist method, final victory comes when the insurgency is the equal of the state politically, military, and economically.

33 Imam Khomeini. *Little Green Book*. trans. Salemson, H. (Bantam Books, 1985), 14.

34 EvgenyMorozov (2011), *The Net Delusion: The Dark Side of Internet,* Freedom. New York: Public Affairs: pp. 179-181.

35 Vladimir Remmer (2017), p.92.

36 PuneetDahliwal (May 2012), 'Public squares and resistance: the politics of space in the Indignados movement.' *Interface: a journal for and about social movements* 4: pp. 251-73.

37 Benjamin Franks (2008), 'Postanarchism and Meta-ethics.'*Anarchist Studies*, (16)2: p. 147.

38 Carl Boggs (Nov 1977), 'Marxism, Prefigurative Communism, and the Problem of Workers' Control.'*Radical America* 11, pp. 99-122.

39 John L. Hammond (2012), 'Social Movements and Struggles for Socialism.'*Taking Socialism Seriously*, ed. Anatole Anton and Richard Schmidt. (Lanham: Lexington Books: pp. 224-229.

40 Marianne Maeckelbergh (May 2012), 'Horizontal Democracy Now: From Alterglobalization to Occupation.'*Interface: a journal for and about social movements* 4, No. 1, pp. 207-34.

41 Marina Sitrin, ed. (2006), *Horizontalism: Voices of Popular Power in Argentina,* Oakland: AK Press.

42 Francesca Polletta, '"Free Spaces" in Collective Action," accessed at <http://www.socsci.uci.edu/~polletta/Articles%20and%20Book%20Chapters_files/Free_spaces.pdf> (accessed 20 November, 2016).

43 Andrew Cornell (2009), 'Anarchism and the Movement for a New Society: Direct Action and Prefigurative Community in the 1970s and 80s.' available at <http://www.revleft.com/vb/anarchistnews-org-anarchism-t114973/index.html?s=c27296ed4e1e412f1856e3db53847d24&t=114973> (accessed 14 November, 2016).

44 Jeffrey S. Juris (May 2012), 'Reflections on #Occupy Everywhere: Social media, public space, and emerging logics of aggregation.'*American Ethnologist* 39, Number 2, p. 270.

45 John L. Hammon (2013), 'The significance of space in Occupy Wall Street.'*Interface*. Volume 5(2), pp. 499-524.

46 Francesca Polletta (2002), *Freedom is an Endless Meeting: Democracy in American Social Movements,* Chicago: University of Chicago Press.

47 Staff Writer (2016), 'Iran supreme leader: Bahrain's move against top cleric risks violence.'*Reuters,* 26 June, available at <http://af.reuters.com/article/worldNews/idAFKCN0ZC0D1> (accessed 24 November, 2016).

48 Staff Writer (2016), "New Fatwa Compels Bahrainis to Defend Sheikh Qassim via 'Possible Means.'"*Bahrain Mirror.* 6 October, available at <http://bhmirror.myftp.biz/en/news/34055.html>(accessed 24 November, 2016).

49 Born in Iran Grand *Ayatollah*Kazem al-Husseini al-Haeri key cleric in the *Shiite* underground resistance movement in Iraq. He famously penned a *mujahidiin* operating manual, co-authored research with Ayatollah Baqir

al-Sad. In 2003, he issued a fatwa on the killing of senior *Baathists*, rejected the temporary American-led administration as illegitimate, denounced presence of American forces in Iraq as an occupation, ordered his followers to drive foreign occupants out of *Shiite* land. Read more at Islamopedia Online. "Kazem al-Husseini al-Haeri" Islamopedia. islamopediaonline. org accessed at <http://www.islamopediaonline.org/profile/kazem-al-husseini-al-haeri> (accessed 10 June, 2017).

50 Staff Writer, (2016), 'Sayed Nasrallah: The Bahraini People Defend a Husseini Leader Besieged in Diraz.' *Bahrain Mirror* 13 October, available at <http://bhmirror.myftp.biz/en/news/34153.html> (accessed 24 November, 2016) .

51 Max Page (2008), 'Dispatch — Urban Design and Civil Protest.' *Places* 20(1): pp. 84-87.

52 Jamie Doward (2016), "Role of UK police in training Bahrain's forces 'ignores abuses.'" 13 August, available at <https://www.theguardian.com/uk-news/2016/aug/13/british-police-trainers-ignore-human-rights-abuses-bahrain> (accessed 14 November, 2016).

53 Staff Writer (2016), 'Raid on Diraz.' 25 December, available at <http://bahrainmirror.com/en/news/35631.html>accessed 2 February, 2016).

54 Laurence Louër (2008), *Transnational Shia politics: religious and political networks in the Gulf*, London, UK: C. Hurst & Co., 11 November, p. 84.

55 Peter Marcuse (2016), 'Occupy and the Provision of Public Space: The City's Responsibilities,' *Peter Marcuse's Blog*: *Critical planning and other thoughts* (blog), 1 December, available at <http://pmarcuse.wordpress.com/2011/12/01/occupy-and-the-provision-of-public-space-the-citys-responsibility/> (accessed 14 November, 2016).

56 Stuff Writer (2016), 'Human Rights Commission Hearing on Human Rights in Bahrain: Next Steps.' 9 September 2016, available at <https://www.hrw.org/news/2016/09/09/human-rights-watch-testimony-tom-lantos-human-rights-commission-hearing-human-rights> (accessed 24 November 2016).

The European Public Prosecutor's Office as a New Form of Institutional Judicial Cooperation Among EU Member States

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This article will discuss Council Regulation (EU) 2017/1939 of 12 October 2017 on the establishment of the European Public Prosecutor's Office. This project is a significant demonstration of the unification of European criminal law and the redirection from the traditional judicial cooperation among individual EU member states on the path toward a unified and controlled investigation of criminal offences against the financial interests of the EU throughout the whole European Union. Initially, the scope of authority of the new office will include only 20 EU member states within the framework of the so-called enhanced cooperation. This article will characterize the reasons for the implementation of this office, the reasons against its establishment, and possible issues that may arise during its establishment and throughout the course of its activities.

Keywords: EU criminal law, European Public Prosecutor's Office, cooperation among EU member states in criminal matters, crimes against the financial interests of the European Union

Brief description of institutional sphere

Not long ago, criminal law was considered one of the attributes and demonstrations of national sovereignty of EU member states and any interference in their national sovereignty was considered unacceptable.

The European Union is a relatively new institution that has undergone numerous significant changes, including changes in the area of criminal law, in the past two decades. Especially since the Czech Republic joined the European Union[1], criminal law in the Czech Republic as well as in other EU member states has been increasingly influenced by the criminal law of the European Union[2]. This applies both to substantive criminal law and procedural criminal law. Within the scope of substantive criminal law, the influence is manifested particularly by the harmonisation of legal terms, institutes, constitutive elements of criminal offences or, as the case may be, the efforts to harmonise sanctions.[3] Within the scope of process criminal law, the influence of the criminal law of the European Union is manifested particularly by mutual police and judicial cooperation, exchange of information, mutual recognition of procedural decisions, replacement of formal extradition proceedings by a simplified surrender of persons between EU member states, harmonization of procedural rights of individuals (defendants and aggrieved persons or, as the case may be, victims of criminal offences), mutual admissibility of evidence between EU member states, and other procedures.

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The objective of this article is to address the new project of the European Public Prosecutor or the European Public Prosecutor's Office (EPPO) – I shall use these terms as synonyms – and the issues associated with its operation in one of the EU member states, the Czech Republic. Czech procedural criminal law is a type of the continental model of European law that is sometimes referred to as Romano-German law. In essence, the statements made regarding Czech criminal proceedings may be applied to other criminal proceedings in countries that belong to the same type (e.g. Germany, Austria, Switzerland, Slovakia, Italy, etc.).

The reason why I am addressing this topic is the fact that I consider the project of the European Public Prosecutor along with its intended scope as key and ground-breaking in criminal law of the European Union.

In a certain sense, the establishment of the European Public Prosecutor's Office crowns the efforts to create a unified legal framework of

penalties for international economic crime - efforts to achieve a unified or coordinated procedure when investigating criminal offences as well as during the subsequent criminal proceedings and enforcement of the decision.

The existing forms of cooperation among EU Member states in the area of process criminal law, e.g. The European Union Agency for Law Enforcement Cooperation (Europol[4]), The European Union`s Judicial Cooperation Unit (Eurojust[5]), The European Anti-Fraud Office (OLAF[6]), the European Judicial Network[7], and other processes are to be complemented by a qualitatively higher form of cooperation, the ground-breaking institute in European criminal law. It is a manifestation of the tendency to depart from the traditional judicial cooperation among EU member states toward a unified and centrally controlled investigation, in the future hopefully throughout the whole EU territory, and currently throughout the territory of 20 cooperating states.

As mentioned above, the scope of authority of the EPPO shall not apply to all EU member states in a blanket manner; in fact, it shall be binding in its entirety and directly applicable only to the 20 EU Member states that voluntarily decided to coordinate their criminal justice with the EPPO[8]. Out of the four countries bordering the Czech Republic, Germany, Austria, and Slovakia have joined the project, while Poland (and other EU member states) have not made the commitment to cooperate mainly due to their fears of the extended powers of the EPPO that could collide with the interests of the individual national states in the area of criminal justice.

The Regulation proposal to establish a joint European prosecutor was adopted on 5 October 2017.[9] The European Parliament has 751 MEPs; the Czech Republic is represented by 21 MEPs. From the present MEPs, a total of 456 MEPs voted in favour of the proposal, 115 were against the proposal, and 60 MEPs abstained on the vote.[10]

Nevertheless, as of right now the actual shape of the EPPO has not been finalized because shortly after the adoption of the Regulation in question, the Ministers of Justice of the involved countries agreed on a future extension of the powers of the European Public Prosecutor's Office in accordance with the intention of the European Commission that is expected to submit a new proposal in September 2018; by then, it is expected that a direct relation between participation in the project of the European Public Prosecutor's Office and the distribution of EU financial resources will have been created.[11]

As much as the three-year time limit for the launch of the European Public Prosecutor's Office may seem sufficiently long for the preparation of a national legal order (i.e. for the adoption of national legal rules and regulations necessary for the application of said Regulation), it is in fact too short. The introduction of the EPPO into life will require the harmonization of substantive provisions as well as procedural provisions of the Czech Criminal law with European legislation or with the legislation of other countries that had joined the EPPO project.

Essence, purpose, and basic principles of the functioning of the EPPO

The essence and purpose of the activities of the European Public Prosecutor's Office is captured in the fourth article of said Regulation on the establishment of the EPPO:

> The EPPO shall be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union, which are provided for in Directive (EU) 2017/1371 and determined by this Regulation. In that respect the EPPO shall undertake investigations and carry out acts of prosecution and exercise the functions of prosecutor in the competent courts of the EU Member states, until the case has been finally disposed of.

The main reason for the establishment of the European Public Prosecutor's Office is predominantly to overcome the current unsatisfactory state in the area of finance crime in the EU; according to the data from the European Commission, the EU loses more than 500 million Euro annually based on the official numbers, which means that the actual loss of EU financial resources (i.e. taxpayer money) can be much higher. Therefore, there will be a single main objective of the European Public Prosecutor on the general level – to prosecute crimes that damage the financial interests of the EU. Protection and enforcement of rights in the fight against financial fraud that damages the financial interests of the EU differ greatly in individual EU Member states; such differences should be eliminated by the establishment of the EPPO. Priority shall be given to the protection of the EU budget; the establishment of the EPPO shall bridge the gap between criminal law systems of EU member states, the power of which ends at the border of the individual states not allowing EU subjects to investigate criminal

activities. The European Public Prosecutor's Office should also provide EU member states with a more effective protection of EU financial interests, i.e. a protection of funds that are provided to the EU budget by tax payers.[12]

Council Regulation (EU) 2017/1939 on the establishment of the European Public Prosecutor's Office includes the outline of the structure and operation of the EPPO. Nevertheless, there is a series of specific issues relating to the activities of the EPPO that remain unclear and will need to be clarified step by step before the project becomes active.

The newly established EPPO should operate as an independent EU institution at the central level including the Office of the European Chief Prosecutor who will be in charge of the whole EPPO as well as the College of European Prosecutors, a Permanent Chambers, and European prosecutors. The decentralized level will be represented by the Delegated Prosecutors from EU Member states. The EPPO will operate in parallel with national prosecuting authorities (public prosecutor's offices) in individual countries and it should perform its scope of authority, i.e. particularly investigate criminal offences and prosecute them in national courts pursuant to applicable national law. Nevertheless, there is no establishment of a common European procedural law or common European Criminal Court currently being carried out.

In other words, the European Delegated Prosecutors shall remain as a part of the judicial system in the appropriate EU member state while working for the EPPO headquarters on cases relating to financial interests of the EU under the control and supervision of the European Public Prosecutor (therefore, they shall perform two functions concurrently).

This manner of operation shall ensure that the pre-trial phase is led by a person who has a good understanding of the judicial situation in the appropriate state and does not represent a foreign element; on the other hand, this position may bring along conflicts arising as a result of the performance of two functions, for instance in mixed cases related to both damaging the financial interests of the EU and the interests protected only by the EU member state, in which case the Delegated Prosecutor or the Public Prosecutor would be simultaneously subject to dual control or supervision.

Pursuant to Article 86, item two of the Treaty on the Functioning of the European Union, the European Public Prosecutor's Office shall perform the function of the Public Prosecutor in the relevant Courts

of EU member states. Acts performed by the EPPO during the investigation shall be closely related to criminal prosecution that may arise from them; therefore, they shall be reflected in the legal order of EU member states. In many cases, such acts shall be performed by national law enforcement agencies acting in accordance with the instructions of the EPPO, in some cases upon obtaining a permission of the national Court.

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Investigations of criminal offences that are to be subject to this Regulation should be led either by a Delegated Prosecutor personally on behalf of the European Public Prosecutor or via law enforcement agencies in the relevant EU member state. Upon conclusion of the investigation, the Delegated Prosecutor will submit a brief overview of the case to the European Public Prosecutor, including the defence motion and the list of evidence on the grounds of which the European Public Prosecutor's Office will adopt a decision to defer the case, request further investigation, or submit it to the relevant national Court; the selection of the relevant Court will be made by the European Public Prosecutor upon consulting the Delegated Prosecutor with respect to sound administration of justice.

The College of European Prosecutors should adopt decisions on strategic matters, including the stipulation of priorities of the EPPO and its investigation and prosecution policy as well as on general issues arising from individual cases, e.g. regarding the application of this Regulation, correct implementation of the EPPO investigation and prosecution policy, and issues of principle or issues that have a significant impact on the drafting of a consistent investigation and prosecution policy of the EPPO. Decisions adopted by the College of European Prosecutors on general issues should not affect the obligation to investigate and prosecute in accordance with this Regulation and with national law. The College of European Prosecutors should make its best efforts to adopt decisions on the grounds of a consensus. Whenever a consensus cannot be reached, decisions should be adopted by means of a vote.

The Permanent Chambers should monitor and direct investigations and ensure the coherence of the activities of the EPPO. The composition of the Permanent Chambers should be stipulated in accordance with the EPPO internal rules of procedure that should allow for, among other things, for the European Prosecutor to be a member of more than one Permanent Chamber whenever it is appropriate to

ensure an even workload among individual European Prosecutors to the highest extent possible. Permanent Chambers should be chaired by the European Chief Prosecutor, one of the Deputy European Chief Prosecutors, or the European Prosecutor pursuant to the guidelines stipulated in the EPPO internal rules of procedure. When allocating cases to individual Permanent Chambers, decisions should be based on the system of a random distribution to ensure, to the extent possible, an equal division of the workload. Deviations from this principle should be possible to ensure proper and efficient functioning of the EPPO on the grounds of a decision by the European Chief Prosecutor.

A European Prosecutor from each EU member state should be appointed to the College of European Prosecutors. In principle, European Prosecutors should monitor the investigation and prosecution carried out by the European Delegated Prosecutors in the EU Member State of their origin on behalf of the appropriate Permanent Chamber. They should act as liaisons between the central office and the decentralised level in their EU member states, facilitating the functioning of the EPPO as a single office. The supervising European Prosecutor should also check any instruction's compliance with national law and inform the Permanent Chamber if the instructions do not do so.

As a rule, the investigations of the EPPO should be carried out by the European Delegated Prosecutors in EU member states. They should do so in accordance with this Regulation and, with regards to matters not covered by this Regulation, in accordance with national law. The European Delegated Prosecutors should carry out their tasks under the supervision of the supervising European Prosecutor and under the direction and instruction of the competent Permanent Chamber. Whenever the national law of an EU member state provides for the internal review of certain acts within the structure of the national prosecutor's office, the review of such decisions taken by the European Delegated Prosecutor should fall under the supervision powers of the supervising European Prosecutor in accordance with the internal rules of procedure of the EPPO. In such cases, EU member states should not be obliged to provide for review by national courts, without prejudice to Article 19 of the EU Treaty and Article 47 of the Charter of Fundamental Rights of the European Union (hereinafter the "Charter").

The role (activity) of the Prosecutors in competent Courts should apply until the conclusion of the proceedings, which is understood to mean the final determination of the question whether the suspect or

accused person has committed the offence, including, where applicable, sentencing and the resolution of any legal action or remedies available until that decision has become definitive.

The European Delegated Prosecutors should be an integral part of the EPPO and as such, when investigating and prosecuting offences within the competence of the EPPO, they should act exclusively on behalf and in the name of the EPPO on the territory of their respective EU Member State. This should entail, under this Regulation, granting them a functionally and legally independent status, which is different from any status under national law.

Issues relating to the implementation of the Office of the European Public Prosecutor's Office

a) *The Establishment of the European Prosecutor involves changes to existing European institutions on the future shape of which there is insufficient information*

The Office of the European Public Prosecutor's Office is to be reappointed from The European Eurojust[13] but that does not imply that that Eurojust will cease to exist upon the establishment of the EPPO; the European Prosecutor will rather build on the existing infrastructure of Eurojust and use it as its background with respect to the need of close cooperation between the two institutions. This solution respects the different starting points of both institutions that reflect upon their differing functions – in essence, Eurojust will remain a coordination and support unit facilitating judicial cooperation in criminal matters among EU Member states and the EPPO shall be deemed a judicial authority with investigative powers for the purpose of protecting the financial interests of the EU.

The institution of OLAF, i.e. the European Anti-fraud Office, poses another problem. Will this institution remain what it is, i.e. an institution for administrative investigations and initiation of prosecution, will it work independently or 'under the supervision' of the European Public Prosecutor, or will the European Public Prosecutor even control it?[14]

b) *Risks of cooperation between the European Public Prosecutor and "national" Public Prosecutors*

The EPPO will fully depend on the existing acquisition of information from domestic authorities, especially law enforcement, and the effectiveness of its activities will depend on the effectiveness of the activities of domestic bodies, especially law enforcement. The EPPO will be equipped with the necessary authority and prescriptive instruments so that it does not have to rely only on the voluntariness of the participating countries; nevertheless, the answer to the question of what the level of trust and cooperation will be between the European Public Prosecutor and domestic investigative authorities and criminal justice authorities remains open and as of right now unanswered, just as with many other questions.

Pursuant to Article 41 of the Preamble, the nature of the European Public Prosecutor's Office is quite specific – it shall remain firmly embedded in national legal structures while at the same time being an EU body. The EPPO will be acting in proceedings where most other actors will be national, such as courts, the police, and prison systems.

The role of the European Public Prosecutor acting in their home state while at the same time acting as an EU body will be schizophrenic. The European Public Prosecutor can easily be at the risk of a conflict of interests, a conflict with their 'national' or 'EU' independence. To address this issue briefly, we can mention the issue of career development of said European Public Prosecutor. Who will make the relevant decisions on their career development? One possible solution would be that the delegated European Prosecutor acts or has acted as a Delegated Prosecutor who is not included within the structure of the domestic Public Prosecutor's Office.

c) Problematic cooperation with EU member states that do not join the project; problematic cooperation with countries that are not EU member states

In relation to non-member countries, i.e. when requesting legal help, the European Public Prosecutor will have to rely on the traditional form of international judicial cooperation. If there is no agreement, the key element of judicial cooperation should be the principle of reciprocity pursuant to which individual countries shall provide the guarantee of mutuality to each other. Neither the European Union nor its authorities may be considered as a state; they shall be considered as *sui generis* entities; therefore, the EU may not provide a guarantee of mu-

tuality that is a requirement for the provision of legal aid. Non-member countries will thus not have an obligation to comply with the European Public Prosecutor's request for cooperation.

The situation can be resolved either by concluding international agreements between the EU and individual countries or by allowing the European Public Prosecutor to authorize authorities active in the criminal proceedings in the EU member state where the investigation is underway to comply with the request and the whole process would proceed according to international agreements that the relevant country concluded with the requested non-member country; however, in such cases, the assistance would be provided directly to the EU member state and not to the European Public Prosecutor (if the European Public Prosecutor were to decide to carry out the proceedings in another country, it would be a problem and it would be necessary to request legal aid via another state). As a result, the European Public Prosecutor's Office would act toward non-EU countries only via the authorities of EU member states and not as an individual entity.

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d) Different legal systems in Europe

This reason, which makes the creation of the project of a common European Prosecutor and the proper functioning thereof problematic, appears to be a very strong reason. There is no actual common European substantive criminal law in Europe. Yet the level of harmonization of penalties across the legal orders of individual EU member states appears to be key for the proposed form of cross-border cooperation.[15]

Currently, there are two systems of criminal law standing against each other – the continental system (the Romano-German system) and the Anglo-American system. There are significant differences between the two systems and they paradoxically represent a greater obstacle than the approximation of criminal law standards in such countries as Australia, Canada, and the United States of America. Within the coming years, we cannot expect that the Romano-German continental legal system and the British Anglo-American procedural system will become approximated as well as the criminal legislation in the EU to such an extent to provide foundation for a unified system of European criminal law.[16]

In addition, there are not only two different legal systems in Europe but also different definitions of fraudulent activities, definitions spread

across various parts of criminal legislation in individual countries from criminal law to criminal tax law.[17] In other words, there is no unified definition of property crime or financial crime; nor are there unified standards of criminal liability; by the same token, there are no harmonized sanctions for criminal offences. In my opinion, the level of harmonization of the constitutive elements of a crime and penalties will be directly related to the extent of cooperation of domestic judicial authorities with the European Public Prosecutor's Office.

It is unfortunate that the Regulation does not stipulate the constitutive elements of fraudulent activities that damage financial interests – that could be a path toward harmonization of the constitutive elements. Moreover, it will be necessary to resolve the issue that some states may consider some identical actions as an administrative offence and other as criminal offences.

Another possible issue will arise in relation to criminal liability of legal persons. In the area of criminal liability of legal persons, certain states have a general criminal liability of legal persons while other states only have criminal liability of legal persons for selected criminal offences.

The question arises whether we should begin with the harmonization of the constitutive elements of the relevant criminal offences and the harmonization of the criminal liability of corporations instead – and leave the prosecution to the domestic authorities until the harmonization takes place or at least until a general harmonization of the standards of substantive and procedural law takes place.

The European Public Prosecutor Office will naturally have to respect the principles of a 'fair trial'; nevertheless, the harmonization of at least the basic procedural rights of the accused and the aggrieved persons or victims will be urgently needed in the future.

e) The jurisdiction will remain in the EU member states

One of the crucial problems of the proposed projects will be the fact that the criminal proceedings will be carried out in accordance with the regulations of individual states; yet their cooperation will be governed by European regulations. The investigation will be performed in accordance with the domestic regulations, yet the cooperation among the authorities active in the criminal proceedings will be subject to European regulations; that can cause certain complications and raise ques-

tions to which we still have no unanimous answer. To name one, let us mention the issue with the supervisory functions – it is unclear who should carry out the supervisory functions regarding the investigation. The Permanent Chambers of European Prosecutors should control the investigation. Delegated European Prosecutors should complete their tasks under the supervision of the supervising European Prosecutor and on the grounds of the proceedings and according to the instructions of the appropriate Permanent Chamber. It follows that a system of collective decision-making of the Permanent Chambers is being implemented, i.e. something that is unknown in our criminal code because so far, decisions in the Czech Republic in the pre-trial phase are made by the Public Prosecutor – an individual; furthermore, it follows that a complicated system of transfer of competences is being created. However, collective decision-making divides responsibility for the outcome of the prosecution.

Let us consider a simple example: the police authority in the domestic state discovers information that a criminal offence may have been committed that may be within the competence of the EEPO according to its circumstances. Should the police authority inform the Delegated European Prosecutor who will make the decision on the commencement of criminal prosecution by themselves or should the police authority inform the Permanent Chamber of European Prosecutors that will collectively make the decision on the commencement of criminal prosecution? And on the grounds of which information should the decision be made – will the file have to be hastily translated and dispatched or will the decision be made merely on the grounds of the report of the Delegated European Prosecutor? What if the situation calls for a deprivation of liberty or detention of the accused person; will they wait until a decision is made abroad on their criminal prosecution? Let us assume that the Permanent Chamber will issue a directive to commence the criminal proceedings that will, nevertheless, be carried out with an objectionable time lag.

And let us pose the following question: who will make decisions on potential legal remedies against the resolution on the commencement of the criminal prosecution? The Delegated European Prosecutor acting within the domestic judicial system or the Permanent Chamber of European Prosecutors? The Permanent Chamber should be excluded, since it had initiated the criminal prosecution. For defendants prosecuted in the "classic" criminal prosecution on criminal offences beyond

the scope of powers of the EPPO before domestic authorities active in the criminal proceedings, the legislation will remain the same. Is there not a danger of an unequal procedural process?

There may be such a danger during a prosecution of the defendant also in the case of transferring evidence from one EU member state to another, which is explicitly permitted by the referred Regulation. Pursuant to Article 37, Item 1 of the Regulation, evidence presented by the prosecutors of the EPPO or by the defendant to a Court shall not be denied admission on the mere grounds that the evidence was gathered in another EU member state or in accordance with the law of another EU member state. Situations may arise when a breach of civil rights and freedoms, e.g. a search of the home or other premises, wiretapping and recording of telecommunication operations etc. has to be approved by a Court in one EU member state while in another EU member state the consent or request by the public prosecutor shall suffice. It does not have to be an academic example; until the amendment to the Czech Criminal Code amended by act no. 459/2011 Coll., a search warrant for other premises in the pre-trial phase could have been issued by a Public Prosecutor or a police authority (cf. the original version, Section 83a of the Criminal Code). Currently, the order and performance of the search of other premises shall utilize the provisions of Section 83, Article 1 and 2 of the Criminal Code analogously; i.e. the Judge shall decide during the pre-trial phase. Although such evidence would be ineffective in domestic criminal proceedings, it will be possible in proceedings carried out by a Delegated European Prosecutor pursuant to the referred Regulation.

EPPO investigations will be of a mixed nature because they will rely on a unified procedural standard, i.e. the referred Regulation; nevertheless, within the extent stipulated by the Regulation, the domestic law applies and later enters into the case in the shape of the decision of the Court, ordinary and extraordinary legal remedies against the decision of the Court, also the possibility to interfere with the case via the Constitutional Court of the Czech Republic, and finally via the European Court of Human Rights.

Conclusion

The idea of the establishment of a common European Public Prosecutor's Office is certainly valid. It is another example of institutional judicial cooperation that amends the existing institutions. The Euro-

pean Public Prosecutor's Office may be an important instrument in the fight against large cross-border crime aimed to damage the financial interests of the European Union.

It is too early to evaluate the project; it is scheduled to commence its operation in 2020. Currently, it remains at the level of a political compromise.

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There are many important and problematic issues relating to its establishment and its operations that have yet to be resolved. The Czech Republic should focus its efforts on impacting the wording of the future Code of Procedure of the EPPO to ensure that it clashes with Czech legislation as little as possible. Nevertheless, legislative changes in Czech procedural criminal law and in the Czech Act on the Prosecutor's Office are certain.

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Notes

1   The Czech Republic officially applied for membership in the EU in 1996; the accession negotiations commenced in March 1998; and the Czech Republic officially joined the EU as of 1 May 2004.
2   On this Issue, cf. for instance Jelínek, J., Gřivna, T., Herczeg, J., Navrátilová, J., Syková, A. et al.: *Trestní právo Evropské unie,* Prague: Leges, 2014, 368 pp.
3   Cf. Ivor, J., Jelínek, J. et al.: *Euro Crimes in the Legal Systems of the Czech Republic and of the Slovak Republic,* Budapest: Wolters Kluwer, 2015. The harmonisation includes particularly the so-called "Euro crimes", i.e. terrorism, cybercrimes, human trafficking, sexual exploitation of women and children, drug trafficking, trafficking in arms, money laundering, currency counterfeiting, corruption, and organized crime. Whenever necessary, regulations may harmonise the minimum rules on the definition of criminal offences as well as sanctions within the scope of the so-called cross-border crimes. The list is not conclusive for the future, it may potentially be broadened to include fraudulent criminal activity (Cf. Article 83 Item 1 of the Treaty on the Functioning of the European Union).
4   Europol, i.e. the European Union Agency for Law Enforcement Cooperation was established in 1995. It aims to support and promote the activities of the competent authorities of EU Member states and their mutual cooperation when preventing and combating organized crime, terrorism, and other forms of serious crime that concern two or more EU Member states.

5   Eurojust was established in 2002 as the European Union's Judicial Cooperation Unit; the judicial cooperation focuses on acquiring evidence for criminal proceedings. The scope of authority of Eurojust includes the forms of crime and criminal offences for which the relevant authority is always Europol.

6   OLAF is an abbreviation for the European Anti-fraud Office from the French (Office européen de lutte antifraude). It was established in 1999 on the grounds of the realization that the European structure lacks an institution that would dispose with investigatory powers. Its mission is to conduct administrative (not criminal) investigations with the objective to reinforce the fight against fraud, corruption, and any other illegal activity that has a negative impact on the financial interests of the European Union. OLAF exercises its powers independently of the European Commission; it should not take any instructions from any Government of any EU Member State or from any other authority or body. In addition to the administrative investigations, it provides coordinating aid to individual EU Member states in the designated area and prepares legislative initiatives to prevent fraud damaging the financial interests of the European Union and prevent the counterfeiting of the Euro.

7   The European Judicial Network was established in 1998. Its objective is to help improve the judicial cooperation between EU Member states, particularly in the area of fight against serious crime (organized crime, corruption, illegal drug trafficking, or terrorism) by means of providing support of informal direct contacts among judicial authorities and authorities responsible for judicial cooperation and prosecution of serious crimes within EU Member states.

8   Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Germany, Greece, Spain, Finland, France, Italy, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia, and Slovakia.

9   Council Regulation (EU) [2017] 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

10 The Council Regulation performs the function of an EU normative act. It is generally binding, directly applicable, and it typically has a direct effect (Article no. 288 of the Treaty on the Functioning of the European Union). Therefore, it may relate to any legal person within the EU. As a rule, it has the characteristics of an act that is effective throughout the whole EU. Exceptions are rare.

The form of a Council Regulation is typically used whenever it is necessary to adopt a uniform format for the whole EU. Whenever the same issue or the same legal relation is also governed by a national act, such an act shall not be used because it shall be replaced by the Regulation due to the priority of EU law. Essentially, the Regulation is a normative legal act. It may be binding for EU Member states or, as the case may be, only for some of them, for subjects of national law, and also for EU bodies – i.e. erga omnes.

Thus the Regulation is directly applicable, its transposition into the national law is not necessary. That is why Regulations are not published in national collections of legal rules and regulations. EU Member states must not transfer the content of the Regulation to their national legislation, they may only adopt legal rules and regulations necessary for their application.

Cf. Tomášek, M. – Týč, V. et al.: **Právo Evropské unie**. 2nd Edition. Prague: Leges, 2017, p. 107-108.

11   http://www.euinside.eu/en/news/the-eppo-has-finally-been-born.

12   Úřad evropského veřejného žalobce, Evropské hodnoty, 20 May 2015, p. 1.

13   Eurojust – cf. footnote no. 7 herein.

14   OLAF – cf. footnote no. 8 herein.

15   Zarivnij, P.: *Správné načasování jako alfa omega zřízení a fungování Úřadu evropského veřejného žalobce, Státní zastupitelství* no. 1/2017, p. 32.

16   Přepechalová, K.: *Úřad evropského prokurátora, Trestněprávní revue,* 1/2016, p. 56.

17   Zarivnij, P.: Op. cit. p. 34.

The European Public Prosecutor's Office as a New Form of Institutional Judicial Cooperation Among EU Member States

PKK's Friends and Foes in the Middle East Since 1999

Tomáš Kaválek, Miroslav Mareš

This article illustrates the Kurdistan Workers' Party's (PKK) relationship with regional actors since 1999. The PKK maintains relations with Iran, Syria, Russia, Iraq, the Patriotic Union of Kurdistan and the US. On the other hand, the PKK has strained relations with Turkey, the Kurdistan Democratic Party (KDP) in Iraq, and rebel groups in Syria. At the same time, PKK's affiliate in Syria has received military support from the US and European support since October 2015. It is argued that the PKK and its affiliates are unlikely to become strategic allies of the US since it maintains ties with the pro-Assad camp. This article further shows that contemporary allegiances of the PKK are a result of a longer-term shift initially triggered by the Syrian war. PKK's current position in the regional conundrum recalls its Cold War alliances stretching back to the 1980s and 1990s and reflects on PKK's priority – armed struggle in Turkey.

Keywords: Kurdistan Workers' Party, Party of the Free Life of Kurdistan, war in Syria, Democratic Union Part, Turkey, Kurdistan Region of Iraq

PKK's complex web of relations

The insurgency organization the Kurdistan Workers' Party (PKK)[1] is one of the main proponents of Kurdish nationalist ambitions in the Middle East. During almost forty years of its existence, it has managed to build and maintain a prominent position among the Kurds. At the onset of 2017, the PKK is arguably stronger than ever in its organizational history. It controls major areas of northern Syria through

its Syrian wing the Democratic Union Party (PYD). It has bolstered its position in Iraq. Since August 2015, the PKK renewed its struggle in Turkey.[2] The PYD and its armed wing the People's Protection Units (YPG) enjoy a considerable amount of international legitimacy for their successes in combating Islamic State of Iraq and Syria (ISIS), including direct US military support since October 2015.[3] Such a state of affairs raises the question of whether PKK-linked actors can be regarded as more than tactical allies against ISIS and the Syrian regime. Therefore, it is crucial to examine the PKK position in the web of regional relations.

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As this article suggests, the PKK current strategic and ideological position in the regional mosaic is incompatible with a long-term alliance with the US and other NATO countries. The PKK has a strained relationship with Turkey, a NATO member since 1952. The PKK is also unfriendly towards the Kurdistan Regional Government (KRG) dominated by Kurdistan Democratic Party (KDP) which has enjoyed increased international support since ISIS emerged in the summer of 2014. On the other hand, the PYD remains in a marriage of convenience with Assad's regime. The PKK enjoys closer ties with Iran and its ally in the Kurdistan Region of Iraq (KRI), the Patriotic Union of Kurdistan (PUK), as well as with the Iraqi government.

This article offers a brief account of the PKK reconstruction period since 1999, when its leader Abdullah Öcalan was detained. The Syrian civil war raging since 2011 arguably boosted PKK's prominent position in the region. The PKK relationship with actors such as Syria, Iran, and Russia stretching back to the Cold War era is in many ways revived in the contemporary period. By the end of 2013, the PKK leaned toward Iran, the PUK in Iraq, and Russia and its marriage of convenience with Assad's regime took a clearer shape. We argue that ISIS' rise in 2014 further highlighted existing alliances and trends. In 2015, negotiations between the PKK and the Turkish government ended in failure and led to the escalation of armed conflict in the southeast. Considering the Syrian regime aided by Iran and Russia has a considerable upper hand against weakened opposition throughout 2016-17, the PYD has only little motivation to break ties with the Damascus regime and its sponsors, Russia and Iran. The article points out a gradual shift of the PKK's focus and subsequent alliances which was triggered by the emergence of the Syrian civil war in 2011.

The analysis faces several constraints given the relative lack of reliable data and hard evidence that would enable painting the exact picture of PKK's relations, including levels of support. Both states in the region and the PKK and its members themselves tend to undermine or even completely deny ties or even contact with the actor in question. Therefore, a sole reliance on primary sources such as speech acts of stakeholders, documents of the PKK etc. would greatly distort the outcome of the analysis. In order to cope with these constraints we also rely on a combination of existing analyses, largely published by think-tanks, academic works and unstructured interviews with a range of respondents (mainly local and foreign journalists with long-term experience with the issue, PKK-linked actors, local observers such as humanitarians). Additional data was collected during the first author's observation and informal interviews with locals during his stays in Iraq and Turkey.

PKK's reconstruction and success in 1999-2017

The PKK was established as a revolutionary Marxist movement which aimed at the creation of an independent Kurdistan. Beginning as one of the myriad of radical leftists groups in Turkey in 1978, it gradually rose to prominence, arguably becoming one of the key actors shaping Kurdish politics not only in Turkey but also among the Kurds in Iraq, Iran, Syria, and within the Kurdish diaspora mainly in Europe.[4] The PKK continuously waged an insurgency predominantly in the southeast of Turkey, enjoying the Cold War setting which has provided it with support from Syria and the Soviet Union since the 1980s and 1990s. Its insurgency in Turkey cost the lives of an estimated 30 000 people in 1984-99.[5]

At the onset of 1999, the PKK experienced a period of 'shock and retreat' after the detention of its leader Abdullah Öcalan.[6] He is currently serving a life sentence in Turkey's İmralı island but maintains considerable influence over the organization.[7] The PKK was expelled from Syria upon Ankara's pressure on Hafiz Assad and also retreated from Turkey to the mountains of northern Iraq around the Qandil Mountain.[8] It lost manpower, safe haven and experienced a leadership crisis embedded in a struggle between moderates (such as Abdullah's brother Osman) advocating for a political solution and hawks (in the end prevalent) represented by current PKK leadership.[9] The PKK, largely deprived of its outside supporters such as Syrians, Soviets and

partially also Iran, underwent a period of reconstruction. In 2004, the PKK's insurgency resumed on Turkish soil, albeit with much less intensity than in the 1990s.[10] In the post-2004 era, the PKK has proved its resilience in facing the pro-Islamist Justice and Development Party's (AKP) attempts to marginalize them by appealing to the Sunni identity of Turkish Kurds and easing the repression of 'Kurdishness' in general.[11]

In 2003, the PYD was established as the PKK's main front in Syria and thus the PKK kept its presence, albeit so far limited.[12] The expansion went hand in hand with the reconstruction of the PKK as a system of political parties, armed wings and 'civil society' organizations following Öcalan's far-left ideology with branches not only in Turkey but in other countries in the region as well.[13] For example, the PKK spread its insurgency further to Iran in 2004, through its affiliate Party of the Free Life of Kurdistan (PJAK).

The start of the war in Syria in 2011 undoubtedly paved way for the PKK to strengthen its position in the region. In November 2011, Salih Muslim, a leader of the PYD previously exiled in Iraq, returned to Syria.[14] In the summer of 2012, the PYD aided by PKK cadres from Qandil assumed a monopoly in northern Syria when Assad's armed forces withdrew from most of the Kurdish areas.[15] The PYD gradually pursued its radical democratic governance project in northern Syria in line with Öcalan's idea of 'Democratic Confederalism'.[16] Syrian Kurds subsequently earned international prominence and legitimacy and were considered to be one of the forces capable of combating ISIS. In the summer of 2014, PKK's forces took advantage of the vacuum left by the retreating KDP Peshmerga units facing ISIS from Shingal district in Iraq.[17] The PKK-linked forces subsequently moved in and garrisoned itself in the area while enjoying the support of the local Yazidi population and international legitimacy being viewed as the saviour of Yazidis.[18]

In the meantime, a period of ceasefire and negotiations during the so-called Peace Process between the PKK and the AKP government in Turkey, which began at the end of 2012, was used to bolster the PKK-linked actors' political power and organizational structures without direct Turkish counteractions in Kurdish areas of Turkey. However, by the end of July 2015, Ankara renewed its operations against the PKK in Iraq after more than two years of ceasefire.[19]

PKK's Cold War alliances revived

PKK's Russian connection

The PKK was established as a Marxist revolutionary organization and thus it enjoyed support from the Soviet Union and from Russia in the 1990s. This was due to both ideological affinity and the PKK's enmity towards Turkey, which has been a NATO member since 1952. Moscow has never listed the PKK or its affiliates as a terrorist organization. This stance was reiterated in October 2015 by the Russian ambassador to Turkey, Andrey Karlov: 'Neither the PKK nor the PYD are considered terrorist organizations by either Russia or United Nations Security Council',[20] a stance repeated again by Russian foreign ministry official Aleksandr Botsan-Harshenko in February 2017.[21] The PKK received training and material support from the Soviets through their proxies, but political support for its cause was public.[22] Moreover, its 3rd Congress was held in Moscow in 1996, suggesting that ties continued even after the collapse of the Soviet Union.[23] In the 1990s, Russia used 'the Kurdish card' to restrain Turkish ambition to spread influence into newly established Caucasus republics; Turks in turn supported Chechen insurgency.[24] Moscow hosted various conferences of PKK-tied groups, toyed with the possibility of sponsoring (Turkish) Kurdish Parliament in exile and reportedly even set up PKK camp in Moscow.[25] However, it seemed that after 1998, when the PKK was expelled from Syria and re-located to northern Iraq, the mutual relationship was somehow downgraded for the time being.

Nevertheless, incompatibility of Russian and Turkish interests regarding the outcome of the Syrian war again brought the prospect of using the PKK as a card to be played against Ankara. With deterioration of the relationship between Moscow and Ankara which began in November 2015 when the Turks downed a Russian Su-24, Moscow signalled their possible backing of the PYD in Syria.[26] PKK leader Cemil Bayık also issued a statement in support of the Russians.[27] In December 2015, Moscow pledged support for the Syrian Kurds, but only through Assad's government 'as a part of counter-terrorism operation with the Syrian administration."[28] The PYD continues to try to pursue its balancing act and a PYD official noted in November 2015 that it wants to nurture its relationship with both the US and Russia while "one wouldn't be at the expense of the other'.[29] PYD officials openly claim they have a rather warm relationship with Moscow. Salih Muslim not-

ed in October 2015 that the PYD had had a relationship with Moscow for the past three years and they were able to go back and forth to Moscow.[30] The PYD opened its liaison office in Moscow in February 2016.[31] The PYD leadership and the PKK cadres in Syria generally view Russia as an important partner.[32] Maintaining ties with Moscow falls within the PYD effort to balance its external relationships. Russia has also consistently maintained that without the Kurds included, the Geneva Peace Talks cannot succeed. Moreover, Russian is spoken among some senior PKK cadres operating in Syria since they received training from Russians in the past.[33] Other sources also suggest that Russians extended military assistance to the PKK since late 2015 through sending its advisors to Qandil, where PKK's leadership resides.[34]

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During 2016, Russian-Turkish relationships normalised, with Erdoğan expressing regrets[35] over the downing of a Russian jet in June and Russians playing a role in negotiating Turkish military operation Euphrates Shield into Syria. However, since early 2016, the PKK-linked forces in north-western Syria have been enjoying Russian aerial support and coordinated their offensives against (Turkey-backed) rebels with pro-Assad forces in Afrîn area. PYD fighters in Afrîn reportedly even received weapons from Russia.[36] PYD's advance effectively cut off the most accessible land-route between Turkey, Aleppo and rebel-held Idlib further south. Additionally, Russian forces have built a permanent military presence in Afrîn since early 2017 in order to shield the PYD-held enclave from a possible Turkish attack.[37] In March 2017, Russia reportedly mediated the deployment of Syrian government forces along the lines of contact between Turks and Kurds in Manbij.[38] In March 2017, it was also reported that Russia set up military base and its advisors were providing training for Kurdish forces.[39]

On the eve of Turkish invasion to Afrîn in January 2018, Russian forces withdrew from the area and have a green light to Ankara's incursion.[40] Moscow most likely agreed to do so since it prioritised keeping Turkey on board of Russia-sponsored Astana negotiations on ending Syrian war. However, with the existing rivalry between Russia and Turkey, it is only logical that Moscow boosts its ties with the PKK-linked forces in the region in order to keep Turkey at bay as it did in the past. Developments since 2015 show that Moscow has boosted its support for the PYD and used it as a pressure point at times when relationship with Turkey was problematic.[41]

PKK's Iranian connection

The PKK developed a relationship with Teheran which was nurtured in the 1990s, when it was focused almost solely on its insurgency operations in Turkey. In particular, Cemil Bayık, a current co-chair of the PKK's executive council, developed ties with Iranian intelligence in the 1990s.[42] Despite several security agreements between Ankara and Tehran inked in the 1980s and 1990s, Iran turned a blind eye to PKK's bases, logistics and operations launched against Turkey from its soil.[43]

In 2004, the Party of the Free Life of Kurdistan (PJAK) was established and began its armed insurgency in Kurd-inhabited areas of western Iran. The PJAK fighters organized in its military wing the Eastern Kurdistan Units (YRK) that are subject to the PKK's military command although the PJAK leaders claimed that it is a separate organization sharing the same ideology of the PKK leader Abdullah Öcalan and was only receiving assistance from the PKK.[44] The PJAK's insurgency was less intensive compared to the PKK operations. According to the Uppsala Conflict Data Program, the PJAK insurgency claimed more than four hundred lives between 2005 and 2011, with over 220 casualties in 2011.[45] However, by 2011 it managed to stage more comprehensive operations that eventually provoked Iran into launching a major cross-border offensive targeting the PJAK safe havens in northern Iraq between July and September 2011.[46]

The PJAK operations on Iranian soil reportedly boosted intelligence cooperation between Turkey and Iran, which started to share intelligence on the PKK in the summer of 2010.[47] However, by the end of 2011, the cooperation was severed. One of the reasons was the emerging war in Syria, where the competing interests of Teheran and Ankara arguably overshadowed pragmatic cooperation to curb PKK's activities. In the second half of 2011, there was a surge of violence in southeast Turkey and Turkish officials believed that such major PKK operations were possible only because Iran turned a blind eye to PKK's logistics in the area.[48] At this period, Turkish interests once again strongly converged with the Western outlook on Syria and regional developments. The rapprochement between Iran and Turkey in 2000s ended and as Sinkaya argues '(...) despite the rationalization of bilateral relations, the spectre of the former "modus operandi", which was marked by ideological confrontation, regional rivalry, and security concerns, still continues'.[49]

The PJAK retreated to Iraq in late 2011, where it shares bases with the PKK, and since then PJAK's combat operations in Iran have been sporadic. PJAK's fighters engaged in struggles in Turkey, Syria, or were deployed on the frontlines against ISIS in Nineveh province in Iraq.[50] Sources suggested that the decision to withdraw was made in accordance to agreement with Iran mediated by the KRG.[51] The PJAK remains largely absent from the renewed Kurdish armed struggle on Iranian soil and its base is currently in Syria.[52] Since the spring of 2016, other Iranian Kurdish opposition parties such as the Democratic Party of Iranian Kurdistan, Kurdistan Freedom Party and Komala have waged insurgency operations in Iran which have claimed tens of lives.[53]

In July 2013, the PKK convened its 9th Congress in the Qandil Mountain in northern Iraq.[54] The ensuing leadership change further confirmed PKK's focus on Turkey and Syria and facilitated pragmatic relationship with Tehran. Murat Karayılan, considered a more moderate figure within the PKK, was assigned a lower position as a commander of the PKK's armed wing.[55] The newly-appointed co-chairs of the Executive Council were Cemil Bayık and Hüleya Oran. The 2013 leadership change hinted that in general, the PKK was preparing for war by appointing more hawkish figures rather than committing to the Peace Process with the Turkish government.

The traditional rivalry between Iran and Turkey once again manifested in Syria brought the PKK closer to Iran. Iran has no interest in resolving the Kurdish issue in Turkey and views the 'PKK card' as a useful tool to maintain pressure on Turkey and curb its regional ambitions, including in Syria. That argument especially holds since the current PKK leadership prioritizes its struggle in Turkey, and largely abstains from fighting in Iran.[56] In 2012-15, Iran was in contact with PYD leadership as well, including PYD co-chair Salih Muslim who visited Iran on several occasions. Iran encouraged its territorial expansion to deny these areas to opposition groups.[57] However, International Crisis Group noticed[58] that Iranian security officials have started to view self-rule as contagious and asserted that 'An autonomous Kurdish region [in Syria] will trigger the fragmentation of Iran, Iraq, Syria and Turkey (...)'. On the other hand, such a rhetorical shift does not mean open enmity (instead it falls within the pattern of pragmatic cooperation on certain issues with the PKK) but at the same time preventing such Kurdish entities from emerging in the region and in Syria for that matter. Moreover, a key Iranian ally Lebanese Hezbollah has reportedly

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deployed its troops in Kurdish areas such as in Hasaka or regime-controlled Qamishli airport over the course of the war albeit their numbers are relatively small.[59] Hezbollah commanders in Syria noted that they coordinated with the PYD and shared intelligence during operations along the Turkish border at least throughout 2016.[60]

A marriage of convenience with Damascus

The Ba'athist regime in Syria directly supported and hosted the PKK in the 1980s and 1990s due to its enmity towards Turkey over the Hatay province, which fell under Turkish control in 1939, despite then having an Arab majority.[61] Another major source of friction was Ankara's ambitious Southeast Anatolian Project that allowed Turkey to use a newly built system of dams to choke water flows both in the Euphrates and Tigris since the mid-1970s.[62] Turkey has periodically used this tool to pressure the Syrian government. Although the PKK was expelled by Hafiz Assad's regime following the signing of the Adana Agreement between Turkey and Syria in October 1998, it renewed its presence in northern Syria which has been tolerated by Damascus. The PYD, established in 2003, became the main political front of the PKK in Syria. In 2003-11, the PYD remained rather politically inactive compared to Turkey, keeping its covert presence while building on its personal network of operatives from pre-1999 period. In Syria, there is an exceptionally rich palette of Kurdish political parties, some more independent, others with ties to Iraqi Kurdish politics, specifically to the KDP (Kurdistan Democratic Party in Syria), or to the PUK (Kurdish Democratic Progressive Party).[63] For Damascus, allowing the existence of more Kurdish parties in Syria and thus keeping the Syrian Kurdish political scene fragmented has long been one of its main Kurdish strategies. PYD's networks, including youth and women rights organizations played a hand in recruiting Syrian Kurds into the PKK ranks fighting mainly in Turkey.[64] Needless to say that for the regime such an arrangement was favourable since it ensured radical Syrian Kurds had the means to join the Kurdish struggle elsewhere.

In July 2012, Assad's forces left major garrisons in northern Syria without fighting, reportedly even leaving supplies and arms to the PYD forces.[65] This event can be marked as a breaking point highlighting the renewal of the 1980s and 1990s marriage of convenience between Assad's regime and the PKK. Armed confrontations between the PYD and the regime forces were sporadic and were only short-lived of local na-

ture, most likely driven by local disputes, such as clashes with pro-regime militias in Hasaka in January 2015 or August 2016.[66] Assad's armed forces coexisted and fought side by side in Hasaka against ISIS. There were numerous reports on cooperation over time, for example regarding the protection of oil fields in the Rumayla area on behalf of the regime.[67] During the bloody battle for Aleppo in the second half of 2016, Kurdish neighbourhoods under PYD control were largely excluded from fighting and the Kurds did not evacuate their forces unlike other rebels. In 2017, the PYD-held areas in Aleppo are still under their sole territorial control with the regime accepting such an arrangement.[68]

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These developments bolstered (traditional) suspicion and enmity of Arab opposition groups (both nationalist and Islamist elements) which blamed the PYD for their cooperation with Assad and strictly refused the establishment of any kind of Kurdish entity in Syria. The PYD, on the other hand, never joined major Arab opposition projects. As early as in the second half of 2012, the PYD was engaged in high-intensity fighting with other rebels, mainly with radical Islamist groups such as Jabhat al-Nusra, Ahrar al-Sham and later ISIS, but also with elements of the Free Syrian Army.

The PYD proactively worked on the establishment of quasi-state structures in northern Syria. These efforts were taken to a new level in late 2013, when the PYD announced an aim to establish three 'cantons' in northern Syria: Jazira, Kobanî, and Afrîn. Later on in March 2016, in an attempt to cope with the controlling areas with significant Arab population and dispel its 'Kurdish character', the PYD governance project was re-branded on December 2016 finally as the Democratic Federation of Northern Syria.[69] Accenting ethnic inclusiveness of both armed and political structures also stems from Öcalan's ideological outlook since he considers ethnic richness of Kurdish-inhabited areas as '(…) a blessing for new democratic political formations'.[70] Even the Charter of the Social Contract adopted in January 2014 which served as a 'constitution' for Rojava stresses this since it speaks about 'a confederation of Kurds, Arabs, Assyrians, Chaldeans, Arameans, Turkmen, Armenians and Chechens'.[71] Interviews and existing research, however, suggest that decision-making is still strictly in the hands of the PYD-affiliated figures, and ultimately in the hands of the PKK cadres loyal to Qandil who usually work behind the scenes.[72] The bureaucratic apparatus itself also relies on the regime's structures and people who have received salaries from Damascus over the years.[73]

In October 2015, the Syrian Democratic Forces (SDF) was established as an armed force consisting of Kurdish, Arab and other elements.[74] Establishment of the SDF was in line with the general attempt to re-brand both the YPG and governance structures as primarily non-Kurdish. The SDF served as the main platform for the US-supported anti-ISIS campaign in Syria and is also comprised of the groups consisting of Arabs, Christians and Turks. In reality, however, Kurdish elements (and more specifically the PKK cadres) prevail and hold decision-making powers and the same goes for governance structures of the Democratic Federation.[75]

The PYD continues to cooperate with Assad's forces in northern Syria. It has also coordinated military operations. For example, since early 2016, PYD's forces apparently coordinated its operations with regime forces to cut opposition groups' supply lines from Turkey, in the Aʿzaz area north of Aleppo.[76] In March 2017, it allowed for the return of regime forces to Manbij.[77] Since the Turkish incursion to Afrîn began in January 2018, the Kurds officially called for Damascus to intervene and send its forces to the area.[78] The regime consistently argued throughout 2015 that Damascus already provided Kurds with support in combating terrorism.[79] A PYD spokesman Redur Khalil noted as early as in August 2014 that the cooperation between Kurds and pro-Assad forces 'is quite logical under the current conditions," adding that the PYD "will collaborate with anyone to expel extremists'.[80] Moreover, Damascus repeatedly signalled willingness to discuss more autonomous position of the Kurds.[81] This was repeated by Syrian Foreign Minister Walid al-Muʿalim in September 2017.[82] The PYD officials were negotiating numerous times with the regime officials in Qamishli on the post-war arrangements during the course of the war, however, no concrete outcome of these talks is known.[83]

Given the fact that it seems that Assad's regime will remain in power, Kurds represent useful allies for Assad to counterbalance the Arab majority in the north. The PYD, on the other hand, needs to keep its relationship with Damascus to maintain at least a prospect of improving Kurdish standing in Syria in the long-term.

The PKK cadres from Qandil exercise firm control over military and governance structures of the PYD in northern Syria.[84] Moreover, the extent of influence of PKK fighters from neighbouring countries can also be illustrated by Stein's and Foley's casualty study[85] of YPG martyrdom notices asserting that by January 2013 and January 2016 that

359 Turkish citizens, 323 Syrians, 32 Iranians and seven Iraqis. In the words of PKK fighter Zind Ruken: 'Sometimes I'm a PKK, sometimes I'm a PJAK, sometimes I'm a YPG. It doesn't really matter. They are all members of the PKK.'[86] International Crisis Group further argues that while some PYD cadres are open to reaching a pragmatic agreement with Turkey, which they view as crucial for economic and political sustainability of their project, the current PKK leadership prioritizes activities against Turkey and considers its Syrian efforts closely interconnected with Turkey.[87] PKK commander Cemil Bayık describes the fight in Syria as interconnected with the campaign in Turkey which is crucial: 'It is wrong not to mention Turkey when we speak about Syria, Iran and Iraq. Turkey is behind the crisis in those two countries. If you can't fix the Kurdish issue in Turkey first, you can't resolve it there either'.[88] Murat Karayılan's wing is, on the other hand, known as a proponent of supporting Kurdish self-determination in all four countries.[89] Moreover, developments in early 2018 in mountainous Afrîn show that the PKK is determined to engage in a bloody protracted fight with Turkish forces and has relocated significant number of fighters from battlefields against ISIS.[90] Apparently there have been contradictions between parts of the PYD political leadership and views of the local Syrian Kurds aligned with its administration and the PKK cadres. An example is Salih Muslim, former co-chair of the PYD, who advocated for an agreement with Turkey and met with Turkish officials several times in 2013-15.[91] However, his position was comparably weaker to PKK-trained militants with stronger allegiance to Qandil leadership with a different outlook[92] such as Aldar Khalil,[93] who is currently a co-chair of the PYD-dominated governing coalition in Democratic Federation, the Movement for Democratic Society (TEV-DEM). Salih Muslim was gradually sidelined and eventually replaced as the co-chair of the PYD in September 2017.[94] Existence of this friction between parts of the pragmatic PYD cadres when it comes to relations with Ankara and the PKK leadership, which considers Syria an integral part of its campaign in Turkey (and in the region in general), was repeatedly mentioned by Syrian Kurds in informal interviews.[95]

A strong grip of 'Qandilians' over military and political structures in Rojava remains and it is unlikely that it would rapidly change. As a result, there is even more space for cooperation between the PYD and the regime (and Iran for that matter) since Qandil could be willing to agree not to incite further conflict within Syria (or in Iran).

Turkish Kurdish conundrum

The failed peace process

The AKP's coming to power in 2002 gradually raised hopes that they would take a more favourable stance towards the Turkish Kurdish issue than the previous government. During his speech in the symbolic city of Diyarbakır in August 2005, Turkish PM Erdoğan remarked that 'Turkey needs to face up to its past' and that 'More democracy, not more repression was the answer to Kurds' grievances'.[96] Subsequently, the so-called Kurdish Opening was introduced in 2009 with an aim to improve Kurdish rights.[97] However, these efforts, even while they were accompanied with negotiations between the Turkish intelligence and the PKK, failed in the summer of 2011. The Kurdish Opening ended up halfway and was accompanied by repressive measures towards PKK-linked actors and their networks such as mass arrests in 2009 and 2010. The AKP government believed that by improving the situation of the Kurds in general and at the same time employing repressive measure towards PKK-linked networks, the PKK would be politically marginalized.[98] This was not the case since Kurdish political parties and candidates scored better results than the AKP in core Kurdish areas both in local elections in 2009 and the parliamentary election in 2011.[99] Following the period of renewed insurgency since the summer of 2011 and state's repressive measures aiming at dismantling the pro-PKK Kurdish political structures, the so-called 'Solution Process' (in Turkish *Çözüm süreci*) and a cease-fire were announced with the PKK leader Öcalan's statement read in Diyarbakır during Newroz celebrations in March 2013.[100] During the Kurdish Opening in 2009-11, the PKK declared sporadic ceasefires. However, only after March 2013 were the arms quiet for an uninterrupted period until July 2015. Furthermore, in 2013-15 (in contrast to the Kurdish Opening period), Turkish law enforcement abstained from repressive measures towards the PKK-linked political structures which allowed them to flourish.

Despite initial high hopes, the Process has been stalled since May 2013. The AKP government demanded that the PKK lay down arms. The PKK, on the other hand, demanded legal reforms and legal grounding of the negotiations. Finally, in February 2015, the Dolmabahçe Declaration[101] between the AKP government and the pro-Kurdish party Peoples' Democratic Party (HDP) laid out a more concrete framework for the stalled the process.

In the June 2015 parliamentary elections, Erdoğan's AKP achieved only a Pyrrhic victory as for the first time since 2002, the AKP was unable to form a single-party government. In July 2015, President Erdoğan denounced the Dolmabahçe Declaration, definitely freezing the Solution Process.[102] The pro-Kurdish HDP managed to ally with Turkish leftist parties and, most importantly, dispel its image as a primarily Kurdish-focused actor and instead show itself as a leftist pro-democratic and anti-AKP platform.[103] Together they scored a historic victory passing the 10 percent threshold to enter Turkish parliament for the first time. The AKP lost Kurdish vote to the HDP and lost votes to nationalists as well due to its 'soft stance' towards the Kurds and the PKK. Neither of these segments of society was fully satisfied, the Kurds also due to diminishing hope in the genuine interest of the AKP to push the stalled Solution Process further. A political deadlock led to early elections in November 2015, securing an absolute majority for the AKP. Erdoğan's AKP changed its electoral strategy and adopted a more nationalist stance, finally scrapping the Solution Process and abandoning policies which favoured the Kurds. The strategy contributed to AKP's victory. Arguably, the AKP government returned to security-based strategy against the Kurds since its policies failed to sway Kurdish support in their favour and strip the PKK-linked actors from significant portion of popular support.

In 2013-15, the PKK pro-actively worked on building parallel governance structures and a stable presence in south-eastern cities. The Democratic Society Congress (DTK) served as an important framework for these efforts. The DTK was already established in 2007 but has been overtly more active since 2014-15 and serves as an umbrella organization that pursues the establishment of Democratic Confederalism and is a de facto umbrella political organisation for PKK-linked political groups in Turkey.[104] The HDP is also a part of the DTK. Although the HDP denies any links to the PKK, there are ideological and personal connections with a myriad of existing PKK-linked groups and actors. However, it should be noted that the HDP and its organisational predecessors are in general more pragmatic and political solution-oriented compared to the PKK illegal networks, which have on occasions caused rifts.[105] Such rifts led for example to sidelining the HDP from local councils and the local level in general in 2014-15 at the expense of the Democratic Regions Party (DBP), which has stronger organic links to the PKK.[106] Following the renewed fighting since

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the summer of 2015, the situation in the southeast Turkey escalated into a 'now or never' stance among pro-PKK actors. Numerous pro-PKK mayors declared their autonomy from Turkey (18 mayors between August and October 2015).[107] Furthermore, the DTK itself announced Democratic Autonomy (in Turkish *Demokratik özerlik*; in other words Democratic Confederalism) in Kurdish areas of Turkey in December 2015[108] and the HDP declared pursuit for Democratic Autonomy as the centrepiece of proposed political reforms in Turkey in its 2015 electoral manifesto.[109]

This accent on the Democratic Confederalism project, accompanied with high intensity conflict in Turkey which cost more than 3.300 lives since July 2015 to March 2018[110], shows the PKK's determination to focus on its struggle in Turkey, even at the expense of other struggles in the region. This argument holds true especially since in this period, the PYD experienced major combat operations against ISIS and against other rebel groups in northwest Syria.

In February 2013, the Patriotic Revolutionary Movement (YDG-H), a predominantly urban youth wing of the PKK was established.[111] Turkish security forces conducted only a few operations against the PKK in the southeast in 2014[112], thus providing an opportunity for the PKK and the YDG-H to build a stronger presence during the two and a half years of ceasefire between March 2013 and July 2015 in predominantly Kurdish cities such as Cizre, Silopi, Silvan, or Diyarbakır. Since July 2015, the radical youth of the YDG-H[113] has waged an urban guerrilla campaign in numerous Kurdish cities, contrary to the PKK's usual modus operandi of focusing on rural operations. Until early April 2016, the clashes had resulted in at least 1200 deaths, and up to 400,000 displaced people who fled the clashes and continuous curfews.[114]

Both the Turkish state and the PKK signalled their resolve to continue the armed struggle. The PKK commander Cemil Bayık warned in December 2015 that 'The civil war in Turkey will greatly intensify in the coming months'.[115] By the summer of 2016, the PKK abandoned its focus on urban operations, facing rising criticism from the Kurdish population for the destruction they brought on Kurdish cities.[116] However, intense fighting, this time with more focus on rural areas of Hakkarî, Şırnak, Mardin and Diyarbakır provinces, has continued. Neither side has signalled fatigue or prospect of a ceasefire and renewed negotiations.

The 'Kobanî Effect'

Gradually, Turkey started to view the PYD as an increasingly problematic actor, despite Salih Muslim's efforts to assure Ankara that the PYD would not endanger Turkey's interests. Muslim conducted high-level visits to Turkey, for example twice in the summer of 2013 and in October 2014[117], but Turkish foreign minister Davutoğlu criticized the PYD's declaration of de facto administration and blamed it for 'not keeping its promises'.[118] Moreover, shortly after Muslim's last visit to Turkey in October 2014, President Erdoğan labelled the PYD as a terrorist organization equal to the PKK.[119] While PYD officials regularly maintain that their goal is not to break from Syria[120], Ankara views the Kurdish entity in Syria tied to the PKK as a primary issue of its national security.

By September 2014, when the siege of the PYD-held town of Kobanî by ISIS forces started, the Solution Process between the PKK and the AKP had been frozen. While a large part of the Turkish public, namely the Turkish Kurds, still believed that at least the ceasefire would be kept, Kurdish opinion was gradually shifting. Many Turkish Kurds believed that the AKP pro-actively supported ISIS and other radical Islamist groups not only in order to get an upper hand against Assad, but also to contain the Kurds and thus simultaneously deny help for Kobanî.[121] In October 2014, Turkish Kurds subsequently launched numerous demonstrations in support of Kobanî, mainly in the south-eastern Turkish cities, while many escalated in riots and loss of lives.[122]

The siege of Kobanî effectively boosted Turkish Kurds' solidarity with Rojava. Such developments further increased Turkish fears that Syrian Kurdish efforts could spill over into Turkey taking inspiration from Rojava. Indeed it can be argued that in 2015-16, urban operations of the PKK in Turkey with mobilized youth were taking inspiration in urban experience from fighting in Syrian towns.

PKK's relationship with Iraqi Kurds

The PKK main safe haven was established after being expelled from Syria in the mountains of northern Iraq in 1999. It also gradually assumed de facto control over numerous villages and towns in the mountainous areas alongside Turkish and Iranian border. The PKK traditionally enjoys a rather good relationship with the PUK, which is a principal power in the eastern part of the KRI. The PUK and the KDP were engaged in a bloody internal armed conflict in 1994-97 during

which the PKK forces assisted the PUK. That is one of the major reasons why PKK's relationship with the KDP has remained stranded. The Barzani family and the KDP in general seeks to maintain a title of the main representative of Kurdish struggle in the region, which puts it at odds with the PKK. Moreover, the PKK ideology itself is in direct conflict with that of the KDP since it views it as a tribal entity and naturally not in line with its extreme leftist ideology. A snapshot of these relationships also corresponds with the fact that in the PUK-dominated areas, PKK's popularity is higher than in Erbil or Dohuk.[123]

When the ISIS threat emerged in the summer of 2014, the PUK was forced to seek increased Iranian help including money, advisors, weapons shipments and side-by-side deployment with Iran-backed Shiite militias on the frontlines along with the PUK Peshmerga.[124] The PUK also boosted its cooperation with the PKK, including common deployment.[125]

In northern Iraq, the PKK filled the power vacuum in Shingal while KDP forces fled the district in August 2014 facing ISIS advance, leaving the Yazidis unprotected. The PKK, already having limited presence in Shingal in the 2000s, dispatched forces from Syria and also from Qandil and swiftly opened a corridor for Yazidi people trapped in the mountain. Training of the Yazidi PKK-linked militia YBŞ (Shingal Protection Units) soon followed. While Peshmerga forces only slowly began to retake lost positions after having fled in August 2014, the PKK had already had a strong presence and won the 'hearts and minds' of the Yazidis championing its ideas of self-governance and self-protection.[126] For the PKK, the Shingal district is a strategic land-bridge between Iraq and Syria while its mountain ridge serves as a defendable safe haven. Interviews suggested that the PKK seeks to establish a permanent presence in the mountain.[127]

The KDP-PKK relationship in the area oscillated between tactical cooperation and rhetorical enmity. For example, during the war against ISIS, the KDP forces were deployed in the Shingal district or in the Bashiqa area where the PJAK fighters were deployed.[128] However, since November 2015, pro-KDP officials have insisted that the PKK presence in Shingal is illegal and KRI's President Barzani considers Shingal effectively annexed to KRI.[129] There are reports of an on-and-off economic blockade of the PKK-controlled areas of Shingal district imposed by the KDP forces, as well as persecution of Yazidis joining the PKK's political and armed structures in Shingal.[130] In March 2017,

clashes between the PKK-linked forces and Peshmerga occurred when the KDP tried to expand its presence in town of Khanasor under PKK control.[131] The principal force in these clashes was the so-called Rojava Peshmerga (RP), linked to KRG's Ministry of Interior forces.[132] The RP is an armed wing of Kurdish National Council (KNC), the main opposition to PYD in Syria. The KDP has also tried to re-inject its allies (the RP and the KNC) to Syria, which has been staunchly opposed by the PKK-linked forces. However, despite KDP's ties with Turkey (which calls for action against the PKK) its hands still remain somewhat tied considering that openly promoting intra-Kurdish fighting with the PKK would deeply disturb its constituency.

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Moreover, PKK's contact with Iran facilitated some degree of communication and cooperation with Iraqi Shia leadership.[133] For example, some 1,000 YBŞ fighters have been on Baghdad's payroll within the Popular Mobilization Forces (PMF) since June 2015.[134] YBŞ commanders highlighted their direct talks with Iraqi government over post-ISIS arrangements of the Shingal district,[135] and the YBŞ delegation even visited Tehran as a part of PMF visit in January 2017.[136]

Western support of the PYD

When ISIS swept through major Sunni parts of Iraq in the summer of 2014, the PKK had already become stronger than ever in the region. The PKK's affiliate in Syria, the PYD, became a symbol of a successful fight against ISIS and very carefully crafted its image as a moderate force in order to win over Western public opinion. The breaking point was indeed the siege of Kobanî in October 2014-January 2015. Lightly armed Kurdish forces repelled numerous ISIS attacks while US airstrikes supported the Kurds tactically. Turkey, fearing the Kurds would eventually push further west and effectively assume control over almost the whole Turkish-Syrian border, reached a deal with the US. The July 2015 agreement stipulated that there would be a 'safe zone' along the Turkish-Syrian border stretching 100 km and 40 km wide[137] – the zone would be without ISIS but, at the same time, effectively without the Kurds. Turkish intervention Euphrates Shield launched to secure the area started a year later, in August 2016.[138]

By then, the US was regularly supporting the SDF's advance with airstrikes. Since then it became a principal ally of the US on the ground in Syria against ISIS. The US facilitated its advance into majority-Arab areas, including ISIS stronghold Raqqa. The US has re-

peatedly maintained that the PYD (and the SDF) is not a part of the PKK, which has been listed as a terrorist entity by the US since 1997. Similarly, the EU listed the PKK as a designated terrorist organization in 2002. However, both interviews and other sources suggested that the PKK cadres hold key decision-making powers.[139] The US backing of the SDF appears to be focused solely on combating ISIS in the area, more specifically in the region east of Euphrates River. On occasions when the SDF crossed this line, the US support has been suspended or severely limited for those campaigns. Despite pressure from the SDF, the US has not facilitated further advance to the west from Manbij in order to connect it to the Afrin canton. For that matter, it has also remained adamant that Afrîn area is not part of the agreement and the US will not establish any presence or direct any support there. The SDF has in turn pursued these campaigns regardless and especially in the Aleppo surroundings it has bolstered relations with the regime and its allies.

Thus, the relationship between the SDF and the US is one of a tactical cooperation on one matter only and that is fighting ISIS, which has been common interest for both actors. Thinking about the way forward, neither the US nor the SDF have signalled any specific roadmap for the nature of the relationship in the post-ISIS Syria, and post-war Syria for that matter. In January 2018, the US announced that its plans to train a 'Border Force' of some 30,000 (half out of the SDF cadres, half from the new recruits)[140] in order to secure desert areas and patrol porous borders with Iraq. Training of this force is apparently underway.[141] This again illustrates that the support is aimed at one goal only: to defeat ISIS. Since ISIS lost its territory and was conventionally defeated by late 2017, the US wishes to have a local force (apparently not PKK-dominated since it does not use the SDF framework) on the ground in Syria, which would be able to deny ISIS movement in the area and across borders and ultimately prevent another Sunni Islamist insurgency to emerge in the region. This approach is, after all, within the scope of the updated focus of the Operation Inherent Resolve and in the focus of the Global Coalition to Defeat ISIS, which stresses creating local actors' military capabilities to fight insurgency as well as non-military stabilisation efforts.[142] Additionally, in February and March 2018, the SDF relocated significant number of fighters to Afrin to fight off Turkish invasion, despite the US objection to the move since it could distract from the SDF from combating ISIS.[143] This once again shows

the tactical nature of the cooperation since the PKK-linked forces act autonomously and seemingly regardless of US concerns if the matter is of strategic importance to them – such as fighting Turkey in Afrîn.

Additionally, the PYD and its affiliates strictly follow PKK's ideology laid out by Abdullah Öcalan. This ideological outlook is radical leftist and totalitarian in nature. Also, it ultimately strives to spread Democratic Confederalism in the whole region and as such is highly subversive to the key US allies since it inherently undermines state authorities. This may seem in part tolerable or even useful in Syria for the time being. However, its spread could further destabilize the key US allies in the region (Turkey and the Kurdistan Region of Iraq).

Conclusion

The PKK is currently engaged in a marriage of convenience with the Syrian regime. The PKK and its affiliates fit rather to the 'pro-Assad bloc' consisting of Iran, the PUK, and, in a broader sense, Russia. On the other hand, the PKK has a quarrel with the pro-Islamist government of the AKP in Turkey, a quarrel which once again has grown into an intensive armed confrontation in the Turkish southeast since the summer of 2015. The PKK is also a rival to another Western ally in the region, Barzani's KDP. Effectively, the PKK stands against the interests of Western allies in the region. Thus, any prospect of a strategic alliance with the PKK and its affiliates, such as the PYD in Syria, is far-fetched. A tactical ad hoc cooperation can take place on particular issues, such as combating ISIS (ongoing since late 2014). However, a more long-term strategic relationship seems, in the light of the PKK's stance in the regional conundrum, unlikely considering Western (especially the US) interests and existing alliances.

This article argues that the PKK's current position in the region is not a result of a sudden shift or of the establishment of ties with actors previously not close to the PKK and its affiliates. The PKK has a long history of contact and cooperation stretching back to Cold War times and the 1990s with Syria, Iran, and Russia. The Syrian civil war, hand in hand with the successful reconstruction of the weakened PKK after 1999 when its leader Öcalan was captured by the Turks, fully revived these allegiances. Eruption of the Syrian civil war posed an opportunity for the PKK to re-establish its strong presence in Syria. ISIS' arrival on the scene in 2014 further confirmed revival of PKK's Cold War alliances.

In the current onset, it seems more promising for the PKK to lean towards the 'pro-Assad camp', resurrecting old Cold War partnerships. Iran will support the PKK against its regional rival Turkey, with whom the PKK failed to reach settlement over the past years. The charm of the AKP's favourable stance towards the Kurds is now clearly over and unlikely to be revived anytime soon. Also, the PKK leadership itself prioritizes its Turkish struggle. Moreover, Iran has a sizeable Kurdish population as well and thus keeping the Kurds focused on their Syrian and Turkish battlefield is in its interest as well. The war in Syria seems to be nearing settlement which will most likely include the current regime in Damascus. For Assad's regime, the PYD could be useful to counterbalance Sunni Arab elements in the north and as a card to play against Turkey.

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Notes

1   Following a series of organisational changes within the PKK, the 'PKK' itself was officially abolished in 2002. Instead, the Group of Communities of Kurdistan (KCK) was established in 2003 [see Walter Posch (2016), 'The New PKK: Between Extremism, Political Violence, and Strategic Challenges (Part 1),' Österreichische *Militärische Zeitschrift* 7(2), available at: <https://www.oemz-online.at/display/ENSPACE/The+new+PKK+Part+1> (accessed 23 May 2017)]. The KCK serves as an umbrella organisation for the PKK-linked political parties and their armed wings in Turkey, Iraq, Iran and Syria. Nonetheless, the term PKK still remains widely used. To avoid unnecessary confusion in this study, the term 'PKK' is used as a general term, both for the political and armed structures and their activities across the region. When it is useful

for further clarity, names of the specific regional political and armed affiliates are used.

The marginal note "Tomáš Kaválek, Miroslav Mareš" appears on the right margin. I'll include it as author block.

2   International Crisis Group (2018), 'Turkey's PKK Conflict: The Rising Toll,' *International Crisis Group*, available at: <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkeys-pkk-conflict-kills-almost-3000-two-years> (accessed 10 March 2018).

3   Barak Barfi (2016), 'Ascent of the PYD and the SDF,' *Washington Institute for Near East Policy,* Research Notes No. 32, available at: <https://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote32-Barfi.pdf> (accessed 5 January 2017).

4   On the account of early years of the PKK see David McDowall (2007), *Modern History of the Kurds*, 3rd edition, London and New York: I. B. Tauris, pp. 420-454. For a more detailed account of PKK's history see Aliza Marcus (2007), *Blood and Belief. The PKK and the Kurdish Fight for Independence*, New York: New York University Press.

5   Güneş Murat Tezcür (2014), 'The Ebb and Flow of Armed Conflict in Turkey: An Elusive Peace,' in David Romano and Mehmet Gürses (eds.) *Conflict, Democratization, and the Kurds in the Middle East*, New York: Palgrave Macmillan, pp. 171-188.

6   Akkya and Jongerden (2011).

7   Despite his imprisonment and relative isolation since 1999, Öcalan is still respected and central figure figure within the PKK. One interviewee noted that "Öcalan is a key figure, he is still an undisputable leader. Of course there are groupings and people in Qandil or in Turkey who have slightly different opinions and may want to use different approaches. But it is unthinkable that these would in any way go against Öcalan's decisions." (Interview with a Kurdish activist, Istanbul, Turkey, February 2014).

8   Cengiz Çandar (2012), 'Leaving the Mountain: How May the PKK Lay Down Arms? Freeing the Kurdish Question from Violence,' *TESEV*, available at: <http://mercury.ethz.ch/serviceengine/Files/ISN/142286/ipublicationdocument_singledocument/2ddca4fa-ba98-46e4-8513-841ce3c35904/en/12028ENGsilahsizlandirma16_03_12Rev1.pdf> (accessed 12 December 2015), pp. 69-70.

9   See for example Michael M. Gunter (2008), *The Kurds Ascending: The Evolving Solution to the Kurdish Problem in Iraq and Turkey*, New York: Pallgrave Macmillan, pp. 61-62, 90-92.

10 Tezcür (2014).

11 Tomáš Kaválek (2014), 'Resolution of Conflict between the PKK and Turkey during the AKP Governments in 2002-2014,' in Czech, Master thesis, Masaryk University, available at: <https://is.muni.cz/th/363627/fss_m/> (accessed 09 September 2017), p. 25-36.

12 For more see Jordi Tejel (2009), *Syria's Kurds, History, Politics, and Society*, New York: Routledge.

13 Posch (2016). See also Ahmet Hamdi Akkaya and Joost Jongerden (2012), 'Reassembling the Political: The PKK and the project of Radical Democracy,' *European Journal of Turkish Studies* 9(14), available at: <https://ejts.revues.org/4615> (accessed 09 September 2017).

14 Omar Hossino and Ilham Tanir (2012), 'The Decisive Minority: The Role of Syria's Kurds in the Anti-Assad Revolution,' *A Henry Jackson Society Report*, available at: <http://henryjacksonsociety.org/wp-content/uploads/2012/03/The-Decisive-Minority.pdf> (accessed 09 September 2017).

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15 Maria Fantappie (2012), 'A Tough Liberation for Syria's Kurds,' *Carnegie Middle East Center*, available at: <http://carnegie-mec.org/2012/08/23/tough-liberation-for-syria-s-kurds/doou> (accessed 09 September 2017).

16 For Öcalan's own account of Democratic Confederalism see Abdullah Öcalan (2011), *Democratic Confederalism*, London and Cologne: Transmedia Publishing. On practicalities of PYD governance in northern Syria and its authoritarian nature see Ghadi Sary (2016), 'Kurdish Self-governance in Syria: Survival and Ambition,' *Chatham House*, available at: <https://syria.chathamhouse.org/assets/documents/2016-09-15-kurdish-self-governance-syria-sary.pdf> (accessed 15 September 2017).

17 Peshmerga are the official military forces of the KRG. Despite attempted security sector reforms its units remain largely controlled either by the PUK or the KDP, namely Units 70 and 80 with some 20 brigades each. See Samuel Helfront (2017), 'Getting Peshmerga Reform Right: Helping the Iraqi Kurds to Help Themselves in Post-ISIS Iraq,' *Foreign Policy Research Institute and Institute of Regional and International Studies Report*, available at: <https://www.fpri.org/wp-content/uploads/2017/05/Helfont-Final-Online-Version.pdf> (accessed 7 March 2018).

18 PAX for Peace (2016), 'Sinjar after ISIS. Returning to disputed territory,' *PAX for Peace*, available at: <http://auis.edu.krd/iris/sites/default/files/pax-iraq-sinjar-web.pdf> (accessed 16 September 2016).

19 Öge Demirkan (2012), 'PKK'ya 160 sorti IŞİD'e top atışı!,' *Vatan,* 26 July, available at: http://www.gazetevatan.com/pkk-ya-160-sorti-isid-e-top-atisi--840847-gundem/ (accessed 1 September 2017).

20 E-Kurd Daily (2015), 'Moscow doesn't recognize PKK as a terrorist organization: ambassador,' *E-Kurd Daily*, 18 October, available at: <http://ekurd.net/russia-pkk-not-terrorist-2015-10-18> (accessed 01 October 2017).

21 Hürriyet Daily News (2017), 'We don't view PKK or YPG as terrorists, Russia says: Report,' *Hürriyet Daily News*, 9 February, available at: <http://www.hurriyetdailynews.com/we-dont-view-pkk-or-ypg-as-terrorists-russia-says-report.aspx?pageID=238&nID=109533&NewsCatID=353> (accessed 15 September 2017).

22 Marcus (2007).

23 Ahmet Karaca (2010), 'Disrupting Terrorist Networks: An Analysis of the PKK Terrorist Organization,' Thesis, Naval Postgraduate School, Monterrey, available at: <www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA536525> (accessed 15 September 2017).

24 Robert Olson (1997), 'Turkish and Russian foreign policies, 1991-1997: The Kurdish and Chechnya questions,' *Journal of Muslim Minority Affairs* 18(2), pp. 209-227.

25 Ibid.

26 International Crisis Group (2015), 'A Sisyphean Task? Resuming Turkey-PKK Peace Talks,' *Crisis Group Europe Briefing* No. 77, available at: <http://www.crisisgroup.org/~/media/Files/europe/turkey-cyprus/turkey/b077-a-sisyphean-task-resuming-turkey-pkk-peace-talks.pdf> (accessed 03 September 2017).

27 ANF News (26 November 2015), 'KCK's Bayık: Turkey downed the Russian plane to protect ISIS,' *ANF News*, available at: <http://anfenglish.com/features/kck-s-bayik-turkey-downed-the-russian-plane-to-protect-isis> (accessed 06 July 2017).

28 Rudaw (2015), 'Moscow pledges help to Syrian Kurds, but through Assad government,' *Rudaw*, 23 December, available at: <http://rudaw.net/english/middleeast/turkey/231220152> (accessed 06 July 2017).

29 Reese Erlich (2015), 'How Putin is wooing America's closest Syrian allies,' *Politico*, 3 November, available at: <https://www.politico.eu/article/how-putin-is-wooing-americas-closest-syrian-allies-us-kurdish/> (accessed 7 July 2017).

30 Amberin Zaman (2015), 'PYD Leader: Russia will stop Turkey from intervening in Syria,' *Al-Monitor*, 1 October, available at: <http://www.al-monitor.com/pulse/originals/2015/10/turkey-syria-russia-pyd-leader-muslim-moscow-prevent-ankara.html> (accessed 9 July 2017).

31 E-Kurd Daily (2016), 'Syrian Kurdistan's diplomatic representative office opened in Moscow,' *E-Kurd Daily*, 10 February, available at: <http://ekurd.net/syrian-kurdistan-office-moscow-2016-02-10> (accessed 10 July 2017).

32 Interview with a journalist, 2017.

33 Ibid.

34 Cengiz Çandar (2016), 'US, Russia compete to woo Syrian Kurds,' *Al-Monitor*, 5 May, available at: <https://www.al-monitor.com/pulse/originals/2016/05/turkey-russia-putin-godfather-of-kurdistan.html> (accessed 12 July 2017).

35 Reuters (2016), 'Turkey's Erdogan expresses regret over downing of Russian jet: spokesman,' *Reuters*, 27 June, available at: <http://www.reuters.com/article/us-russia-turkey-erdogan/turkeys-erdogan-expresses-regret-over-downing-of-russian-jet-spokesman-idUSKCN0ZD1WQ> (accessed 10 July 2017).

36 Andrew J. Tabler and Soner Cagaptay (2016), 'Will the PKK and the Islamic State Bring Turkey and Russia Closer Together?,' *The Washington Institute for Near East Policy*, available at: <http://www.washingtoninstitute.org/policy-analysis/view/will-the-pkk-and-the-islamic-state-bring-turkey-and-russia-closer-together> (accessed 5 September 2017).

37 Rudaw (2017), 'Russia to 'maintain security' in Afrin in deal with Kurdish force: YPG,' *Rudaw*, 29 August, available at: <http://www.rudaw.net/english/middleeast/syria/29082017> (accessed 10 September 2017). Al-Jazeera (2017), 'Syrian Kurds say Russia to build base in Afrin,' *Al-Jazeera*, 20 March, available at: <http://www.aljazeera.com/news/2017/03/russia-strikes-deal-syrian-kurds-set-base-170320142545942.html> (accessed 10 September 2017).

38 Hürriyet Daily News (2017), 'Syrian regime forces to take over Manbij, says Russia,' *Hürriyet Daily News*, 3 March, available at: <http://www.hurriyetdailynews.com/syrian-regime-forces-to-take-over-manbij-says-russia--110434> (accessed 10 September 2017).

39 The New Arab (2017), 'Russia to train Kurdish forces at north Syria base,' *The New Arab*, 20 March, available at: <https://www.alaraby.co.uk/english/news/2017/3/20/russia-to-train-kurdish-forces-at-north-syria-base> (accessed 10 March 2018).

40 Leonid Issaev (2018), 'Why is Russia helping Turkey in Afrin?,' *Al-Jazeera*, 29 January, available at: <https://www.aljazeera.com/indepth/opinion/russia-helping-turkey-afrin-180125122718953.html> (accessed 7 March 2018).

41 See also Stratfor (2015), 'Why a Pro-Kurdish Russia Infuriates Turkey,' *Stratfor Worldview*, 23 December, availbale at: <https://worldview.stratfor.com/article/why-pro-kurdish-russia-infuriates-turkey> (accessed 10 March 2018).

42 Soner Cagaptay and Coskun Unal (2014), 'Leadership reshuffle – PKK makes changes in its ranks,' *IHS Jane's*, available at: <http://www.washingtoninstitute.org/uploads/Documents/opeds/Cagaptay20140226-Janes.pdf> (accessed 05 August 2017).

43 Bayram Sinkaya (2017), 'The Kurdish question in Iran and its effects on Iran-Turkey relations,' *British Journal of Middle Eastern Studies* 44.

44 For example Derek Henry Flood (2009), 'Between the Hammer and the Anvil: An Exclusive Interview with PJAK's Agiri Rojhilat,' *Terrorism Monitor* 7, available at: <https://jamestown.org/program/between-the-hammer-and-the-anvil-an-exclusive-interview-with-pjaks-agiri-rojhilat/> (accessed 06 August 2017).

45 Uppsala Conflict Data Program (2017), 'Government of Iran 2016-PJAK,' *UCDP*, available at: <http://ucdp.uu.se/#/statebased/754> (accessed 11 November 2017).

46 Wladimir van Wilgenburg (2011), 'Iran Uses Cross-Border Incursions to Pressure Iraqi Kurds to End PJAK Insurgency,' *Terrorism Monitor* 9, available at: <https://jamestown.org/program/probing-the-reasons-behind-irans-pre-emptive-military-offensive-against-kurdish-rebels/> (accessed 05 August 2017).

47 Stephen Larrabee and Alireza Nader (2013), *Turkish-Iranian Relations in a Changing Middle East*, Santa Monica: RAND Corporation.

48 Ibid.

49 Bayram Sinkaya (2012), 'Rationalization of Turkey-Iran Relations: Prospects and Limits,' *Insight Turkey* 14(2), pp. 137-156, 154.

50 Interview with a journalist, 2017. See also Kyle Orton (2017), 'The Forgotten Foreign Fighters: The PKK in Syria,' *The Henry Jackson Society*, available at: <http://henryjacksonsociety.org/wp-content/uploads/2017/08/3053-PYD-Foreign-Fighter-Project-1.pdf> (accessed 20 November 2017).

51 Tabnak (2011), 'PJAK surrendered having 180 deaths and 300 injured', in Persian, *Tabnak*, 7 October, available at: <http://bit.ly/2z7t7c5> (accessed 05 August 2017).

52 Orton (2017).

53 Stratfor (2016), 'Iranian Kurds Return to Arms,' *Stratfor*, 29 July, available at: <https://www.stratfor.com/analysis/iranian-kurds-return-arms> (accessed 05 August 2017).

54 Özgür Gündem (2013), 'Demokratik Kurtulus Kongre,' *Özgür Gündem*, 11 July, available at: <http://www.ozgur-gundem.com/haber/77663/demokratik-kurtulus-kongresi> (accessed 05 August 2017).

55 Cagaptay and Unal (2014).

56 International Crisis Group (2017).

57 International Crisis Group (2016), 'Turkey and Iran: Bitter Friends, Bosom Rivals,' *Crisis Group Middle East Briefing* No. 51, available at: <https://d2071andvip0wj.cloudfront.net/b051-turkey-and-iran-bitter-friends-bosom-rivals.pdf> (accessed March 7 2018), p. 6.

58 Ibid.

59 Interview with a journalist, 2017. See also Aymenn Jawad al-Tamini (2018), 'A Visit to the Jazeera Canton: Report and Assessment,' *MECRA*, available at: <https://docs.wixstatic.com/ugd/26bb53_6a4ac46117884517aec2d79c3f9364e3.pdf> (accessed 7 March 2018).

60 Jesse Rosenfeld (2017), 'How the Syrian Civil War Has Transformed Hezbollah,' *The Nation*, 30 March 2017, available at: <https://www.

thenation.com/article/how-the-syrian-civil-war-has-transformed-hezbollah/> (accessed 7 March 2018).

61 Rodi Hevian (2013), 'The Resurrection of Syrian Kurdish Politics,' *Middle East Review of International Affairs* 17(3), pp. 45-56, available at: <http://www.rubincenter.org/wp-content/uploads/2013/12/Hevian-JS-YA-au1-PDF.pdf> (accessed 10 October 2017).

62 Joost Jongerden (2010), 'Dam and Politics in Turkey: Utilizing Water, Developing Conflict,' *Middle East Policy* 17, available at: <https://search.proquest.com/docview/89158104?pq-origsite=gscholar> (accessed 7 March 2018).

63 Rodi Hevian (2013b), 'The Main Kurdish Political Parties in Iran, Iraq, Syria, and Turkey: A Research Guide,' *Middle East Review of International Affairs* 17(2), pp. 94-112, available at: <http://www.rubincenter.org/wp-content/uploads/2013/08/Hevian-YA-SG-YA-au2-PDF.pdf> (accessed 10 October 2017).

64 International Crisis Group (2017).

65 Ilham Tanir and Wladimir van Wilgenburg and Omar Hossino (2012), 'Unity or PYD Powerplay? Syrian Kurdish Dynamics after the Erbil Agreement,' *Henry Jackson Society*, available at: <http://henryjacksonsociety.org/wp-content/uploads/2012/10/HJS_Unity-or-PYD-Power-PlayReport.pdf> (accessed 10 October 2017).

66 Aaron Lund (2016), 'Bombers Over Hasakah: Assad Clashes With the Kurds,' *Carnegie Middle East Center*, available at: <http://carnegie-mec.org/diwan/64375> (accessed 10 October 2017).

67 KurdWatch (2013), 'What does the Syrian-Kurdish opposition want? Politics between Erbil, Sulaymaniyah, Damascus and Qandil,' *KurdWatch Report* 9, available at: <http://www.kurdwatch.org/pdf/KurdWatch_A009_en_Parteien2.pdf> (accessed 10 October 2017).

68 Arwa Ibrahim (2016), 'ANALYSIS: The Kurdish 'frenemies' aiding Assad in Aleppo,' *Middle East Eye*, 30 November, available at: <http://www.middleeasteye.net/news/what-role-are-kurdish-ypg-forces-playing-aleppo-554547107> (accessed 10 October 2017).

69 PYDRojava (2017), 'The Full Text of the Social Contract of the Democratic Federation of Northern Syria', in Arabic, available at: <http://pydrojava.net/arabic/archives/17620> (accessed 05 February 2017). See also Reuters (2016), 'Syrian Kurdish groups, allies say approve blueprint for federal system,' *Reuters*, 29 December 2016, available at: <https://uk.reuters.com/article/uk-mideast-crisis-syria-kurds/syrian-kurdish-groups-allies-say-approve-blueprint-for-federal-system-idUKKBN14I1BG> (accessed 7 March 2018).

70 Öcalan (2011), p. 38.

71 Charter of the Social Contract, 29 January 2014, available at: <https://peaceinkurdistancampaign.com/charter-of-the-social-contract/> (accessed 7 March 2018).

72 Orton (2017). Interview with humanitarian worker, September 2016-March 2017, the KRI. Interview with a journalist, 2017.

73 Ibid.

74 Al-Arabiya (2016), 'Democratic Syria'. Who are they? What is their relationship with Assad?,' in Arabic, *Al-Arabiya*, 23 May, available at: <http://bit.ly/2lDSv5O> (accessed 13 October 2017).

75 Interview with a journalist, 2017.

Tomáš Kaválek,
Miroslav Mareš

125

76   Tamer Osman (2016), 'Chaos in Aleppo Creates Opportunity for Kurds,' *Syria Deeply*, 23 February, available at: <https://www.newsdeeply.com/syria/articles/2016/02/23/chaos-in-aleppo-creates-opportunity-for-kurds> (accessed 17 October 2017).

77   Middle East Monitor (2017), 'YPG Kurds collaborate with Syria regime over Manbij,' *Middle East Monitor*, 2 March, available at: <https://www.middleeastmonitor.com/20170302-ypg-kurds-collaborate-with-syria-regime-over-manbij/> (accessed 15 October 2017).

78   Kareem Shaheen (2018), 'Kurds call on Syrian regime to intervene in Afrin battle,' *Guardian*, 25 January, available at: <https://www.theguardian.com/world/2018/jan/25/kurds-call-on-syrian-regime-to-intervene-in-afrin-battle> (accessed 7 March 2018).

79   For example D. Behlewi (2015), 'Syrian minister: we are providing military, financial support to Kurdish fighters,' *Rudaw*, 19 April, available at: <http://rudaw.net/english/middleeast/syria/19042015> (accessed 15 October 2017).

80   Zaradesht Khalil (2014), 'YPG spokesman: our cooperation with Syrian regime is logical under current conditions,' *ARA News,* 8 August, available at: <http://aranews.net/2014/08/ypg-spokesman-cooperation-syrian-regime-logical-current-conditions/> (accessed 15 October 2017).

81   Rudaw (2015), 'Assad: we do not have a veto on any Kurdish demand,' *Rudaw*, 16 October, available at: <http://rudaw.net/english/middleeast/syria/160920151> (accessed 15 October 2017).

82   Reuters (2017), 'Damascus says Syrian Kurdish autonomy negotiable: report,' *Reuters*, 26 September, available at: <https://www.reuters.com/article/us-mideast-crisis-syria-kurds/damascus-says-syrian-kurdish-autonomy-negotiable-report-idUSKCN1C10TJ> (accessed 15 October 2017).

83   Interview with a journalist, undated.

84   Interview with a journalist, 2017. Interview with humanitarian worker, September 2016-March 2017, the KRI. See also Orton (2017).

85   Aaron Stein and Michelle Foley (2016), The YPG-PKK Connection,' *Atlantic Council*, 26 January, available at: <http://www.atlanticcouncil.org/blogs/menasource/the-ypg-pkk-connection> (accessed 10 March 2018).

86   Matt Bradley and Joe Parkinson (2015), 'America's Marxist Allies Against ISIS,' Wall Street Journal, 24 July, available at: https://www.wsj.com/articles/americas-marxist-allies-against-isis-1437747949 (accessed 10 March 2018).

87   International Crisis Group (2017), 'The PKK's Fateful Choice in Northern Syria,' *Crisis Group Middle East and North Africa Report* No. 176, available at: <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/176-pkk-s-fateful-choice-northern-syria> (accessed 10 November 2017).

88   Ibid.

89   Ibid.

90   Tamara Qiblawi (2018), 'US-backed Kurds go from battling ISIS to fighting US ally Turkey,' *CNN*, 7 March, available at: <https://edition.cnn.com/2018/03/07/middleeast/syria-kurds-leave-isis-fight-turkey-intl/index.html> (accessed 10 March 2018).

91   Patrick Clawson (2016), 'U.S. Policy and the PYD,' in Patrick Clawson (ed.) *Syrian Kurds as a U.S. Ally. Cooperation and Complication*. The Washington Institute for the Near East Policy, pp. 52-60.

92 Interview with a humanitarian worker, September 2016-March 2017, the KRI.

93 International Crisis Group (2017).

94 Hisham Arafat (2017), 'Syrian Kurdish PYD elects new co-chairs in Rojava,' *Kurdistan24*, 30 September, available at: <http://www.kurdistan24.net/en/video/4861d542-8761-4ea6-a90a-38d6eb8233ed> (accessed 11 March 2018).

95 Informal communications with Syrian Kurds in the KRI, September 2016-March 2017.

96 The Economist (2005), 'Peace be unto you,' *The Economist*, 18 August, available at: <http://www.economist.com/node/4300168> (accessed 15 March 2017).

97 Milliyet (2009), 'Başbakan Erdoğan: Milli birlik projesi bir hedeftir,' *Milliyet,* 15 November, available at: <http://www.milliyet.com.tr/basbakan-erdogan--milli-birlik-projesi-bir-hedeftir-siyaset-1162249/> (accessed 25 August 2017).

98 Tomáš Kaválek and Tomáš Šmíd (forthcoming), 'Kurdish Question in Turkey in 2009-2011: A Conflict Ripe for Resolution?,' in Czech, *Mezinárodní vztahy*.

99 Ibid.

100 Al-Jazeera (2013), 'Öcalan›ın mektubunun tam metni,' *Al-Jazeera Turk*, 21 March, available at: <http://www.aljazeera.com.tr/haber/ocalanin-mektubunun-tam-metni> (accessed 25 August 2017).

101 Cumhuriyet (2015), 'Dolmabahçe anlaşması,' *Cumhuriyet*, 28 February, available at: <http://www.cumhuriyet.com.tr/haber/turkiye/224047/Dolmabahce_anlasmasi.html> (accessed 25 August 2015).

102 Daily Sabah (2015), 'Erdoğan renounces Dolmabahçe declaration, says HDP should try its best for PKK's disarmament,' *Daily Sabah*, 17 July, available at: <http://www.dailysabah.com/politics/2015/07/17/erdogan-renounces-dolmabahce-declaration-says-hdp-should-try-its-best-for-pkks-disarmament> (accessed 25 August 2017).

103 Heinrich Böll Stiftung-The Green Political Foundation (2015), 'Turkey's Newest Party,' *Heinrich Böll Stifting*, 27 October, available at: <https://www.boell.de/en/2015/10/27/turkeys-newest-party-understanding-hdp> (accessed 10 March 2018).

104 See for example Corporate Watch (2016), 'Democratic Autonomy in North Kurdistan: An Interview with the Democratic Society Congress,' *Corporate Watch*, 28 April, available at: <https://corporatewatch.org/democratic-autonomy-in-north-kurdistan-an-interview-with-the-democratic-society-congress-2/> (accessed 10 March 2018).

105 Posch (2016).

106 Interview a pro-HDP Turkish Kurd, 2016.

107 International Crisis Group (2016).

108 Bianet (2015), 'DTK Sonuç Bildirgesi, Türkçe ve Kürtçe Tam Metin,' *Bianet*, 27 December 2015, available at: <http://bianet.org/bianet/siyaset/170561-dtk-sonuc-bildirgesi-turkce-ve-kurtce-tam-metin> (accessed 10 March 2018).

109 HDP (2015), 'Seçim Bildirgesi,' available at: <https://drive.google.com/file/d/0Byrzr4UgN9-0LWQxOUxpUmVFRm8/view> (accessed 8 March 2018).

110 International Crisis Group (2018).

111 Sterk TV (2013), 'YDGH Çatı örgütü ilan edildi,' *Sterk TV*, 24 February, available at: <http://tr.sterk.tv/2716-idgh-cat-orgutu-ilan-edildi.html#.VlYent8rLGJIn> (accessed 05 March 2015).

112 International Crisis Group (2015).

113 In December 2015, the YDG-H was rebranded as the YPS (Civil Protection Units) taking inspiration from successful PKK-linked militias in Syria.

114 International Crisis Group (2016), 'Steps Towards Stabilising Syria's Northern Border,' *Crisis Group Middle East Briefing* No. 49, available at: <http://bit.ly/20uRGWS> (accessed 25 August 2017).

115 Cihan (2015), 'Civil War in Turkey to Intensify, says PKK Leader,' *Cihan*, 28 December, available at: <https://en.cihan.com.tr/en/civil-war-in-turkey-to-intensify-says-pkk-leader-1973565.htm> (accessed 25 August 2017).

116 Interviews with Turkish Kurds, December 2016.

117 Hemin Khosnaw (2013), 'Salih Muslim's Ankara Visit Marks Major Policy Change,' *Rudaw,* 29 July, available at: <http://rudaw.net/english/middleeast/syria/29072013> (accessed 30 August 2017). Jonathan Burch (2014), 'Syrian Kurdish Leader Visits Turkey as ISIS Advances on Kobane,' *Rudaw*, 5 October, available at: <http://rudaw.net/english/middleeast/051020142> (accessed 30 August 2017).

118 Hürriyet Daily News (2013), 'Kurds declare an interim administration in Syria,' *Hürriyet Daily News*, 12 November, available at: <http://www.hurriyetdailynews.com/kurds-declare-an-interimadministration-in-syria.aspx?pageID=238&nID=57832&NewsCatID=352> (accessed 30 August 2017).

119 Hürriyet Daily News (2014), 'President Erdoğan says PYD 'no different than PKK' for Turkey', *Hürriyet Daily News*, 19 October, available at: <http://www.hurriyetdailynews.com/president-erdogan-says-pyd-no-different-than-pkk-for-turkey.aspx?pageID=238&nID=73172&NewsCatID=338> (accessed 30 August 2017).

120 Interview with a journalist, 2017.

121 Author's observations and interviews, February-July 2015, Turkey.

122 International Crisis Group (2015).

123 Author's observations and informal interviews, September 2016-March 2017, the KRI.

124 International Crisis Group (2015), 'Arming Iraq's Kurds: Fighting IS, Inviting Conflict,' *International Crisis Group Middle East Report* No. 158, available at: <http://bit.ly/1IyrTlM> (accessed 30 August 2017).

125 Ibid.

126 For a more comprehensive account see Tomáš Kaválek (2017), 'Competing Interests in Shingal District: Examining the PKK-linked Structures, Defusing Tensions,' *Middle East Research Institute,* Policy Report, available at: <http://www.meri-k.org/wp-content/uploads/2017/06/Shingal-Report.pdf> (accessed 10 October 2017).

127 Interview with a Yazidi activist, September 2016-March 2017, the KRI. Interview with Khidher Domle, expert on minorities in Iraq, 17 February 2017, Erbil. Interview with a politically unaffiliated Yazidi from the Shingal district, September 2016-March 2017, the KRI. Author's observations.

128 Interview with a journalist, 2017.

129 Mohammed A. Salih (2015), 'With the Islamic State gone from Sinjar, Kurdish groups battle for control,' *Al-Monitor,* 10 December, available at: <http://www.al-monitor.com/pulse/originals/2015/12/iraq-kurdistan-sinjar-liberated-isis-hegemony.html#ixzz3xt1mFUlV> (accessed 10 October 2017).

130 Interview with a Yazidi activist, September 2016-March 2017, the KRI. Human Rights Watch (2016), 'Iraq: KRG Restrictions Harm Yezidi

Recovery,' *Human Rights Watch Report*, available at: <https://www.hrw.org/news/2016/12/04/iraq-krg-restrictions-harm-yezidirecovery> (accessed 10 October 2017).

131 Rudaw (2017), 'Seven YBS fighters killed in Friday's clashes with Rojava Peshmerga,' *Rudaw*, 4 March, available at: <http://www.rudaw.net/english/kurdistan/040320172> (accessed 10 October 2017).

132 Ibid.

133 Cagaptay and Unal (2014).

134 Interview with Sardasht Şengalî, senior commander of the YBŞ, 15 March 2017, Khanasor.

135 Interview with Khalaf Salih Faris, director of public relations of the Meclis, 14 March 2017, Sardasht.

136 Bakhtyar Goran (2017), 'PKK-military wing in Shingal, Hashd al-Shaabi visit Tehran,' *Kurdistan24*, 25 January, available at: <http://www.kurdistan24.net/en/news/46357dad-e6bb-4626-aad9-1f49b63cd926/PKK-military-wing-in-Shingal--Hashd-al-Shaabi-visit-Tehran▸ (accessed 10 October 2017).

137 Chris Kozak (2015), 'Turkey Expands Campaign against ISIS and the PKK,' *Institute for the Study of War Backgrounder*, available at: <http://www.understandingwar.org/backgrounder/turkey-expands-campaign-against-isis-and-pkk> (accessed 10 October 2017).

138 Göktuğ Sönmez (2017), 'Turkey's Euphrates Shield Operation: al-Bab and Beyond,' *Terrorism Monitor* 15, available at: <https://jamestown.org/program/turkeys-euphrates-shield-operation-al-bab-beyond/> (accessed 10 October 2017).

139 Interview with a journalist, 2017. Interview with humanitarian worker, September 2016-March 2017, the KRI. See also Orton (2017).

140 Tom Perry and Orhan Coskun (2018), 'U.S.-led coalition helps to build new Syrian force, angering Turkey,' *Reuters*, 14 January, available at: <https://www.reuters.com/article/us-mideast-crisis-syria-sdf/u-s-led-coalition-helps-to-build-new-syrian-force-angering-turkey-idUSKBN1F30OA> (accessed 8 March 2018).

141 Al-Tamini (2018).

142 CJTF-OIR PAO (2018), 'CTJF-OIR reflects on 2017 and looks forward to 2018,' *Operation Inherent Resolve*, 1 January, available at: <http://www.inherentresolve.mil/News/Article/1406595/cjtf-oir-reflects-on-2017-and-looks-forward-to-2018/> (accessed 8 March 2018). See also US Department of State (2018), 'Joint Statement of Guiding Principles From the Global Coalition to Defeat ISIS,' *US Department of State*, 13 February, available at: <https://www.state.gov/r/pa/prs/ps/2018/02/278267.htm> (accessed 8 March2018).

143 Qiblawi (2018).

American Foreign Policy Strategies Toward the Asia-Pacific

Political Patterns and Future Expectations

James Peterson

The main focus of this paper will be to anchor the Obama thrust within the framework of American diplomatic and defense priorities of the recent past. How will that emphasis survive the presidential transition in January 2017? The campaigns of Hillary Clinton and Donald Trump offer little evidence about their priorities, other than their mutual desire to exit the Trans-Pacific Partnership. However, Asian pressures will impinge into the new President's decision-making, and it will not be too soon in April 2017 to summarize what we will know so far about the Asian direction of the new administration. The decision of President Obama to "pivot" towards Asia in his second term in office was in tune with the decisions of previous administrations. Perhaps he was looking for a fresh policy focus, after years of frustration with Afghanistan, Iraq, Libya, and other nations of the Middle East. It is also probably the case that the economic dynamism of Asia was a draw, and the parallel focus of Russia's President Putin on priorities in Asia offered competition as well.

James Peterson

Introduction

American foreign policy has vacillated between Asia and Europe for over a century. During World War I, the involvement was entirely in Europe, and President Wilson's focus in his Fourteen Points was on incorporation of East and Central Europe into a democratic framework. There was a twin focus on Europe and Asia during World War II, but the event that precipitated American entry into the war was an attack from Japan on Pearl Harbor. During the second half of the 1940s, the focus was entirely European with an eye on helping to rebuild it in light of the emergent Soviet threat in the region. Attention switched back to Asia with involvement in the Korean War of the 1950s and in the Southeast Asian War of the 1960s and 70s. President Nixon entered office in 1969, and he declared that it was time to return to the natural allies in Europe. The Southeast Asian War did continue to preoccupy his administration, but the SALT diplomacy had again an entirely European flavor. When Ronald Reagan took over the reins of leadership in 1981, he decided that it was time to look west again and emphasize the value of the Pacific region and the nations on its shores. Such a spotlight did not continue for long, as the break-up of the communist world riveted the West on Southeast Europe and the Balkan Wars of the 1990s, with the United States leading the way. The 9/11 attacks pulled both Presidents George W. Bush and Obama towards Afghanistan and Iraq, while the Arab Spring called for attention to a wide variety of countries in the Middle East. The Ukrainian crisis that began in 2014 led to a renewed focus on Russia and the nations of East Europe.

Thus, the decision of President Obama to 'pivot' towards Asia in his second term in office was in tune with the decisions of selected previous administrations. Perhaps he was looking for a fresh policy focus, after years of frustration with Afghanistan, Iraq, Libya, and other nations of the Middle East. It is also probably the case that the economic

dynamism of Asia was a draw, and the parallel focus of Russia's President Putin on priorities in Asia offered competition as well.

The main focus of this article will be to anchor the Obama thrust within the framework of American diplomatic and defense priorities of the recent past. How did that emphasis survive the presidential transition in January 2017? The campaigns of Hillary Clinton and Donald Trump offered little evidence about their priorities, other than their mutual desire to exit the Trans-Pacific Partnership. However, Asian pressures have impinged into the new President's decision-making, and it is not too soon to summarize also what we will know so far about the Asian direction of the new administration and speculate about its future thrusts.

America looks west across the Pacific during the Obama administration

There were actually two pivots or rebalances in the renewed policy towards Asia of the Obama Administration. One involved a switch from the preoccupation with earlier wars in that region and a new focus on building connections and bridges. The second entailed the move away from the difficult involvements in Afghanistan, Iraq, and other wounded nations from the Arab Spring.

Even though America was preoccupied with Iraq, Afghanistan, and Ukraine in 2011 and again in 2014, President Obama called for a pivot to Asia. In part, there were renewed dangers such as that provided by North Korea, but there were also economic opportunities and expanded markets with the strengthening economies in China and India.[1] With the strong American military presence in Japan, there was a continued preoccupation with its policies and future challenges. Links to Taiwan were an inheritance from the Chinese Communist victory on the mainland in 1949, while the relations with Pakistan were under the heavy influence of unending challenges in the Afghan War. Conflict brewed in the South China Sea, and this brought the U.S. into a common front with Vietnam, the Philippines, Malaysia, and others.

Conflict with North Korea

With American troops located in South Korea as a deterrent to North Korean aggression, any military tension between the two Koreas sucked in the United States and required a show of solidarity with its

southern ally. In 2010, forty-six South Korea sailors lost their lives after North Korea sunk one of their ships with a torpedo. The Kim Jong-Il regime in the north claimed that the ship had violated their territorial waters, but proof for that assertion was uncertain. The response by Seoul later in the year entailed live fire exercises in the direction of the north, and America sent more forces there in a show of force. The transition at the end of 2011 to the new North Korean dictator Kim Jong-un intensified the militancy of the north. For example, in 2013 North Korea tested long-range missiles that could reach the United States. By 2015, North Korea had the fourth largest military in the world with 1.9 million active troops. South Korea possessed only 655,000, and so the 28,500 from the United States helped to balance the power equation on the peninsula.[2] President Bush had listed that regime as one of the threats on the Axis of Evil in 2002, and probably that perception of the situation did not change much through the Obama Administration.

In February 2016, South Korea decided to halt cooperative work on North Korean territory to construct a huge jointly-run industrial park. North Korea reacted quickly by declaring that they would turn over the entire site to their military. Earlier in the month Pyongyang had fired a long-range rocket that seemed to be part of development of their missile technology. America responded somewhat later with low flights of four of its F-22 stealth fighters over South Korea and commenced discussions with its ally about deployment of the Terminal High-Altitude Area Defense (THAAD). Additionally, the joint military drills later in the spring were to be the largest ever.[3] Thus, the pivot to Asia was partly based on security needs, even though the Cold War threat from China had abated.

China and India
Beginning in the aftermath of the attack on the World Trade Center, Chinese-American relations began to improve. China's leader Jiang Zemin visited the United States in 2002, and there were supportive public statements made about their bilateral relationship by American leaders such as Secretary of State Colin Powell. China was willing to support the American invasion of Afghanistan but not that of Iraq. China did not veto UN resolutions for reconstruction of Iraq, and in 2007 they signed agreements with Iraq itself for cooperation in human resource training, economic cooperation, and technical cooperation. For its part, the Bush Administration toned down criticism of China

on the issues connected with Taiwan, Tibet, and its missile sales. President Bush also visited China in 2002, and that provided an opportunity for further discussions about the future of the relationship.[4] Of course, China has been forceful in its trade policy, and by 2005 the U.S. had a $200 billion deficit with China.[5] A symbolic event occurred in 2015, when China passed Germany and Japan to become the second largest global economy behind only the U.S. Although China worked to build up its trade links with America beyond what they were, they also expanded trade ties to Japan, South Korea, and Australia. That resulted in making the U.S. pivot to Asia even more challenging.[6]

American policy has focused as well on India in the hope that they will become a reliable anchor in an improving relationship with China. The mutual work with India has included projects that nurture them in the direction of peaceful nuclear development.[7] However, support for them also included the U.S. role as chief arms supplier to India. It was the U.S. hope to build on this security relationship to develop expanded trade ties that would be of mutual benefit to both.

Japan and Pakistan

Japan had achieved enormous economic success with a dynamic trade policy in earlier decades, but their economic primacy in Asia had suffered with the rise of China and India in economic success and trade ties with the West. There were still 38,000 American troops in Japan mainly as a deterrent against a thrust from North Korea. However, in 2010 Japan enunciated a new defence strategy that focused more on the threat from China against islands that were contested between the two nations.[8] There were also tensions with its U.S. partner over the presence of so many American troops in Okinawa, especially after scandals over crimes committed against Japanese youth by American soldiers. However, trade ties between Japan and the U.S. remained strong ones, and Japanese automobiles on every road in America were a reminder of that fact.

Pakistan was a critical but sometimes complicated partner of the United States in the regional war on terrorism. They had joined the nuclear club at the same time that India did in 1998, and the result was imposition of sanctions on them. After the 9/11 attacks, America lifted the sanctions and instead provided economic and security assistance that totalled $3.5 billion in the plan for 2009–14.[9] However, there was considerable tension between the United States and Pakistan over

prosecution of the war in Afghanistan. Taliban forces continued to find sanctuary in the northwest corner of Pakistan, and the national government had never been really able to establish controls in that area. During the Obama Administration, drone attacks took place on the Pakistani side of the border, and some civilian lives were lost. At one point, Pakistan raised the costs of transportation of needed goods and military equipment through their territory that America sought other routes. Finally, the discovery that Osama bin Laden had been living in a relatively visible area of Pakistan for some time intensified American concerns about the reliability of ISI, the Pakistani intelligence service.[10]

James Peterson

Trouble in the South China Sea

One challenge for America in the general overture to Asia has been continuing challenges from China in the sea off its coasts. In the background of the recent expansion by the Chinese navy in 'far sea defence'[11] are the examples of American military activities in other theatres. Chinese leaders were concerned that the American Missile Shield proposal would undercut China's nuclear deterrent, and so they expanded their own ICBM development. Having watched the use of American military capabilities in Kosovo and Iraq, China worked on expansion of its MIRV capabilities as well. Their long-range missiles could hit U.S. cities, while short-range ones had Taiwan in their scope. In 2011, they sent a naval vessel to be stationed off the coast of Libya during the NATO air attacks on the Gadhafi forces.[12]

Energy needs in part drove their heightened interest in more control in the South China Sea. In 2014, they had moved a huge oil rig close to the Paracel Islands which Vietnam claimed were over their continental shelf and exclusive economic zone. After protests and the dispatch to the site of 30 Vietnamese coast guard and fisheries vessels, China pulled the rig back in the summer of the year.[13] Partly in response to that new Chinese aggressiveness, President Obama portrayed the U.S. as a better partner for Africa on his four-day trip to the continent a year later. He indirectly portrayed China as seeking exploitation of African resources while American efforts centred on contributions to continental development as well.[14] Later in the fall, China's agenda shifted to military construction on reclaimed islands in the South China Sea.

At an APEC Summit meeting in the Philippines, Obama called on China to stop that construction and submit that issue to arbitration among the nations of Southeast Asia.[15] Terrorism was also on the agen-

da of the ASEAN Summit two days later, due to the recent attacks in Paris, Lebanon, and Mali.[16] Shortly thereafter, the United States and Japan commenced a large military training exercise in the seas south of Japan. There were 30 warships and many planes involved in the exercise, and it was in part a message to China that there was sharp disagreement about Chinese claims to territorial control of that waterway.[17] In the month of December, the Pentagon flew two B-52 bombers near contested islands, and this led China to call for an end to provocative actions.[18] Early in the new-year, the U.S. sent the guided missile destroyer USS Curtis Wilbur near the islands under the label of a 'freedom of navigation operation'.[19] President Obama hosted an Association of Southeast Asian Nations (ASEAN) Summit in southern California in mid-February 2016, and China was certainly on the agenda although not represented there. The ASEAN leaders had become more suspicious of Chinese motives due to the recent conflicts in the South China Sea. President Obama offered the alternative of his Trans-Pacific Partnership as another choice on the table.[20] President Obama's opening day speech called for development of 'accountable institutions', and he encouraged the others to work towards an international order in which global rules such as freedom of navigation were upheld.[21] Although the joint statement at the end of the Summit did not mention the aggressive actions of China in the South China Sea,[22] China sent a message on the last day of the conference by deploying surface-to-air missile launchers on the Woody Island in the contested Paracel Islands. That is an island that China, Vietnam, and Taiwan all claim as their rightful territory.[23]

Overall, hopes dominated fears in the projected pivot to Asia during the Obama Administration. Prospects for expanded trade benefits were particularly high for the overtures to China and India, but they were also meaningful for its ties with Taiwan, South Korea, and Japan. Security issues did exist with Pakistan, but they were likely to fade with the end of the war in Afghanistan. The biggest threat clearly was the one from North Korea, but an emerging one existed in the tension with China over their claims in the South China Sea. However, multilateral diplomacy was occurring for each of those two threats with the six-party talks on the Korean issue and ASEAN discussions on China's hostile moves. In the background was the American-Russian rivalry and the question of how much their tensions on other issues would carry over to the Asian setting.

American presidential transition of 2016–17

After the APEC Summit, the presidential transition in the United States began in earnest, for by April Donald Trump had nearly locked up the Republican nomination. Of course, President Obama continued to have the full power of the office, but increasingly on policy issues he looked over his shoulder to see what the counterpoint might be from eventual candidate Trump. Future policy towards Asia was certainly not the main debate theme of the campaign, but the Obama pivot towards that region heightened the significance of striking events that happened westwards across the Pacific Ocean. In particular, the China chord resonated continuously and demanded a hearing across many fronts and nations in the region.

The transition to President Trump and the pivot to Asia: the question of alliance partnerships

Soon after his election victory, Donald Trump announced on a You Tube video that he would end U.S. participation in the TPP on his first day in office. He expressed a preference for bilateral agreements that would bring jobs to the United States. While German Chancellor Angela Merkel reiterated her conviction that a multilateral approach was a necessity in Asia, China celebrated its own future role in Asian leadership.[24] Very de-stabilizing also was the willingness of President-Elect Trump to receive a congratulatory telephone call from President Tsai Ing-wen of Taiwan, a nation that the One China Policy of 1979 had pushed into the background. China itself lodged a formal complaint with the United States. The informality of the Trump response was as controversial as his violation of the western One China Policy.[25]

In mid-December, Prime Minster Shinzo Abe stirred the pot even more with comments on controversial islands with visiting Russian President Vladimir Putin. Abe expressed an interest in resolving the decades-long controversy over the Kurile Islands.[26] Renewed conversations of that sort between Japan and Russia would make the continuation of the American pivot towards Asia even more complicated. However, Abe continued a delicate balancing act. At the end of December, there was a balancing move by Abe in a trip to Pearl Harbor. He actually visited Pearl Harbor, a first for a Japanese leader. In a sense, this paralleled the spring visit of President Obama to Hiroshima. The healing of emotional wounds could reinforce the centrality and en-

during nature of Japanese-American links. President-elect Trump had called for more Japanese spending on defence, and he had also criticized President Obama for visiting Hiroshima without mentioning the Japanese attack on Pearl Harbor.[27] With its economic strength and the with the political longevity of Prime Minster Abe, it was not surprising that Japan would play a more central role in working towards a political balance in its own home region.

China was also active in the last month of 2016, after the Trump election but prior to his installation as the new American leader. U.S. intelligence revealed that China had installed defensive capabilities on seven of its outposts in the Spratly Islands archipelago. The Center for Strategic and International Studies (CSIS) had issued the report, and the evidence was based on satellite images taken and compared between June/July and November.[28] At about the same time, a Chinese warship captured a U.S. Navy underwater drone operating in the South China Sea. The American leadership issued a diplomatic protest and called for return of the drone.[29] Chinese provocations continued, as on Christmas Day China's first aircraft carrier headed out for a training exercise in the Western Pacific. As with the drone capture, the Chinese move could have been a warning to incoming President Trump, for there was the possibility that the carrier Liaoning would glide past Taiwan. Further, the presence of the carrier would project Chinese power in the highly contested South China Sea region.[30]

Equilibrium theory and President Trump in office
The inauguration of Donald Trump meant that equilibrium theory replaced the priority of alliance partnerships as the cornerstone of American foreign policy, and this was very evident in the Asian theatre. Economists use equilibrium theory to analyse choice that consumers make. Consumers are interested in obtaining the 'most satisfaction (or utility) possible, given the budget constraint'.[31] He or she will sacrifice purchase of other goods if prices are prohibitive and the desired good within price range. Purchases will continue as long as the price continues to equal marginal benefit. When the price exceeds that standard, then attention will shift to other needed goods whose prices are within range. Thereby, the consumer meets the goal of equilibrium between expenditures or prices and the value of the desired product. In a sense, consumers are contributing to estimations of the public good as they weigh the balance or equilibrium between marginal benefits to them

and the voluntary contribution they make through purchases. As a result, the public good becomes a function of the balance between the price per unit of a good and the quantity of the good needed or demanded by the consumer.[32]

Many people were startled as they watched the newly elected President hammer traditional allies such as Australia, Sweden, Mexico, Canada, the United Kingdom, Japan, China, and even the NATO alliance. However, the President was not following the traditional model that allies who had shared collective security obligations for decades should continue to communicate ideas and plans in understanding ways, with broader outcomes like heightened global security the objective. His comments on allies and treatment of foreign leaders were based on assessments of what they could contribute to American objectives and how that was related to the cost of working with them. Would there continue to be an equilibrium that guaranteed that America would gain advantages in return for the expenses encountered? From the vantage point of equilibrium theory, trade-offs were central in importance, and there would be a need to downplay connections to nations and leaders whose demands and needs exceeded the American ability to pay for them. Continuous bargaining and uncertainty would characterize the American approach to allies and enemies, as marginal costs were always shifting in relation to profits gained for America.

As a result, after the Donald Trump inauguration on January 20, 2017, there were initial signs of change from the Obama Administration's pivot to Asia. Three days after assuming the Presidency, Trump pulled America out of the TPP. This was an expected development but undid all of President Obama's careful stitching work to get a coalition of nations behind the agreement. Protection of American jobs was the principal motivation of the new American President, but there was also an implicit attack on a decades-long commitment of the United States to lower trade barriers when possible. The negotiations between the United States and its allies had taken eight years, but the Obama Administration had never submitted it to Congress, in fear of its defeat. [33]

The Trump Administration also openly broke with earlier policy towards China in early February. They supported Japan's claim to tiny uninhabited islands over which China also claimed sovereignty. Their name in Japanese was Senkaku and in Chinese Diaoyu. The new Secretary of Defense James Mattis had made the claim on behalf of Japan during his initial trip to Asia. Trump support for an Obama Adminis-

tration decision to deploy a missile defence system to South Korea also received criticism from Chinese leaders.[34] On February 19, the Trump Administration sent the USS Carl Vinson again into the South China Sea. China claimed sovereignty over the area, and they were critical of the naval intervention. Freedom of navigation was the value stressed by American leaders such as the new Secretary of Defense, but that clashed with Chinese sovereignty claims.[35]

President Trump met in March and April with two principal Asian leaders whom he had earlier criticized. Prime Minister Shinzo Abe from Japan came to Mar-a-Lago in March and the two repaired some of the earlier damage due to President Trump's remarks about Japan's low level of defence spending. In early April, Chinese President Xi Jinping visited the same Trump Winter White House, and they discussed trade practices as well as regional defence issues. It was no doubt helpful to the discussion that President Trump had returned to the traditional U.S. 'One China' policy after receipt of the controversial phone call from the Taiwanese leader.[36]

During the same time period, concern about the threat from North Korea remained high on the President's agenda. On March 6, North Korea had launched four ballistic missiles that travelled 600 miles into the Sea of Japan. Several weeks later, on March 22 they had attempted another launch that was a failure. Just prior to the Trump/Xi meeting in Florida, Pyongyang test-fired another ballistic missile into the Sea of Japan. One result was the American decision to redirect the aircraft carrier strike group headed by the USS Carl Vinson directly towards the Korean Peninsula.[37] Clearly, a show of force on both sides intimated at escalation of tensions that would require new bargaining skills by the American President either to restore the previous equilibrium or create a new one. North Korean leaders were sharply critical of the American strike on the Syrian air base after use by the regime of chemical weapons. In part, this may have reflected their fear of a similar U.S. attack on their territory. There was also awkwardness in the fact that the attack occurred at precisely the time that President Trump was hosting a dinner in Mar-a-Lago for President Xi and his entourage.[38]

Vice President Mike Pence made a 10-day trip to Asia in mid-April in an effort to firm up support with key allies in part due to the increased threat from North Korea. In Seoul, he commented that the threat from the north underlined the continued importance of the American-South Korean defence linkage. Other key nations on his itinerary

included Japan, Indonesia, and Australia.[39] In part, the meeting with Australian Prime Minister Malcolm Turnbull aimed at re-establishing good communications after the spat between the Prime Minister and President Trump over an Obama-era refugee resettlement plan. However, the two leaders also discussed cooperation with an eye on convincing China to put more pressure on North Korea to surrender its nuclear weapons program.[40]

There are a number of potential steps that might have the effect of containing the threat from North Korea. Full implementation of the November 2016 U.N. Security Council sanctions would be one step in the process. Those sanctions had the intention of limiting sales of North Korea's sale of conventional weapons and natural resources. A second step would be limitations on the Chinese supply of large trucks used in North Korea's transport of missiles. Third, there was some evidence that Chinese companies may have provided North Korea with industrial equipment and materials that included mercury and lithium hydroxide. Given the role of lithium 6 in nuclear weapons production, there was perhaps a need to put pressure on China to control these types of exports across the border. Fourth, it might be possible to push for a ban on the dispatch of North Korean workers into foreign countries, with their profits going back home to help fund the nuclear program. The November U.N. Resolution had called for vigilance over this type of activity, but a ban would be even stronger. A fifth step would entail a U.S. orchestrated coalition of nations that would all impose tough sanctions on company officials outside North Korea who did business with leading figures in North Korea and China on military production. Sixth, access to the U.S. financial system in banking could be restricted to any entities that did business in North Korea. This would be an extreme measure but would capture the connections between the foreign companies and their North Korean counterparts.[41]

Any of the above steps would fit into the parameters of equilibrium theory, for there would be a calculation of the costs of permitting North Korean nuclear developments to proceed against the backdrop of reluctance by the global community to move towards an even deeper conflict with the pariah state. Work between the Trump Administration and foreign partners could establish measurements of probabilities of those two eventualities, and decisions about which steps to utilize would thereby be evident. In that way, equilibrium theory

could drive the decisions, but it would do so in a way that intermeshed with traditional alliance formations and patterns of doing business.

Theoretical implications of the American foreign policy transition towards the Asia-Pacific: future expectations in light of past political patterns

Pertinent theoretical components of American foreign policy in the Asian setting

Over time a key underlying continuity in American strategy towards Asia has been the devotion to liberal internationalism. In fact, such a priority has been a consistent one since the creation of the new world order after 1945. At that time, there was an emphasis on creation of a 'loose array of multinational institutions' in an effort to promote both world order and American interests.[42] This 'transformational grand strategy' served American national interests in later decades with mixed results. Its idealistic thrust has entailed alliance partnerships with like-minded Asian states but also serious efforts to expand the network of liberal-democratic nations within the region.[43] Attempts to expand this philosophical framework to the northern part of the Korean Peninsula in the 1950s and the counterpart strategy towards Vietnam in the 1960s and 70s were expressions of the liberal democratic thrust. In spite of the frustrations with those two efforts, recent approaches to Russia and China reflect the same central directive. However, such efforts regarding those two superpowers call for caution, and some observers admonish that it may be better to rely on liberal democratic allies in the region such as South Korea and Japan to take the lead on these kinds of overtures.[44]

It is also the case that the theory of realism, a rival to that of liberal internationalism, may offer supplementary possibilities for preserving the influence of the United States in the Asian theatre. As Richard Haass articulates this view, he comments on the appropriateness of the 'World Order 1.0' as focusing exclusively on the 'protection and prerogatives of states.' However, he concludes that 'World Order 2.0,' with its emphasis on sovereign rights but also 'those states' obligations to others' better fits the current Asian setting at the moment. This latter perspective is one that rests on the realistic proposition that 'sovereign obligation' is the most reliable and trusted Asian strategy for the near future. Its features entail a respect for existing borders and a reluc-

tance to use force to either push them back or transform their existing contours.[45] Stronger foundations for promotion of world order may be a result. It is also possible to fit this realistic theoretical thrust into attempts over time to establish something of an American Empire in Asia. Such conceptions are softened by definitions that include thinking about such aspirations as a 'relational social totality embedded within global capitalism.'[46] suggests that such an approach represents a materialistic perspective that links American realism to its central role in the development of capitalist economies in Asia and elsewhere.

Additional theoretical approaches can help clarify the general evolution of American policy ambitions and prospects in Asia. Preservation of the credibility of the United States has been a guiding force since the end of World War II.[47] Such a motivation may have had much to do with involvements in both the Korean and Vietnam Wars, but it may also have been a guiding force in post-Cold War interventions such as the Balkans, Afghanistan, and Iraq. Others have even suggested that the Kennan immediate post-Cold War recommendation of a 'strategy of containment and deterrence' may be useful in anticipating future policy towards North Korea.[48] It is certainly true that outside powers have isolated that nation and confined its political influence within the borders of the Korean peninsula. However, its acquisition of nuclear weapons that can reach well beyond their own region, have made deterrence of the regime and its military forces problematic. Containment has worked in the political sense but not in the military aspect. Theory has also guided consideration of the concrete role of the United States and its diplomatic/military strength in the region. With the postwar order 'in decline,' it is in part up to America to clarify what its own 'responsible behavior' would be in the region as new power centers and balances emerge.[49] In that sense, the transition from President Obama to President Trump has been puzzling to many interested elites and observers in the region. With President Trump having articulated an 'America First' perspective, other American key publics have called for preservation of the nation's commitment to a liberal international order in which the United States preserves firm ties to Asia-Pacific nations that possess 'common values, shared interest, and mutual vulnerabilities'.[50]

All of these theoretical expressions bring to the table important questions of the meaning of President Obama's 'Pivot to Asia' as well as its aftermath. Following this nuanced policy shift, a series of ag-

gressive challenges to American policy took place in and near the region. In 2014, Russia annexed the Crimean Peninsula from Ukraine and turned it into a new Republic with their own political systems. At about the same time, China began its acquisition of contested islands in the South China Sea. After coming to power in 2011, Kim Jong Un in North Korea commenced his waving of nuclear capabilities and threats to many in the outside world. Thus, the Obama 'pivot' entailed quite different consequences than the expectations of dynamic new trade partners and a setting aside of the troubles further west in Afghanistan, Iraq, and the Arab Spring nations of the Middle East. In fact, the Obama Administration soon renamed its new thrust the Asian 'rebalance' strategy.[51] Their focus was two-fold, to include a balance that upgraded the importance of Asia in relation to traditional ties to Europe and also to incorporate a role as a potential balancer within the Asian region itself. The fact that a perception developed that the pivot 'came up short' led in part to the eventual Trump emphasis on a much more America-focused effort in the region.[52]

The challenge from China and application of political theories

Proposals abound for the application of key theories to the challenge of rising Chinese power in East Asia. This is an important and profound change from a past in which China had enormous power but contented itself with a self-perception as the Middle Kingdom that was mainly self-contained and was the place to which other less significant players came to pay respects. Even during the early communist period, there was little evidence of Chinese aggression towards its neighbors, particularly in comparison with the adventurousness of the Soviet Union along its border. In the recent period of more active Chinese moves abroad, there has been a mixed response by neighboring states. For example, the maritime ASEAN nations have been more sharply critical of Chinese moves in the South China Sea than have been the mainland members of that organization. To a certain extent, regime changes can change those postures, for the rise of President Duterte in the Philippines led to a strategy by that maritime nation of the wooing of China after 2016. One result of that duality has been that China felt empowered to play one Asian nation off against another, a classic illustration of the use of the balance of power theory.[53]

The proliferation of regional organizations, both informal and formal, has also shaken pre-existing global power structures. In the late

Cold War and in its immediate aftermath, the United States, the European Union (EU), and Japan made up a 'triad' of power that possessed considerable power to enact changes and create reactions within the Asian region. However, the rise of China as well as India has led to a more complex multi-polarity of influences within the region. APEC, BRICS (Brazil, Russia, India, China, and South Africa), and others add to the policy mix and stimulate the growth of additional regional connections that 'exist *alongside* and *against*' American goals and interests.[54] Efforts to contain bold Chinese moves to declare its sovereignty over the land formations within its 'nine-dash line' benefit from attention to the states actually threatened by such claims. Brunei, Malaysia, the Philippines, Taiwan, and Vietnam all have competing claims with China over those territorial waters and islands. All five states welcome limited American initiatives to assist them in preventing Chinese hegemony in the turbulent waters of the South China Sea. A more forceful American strategy in the area might include concrete efforts to halt Chinese land reclamation, their building of new infrastructure, and the ensuing militarization of facilities on the islands themselves.[55]

It is also possible to be much more specific about potential American policy steps that might utilize its 'network of alliances and partnerships in Asia' to both protect American interests and channel China's ambitions in more positive directions. A bolder U.S. strategy could preserve the existing network of Asian alliances, utilize sanctions against Chinese industries on a selective basis, acknowledge the pluralism of interests with the Chinese political system, push open the door to more communications with China, and avoid actions that might needlessly exacerbate the existing antagonisms in the region towards China.[56] Such a multifaceted strategy might well maintain the traditional American presence in the region in a political form rather than primarily one that rests on military capabilities. Such an approach would also have the potential to preserve the essence of past political patterns, while meeting expectations for policy adjustments in the near future.

Containment of and responsiveness to Chinese interests and initiatives rests on the assumption that China has become a 'disruptive power but not a revolutionary one' as it was in the days of Mao's leadership. China is not part of the liberal-democratic ethos that much of the West shares and it has promoted competitors to existing alliances.[57] From that perspective, a meaningful and coherent American balanc-

ing strategy is a necessity. However, concerns about the spreading of Chinese communist values are no longer a Western assumption, as it was during the heart and heat of the Cold War. One illustration of the deeply changed Chinese position is its advocacy of economic openness at the Davos Conference of global powers in January 2017.[58] Their approach at the same meeting in early 2018 was parallel and even timelier in light of the presence of Donald Trump, an advocate of a tightened American policy, at the same meeting. No American President had personally attended that important global economic conference since 2000. With the involvement and changes of the new American President in traditional Asian policies, China had a golden opportunity to play on American inconsistency and increase its own influence in the regional balance of power.[59] Realist theory is also an important factor in the anticipation of future expectations about that critical balance. As Joseph S. Nye, Jr.[60] reminds, the U.S. still ranks 1st in the world on 'soft power' capabilities, while China ranks 28th. Further, China's economy is 61% that of the size of the American. Thus, American prospects in the Asia-Pacific region are not gloomy but require a very adept and consistent pattern of policy-making.

Key security issues
In light of the altered challenge from China, it is incumbent upon the United States to offer its 'credible and demonstrable force' on behalf of the threatened ASEAN nations. Without the leverage of American power in support of their national interests and security, those nations would have no choice except to accommodate Chinese demands.[61] Since U.S. military spending was in fact 41% of the world's total outlay, the use of their enormous reserves as a deterrent would be impressive.[62] Such utilization of American security capabilities could include military exercises but also 'soft power' components such as diplomatic meetings and pressures that would not entail the use of force.[63] However, America cannot act along in the Asia-Pacific region, and stronger security partnerships with Indonesia, Myanmar, and Vietnam will be particularly significant in the future. Each of those three nations presents a particular challenge to American values, whether it be the authoritarian features of rule in Myanmar or the continued communist rule in Vietnam. Indonesia, with its huge population and Muslim majority, has many domestic challenges in addition to the desire to help control Chinese ambition. However, their pragmatic need for se-

curity and even survival pushes them closer to the protectiveness of American security capacities.[64] Further, U.S. support for Brunei, the Philippines and Taiwan is vital as well, for they all have overlapping claims with China in the tumultuous arena of the South China Sea. Strengthened alliances with Japan and Australia would enhance the ring of alliance partners that have containment of Chinese ambition as a common concern.[65]

It must be admitted that pan-Asian organizations that also challenge American-led trade initiatives have emerged in recent years, and that adds a mist of confusion to the single-minded effort to develop alliance networks that center their efforts on managing relations with China. One is the Trans-Pacific Partnership, which the United States is no longer part of, and another is the Regional Comprehensive Economic Partnership (RCEP). In 2013, China initiated the Belt and Road Infrastructure Project, and that is a tempting fit or model for certain Asian nations. It also entails an exercise of China's economic muscle that is competitive with that of the United States.[66] In that scenario, it may be possible for the United States to create 'ad hoc groups of states' that can focus on single issues instead of trying to cope with the entirety of the Chinese challenge. One result of that approach may be to provide more of a proactive and initiating momentum to American policy in the region, which could counteract a certain tendency by U.S. leaders mainly to react to Chinese moves along their vast borders. It is also true that the advent of Donald Trump into the Presidency in 2017 has stirred the already boiling waters of the region. Sometime adversaries like China may desire to test the new administration in ways that differ from the past, while traditional allies in the region may be more uncertain about American intentions.[67]

Impact of the election of Donald Trump to the American presidency

Amidst the theoretical swirl of pivot or re-balance tactics, realist theory, the overall balance of power, the spread of liberal democratic influences, the emergence of World Order 2 with its emphasis on sovereign obligations, containment, and the protection of American credibility; what is the impact of the advent of the Trump Administration that emerged at the beginning of 2017? A number of observers have maintained that one result of the announced 'America First' campaign will be an accelerated movement of affected nations also

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to put themselves first.[68]   Others have affirmed that anticipating his responses to policy crises ahead of time will be very difficult or next to impossible.[69]   Yahri-Milo [70] points out that some have characterized the Trump approach as 'Rationality-Irrationality.' His comments both about the North Korean leadership and about Chinese policy moves have at times involved seemingly apparent and sudden emotional reactions, with the result that he has undercut the American reputation for possessing a consistent 'signaling reputation.'

For many Asian leaders and interested publics, the theoretical impact of this sudden change in American policy has been to end apparently the American traditional role as the 'guarantor of the liberal world order.' President Trump's demonstrated indifference to identical values within the political and social setting of the United States reinforces that growing and collective picture. American alliances designed for containment of a variety of foes have become shaky, with their partners no longer able to perceive American guidance within the framework of an ordered strategic environment.[71] Some analysts of the new American President have gone even further to suggest that he represents and contributes to a 'foundational rupture in the United States.' American elites that have been in power for decades have less legitimacy than they did in the years prior to his inauguration, while the representative institutions within have become to sway and even crack.[72] As a result, the American state no longer possesses the abiding and historical 'globalist orientation' that has been the heart and soul either of its re-balance under Obama towards Asia or even the sovereign obligation contract that was part of the World Order 2 perspective.

Trade relations are part of the issue in this new season of complexity and confusion, for President Trump as so far taken 'a more mercantilist, or zero-sum' approach to trade questions. As a result, the long-standing commitment of the United States to open trade with its attendant supporting policy steps is in question, and that changes the traditional American multilateral approach to trade and lowers the credibility of policy statements and intentions from the western side of the Atlantic Ocean.[73] This picture of new American economic commitments, in combination with the other modifications of traditional theoretical approaches, sets the state for a very uncertain policy in regard to the growing security threat that emanates from North Korea. The traditionally cautious commitment to a steady strategy of deterrence that characterizes the long-standing western approach to

nuclear questions yields to unpredictability with its intensification of anxiety throughout the Asia-Pacific Region.[74]

Containing the threat from North Korea

One writer has characterized the explosion of dialogue between the two Presidents of the United States and North Korea as constituting a new Missile Crisis that compares with the October 1962 Cuban Missile Crisis. Unfortunately, the current conflict involves two unpredictable leaders rather than only the Cuban leader Castro in the earlier tension-ridden situation.[75] American policy options exist but have shrunk in the Trump Administration. Working to 'leverage Chinese involvement' may help to use the considerable power of that state to contain the aggressiveness of North Korea, and provision by America of intelligence on the matter to China may even be a help.[76] Use of financial tactics against North Korea may assist in containment and help to restore the reputation and credibility of the United States on the issue. For instance, the United States in 2016 responded to the fourth nuclear test of Pyongyang with the freezing of financial assets of two hundred North Korean entities. As the crisis has intensified, the Trump Administration has considered and enacted even more sanctions that penalize and severely limit the financial transactions within and from the pariah Asian state.[77]

One observer proposed that the United States has three military options in the crisis with North Korea. They include 'acceptance, military intervention, or more creative diplomacy.' He specifically proposes that North Korean leaders may consider a halt to testing of warheads and a freeze on existing nuclear capabilities in return for sanctions relief and a formal agreement that ends the Korean War.[78] Given the deep involvement in the Korean War from 1950-53, it would enhance American strength and respect to call for a conference that would officially end that war.[79] It is also the case that other affected nations such as South Korea have openings to take creative action as well. President Moon Jae-in of South Korea in his early months in office accomplished a limited number of joint activities with North Korea in the February 2018 Olympics Games held in Pyeonchang, South Korea. They included a march together behind the same flag in the opening ceremonies, a joint women's ice hockey team, a large North Korean cheering squad, an orchestra that played several concerts, and a taekwondo demonstration team.[80] Such a move by South Korea is reminiscent of the early

1970s 'ping pong' diplomacy that helped pave the way for more formal diplomatic moves between the United States and Communist China. Whether it will have the same effect will depend in large measure on the willingness and ability of the Trump Administration to begin to engage with allies in the ways outlined by pre-existing theoretical approaches to the dynamic Asia-Pacific Region!

Conclusion

Was there an overall vision behind the pivot of the Obama Administration towards Asia after the wind-down of the wars in Afghanistan and Iraq, or was that policy re-orientation simply an expression of the desire for a fresh start after the exhaustion that accompanied difficult conflicts further west?

On the one hand, there were clear economic and defence policy goals to which America could provide new energy. Expanded trade with the growing economies in India and China would be one way of coping with the need to pull the United States out of the recession that hit in 2007 and continued in the following years. In that sense, expanded trade agreements might jump-start the American economy and bring new jobs to the domestic economy. At the same time, there was a need for an expanded defence focus against regional and global dangers that had taken on an ominous tone in the region. The emergence of Kim Jong Un in North Korea in 2011 had brought the issue of their nuclear capability to the fore in a way that had not been true under his father, whose policies often seemed to be random reactions to on-going events. Chinese thrusts in the South China Sea provided security risks to U.S. allies in the region such as the Philippines, South Korea, Japan, and perhaps Vietnam. American contributions to resolving those threats could be significant ones, if U.S. leaders possessed the time and energy to make Asian issues a top priority.

On the other hand, within America there was exhaustion with more than a decade of war after the 9/11 attacks and a corresponding hope to focus on domestic needs for the near future. Thus, there would not have been much excitement about new ventures in a recently ignored region. However, there was a desire of most Americans that their nation has leverage and influence in its foreign policy. With results so nebulous in the Middle East and in the nations where Americans had fought so long, the move to Asia might have seemed like a clean and welcome break. Unfortunately, the pivot to Asia might have been sim-

ply a turning of the American head without a carefully planned agenda behind it. Multinational discussions within the G-7, G-20, ASEAN, and APEC offered the beginnings of a plan, but creation of the TPP was quite problematic and did not clearly link American domestic needs to cooperation within that framework. The new emphasis on Asia bore the elements of fresh thinking, but the policy goals were quite fragmented and hinged to the emergent threats of the moment. In contrast, the planning for the Afghan War after 9/11 was more organized in terms of rallying the American public and establishing links with allies who promised to make their own contributions to the effort. Perhaps the War on Terror nurtured a more coherent and focused security response than did the Asian emphases on economic prospects and containment of unrelated new threats from North Korea and China.

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Unfortunately, the end of the Obama Administration came before a full-fledged and coordinated new Asian policy could emerge. The initial signals that flashed from President-elect and, then, President Trump were unconvincing about prospects that a coherent policy would follow-up on the pivot to Asia. He ended American participation in planning for the TPP right away and then provided evidence that he did not take the One China policy that the West had supported, very seriously. He did host the Japanese Prime Minister in Washington and Florida in the first month of his administration, and perhaps that was a signal that he would take some traditional alliances in the region seriously. However, the evidence of a coordinated policy towards Asia that might flesh out the Obama pivot was limited. Such coordination might take the form of traditional alliance politics. More likely, its framework would approximate equilibrium theory with its continued measurement of the rising costs of chosen policies against the price of alternatives that might prove to be cheaper. In either scenario, serious observers would need to wait and hope that the new foreign policy team would come up with an Asian strategy that was more clear and coherent than the 'America First' slogan of the Trump campaign!

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Endnotes

1   Sean Kay (2015), *Global Security in the Twenty-First Century: The Quest for Power and the Search for Peace*, New York: Roman & Littlefield, pp. 155-156.
2   Kay (2015), pp. 152–154.
3   *USATODAY* (2016), 'U.S. stealth jets fly over S. Korea amid N. Korea standoff,' 17 February, available at: https://www.usatoday.com/.../80495174?...S...Korea%2CNorth+Kore... (accessed 17 February 2016).
4   James M. McCormick (2010), *American Foreign Policy and Process*, Fifth Edition. United States: Wadsworth/Cengage Learning. pp. 224–226.
5   Bruce Jentleson (2007), *American Foreign Policy: the Dynamics of Choice in the 21st Century*, Third Edition. New York: W.W. Norton & Company, p. 326.
6   Kay (2015), pp. 121–124.
7   Kay (2015), p. 150.
8   Kay (2015), p. 123.
9   Steven Hook (2004), *U.S. Foreign Policy: The Paradox of World Power*, Fourth Edition, Washington, D.C.: Sage/CQ Press. p. 381.
10 Kay (2015), p. 150.
11 Kay (2015), p. 126.
12 Kay (2015), pp. 126–128.
13 *USATODAY* (*2014*), 'China ends drilling operations in disputed sea,' 16 July, available at: <https://www.usatoday.com/story/news/world/2014/07/16/china...drilling/12720349/> (accessed 16 July 2014).
14 *The New York Times* (2015), 'Obama, on China's Turf, Presents U.S. as a Better Partner for Africa,' 29 July, available at: <https://www.nytimes.com/2015/.../africa/obama-on-chinas-turf-presents-us-as-a-better-...> (accessed 29 July 2015).
15 *The New York Times* (2015), 'Obama Call on Beijing to Stop Construction in South China Sea,' 18 November, available at: < https://www.nytimes.com/2015/.../obama-apec-summit-south-china-sea-philippines.ht...> (accessed 18 November 2015).
16 *USATODAY* (2015), 'Security tight as Obama arrives in Malaysia for ASEAN summit,' 30 November, available at: < https://www.usatoday.com/.../2015/.../security-tight-obama-arrives-malaysia-asean-su...> (accessed 30 November 2015).
17 *USATODAY* (2015), 'US and Japan train for 'high-end' warfare on the high seas,' 24 November, available at: < https://www.usatoday.com/.../2015/.../24/us-and-japan-train-high-end-warfare-high-se...> (accessed 24 November 2015).
18 *USATODAY* (2015), 'China urges U.S. to stop 'provocative actions' after B-52 flights, available at: <https://eu.usatoday.com/story/news/world/2015/12/19/china-us-pentagon-b-52-flights/77623774/>, 19 December.
19 *USATODAY* (2016), 'Navy challenges China, others in South China Sea,' 30 January, available at: <https://www.usatoday.com/.../30/navy-challenges-

china-others-south-china-sea/79562...> (accessed 30 January 2016).

20 *The New York Times* (2016), 'U.S. Drawing Southeast Asia Closer With California Summit,' 13 February, available at: < https://www.nytimes.com/2016/02/13/.../asia/obama-asean-summit-sunnylands.html> (accessed 13 February 2016).

21 *USATODAY* (2016), 'At ASEAN summit, Obama calls for mutual prosperity,' 15 February, available at: < https://www.straitstimes.com/.../obama-says-us-asean-can-work-toward-rules-and-nor... > (accessed 15 February 2016.

22 *USATODAY* (2016), 'Obama, SE Asian leaders seek to ease maritime tensions,' 17 February, available at: <www.bostonherald.com/.../2016/.../obama_se_asian_leaders_seek_resolution_to_marit...> (accessed 17 February 2016).

23 *USATODAY* (2016), 'Report: China deploys missiles to disputed island in South China Sea,' 17 February, available at: < https://www.usatoday.com/.../2016/.../17/china-deploys...missiles-disputed-island/804...> (accessed 17 February 2016).

24 *Tha Weekly Asian Connections* (2016), 'Merkel concerned about TPP future after Trump video,' 23 November. Available at: <http://www.theasianconnectionsnewspaper.com/merkel-concerned-for-future-of-tpp-after-trump-video/>.

25 *USATODAY* (2017), 'Pence embraces U.S.-Australia partnership after Trump spat,' 22 April, available at: <https://www.usatoday.com/story/news/world/2017/04/22/pence-australia/100780848/> (accessed 22 April 2017).

26 *Izvestia* (2016), 'Abe affirms, that he is ready to end the territorial dispute with the RF.' (translated by James W. Peterson), 12 December.

27 *The New York Times* (2016), 'In Pearl Harbor Visit, a Symbol of Reconciliation in Japan,' 24 December, available at: <https://www.nytimes.com/2016/12/24/world/asia/pearl-harbor-japan-shinzo-abe.html> (accessed 24 December 2016).

28 *USATODAY* (2016), 'Report: China put weapons on disputed islands,' 15 December, available at : <https://www.usatoday.com/story/news/.../2016/12/15/china-weapons...china.../954610...> (accessed 15 December 2016).

29 *USATODAY* (2016), 'Defense official: Chinese ship captures U.S. underwater drone from sea,' 16 December, available at: <https://www.usatoday.com/.../2016/.../16/chinese...united-states-underwater-drone-sea/...> (accessed 16 December 2016).

30 *USATODAY* (2016), 'China's first aircraft carrier heads for Western Pacific,' 25 December, available at: <https://www.usatoday.com/.../2016/.../25/chinas-first-aircraft-carrier-heads-western-pa...> (accessed 25 December 2016).

31 David N. Hyman (2014), *Public Finance: A Contemporary Application of Theory to Policy*, Eleventh Edition Stamford, Connecticut: Cengage Learning, p. 38.

32 Hyman (2014), pp. 151–152.

33 *The New York Times* (2017), 'Trump Abandons Trans-Pacific Partnership, Obama's Signature Trade Deal,' 23 January, available at: <https://www.nytimes.com/2017/01/23/us/politics/tpp-trump-trade-nafta.html> (accessed 23 January 2017).

34 *USATODAY* (2017), 'China: U.S. is putting regional stability in East Asia at

risk,' 4 February, available at: <https://www.usatoday.com/story/.../china-regional-stability-east-asia-risk.../97484330/> (accessed 4 February 2017).

35 *USATODAY* (2017), 'U.S. deploys carrier to contentious South China Sea,' 19 February, available at: <https://www.usatoday.com/.../19/us-deploys-carrier-contentious-south-china-sea/9812...> (accessed 19 February 2017).

36 *USATODAY* (2017), 'China's Xi to hold first meeting with Trump at Mar-a-lago in April,' 30 March, available at: <https://www.usatoday.com/.../2017/.../30/chinas-xi-meet-trump-mar--lago-april/99813...> (accessed 30 March 2017).

37 *USATODAY* (2017), 'As tensions rise, USS Carl Vinson heads to Korean peninsula,' 9 April, available at: <https://www.usatoday.com/.../2017/.../tensions-rise-uss-carl-vinson-heads-korean-penins...> (accessed 9 April 2017).

38 *USATODAY* (2017), 'North Korea says Syria airstrikes prove its nukes justified,' 9 April, available at: <https://www.usatoday.com/.../north-korea-says-syria-airstrikes-prove-its-nukes-justifie...> (accessed 9 April 2017).

39 *USATODAY* (2017), 'Pence lands in South Korea after North's failed missile launch,' 16 April, available at: <https://www.usatoday.com/.../16/pence-lands-in-south-korea-after-norths-failed-launch/1...> (accessed 16 April 2017).

40 *USATODAY* (2017), 'Pence embraces U.S.-Australia partnership after Trump spat,' 22 April, available at: <https://www.usatoday.com/story/news/world/2017/04/22/pence-australia/100780848/> (accessed 22 April 2017).

41 *USATODAY* (2017), 'Six things Trump can do to squeeze North Korea – without sparking war,' 28 April, available at: <https://www.usatoday.com/.../2017/.../28/...trump-can-squeeze-north-korea----without-w...> (accessed 28 April 2017).

42 Joseph S. Nye (2017), 'Will the Liberal Order Survive: The History of an Idea,' *Foreign Affairs* 96/1, p. 11, available at: <https://www.foreignaffairs.com/articles/2016-12-12/will-liberal-order-survive> (accessed 2 February 2018).

43 Jennifer Lind (2017), 'Asia's Other Revisionist Power: Why U.S. Grand Strategy Unnerves China,' *Foreign Affairs* 96/2, p. 78, available at: < https://www.questia.com/.../1P3.../asia-s-other-revisionist-power-why-u-s-grand-strategy> (accessed 4 February 2018).

44 Evan A. Feigenbaum (2017), 'China and the World: Dealing With a Reluctant Power,' *Foreign Affairs* 96/1, p. 39, available at: <https://www.questia.com/magazine/.../china-and-the-world-dealing-with-a-reluctant-pow...> (accessed 4 February 2018).

45 Richard Haass (2017), 'World Order 2.0: The Case for Sovereign Obligation,' *Foreign Affairs* 96/1, pp. 2-9, available at: < https://www.foreignaffairs.com/articles/2016-12-12/world-order-20> (accessed 10 February 2018).

46 James Parisot (2013), 'American Power, East Asian Regionalism, and Emerging Powers: *in* or *against* empire?,' *Third World Quarterly* 34/7, p. 1159, available at: <www.tandfonline.com/doi/abs/10.1080/01436597.2013.82465 5> (accessed 11 February 2018).

47 Yarhi-Milo (2018), 'After Credibility: American Foreign Policy in the Trump Era,' *Foreign Affairs* 97/1, p. 69, available at: <https://www.questia.com/magazine/1P4.../after-credibility-american-foreign-policy-in-th...> (accessed 14 February 2018).

48 Scott D. Sagan (2017), 'The Korean Missile Crisis: Why Deterrence is Still the Best Option,' *Foreign Affairs* 96/6, p. 82, available at: <https://www.foreignaffairs.com/authors/scott-d-sagan> (accessed 8 February 2018).

49 Richard Haass (2017), 'Where to Go from Here: Rebooting American Foreign Policy,' *Foreign Affairs* 96/4, pp. 6-8, available at: <https://www.questia.com/magazine/.../where-to-go-from-here-rebooting-american-foreig...> (accessed 8 February 2018).

50 John G. Ikenberry (2017), 'The Plot Against American Foreign Policy: Can the Liberal Order Survive,' *Foreign Affairs* 96/3, pp. 2-9, available at: <https://www.foreignaffairs.com/.../united-states/2017.../plot-against-american-foreign-...> (accessed 12 February 2018).

51 Thitinan Pongsudhiriak (2017), 'Southeast Asia and the Trump Administration: Between a Rock and a Hard Place,' *Contemporary Southeast Asia: A Journal of International and Security Affairs* 39/1, p. 10. Available at: <https://muse.jhu.edu/article/657971>.

52 Pongsudhirak (2017), p. 13.

53 Pongsudhirak (2017), pp. 10–11.

54 Parisot (2013), pp. 1161–1166.

55 Ratner (2017), 'Course Correction,' *Foreign Affairs* 96/4, pp. 64–68.

56 Susan Shirk (2017), 'Trump and China: getting to Yes with Beijing,' *Foreign Affairs* 96/2, pp. 20-16, available at: <https://www.questia.com/magazine/1P3.../trump-and-china-getting-to-yes-with-beijing> (accessed9 February 2018).

57 Feigenbaum (2017), pp. 33–36.

58 Natasha Hamilton-Hart (2017), 'Deal-makers and Spoilers: Trump and Regime Security in Southeast Asia,' *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 39/1, p. 48. Available at: <https://muse.jhu.edu/article/657976 >.

59 Allan Gyngell (2017), 'Review of *By More Than Providence: Grand Strategy and American Power in the Asia-Pacific Since 1783* (New York: Columbia University Press, 2017),' *Contemporary Southeast Asia: A Journal of International Affairs* 39/3, p. 576. Available at: <https://muse.jhu.edu/article/683839>.

60 Nye (2017), p. 13.

61 Pongsudhirak (2017), pp. 9–10.

62 Parisot (2013), p. 1171.

63 Pongsudhirak (2017), p.12.

64 Huang (2017), 'Review of *China, the United States and the Future of Southeast Asia*, edited by David B.H. Denoon (New York: New York University Press, 2017)', *Contemporary Southeast Asia: A Journal of International Affairs* 39/3, pp. 587–589. Available at: <https://muse.jhu.edu/article/683843>.

65 Ratner (2017), p.64.

66 Feigenbaum (2017), p. 38.

67 Yahri-Milo (2018), p.76.

68 Haass (2017), *Foreign Affairs* 96/4, p. 9.

69 Elliott Abrams (2017), 'Trump the Traditionalist,' *Foreign Affairs* 96/4, p. 16.

70 Yahri-Milo (2018), pp. 73–76.

71 Ikenberry (2017), pp. 2-5.

72 Hamilton-Hart (2017), p. 43.

73 Ikenberry (2017), pp. 5–6.

74 Sagan (2017), p. 75.

75 Sagan (2017), p. 74.
76 Oriana Skyler Mastro (2018), 'Why China Won't Rescue North Korea: What to Expect if Things Fall Apart,' *Foreign Affairs* 97/1, pp. 59-65, available at: <https://www.questia.com/magazine/.../why-china-won-t-rescue-north-korea-what-to-ex> (accessed 8 February 2018).
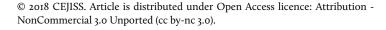
77 Joshua Stanton, Sung-Yoon Lee, and Bruce Klingner (2017), 'Getting Tough on North Korea: How to Hit Pyongyang Where It Hurts,' *Foreign Affairs* 96/3 pp. 65-75, available at: <https://www.foreignaffairs.com/articles/north-korea/2017.../getting-tough-north-korea> (accessed 11 February 2018).
78 Haass (2017), *Foreign Affairs* 96/4: 2–3.
79 John Delury (2017), 'Trump and North Korea: Reviving the Art of the Deal,' *Foreign Affairs* 96/2, 48-49, available at: <https://yonsei.pure.elsevier.com/en/.../trump-and-north-korea-reviving-the-art-of-the-...> (accessed 8 February 2018).
80 *USATODAY* (2018) 'North and South Korea agree: neither wants defections during Olympic Games,' 21 January, accessed at: <https://www.usatoday.com/.../2018/.../21/north-korea-south-korea...olympics-defections/...> (accessed 21 January 2018).

The UN Security Council Permanent Members' Veto Right Reform in the Context of Conflict in Ukraine

Lesia Dorosh, Olha Ivasechko

The activities of the United Nations Security Council have traditionally been seen as a guarantor of international peace and security with powers to influence infringers of the international law. At the beginning of the 21st century, the UN Security Council was powerless to perform its functions and duties to safeguard international peace and security, as well as to resolve a number of large-scale armed conflicts. Therefore, the need to find mechanisms of the UN Security Council reform in order to enhance its effectiveness is proven. The article analyses the UN member-states' suggestions on the UN Security Council reform that they started to apply actively in the early 1990s. On the basis of the analysis of the Security Council decision-making mechanism, an increase in the effectiveness of the UN Security Council can be achieved only by means of the veto right reform. This article analyzes the position of Ukraine, in particular proposals for reformation provided by state officials, analysts and publicists. It was found that the main obstacle in the reform of veto is the need to persuade five permanent members to limit themselves in the use of the instrument that allows them to influence the entire international system. Therefore, it is unlikely that these states will give their consent to such a reform.

The Russian military aggression against Ukraine, which started in 2014 with the annexation of the Crimean Peninsula, is an unprecedented challenge for the international system, its security and therefore for the current global order. The powerlessness of the United Nations (UN) as the most influential global institution in the world security sector in stopping European territorial changes in the 21st century again raises the issue of reforming the United Nations Security Council (UNSC) as one of the key bodies of this organisation. Such reform is important both for the international system in general and for Ukraine in particular. In this article, we put forward the claim that the issue of UNSC reform has never been considered in the context of the armed conflict in Eastern Ukraine and in the context of new challenges to the international security system caused by it. For the present, there is no research on the impact of the UNSC desuetude on the possibility of its intervention in this armed conflict and on the importance of the UNSC reform to resolve it. Thus, the previously mentioned facts have encouraged debate on the problems of UN Security Council reform, which will help to establish the reasons for the ineffectiveness of the organisation in resolving the conflict in Eastern Ukraine (2014-ongoing), and to devise a method for their elimination, as well as to identify the possible ways to increase the effectiveness of the United Nations in resolving conflicts in the twenty-first century.

Near the turn of the century, the UNSC failed to intervene and to resolve the escalation of a number of armed conflicts, particularly such conflicts as the Falkland war (1982), the invasion of Iraq (2003), and the civil war in Syria (2011-ongoing). Since the annexation of Crimea in February 2014, the Russian Federation, which was declared the aggressor country by Ukraine in the conflict, has used its veto right to block the activity of the UNSC towards the solution of the Ukrainian crisis. Parties such as Ukrainian diplomats and foreign officials in the United Nations, as well as the authoritative international nongovernmental organization 'Amnesty International' have noted that because of the risk of Russia's use of the veto right, the UN Security Council could not take any effective action concerning events in Ukraine. In this way, it is effectively powerless to perform its functions and duties to safeguard

international peace and security, making the international community search for ways to transform this structure. Because of its central place in the international security system, the research on reforming the Security Council is particularly relevant.

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Theoretical framework

An analysis of research sources shows the considerable attention of researchers to various aspects of the UN Security Council's reform. It is worth mentioning the work and analytical studies of Gh. Evans,[1] I. Endeley,[2] C. Karuna Karan,[3] E. Luck,[4] F. Mahmood,[5] S. Patrick,[6] D. Sarooshi,[7] D. Schweigman,[8] L. Svart, J. Freiesleben,[9] E. Wirkola,[10] M. Zorn,[11] J. Paul,[12] C. Nahory,[13] M. Teng,[14] E. Toro,[15] N. Ronzitti,[16] T. Weiss[17, 18] and others, in which the authors describe the UN and its main achievements in resolving 'frozen conflicts' in the world, espesially in the former Soviet Union. Detailed studies (in particular, of E. Osmanczyk, A. Mango[19]) on the main and specialized UN bodies' functioning and their effectiveness contributed greatly to our work.[20]

This study is an attempt to address the issue of insufficient legislative power of UN and the lack of a UNSC enforcement mechanism. There is a rapidly growing body of literature on the effectiveness of the UN as an organization aimed at maintaining peace in the world. While writing this article, attention to the set of normative legal acts governing the activities of international organisations of various levels, primarily the UN, is considerable.[21]

The literature on UN Security Council's reform abounds with examples of the absence in Ukraine the opportunity for effective protection through the mechanisms that currently exist in the UN system. Under such circumstances, it is necessary to single out the work of M. Butler on conflict management in international relations.[22]

An important monographic source on the issue is the historiographical work of Lydia Swart and Jonas von Freiesleben[23] *Security Council Reform from 1945 To September 2013*, issued with the support of the Government of Switzerland by the non-profit organisation Center for UN Reform Education. This work allows us to study all the proposals for reforming the Security Council that were put forward during the period from 1945 to 2013, to examine the positions of the member states on this issue, and also to analyze the main obstacles to the reform of the UN Security Council arising during this period.

The work of German scientist Bardo Fassbender called *UN Security Council Reform and the Right of Veto: A Constitutional Perspective* deserves special attention among the monographs devoted to the problem of UNSC reforming.[24] The author argues that there are the disadvantages of the Security Council's obsolete structure and the unfair distribution of power among the member states, as well as analyses the main proposals of the UN member states on the reformation of this body.

Many scientific articles addressing the problem of reforming the UN Security Council, as well as other problems close to the topic of our study, are published both by various periodical scientific publications and by non-profit organisations of scientists and specialists in the field of international relations. In particular, Center for UN Reform Education, Global Policy Forum, Security Council Report and Council on Foreign Relations. Most scientific articles do not aim at a comprehensive study of the problem of the United Nations Security Council reformation. Moreover, in their scientific articles, researchers tend to focus on one of the main areas of reform.

Further evidence supporting UNSC reform may lie in the findings of J. Paul, C. Nahory, B. Fassbender, who pay attention to the issue of the veto right reformation despite the small prospects for introduction of such reform, largely because of resistance of the permanent members to any changes in their prerogatives and powers.

Current research seems to validate the view that there is the necessity of reforming the UNSC working methods and the prospects for the introduction of a regional representation in the UNSC. A number of scientific articles by E. Toro, J. Paul and C. Nahory, I. Endeley and N. Ronzitti represent this area of study.

In addition to the above-mentioned sources of information, scientific theses published on official websites of foreign universities and the repositories of their libraries can be used for studying the problem of the UNSC reform in the post-bipolar world. To fulfill our research, we have studied the work of E. Wirkola.

It is necessary to also note the lack of domestic fundamental and generalizing studies concerning today's problems of the function of the UN, in particular the reform of the UN Security Council. A relatively small number of scientific publications have been devoted to the UN contribution to the conflict in Ukraine, which could provide an objective assessment of the UN peaceful regulation and could help

to formulate specific recommendations and suggestions for improving the activity of the UNSC in resolving the Ukrainian crisis and similar conflicts. For example, the proposals and recommendations on Ukraine's position on restricting/denying the veto right of the aggressor state have not been particularly developed.

The literature shows no consensus on the issue of Security Council Reform. Much of the current debate revolves around the certain areas of the reform, namely:

1. The issue of membership and changes of the composition of the UN Security Council. Studies in this area consider the possibility of increasing the number of both permanent and non-permanent members of the Security Council and forecast the possible impact of such changes on the functioning of the UN and of the international system;

2. Reform of the working methods of the Security Council. This research area concerns the possibilities of making changes into the procedural rules and methods of work of the UN Security Council that would help to increase transparency of its functioning;

3. Veto right reform. Within the framework of this direction, researchers defend three points of view: veto right should be eliminated, preserved or limited;

4. Regional representation. This line of research examines the advantages and disadvantages of obtaining membership in the UN Security Council for regional associations and organisations such as the European Union.

On the basis of the issues currently available in existing works such as the main features of the activities of the UN, mechanisms for conflict management, principles of the UN and its role in the system of international organizations, and the effectiveness of the UNSC activity, it seems fair to suggest that the main arguments can be advanced to support the international cooperation deepening, specification of strategic directions of the UN, and defining the strategic importance of Security Council Reform.

In the research, the institutional method was used for considering the UN Security Council as an international institution, its powers, and functions, as well as the norms which regulate its activities, as it's enshrined in international law. Also, the historical method was

used for the study of the history of UN Security Council functioning, the activities of Member States of the UNSC and the process of the proposals' providing for Security Council reform, etc. The behavioral method helped to research positions and statements of the permanent members of the UN Security Council, their goals, attitudes, and motivation. The method of documents analysis was used for investigating the proposals for reform of the UN Security Council which have been proposed by the member states of the organization and the internal organs of the UN, as well as for the study of reports, resolutions, transcripts of meetings of the main United Nations institutions, etc.

Consequently, the purpose of this article is to identify the reasons for the lack of power of the United Nations Security Council to respond to threats and violations of peace in the post-bipolar international system, and to examine the main proposals for reform of this international structure. In particular, the task is to establish the reasons for non-interference of the UN Security Council in a number of large-scale conflicts, to identify and systematise the main proposals for its reform, and to study the prospects for introducing this innovation.

The UN Security Council: basic suggestions for reform

The Security Council is the most powerful body of the United Nations, on which according to the UN Charter primary responsibility for the maintenance of international peace and security is imposed.[25] While other parts of the UN can exceptionally make recommendations, the Security Council has the power to make decisions that member states are obliged to obey. This gives the Security Council a very important and powerful position in the United Nations and in the world.[26]

The UN Security Council is composed of fifteen states, five of which are permanent members.[27] The latter – the USA, the United Kingdom, France, the Russian Federation, and the PRC – have the power to "veto" (from Latin vetō – 1 forbid) substantive decisions of the Council.[28] The other ten non-permanent members of the Security Council are elected by the General Assembly for two-year terms; with five members elected each year.

In the key realm to peacekeeping and security, the Council has three main functions:

- contributes to the peaceful resolution of conflicts;
- establishes the UN peacekeeping forces and exercises control over them;
- carries out coercive measures against states that violate international law.[29]

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Acting under Chapter VI of the UN Charter, the Security Council shall, when it deems necessary, call upon the parties to a dispute to settle it by negotiation, enquiry, mediation, conciliation, arbitration, or judicial settlement (Article 33 of the UN Charter). The Council also may, if all the parties to a dispute request, make recommendations to the parties with a view to a peaceful settlement (Article 38 of the Charter).[30] While fulfilling its duty to safeguard international peace and security, the Council frequently authorises the deployment of peacekeeping operations as a means to end conflicts or to preserve shaky peace accords. With the aim of ensuring security, political support and facilitating peacebuilding, the Council usually deploys the UN peacekeeping forces only after ceasefire between the parties have been agreed upon.[31]

In addition, the UN Security Council can carry out more resolute and 'hard' enforcement actions than peacekeeping. Chapter VII of the UN Charter grants it the power to carry out such compulsory actions. According to it, the Council has the right to determine independently whether there was a threat to peace or if it was violated, and authorises it to impose economic and military sanctions, or to use armed forces (military, naval, or air) to maintain or restore international peace and security.[32]

Thus, the UNSC should normatively play a major role in the current global system of international security. Having the right to make decisions of an imperative nature, in particular the authority to apply economic sanctions and military force against states that violate the principles of international law, and to apply a wide range of coercive methods, the UN Security Council should act as a guarantor of peace and security on a humanity scale.

However, being created after the Second World War by the victorious powers, the Security Council does not meet modern geopolitical realities. In particular, the institution of permanent membership of the Security Council does not consider the presence of new centers of influence that have appeared after the end of the war and make a sig-

nificant contribution to financing the UN and conducting its peace-keeping operations (Japan, Germany, India, etc.). In the end, several of the above-mentioned armed conflicts point to the inefficiency of the Security Council's work.

Proposals for reforming the UN Security Council are pushed by member states dissatisfied with various aspects of functioning of this international security body. We can divide these proposals into three categories of reform:

- changes of the composition;
- change of working methods;
- reform of the veto right of the permanent members.

Formal discussion on the problem of increasing the number of the Security Council members began in 1991.[33] As Melanie Zorn points out, there are three main reasons that justify the need to reform the Council's membership:

1. Changes in global power structure. Five permanent members of the Security Council today reflect the global power structure that existed after World War II, despite the emergence of new centers of power over the past 70 years.

2. The problem of representativeness of the UN Security Council. As supporters of the Council's enlargement note, the representation in the UN Security Council is not proportional, neither geographically nor in terms of population or number of UN members per region. For example, no country in Africa or Latin America has a permanent membership in the Security Council. Africa is the second largest continent in the world in terms of population and ranks first in terms of the number of UN member states (53 countries). Asia accounts for more than half of the world population, but China is the only Asian state with a permanent seat in the Security Council. In addition, the ratio between the number of members of the Security Council and the total number of UN member states is too small. In 1945, this ratio was 11 members of the Security Council to 51 UN member states. In 2015, this ratio is 15 members of the Security Council to 193 UN member states.

3. Disadvantages of the current structure of the Security Council. The lack of ability of the UNSC to respond quickly to threats

to peace and security is one of the most acute problems. A combination of the veto paralyzing effect on one hand and insufficient representation from 193 member states on the other is a source of the problem. This, in turn, can lead to problems in the sphere of peacekeeping. States that provide troops, funds or supplies to UN peacekeeping missions want to have a greater influence on the decision-making process.[34]

All the proposals put forward in this area of reforming the UN Security Council belong to the issue of an expansion of its composition. Proponents of the UN Security Council membership reform claim that increasing the number of its participants will increase the level of democracy and representation of the body, which it lacks. The main obstacle to the implementation of such a reform is disagreement in the views of the UN members on whether to grant the new members of the Security Council 'permanent' membership or the veto right. Thus, Brazil, India, Japan and Germany (the 'Group of Four') demand for themselves the status of permanent members of the body. They also propose reducing their financial contributions to the UN budget and the number of their own contingents involved in UN operations if their demands are not satisfied;[35] African members of the UN also speak in favor of expanding the Security Council membership and demand the provision of permanent seats for two states of the continent. However, a number of states that have formed the interstate group 'Uniting for Consensus' promote the idea of expanding the non-permanent composition of the Security Council without increasing the number of its permanent members. They oppose giving new members of the Security Council the veto right, claiming that an addition of permanent seats violates the principle of sovereign equality of states.[36] According to them, the provision of permanent seats to new members can also exacerbate regional rivalries among the states of the subcontinent (for example, between Argentina and Brazil, or India and Pakistan).[37]

An integral part of the EUSC's membership reform is the issue of introducing regional representation in it. Regional representation is an alternative concept of reforming participation in this body, according to which permanent seats in the UN Security Council should be provided to regional organisations and blocs, rather than individual states.[38] 10-15 members of the intergovernmental group 'Uniting for Consensus', in particular, Italy, Spain, Argentina, Mexico and Malta, as

well as organisations such as the League of Arab States and the Organisation of Islamic Cooperation, expressed their support for this idea of reformation.[39] However, the idea of introducing a regional representation did not receive broad support among the UN members. Moreover, such permanent members of the Security Council as the United States and Russia rejected it. According to them, proposals to expand the membership of the UN Security Council should target specific states. Applicants for permanent membership in the Security Council also criticised it.[40]

The second direction of the UN Security Council reform concerns a change in the Council's methods of work. It has been on the agenda of the UN members since the 1990s. Initiatives to reform the working methods of the UN Security Council aim at achieving three main goals – transparency and accountability of the Council, as well as the possibility of participation of non-member states in its work.

The Security Council, under UN members' pressure, has already taken some measures to increase the transparency of its activities. For example, the Security Council now holds more meetings that are public, and consults with external actors, including non-governmental organisations, more frequently. It has also given other UN members the opportunity to speak before the Security Council and has made a special effort to enhance relations with troop contributing countries, meeting with them on a regular basis.[41] Since 1993, members of the Security Council have created a number of initiatives aimed at changing its working methods. Such initiatives were as follows: the publication of the daily programs and the monthly schedule of the work of the Council; draft versions of its resolutions; providing the opportunity for the members of the UN Security Council to invite experts and representatives of civil society to its 'private' meetings, etc.[42]

However, as J. Paul and C. Nahori claim, to achieve the goals of the UN Security Council reformers, there are still many things to change. According to the researchers, the Security Council should abandon its temporary procedural rules in favor of permanent members. It also should find ways to obtain support from the UN Secretariat and institutionalise the presidency of the Security Council (to increase the term of chairmanship of its members from one month to six or more). The authors propose the UN Security Council transfer more of its work to its subsidiary bodies, as well as to strengthen the work of expert groups, and establish a constant exchange of information between

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them. In addition, the Security Council should work more on finding accurate information through consultations with international actors of all kinds, especially with non-governmental organisations.[43]

The use and proposals for the veto right reform in the light of conflict in the East of Ukraine

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In our opinion, reform of membership in the UN Security Council and its working methods will help to increase its democracy, representativeness and transparency. However, these areas of reform cannot significantly enhance the effectiveness of this international body, as well as the ability to intervene in the large-scale conflicts of the present and solve them. The expansion of the Security Council will even lead to deterioration of its ability to response to the peace violations and threats rapidly.[44] Consequently, reform in the composition and working methods of the Security Council is not relevant, while the problem of reform in practice of using the veto right by the permanent members of the UN Security Council is extremely acute. In our opinion, the veto right is the main obstacle to the fulfillment of the Council's main functions – maintenance of peace and security. Therefore, it requires the main attention of the international community. To confirm this thesis, let us consider the mechanism of decision-making in the Security Council.

The Security Council's decisions are in the form of resolutions. One or more Security Council members propose its draft and transmit it to the other members for consideration. It (the document) is discussed and, if necessary, is changed after consultations with members of the Security Council. When all members of the Security Council reach agreement on the final version of the resolution, it is formally submitted to the Security Council.[45] In voting for the adoption of the resolution, each member of the Security Council has one vote (Article 27 of the UN Charter).[46]

Questions submitted for UN Security Council consideration are of two types – procedural and substantive. The Security Council's decision on procedural matters is taken by a majority of nine votes of any members of the Security Council. The decisions of the Security Council on substantive issues call for a positive vote by nine members of the Council, including the votes of all five permanent members.

So, formally, the word 'veto' is not used in the UN Charter. Nonetheless, through the above-mentioned mechanism almost every per-

manent member of the Security Council has the opportunity to block the decision. If at least one of them votes against the resolution, it is considered not adopted. However, a resolution may be adopted when a permanent member abstains from voting.[47]

This decision-making mechanism enables permanent members of the UN Security Council to abuse their veto right for realizing their national interests, including cases when they violate the rules and principles enshrined in the system of international law by themselves. This, in turn, can have unpredictable consequences, because blocking the actions of the international community in ending the development of armed conflicts inevitably leads to an escalation of such conflicts and an increase in the number of their victims. For example, in scientific literature and rhetoric of the United Nations' members, the accusations of Britain for its power abuses in 1982 are quite common. Accordingly, the UN was unable to prevent Britain from starting a war with Argentina for the Falkland Islands. Another example is the tough criticism of the US for the invasion of Iraq in 2003.[48] Russia and China are widely criticised today for their support of Bashar Assad in the civil war in Syria. These countries have blocked the adoption of resolutions of Western states aimed at putting pressure on the Syrian president. Richard Govan, vice-director of the Center on International Cooperation at New York University notes that it is widely believed if the United Nations had intervened in the conflict in its early stages, when violence was on a limited scale, it would have avoided escalation of conflict to a state of civil war - the one that has lasted more than four years and claimed the lives of more than 191 thousand people. In addition, because of the actions of Moscow and Beijing, the Security Council's serious attempts to influence B. Assad, including the imposition of an arms embargo on the current Syrian regime, were blocked.[49] Undoubtedly, it is not just an issue of blocking a resolution by one of the permanent members of the Security Council regarding a conflict. It is also about the so-called 'hidden veto' – the quiet threat of a permanent member of the UN Security Council to use the veto right because of inconvenience of the situation for this member, the result of which is the blocking of resolutions at the stage of their writing and approval.[50]

In the last two years (since the annexation of the Crimean Peninsula in February 2014), the Russian Federation, being an aggressor in the conflict in the east of Ukraine in 2014-2015 (Ukraine recognised Russia as an aggressor country on 27th January 2015), has used its veto

and has blocked activities of the UN Security Council in resolving the Ukrainian crisis.[51] Both Ukrainian diplomats and foreign officials in the United Nations have already announced Russia as the implicated country. The influential international non-governmental organisation Amnesty International noted in its report that 'because of the risk that Russia is using its veto in the UN Security Council could not accept effective action when it came to events in Ukraine'.[52]

The behavior of Russian official representatives at the meetings of the Council on the Ukrainian question showed the fact that the Russian Federation blocks the actions of the UN Security Council on events in Ukraine. For example, Russia was the only member state of the Security Council that voted against the adoption of draft resolution S/2014/189 on 15th March 2014. In this resolution, in accordance with the UN Charter 42, UN member states, including Ukraine, refrained from the threat or use of force against the territorial integrity and independence of other states, and confirmed: "no territorial acquisition resulting from the threat or use of force shall be recognised as legal". They also called on the international community not to recognise the referendum held on 16th March 2014 by the occupation authorities at the Crimean peninsula as legal.[53] The fact that the Russian Federation has blocked the draft resolution mentioned above, in particular, is indicated in the list of vetoed resolutions of the Security Council published by the United Nations Library of the United Nations named Dag Hammarskjöld – the information center and the structural unit of the UN headquarters in New York.[54]

The overwhelming majority of the UN Security Council members at meeting on 15th March 2014 expressed its support for Ukraine in the military conflict in the Donbass. After the vote of 15 members of the Security Council, Gerard Araud, French Ambassador to the United Nations, expressed outrage at the Russian annexation of Crimea and recognised Russia's isolation in the UN.[55] Mark Lyall Grant, British official representative to the Security Council said that Russia's violation of international law 'is heard outside the walls of the Security Council meeting hall'.[56] In their speeches at the meeting, Lithuania, the United States and France used the word 'annexation' to describe Russia's actions on the Crimean peninsula.[57]

Moreover, according to the British government, Russia tried to prevent the adoption of the UN Security Council Resolution No. 2166 on the Malaysian Boeing 777 shot down on 17th July 2014 in the Donetsk

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region. In the Resolution, inter alia, the Security Council demanded militants refrain from any actions that could be a threat to the inviolability of the injured party, and requested the relevant investigative bodies, the OSCE Special Monitoring Mission and representatives of other relevant international organisations have safe, secure, comprehensive and unequivocal access to the site of the disaster and surrounding areas. Russia motivated such actions by the fact that there were no problems with access to the drop site of the downed aircraft, despite the OSCE report, which has contradicted the statements of Russian representatives.[58] According to the representatives of Ukraine, Russian military personnel shot down the Malaysian Boeing 777. It serves as confirmation of Russian military aggression against Ukraine.[59]

Because of Russia's actions, the Security Council could not accept two other important statements. The first statement, scheduled to take place on 31st October 2014, condemned the illegal 'elections' in the Donbass, which took place on 2nd November 2014 in the occupied territories of the Lugansk and Donetsk regions. As the Ukrainian Foreign Ministry noted in its commentary, the draft statements condemn the said "elections" in the East of Ukraine that not only violated the Constitution and laws of Ukraine, but also caused serious damage to the Minsk accords. Therefore, by blocking this statement in the UN Security Council Russia once again demonstrated its unwillingness to implement the Minsk agreements, despite being the one of its signatories.[60]

In addition, the Russian Federation blocked the statement of the Security Council condemning shelling of the Ukrainian city of Mariupol controlled by the Ukrainian authorities on 24th January 2015, which killed 30 and injured more than 100 civilians. The shelling, as defined by the OSCE special monitoring mission (CMM), was conducted from a territory controlled by the Donetsk People's Republic group, which is believed to be controlled by Russia.[61] It is worth mentioning that the Russian Federation also blocks the initiatives of the international community to resolve the conflict in the Donbass region within the Organisation for Security and Cooperation in Europe (OSCE). It once again proves the desire of this state to prevent any actions aimed at resolving, or at least freezing the armed conflict in eastern Ukraine.[62]

Therefore, the inability of the UN Security Council to intervene in the Russian-Ukrainian war in 2014-2015 is connected with the blocking by the Russian Federation of any initiatives of the Council mem-

ber states aimed at resolving this conflict. Russia abuses the veto right granted to it as one of the five permanent members of the Security Council to commit military aggression against another state.

Undoubtedly, the problems of the functioning of the UN Security Council and the imperfection of its decision-making mechanisms that arise from the shortcomings of the United Nations Charter adopted in 1945 have a direct impact on the fate of Ukraine today. This has led Ukrainian society and Ukrainian leadership to take a fresh look at the problem of the UN Security Council reform. Ukraine continues to emphasise the need for reform. Therefore, Ukrainian experts even joined in the development of a draft on this issue, concentrating their attention firstly on the need of expanding the composition of this international body. However, as noted by R. Guban, the previous position of Ukraine was suspended.[63] Today, in our opinion, the issue of reform of the UN Security Council for Ukraine is fundamental and should become one of the priorities of its foreign policy.

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On 11th February 2015, the permanent representative of Ukraine to the UN, Yuriy Sergeyev, announced Ukraine's new official position on reforming the key international security body. The Ukrainian crisis became an example of the United Nations' loss of its legal capacity, and thus the UN Security Council should be reformed immediately. In addition, the Ukrainian party at the intergovernmental forum on the reform of the UN Security Council noted that Ukraine itself felt the lack of action of the UN Security Council in the case when one of the five permanent members is an aggressor, and this state of affairs needs to be changed.[64] As early as December 2014, the President of Ukraine Petro Poroshenko, in an interview to the Australian television channel ABC, talked about the necessity of reformation in the functioning of the UN Security Council. Later the Ukrainian president also noted the ineffectiveness of the post-war global security system in general and the UN Security Council in particular and said that to improve the effectiveness of the latter, it is necessary to remove from the veto right from permanent members.[65]

The reasons for this position of Ukraine, in our opinion, are obvious. Ukraine has to advocate the veto reform in the UN Security Council because of the pressure of the Russian Federation that is a direct participant in the war in the East of Ukraine. It blocks any initiatives and resolution on the solution of the Ukrainian crisis making the influential international security organ powerless in halting military aggres-

sion. Specific cases of abuse of the veto right by the Russian Federation in the United Nations Security Council to realise its own predatory aspirations were cited in the first paragraph of this section.

Undoubtedly, the mechanism of decision-making in the UN Security Council, the shortcomings of which we have described above, must be changed, since it does not correspond to the modern geopolitical situation on the planet. As the Ukrainian diplomat Bohdan Yaremenko notes, the rules of the UN Security Council, were written 'to the Soviet Union' by other victorious powers in the Second World War. They were written out in such a way that the powers of the two inveterate blocs could not impose their own opinions on issue, and of course, it is the rudiment of the political system in the world.[66] There are only two ways to reform the veto - its complete elimination or restriction of its use by the five permanent members of the UN Security Council.

Neither representatives of the Ukrainian government, nor the Ministry of Foreign Affairs of Ukraine have put forward specific proposals on how to reform the veto right of the five permanent members of the UN Security Council. For today, we have only comments of the Ukrainian Minister of Foreign Affairs Pavlo Klimkin on this issue.

The first comment P. Klimkin gave in an interview with Channel 5 in November 2014. Speaking on the issue of reform of the Security Council, he said, 'a radical reform of the UN system, and in particular of the Security Council, is needed. We cannot allow in the twenty-first century the veto right belonging to country that carried out acts of aggression against another country... There are many countries now, which perfectly understand the need of such reform. Due to such reform, Russia cannot own veto. The veto of a permanent member of the Security Council should be limited, and some even talk about the collective veto right'.[67] For the second time, Pavlo Klimkin started to talk about reforms in the veto right of the Security Council in an interview with 1+1 TV channel in April 2015: 'We spent years talking about the reform of the UN Security Council... We cannot agree on how to limit the veto use'.[68] Therefore, since Ukrainian diplomats are negotiating with other UN member states on the limitation of the veto, we can conclude that its total elimination in the Security Council is not possible now.

Position of the permanent members of the UN Security Council on the reform of the veto right

Let us consider possible options for reform of the veto right of the UNSC five permanent members. The international community has put forward the following proposals for reform:

1. Decision-making in the UN Security Council should solely be done by the consensus of all member states. As the permanent representative of Ukraine in the UN, Yuriy Sergeyev, notes in his author's column of *Ukrainian Week*, 'this will lead to even more problems. Any country can break a consensus, and there will be no solution'.[69] We agree the opinion that such reform of the veto right will not deprive Russia the opportunity to block the activities of the Security Council on Ukraine. In addition, agreeing on common position of the 15 members of the Council will be more difficult than between the five permanent members.

2. The proposal of France, first announced in 2001, is the voluntary refusal of the permanent members of the UN Security Council to use their veto right in cases of mass atrocities to which France itself includes genocide, crimes against humanity and large-scale war crimes. In 2013, Francois Hollande again put forward this proposal, and Laurent Fabius, French Foreign and European Affairs Minister laid out its essence in an article for the *The New York Times*. It is that 'the five permanent members of the Security Council – China, France, Russia, the United Kingdom and the United States - could voluntarily agree on the regulation of their right to use the veto ... That is, if the Security Council needed to decide on a mass crime, the permanent members would agree to suspend their veto right. The criteria for the implementation of this agreement would be simple: at the request of at least 50 member states, the UN Secretary General would be obliged to determine the nature of the crime. After making a decision, the code of conduct would be applied immediately'.[70] In our opinion, such a proposal to reform the veto right in the Security Council does not satisfy Ukraine, because in its essence it is a proposal for the conclusion of a 'gentlemen's agreement' between the five permanent members of the Council. As is known, the gentlemen's agreement does not lead to any legal obligations of its participants, and, accordingly, they can violate it at any moment. For

example, Russia may 'not notice' the commission of war crimes by separatists in the East of Ukraine.

3. Permission to use veto right only if two or more permanent members of the Security Council voted against the decision at the same time. Such a reform would significantly limit the influence of a single member on decision-making. Especially considering that according to information published by the United Nations Library under the name of Dag Hammarskjöld, between 1946 and 2014 a collective veto was imposed only 30 times, while during the same time single vetoes were imposed 162 times.[71] However, even if such a reform is implemented for Ukraine, there will still be a risk from the Russian Federation to block the Security Council's activities on the Ukrainian crisis due to support of Russia's actions by China. This is supported by the fact that over the past 8 years the two states have jointly vetoed the Security Council resolutions six times,[72] and are historically considered old allies.[73]

4. The use of veto exclusively to the issues provided by Chapter VII of the UN Charter ('Actions with respect to threats to the peace, breaches of peace, and acts of aggression'). Such a reform in no way will limit Russia's ability to block the actions of the Security Council against Ukraine.

5. Introduction of the possibility of overcoming veto by a two-thirds majority of UNSC. Since such a proposal provides for the possibility of overcoming the permanent member's veto on any issue, in our opinion, the permanent member states will not dare consent to such a reform. For example, the United States is unlikely to give up the opportunity to support Israel in the Middle East conflict, despite the fact that from 1972 to 1997 its allies (France and the United Kingdom) voted on the Palestine issue opposite the United States position in almost 80% of cases.[74]

Considering the unlikeliness of the permanent members' consent to such reform, we do not recommend Ukraine to lobby it at the UN member states' negotiations. Today Ukraine should put forward proposals that would limit the veto right exclusively to the aggressor country, taking into account the fact that such proposals are quite ambitious. Since France could not persuade the five permanent members of the Security Council to conclude a gentlemen's agreement on voluntary abstention from using veto in cases of terrible crimes for 15 years

(2001-2015), it will be very difficult for Ukraine and the world community to persuade the permanent members of the Security Council to amend the UN Charter.

Since the UN Charter granted the veto right to the five permanent members, it is possible to liquidate or restrict it only by amending this document. According to Article 108, amendments to the UN Charter 'shall come into force for all members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the members of the United Nations, including all the permanent members of the Security Council'.[75] In other words, each of the five permanent members of the Council has the right to block the veto reform. Therefore, in order to establish the possibility for such a reform, we will consider the official positions of the PRC, Britain, France, the Russian Federation and the United States of America on the issue of reforming the veto right.

The Russian Federation and the United States are categorically against the reform of this right. Russia's former Permanent Representative to the UN, V. Churkin (2006-2017), voiced the position of the country on 26th September 2014. He stated that Russia 'is against any changes regarding the veto right'.[76] The United States of America also opposes restrictions on the veto right. Even though US officials rarely comment the question of reforming of the right, the United States position on the issue is indicated, in particular, in the report 'United States Participation in the United Nations for 2001', published on the official website of the US State Department. The main idea is that 'the United States continues to resist the attempt to make any changes in the status and prerogatives of the currently existing defined by the UN Charter permanent members, including the establishment of any restrictions on the use of veto'.[77] In the annual reports 'United States Participation in the United Nations for 2002' and 'United States Participation in the United Nations for 2004' this phrase was repeated.[78] Similarly, on 15th November 2012, at a speech in the UN General Assembly, Rosemary Di Carlo, U.S. Deputy Permanent Representative to the United Nations, made a comment on the possibility of increasing the number of permanent members of the Security Council. She stated, 'The United States is not open to an expansion of the Security Council that would lead to a change of current structure of the veto'.[79] Also, note that the US did not support

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the initiative of France to refuse the use of this right in cases of mass atrocities voluntarily.[80]

As Michael Teng points out, France has also revealed its reluctance to lose the veto right of a permanent member of the Security Council.[81] While France's position on restricting the veto right is not known, it was precisely this state that proposed the conclusion of a 'gentlemen's agreement' on the voluntary refusal to use it in cases of mass atrocities.

The United Kingdom is the only permanent member of the United Nations Security Council, supporting the above-mentioned proposal by France to renounce the use of the veto voluntarily.[82] At the same time, we cannot forecast the UK's attitude to the possible restriction of the veto right of a permanent member of the Security Council. The United Kingdom's official representatives discuss the reform of the Security Council, focusing exclusively on the expansion of this body, completely ignoring the problem of reforming the veto right.

The position of the current government of the PRC on reforming the veto right in the Security Council also remains unknown. However, according to S. Patrick, the PRC refused to support France's proposal to restrict the veto right in cases of mass crimes voluntarily, declaring its disagreement with such restrictions.[83] Therefore, we can assume that since China refused to conclude a 'gentlemen's agreement' which would restrict its veto right, the Chinese government will probably resist such changes to the UN Charter.

Therefore, two permanent members of the UN Security Council (the Russian Federation and the US) are openly opposed to reform of the veto; China is negative to such a reform as well. No preconditions to believe that France and the UK will support the reform of veto right are yet available. Therefore, we can conclude that today the reform of the veto right in the Security Council is impossible.

In our opinion, none of the above-mentioned proposals to limit the veto right meets the challenges of international security provoked by the conflict in the East of Ukraine. In this regard, we propose our own way of limiting the veto right of the permanent members of the UN Security Council, which presupposes the following steps:

1. State parties to the conflict are invited to attend a meeting of the Security Council relative to this conflict;

2. In their speeches, the participants give evidence of the partici-
pation of the UNSC permanent member in the conflict;

3. The Council holds a vote for the recognition of a permanent
member of the UN Security Council as a participant of the conflict.
If 12 of the 15 members of the Security Council vote positively, such
permanent member loses right to veto decisions on a conflict in
which it is recognised a participant.

Such a mechanism would increase the influence and significance
of non-permanent members of the UN Security Council, stimulate
the international prestige of the institution of non-permanent mem-
bership and partially will solve the problem of representativeness in
the Security Council. Nevertheless, the mechanism for limitation the
veto of a permanent member of the Security Council proposed by us
will not make it possible to influence such conflicts as a civil war in
Syria. This is an example of a conflict where a permanent member of
the Security Council is not directly involved, but abuses the veto to
achieve its strategic interests despite the large number of victims of
such a conflict.

As we noted above, the proposals for reform of the veto right are
ambitious. It is unlikely that the changes necessary for such reform
will be made in the Charter of the United Nations in the near future.
Nevertheless, as noted by Yuriy Sergeyev, in 2015 the UN is in a critical
state, since today it is not able to fulfill its main function - to safeguard
peace and stability.[84] Therefore, the future existence of the United Na-
tions and the future of the entire international security system depend
on today's initiatives on reform of the UN Security Council as a key
body for maintaining peace.

Conclusions

From the inception of the creation of the United Nations, the United
Nations Security Council, as the guarantor of international peace and
security, has broad powers to influence states that violate international
law (the right, at its discretion, to apply sanctions and military force
against violators of peace and security). At the end of the 20th and the
beginning of the 21st century, it proved to be powerless in resolving
a number of large-scale armed conflicts. Members of the United Na-
tions and experts in the field of international relations often criticise
its activities. One of the main reasons for criticism of this internation-

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al security organ is the imbalance between the five permanent members of the Security Council and the rest of the UN member states. Enshrined in the UN Charter in 1945 by the World War II victorious nations, such imbalance gives the United States, Britain, France, Russia and the People's Republic of China the opportunity to 'play not according to the rules' in situations favorable for them.[85] Therefore, in connection with its inability to fulfill its functions and responsibility for ensuring international peace and security, it is necessary to search for mechanisms of reforming the UN Security Council to improve its effectiveness.

In the early 1990s members of the United Nations began actively to propose options for reform of the Security Council. These proposals of the UN member states on reforming the Security Council cover three key problems: the composition of the Council, the use of the veto right and non-transparent methods of work. However, as shown by the analysis of the decision-making mechanism of the Security Council, it is possible to increase the effectiveness of the UN Security Council only by reform of the veto right.

The main obstacle to such reform is the need to convince the five permanent members of the Council to limit themselves in using a tool that allows them to influence the entire international system. As the analysis of the statements and official positions of the five permanent members of the UN Security Council shows, these states oppose the restriction of their rights and prerogatives, and, therefore, do not consent to such a reform. Nevertheless, today the United Nations is in a critical state, as they are unable to fulfill its basic function of ensuring peace and stability on the planet.

Consequently, having considered the cases of the United Nations and the UN Security Council's failures to intervene in major international or domestic conflicts, it should be noted that the non-interference of the UN (the organisation which was created for the maintenance of peace and security) in wide-ranging conflicts is associated with the abuses of the permanent Council members' rights, granted by the UN Charter. In our opinion, for the same reason, the United Nations Security Council is unable to influence the resolution of the conflict in the East of Ukraine. The failure of the UN Security Council to intervene in the Russian-Ukrainian war (2014-ongoing) is related to the Russian Federation blocking any initiatives of the Council's member states aimed at conflict resolution. Russia abuses the permanent

Security Council's members veto right for the purpose of committing military aggression against another state.

Hence, the future effective existence of the United Nations and the future of the entire international security system depend on today's initiatives to reform the UN Security Council as a key body for peacekeeping. In this context, further studies of the possibilities and options for reformation of the UN Security Council are promising. The position of Ukraine, which became a victim of the aggressor – a permanent member of this structure – should also be taken into account. The detailed study of proposals provided by official representatives of the state of Ukraine, as well as analysts, publicists on reformation of the UN Security Council are of huge importance.

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Considering the opposition of the permanent members of the Security Council on reforming the veto right, a reform must be one that seeks for restricting the veto right only in cases of extreme necessity. None of the ways limiting the veto right in the Security Council proposed by the international community today meets this criterion. In this regard, the authors' suggestion developed in this work is limiting the right to veto decision of the Security Council's permanent member on a conflict, of which it (the permanent member) was recognised as a participant by thirteen member states of the UN Security Council in a special vote. Such a mechanism would increase the influence and significance of the non-permanent members of the UN Security Council, the international prestige of the institution of non-permanent membership and partially will solve the problem of representativeness in the Security Council. Nevertheless, the proposed mechanism for limiting the veto of a permanent member of the Security Council will not influence conflicts such as the civil war in Syria. In other words, one when a permanent member of the Security Council is not directly involved in the conflict, but abuses the use of the veto to achieve its strategic interests, despite a large number of victims in such a conflict.

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Notes

1   Gareth Evans (2014), 'The *Security Council's* Credibility *Test', The Day: Newspaper*, 4 November, available at: <http://m.day.kiev.ua/uk/article/svitovi-diskusiyi/ispit-dlya-radi-bezpeki-oon> (accessed 26 November, 2016).
2   Isaac N. Endeley (2009), *Bloc Politics at the United Nations: The African Group,* Lanham: University Press of America, 60 p.
3   Chithra Karuna Karan (2003), 'The In-Security Council – Dump It or Grow It?', *mediamonitors.net*, available at: <https://www.globalpolicy.org/security-council/security-council-reform/41169.html> (accessed 12 May, 2016).
4   Edward Luck (2006), *UN Security Council: Practice and Promise*, Abingdon: Routledge, 186 p.
5   Fakiha Mahmood (2013), 'Power Versus the Sovereign Equality of States: The Veto, the P-5 and United Nations Security Council Reforms", *Perceptions,* No.8, p. 117-138.
6   Stewart M. Patrick (2015), 'Limiting the Veto in Cases of Mass Atrocities: Is the Proposed Code of Conduct Workable?', *Council on Foreign Relations*, available at: <https://www.cfr.org/blog/limiting-security-council-veto-face-mass-atrocities> (accessed 23 January, 2016).
7   Danesh Sarooshi (2001), 'Security Council', in Joel Krieger (Ed.) *The Oxford Companion to Politics of the World,* New York: Oxford University Press, p. 759-760.
8   David Schweigman (2001), *The Authority of the Security Council Under Chapter VII of the UN Charter: Legal Limits and the Role of the International Court of Justice*, Hague: Kluwer Law International, 354.
9   Lydia Swart and Jonas von Freiesleben (2013), *Security Council Reform From 1945 To September 2013*, New York: Center for UN Reform Education.
10 Elida Wirkola (2010), 'Reform of the UN Security Council and Veto Player Theory: Master Thesis', *University of Oslo*, available at: <https://www.duo.uio.no/bitstream/handle/10852/13023/MasteroppgavexElidaxRxHxWirkola.pdf?sequence=1> (accessed 19 June, 2017).
11 Melanie Zorn (2007), 'The United Nations Security Council: Reforms concerning its membership – An Overview', *Center for UN Reform Education*, available at: <http://www.centerforunreform.org/sites/default/files/Overview%20%282007%29.pdf> (accessed 22 February, 2017).
12 James Paul and Céline Nahory (2005), 'Theses Towards a Democratic

Reform of the UN Security Council', *Global Policy Forum*, available at: <https://www.globalpolicy.org/security-council/security-council-reform/transparency-including-working-methods-and-decisionmaking-process/41131.html?itemid=914> (accessed 13 July, 2016).

13 Celine Nahory (2004), 'The Hidden Veto', *Global Policy Forum*, available at: <https://www.globalpolicy.org/security-council/42656-the-hidden-veto.html> (accessed 10 May, 17.

14 Michael Teng (2017), 'United Nations Security Council Reform', *Stanford University*, available at: <http://web.stanford.edu/class/e297a/United%20Nations%20Security%20Council%20Reform.doc> (accessed 19 June, 2017).

15 C. Eduardo Vargas Toro (2008), 'UN Security Council Reform: Unrealistic Proposals and Viable Reform Options', *American Diplomacy*, available at: <http://www.unc.edu/depts/diplomat/item/2008/1012/comm/vargas_un.html> (accessed 22 November, 2016).

16 Natalino Ronzitti (2010), 'The Reform of the UN Security Council', available at: <https://www.globalpolicy.org/images/pdfs/lAI_Report_1.pdf> (accessed 13 July, 2017).

17 Thomas G. Weiss (2003), 'The Illusion of UN Security Council Reform', *The Washington Quarterly*, No.26, p. 147-161.

18 Thomas G. Weiss (2009), *What's Wrong with the United Nations and How to Fix it*, Cambridge: Polity Press, 292 p.

19 Edmund Jan Osmańczyk and Anthony Mango (2003), *Encyclopedia of the United Nations and International Agreements,* London: Taylor & Francis.

20 'Transparency and Working Methods' (2017), *Global Policy Fo*rum, available at: <https://www.globalpolicy.org/security-council/security-council-reform/transparency-including-working-methods-and-decisionmaking-process.html> (accessed 19 June, 2017); 'UN Security Council – Profile' (2013), *BBC*, available at: <http://www.bbc.com/news/world-11712448> (accessed 25 September, 2017); 'UN Security Council' (2017), *Global Policy Forum*, available at: <https://www.globalpolicy.org/security-council.html> (accessed 19 June, 2017); United Nations General Assembly Meeting on 15 November [2012 A/67/PV.38], *United Nations*, available at: <http://unispal.un.org/pdfs/A67PV38.pdf> (accessed 15 November, 2016); United States Participation in the United Nations for 2001. Report by the President to the Congress [2003], available at: <http://www.state.gov/p/io/rls/rpt/2001/c8872.htm> (accessed 20 March, 2016); United States Participation in the United Nations for 2002. Report by the Secretary of State to the Congress [2003], available at: <http://www.state.gov/p/io/rls/rpt/2002/c10909.htm> (accessed 2 October, 2016); United States Participation in the United Nations, 2004. Report by the Secretary of State to the Congress [2005], available at: <http://www.state.gov/p/io/rls/rpt/c15906.htm> (accessed 2 september, 2016); 'What is peacekeeping?' (2017), *United Nations Peacekeeping*, available at: <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml> (accessed 19 June, 2017).

21 The Charter of the United Nations [1945], *United Nations Department of Public Information*, available at: <https://unic.un.org/aroundworld/unics/common/documents/publications/uncharter/UN%20Charter_Ukrainian.pdf> (accessed 19 June, 2017); 'Membership Including Expansion and Representation' (2017), *Global Policy Forum*, available at: <https://www.globalpolicy.org/security-council/security-council-reform/membership-including-expansion-and-representation.html> (accessed 19 June, 2017);

'Regional Representation' (2017), *Global Policy Forum*, available at: <https://www.globalpolicy.org/security-council/security-council-reform/regional-representation.html> (accessed 19 June, 2017); Resolutions on Political Affairs Adopted by the 36th Session of the Council of Foreign Ministers [2017], *Organization of Islamic Cooperation*, available at: <http://www.oic-oci.org/subweb/cfm/42/en/42cfm_res_pol_r2_en.pdf> (accessed 19 June, 2017); Third Meeting on Security Council Reform Looks at Regional Representation [2009], *Center for UN Reform Education*, available at: <http://www.centerforunreform.org/?q=node/395> (accessed 2 April, 2017).

22 Michael J. Butler (2009), *International Conflict Management,* Abingdon: Routledge, 304 p.

23 Lydia Swart and Jonas von Freiesleben (2013), *Security Council Reform From 1945 To September 2013*, New York: Center for UN Reform Education.

24 Bardo Fassbender (1998), *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*, The Hague: Kluwer Law International.

25 'UN Security Council' (2017), *Global Policy Forum*, available at: <https://www.globalpolicy.org/security-council.html> (accessed 19 June, 2017).

26 Michael Teng (2017), 'United Nations Security Council Reform", *Stanford University*, available at: <http://web.stanford.edu/class/e297a/United%20Nations%20Security%20Council%20Reform.doc> (accessed 19 June, 2017).

27 David Schweigman (2001).

28 Edmund Jan Osmańczyk and Anthony Mango (2003).

29 Danesh Sarooshi (2001), p. 759-760.

30 The Charter of the United Nations [1945].

31 Michael Butler (2009); 'What is peacekeeping?' (2017).

32 The Charter of the United Nations" [1945].

33 E.Wirkola (2010).

34 M. Zorn (2007).

35 'Membership Including Expansion and Representation' (2017).

36 Elida Wirkola (2010).

37 'Regional Representation' (2017).

38 'Regional Representation' (2017).

39 Third Meeting on Security Council Reform Looks at Regional Representation [2009]; Resolutions on Political Affairs Adopted by the 36th Session of the Council of Foreign Ministers [2017].

40 Natalino Ronzitti (2010); 'Third Meeting on Security Council Reform Looks at Regional Representation" (2009).

41 'Transparency and Working Methods' (2017).

42 Lydia Swart and Jonas von Freiesleben (2013).

43 James Paul and Céline Nahory (2005).

44 C. Eduardo Vargas Toro (2008).

45 'UN Security Council – Profile' (2013).

46 The Charter of the United Nations [1945].

47 'UN Security Council – Profile' (2013).

48 Michael Teng (2017); C. Karuna Karan (2003); 'Falkland Islands conflict: to be continued?' (2010), *DeutscheWelle*, available at: <http://www.dw.de/фолклендський-конфлікт-далі-буде/a-5279392> (accessed 23 February, 2016).

49 Richard Gowan (2014), 'An unlikely push for Security Council members to give up their veto power', *Aljazeera America*, available at: <http://america.

aljazeera.com/articles/2014/9/24/un-security-councilveto.html> (accessed 24 September, 2016).
50 Celine Nahory (2004).
51 VadymPyrih(2017),'UkraineofficiallyrecognisedRussiaanaggressorcountry', *Zaxid.Net*., available at: <http://zaxid.net/news/showNews.do?ukrayina_ofitsiyno_viznala_rosiyu_krayinoyuagresorom&objectId=133840> (accessed 19 June, 2017).
52 'UK: Russia blocks Security Council resolution on Boeing 777' (2014), *Radio Liberty*, available at: <http://www.radiosvoboda.org/content/article/25463912.html> (accessed 21 July, 2016), *Yuliia Vishnevetskaya (2015), 'Amnesty International calls for UN Security Council to relinquish veto', DeutscheWelle*, available at: <http://www.dw.de/amnesty-international-призывает-пересмотреть-право-вето-в-совбезе-оон/а-18277268> (accessed 25 February, 2016), 'Russia blocks a UN statement on non-recognition of pseudo-elections on 2 November' (2014), *Radio Vgolos*, available at: <http://vgolos.com.ua/news/rosiya_blokuie_zayavu_oon_pro_nevyznannya_psevdovyboriv_2_lystopada_162131.html> (accessed 31 October, 2016).
53 'Russia blocks a UN statement on non-recognition of pseudo-elections on 2 November' (2014); Draft resolution [S/2014/189], *UN Official Site*, available at: <http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/189> (accessed 15 March, 2014).
54 'Vetoes' (2017), *Dag Hammarskjöld Library*, http://research.un.org/e/docs/sc/quick/veto (accessed 19 June, 2017).
55 'Russia vetoed the UN resolution on Crimea' (2014), *BBC*, available at: <http://www.bbc.com/ukrainian/politics/2014/03/140315_security_council_crimea_it> (accessed 15 March, 2016).
56 United Nations Security Council Meeting on 15 March 2014 [S/PV.7138], *United Nations,* available at: <http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7138> (accessed 19 June, 2017).
57 'Russia vetoed the UN resolution on Crimea' (2014); United Nations Security Council Meeting on 15 March 2014 [S/PV.7138].
58 'UK: Russia blocks Security Council resolution on Boeing 777' (2014); 'MH17: OSCE monitors unable to access Ukraine crash site – reports' (2014), *Euronews*, available at: <http://www.euronews.com/2014/07/18/mh17-osce-monitors-unable-to-access-ukraine-crash-site---reports/> (accessed 18 July, 2016).
59 'Foreign Ministry: Russia has no chance to avoid the truth about downing 'Boeing' (2016), *Ukrainian Multimedia Platform for Broadcasting UKRINFORM*, available at: <http://www.ukrinform.ua/ukr/news/mzs_u_rosiii_nemae__shansiv_uniknuti_pravdi_pro_zbitiy_boiing_2045219> (accessed 19 June, 2016); 'Security Service of Ukraine: Bukmissile system, which shot down Boeing-777 was led by Russians' (2014), *High Castle Newspaper*, available at: <http://www.wz.lviv.ua/news/71123> (accessed 19 July, 2016).
60 Commentary by the Ministry of Foreign Affairs of Ukraine on the Russian Federation blocking of the UN Security Council Presidential Statement to the press regarding to the so called elections on 2 November [2014], *Official web* site of the *Ministry* of *Foreign Affairs* of *Ukraine*, available at: <http://mfa.gov.ua/ua/press-center/comments/2451-komentar-mzs-ukrajini-shhodo-blokuvannya-rosijeju-projektu-zajavi-golovi-rb-oon-dlya-presi-stosovno-tzv-viboriv-2-listopada> (accessed 31 October, 2016).

Lesia Dorosh,
Olha Ivasechko

61 'NATO: Actions of militants in the Donbass are led by Russia' (2015), *Mirror Weekly. Ukraine*, available at: <http://dt.ua/WORLD/diyami-boyovikiv-v-donbasi-keruye-rosiya-nato-171599_.html> (accessed 1 May, 2016); 'National Security and Defense Council: Putin admits his control over militants in the Donbass' (2014), *Radio Liberty*, available at: <http://www.radiosvoboda.org/content/article/26556313.html> (accessed 29 August, 2016); 'Russia has blocked a UN Security Council condemning shelling of the Ukrainian city of Mariupol' (2015), *Radio Liberty*, available at: <http://www.radiosvoboda.org/content/article/26812069.html> (accessed 25 January, 20165).

62 'Russia has blocked the expansion of the OSCE Observer Mission in Ukraine' (2014), *"24" TV News Channel*, available at: <http://24tv.ua/ukrayina/rosiya_zablokuvala_rozshirennya_misiyi_obsye_v_ukrayini/n511417> (accessed 20 November, 2016); 'Russia has blocked the decision of the OSCE on border control' (2014), *"24" TV News Channel*, available at: <http://24tv.ua/news/showNews.do?rf_zablokuvala_rishennya_obsye_shhodo_kontrolyu_za_kordonom&objectId=499977> (accessed 22 October, 2016).

63 Roman Huban (2007), Problems of implementation of the UN Security Council reform projects, *Legal journal* 11 (2007), p. 64-74.

64 'Ukraine stands for the reformation of the UN Security Council' (2015), *Mirror Weekly. Ukraine*, available at: <http://dt.ua/POLITICS/ukrayina-vistupaye-za-reformuvannya-radi-bezpeki-oon-163998_.html> (accessed 12 February, 2016).

65 'Conflict in Ukraine has demonstrated the ineffectiveness of the UN Security Council: Poroshenko' (2014), *The Ukrainian Week*, available at: <http://tyzhden.ua/News/125730> (accessed 13 December, 2016).

66 'UN Security Council cannot make statements on Ukraine, while they are blocked by Russia – experts' (2015), *Television Service of NewsTSN.ua.*, available at: <http://tsn.ua/politika/radbez-oon-ne-zdatniy-priymati-zayavi-schodo-ukrayini-poki-yih-blokuye-rosiya-eksperti-405258.html> (accessed 26 January, 2016).

67 'The UN Security Council needs veto reform – Klimkin' (2014), *theinsider.ua.,* available at: <http://www.theinsider.ua/politics/545dc45a344a5> (accessed 8 November, 2016); 'Ukraine stands for reform of the UN: Klimkin' (2014), *BBC*, available at: <http://www.bbc.com/ukrainian/news_in_brief/2014/11/141107_rl_klimkin_un_reform> (accessed 7 November, 2016).

68 'It is necessary to press Russia very consistently: Klimkin' (2015), *Television Service of News TSN.ua.*, available at: <http://tsn.ua/interview/potribno-duzhe-duzhe-poslidovno-tisnuti-na-rosiyu-424525.html> (accessed 30 April, 2016).

69 Yurii Sergeyev (2015), 'The UN existence depends upon its reformation', *The Ukrainian Week*, available at: <http://tyzhden.ua/Columns/50/126916> (accessed 2 January, 2016).

70 Laurent Fabius (2013), 'A Call for Self-Restraint at the U.N.', *The New York Times*, available at: <http://www.nytimes.com/2013/10/04/opinion/a-call-for-self-restraint-at-the-un.html?_r=0> (accessed 4 October, 2016).

71 'Vetoes' (2017), *Dag Hammarskjöld Library*, available at: <http://research.un.org/en/docs/sc/quick/veto> (accessed 19 June, 2017).

72 'Vetoes' (2017).

73 'The UN Security Council meeting on the situation in the Crimea will

held today' (2014), *UNIAN Information Agency*, available at: <http://www.unian.ua/politics/894391-sogodni-vidbudetsya-zasidannya-radbezu-oon-schodo-situatsiji-v-krimu.html> (accessed 8 March, 2014).

74   'Vetoed Draft Resolutions in the United Nations Security Council 1946-2012' (2017), *Foreign & Commonwealth Office*, available at: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35466/vetoed-resolutions-un-security-council-aug-12.doc> (accessed 19 June, 2017).

75   The Charter of the United Nations [1945].

76   'Churkin: Russia is against any changes in the procedure or using the veto right in the UN Security Council' (2014), *Russian News Agency TASS*, available at: <http://tass.ru/politika/1468094> (accessed 26 September, 2016).

77   United States Participation in the United Nations for 2001. Report by the President to the Congress, available at: <http://www.state.gov/p/io/rls/rpt/2001/c8872.htm> (accessed 20 March, 2003).

78   United States Participation in the United Nations for 2002. Report by the Secretary of State to the Congress [2003]; United States Participation in the United Nations, 2004. Report by the Secretary of State to the Congress [2005].

79   United Nations General Assembly Meeting on 15 November 2012 [A/67/PV.38], *United Nations*, available at: <http://unispal.un.org/pdfs/A67PV38.pdf> (accessed 15 November, 2016).

80   Gareth Evans (2014).

81   Michael Teng (2017).

82   Gareth Evans (2014).

83   Stewart Patrick (2015).

84   Yurii Sergeyev (2015).

85   Kourosh Ziabari (2011), 'The United Nations Security Council: An Organization for Injustice', *The Centre for Research on Globalization*, available at: <http://www.globalresearch.ca/the-united-nations-security-council-an-organization-for-injustice/22875> (accessed 20 January, 2016).

The Arab Spring Five Years Later: Toward Greater Inclusiveness

Reviewed by Nikola Zukalová

Since the so-called Arab Spring began in 2011, the selection of Arab countries (re: Egypt, Tunisia, Yemen, Jordan, Morocco) and their international partners concentrated mostly on political and identity issues, neglecting the importance of economics, which indirectly triggered the current fluctuating situations in these countries. Following the 2011 uprisings the democratisation of Arab countries did not go as anticipated. Instead, a new phase of instability began, raising serious regional and international security concerns. *The Arab Spring Five Years Later* represents a different account for explaining the roots and outcomes of the so-called Arab Spring, which was initially surrounded by an aura of euphoria and optimism. If nothing else, the revolutions were the first step on the long journey to a new order. Now, Arab policymakers must acknowledge that the transition can be achieved only when political reform is simultaneously accompanied by economic inclusion. This is exactly what Ghanem suggests in his book — the result of a three-year academic project exploring how to achieve inclusive growth after the Arab Spring, while contributing to development and regional stability.

The book is about economics. It promotes economic growth and social justice as crucial components of successful transition. In the beginning Ghanem focuses on the discouraging results of the Arab Spring and acknowledges that the transition is particularly difficult due to the high polarisation within post-Arab Spring societies. By describing different transitional experiences in Egypt, Tunisia, Yemen, Jordan and Morocco, he provides a context for the rest of the book and shows how too much focus on political aspects is not enough for engineering successful transitions. This point is strong and is further supported by several statistics, analyses and experiences of successfully transitioned countries world-wide throughout the book – for instance Japan, Malaysia and Indonesia, East Asian countries that have gone through similar transitions.

Arab countries experienced economic growth before the uprisings, so why were people dissatisfied with their economic situations? According to Ghanem, the reason is that the benefits of growth have not been equally distributed among the entire population. Ghanem proposes four main priorities for the Arab countries to achieve economic inclusion: building inclusive and accountable institutions, with supervision of the implementation process; supporting small and medium-size enterprises; aid lagging regions through investing in agriculture and rural development; and modernising and improving the quality of the old educational system to produce a workforce with skills demanded by the contemporary globalised labour market. Future reforms would be much easier if the old, dysfunctional system, based on generalised price subsidies, so typical of the Arab world, would be replaced by a social protection system based on targeted cash transfers, which is more efficient, fairer and much cheaper, as proven world-wide by many middle-income countries that shifted to this system (re: Brazil, Mexico). However, it is a massive change which would probably provoke even more unrest, so it will demand a lot of patience.

Nevertheless, achieving inclusive economic growth is tied not only to expanding national economies but more importantly to ensuring that the benefits reach the entire population. Consequently, Ghanem proposes steps for greater inclusion of the most excluded groups among most Arab countries — women, youth and smallholder farmers. Moreover, Ghanem makes a solid point that the Arab states need the support of the international community in their efforts. The international actors must re-examine their regional engagement and sup-

port the inclusiveness through strategic aid to the four main priority areas mentioned above.

Overall, Ghanem provides a very readable explanation of the complex reality of the failed post-Arab Spring transitions, resulting in the states seemingly not moving towards democracy but rather slipping backwards, undermining regional and international security through terrorism, the refugee crisis and illegal migration. The book is a must read for anybody interested in a more in-depth analysis of the Arab uprisings and failures of the following transitions from a different (economic) perspective to expand their knowledge about the complex situation and its possible solutions. The arguments here are supported by extensive statistical data and surveys conducted in the Arab world and provided mainly by the International Monetary Fund, World Bank, World Values Survey, among others. Although the original three-year academic project aimed to advise Arab policymakers, leaders and development partners, the book is very informative even for students, scholars and curious non-professionals interested in the topic. The book offers some compelling points and the provided evidence shows how desperately those areas need reform. Without doubt, this transformation will take years, probably decades, which is what Ghanem acknowledges, but simultaneously, he suggests steps that are very clear and well-founded. Of course, whether the countries are prepared for this massive change remains a question unanswered. But that is a different task. In this one, Ghanem successfully demonstrates that political and economic inclusion are two sides of the same coin.

Muslims in Putin's Russia: Discourse on Identity, Politics, and Security

Reviewed by Renat Bekkin

The times when readers in the West learned about Islam in Russia from the books of Sovietologist Alexander Bennigsen, who for objective reasons could not have access to many important sources, have passed away. Over the last couple of decades, many studies giving an idea of the forms of existence of Islam and the life of Russian Muslims in 19-20 centuries have appeared. These are the works written by R. Geraci [Geraci 2001], E. Campbell [Campbell 2015], R. Crews [Crews 2009] and other authors. The position of Muslims in modern Russia has not remained without the attention of researchers either. This topic was discussed in detail in the fundamental works of Sh. Hunter [Hunter 2004], G. Yemelyanova [Yemelyanova 2002], and others.

A researcher from the Florida International University (USA) Simona E. Merati made an attempt to examine the history of Muslim communities in Putin's Russia. Thus, the book covers the period from 1999, when Vladimir Putin became prime minister, until April 2017, as the sources cited by the author indicate.

The work consists of 8 chapters, including introduction and conclusion. The names of the chapters sound promising, however after

looking closer at their structure one gets the impression of a certain dissonance. For example, Chapter 4 "Russia's Islamic Religious Institutions and the State" includes the following paragraphs: "The Russian Orthodox Church", "Islamic Organizations", "Interfaith Dialogue: Institutional Relations", "The Russian Secular State: Contemporary Interpretation of Catherine's Model",[1] "The Functional Interpretation of Religion and Its Application in Russia", "The Necessity of a Governance of Religion in Russia". Even before acquaintance with the content of the above paragraphs, it becomes clear that not all of them are relevant in the chapter on the relations between the state and Islamic religious institutions. The topics and their arrangement in paragraphs raise questions.

Much attention in the book is given to the problems of security and the fight against terrorism. At the same time, S. Merati sees as one of the tasks of her research overcoming the binary opposition of "ethnicity / security", which, in her opinion, prevail in the studies of Islam in Russia (pp. 2-3).

S. Merati claims to be the first to "show that, beyond local, albeit significant, realities, Russia's Islam (re)confirms itself as a legitimate part of Russian civilization and, as such, can and should be studied within the general Russian context" (p. 3).

Needless to say, this task is important and ambitious, requiring profound knowledge in a vast number of disciplines: from Islamic studies to modern history of Russia.

The very formulation of the problem is certainly not new. The question of the close connection of the destinies of Muslim peoples with Russia was posed by a number of authors in the second half of 19 century. Suffice it to recall the names of the Russian philosopher Konstantin Leontiev (1831–1891) and the Crimean Tatar enlightener Ismail Gasprinskiy (1851–1914). The book "Muslims in Putin's Russia" does not say a word about Leontiev, while Gasprinskiy is only mentioned in connection with other problems.

Basically, the ideas of Gasprinskiy appear in the presentation of other persons, first of all, Yu.A. Gavrilov and A.G. Shevchenko – authors of the compilation book "Islam and Orthodox-Muslim relations in Russia in the mirror of history and sociology". A detailed analysis of this monograph occupies 4 pages of the book. At the same time, Gasprinskiy's ideas about the rapprochement of the Muslims of Russia with the Russians Merati remained without attention.

The choice of sources for the book is a separate topic. S. Merati repeatedly cites the works of Roman Silantiev, whom she describes as a "Slavic Orthodox scholar" (p. 72), who writes "enormously popular books" (p. 62). Let us leave on the conscience of S. Merati the unconfirmed assertion about the "enormous popularity" of Silantiev's books. It's not that important. The Orthodox publicist Silantiev, who justifiably deserved in Russia the laurels of an Islamophobe, is the author of biased works in which he rudely (using slang phrases) and without referring to authoritative sources, deliberately vilifies certain Muslim religious leaders, as well as ethnic Russians who converted to Islam.[2] For Merati, Silantiev is the author of "well researched analysis" (p. 63). "His contribution to the debate, Merati writes, is especially relevant when it comes to discussion of the inter- and intra-organizational dynamics of Islamic institutions and their relations with Church and State". (p. 63). This statement looks, at least, strange, if we recall that Silantiev accuses representatives of one of the largest federal muftiates – the Council of Muftis of Russia – of religious extremism (Silantiev 2015: 87, 416, etc.).

The way Merati characterizes these and a number of other authors whom she cites in her book deserves special attention. For example, a secular scholar who works at the Institute of History of the Academy of Sciences of the Republic of Tatarstan Ildous Zagidullin is described by Merati as a "Muslim scholar" (p. 57). Journalist Maxim Shevchenko, who has never publicly announced his acceptance of Islam, was named by S. Merati "the popular Islamic journalist" (p. 60).

No less carelessly does the author treat the names of organizations. So, for example, in 1788 the Ufa Spiritual Mohammedan Law Assembly was established in Ufa, a board later known as the Orenburg Mohammedan Spiritual Assembly (OMDS). Merati refers to this muftiate either as the Islamic Council in Ufa (page 8), or the Spiritual Board (p. 10), or the Central Spiritual Directorate of Muslims (TsDUM) (p. 90). (The latter name was in fact given to the muftiate but only after 1917).

By the way, considering "Islamic religious institutions", by which the author understands the spiritual departments of Muslims, S. Merati does not explain to the reader what the essence of this institution is and what functions it performs in Russia. At the same time, the author for some reason avoids using the terms "muftiate" and "spiritual administration", preferring "Islamic religious institution" and "Islamic organization".

Merati also did not take the trouble to delve into what is hidden behind titles and abbreviations. For example, on one page of her book she writes the abridged name of one of the federal muftiates, the Central Spiritual Directorate of Muslims (TsDUM) in two different ways: first as TSDUM, then as CSBM (p. 74).

Insufficient curiosity of the author of "Muslims in Putin's Russia" leads to the fact that she calls the press secretary of the Spiritual Administration of Muslims of the Russian Federation (formerly the Spiritual Directorate of Muslims of the European part of Russia (DUMER)) "director of the Russian press agency DUMER" (p. 59). In other words, without understanding what lies behind the abbreviation DUMER, the author decided that this is the name of the agency.

But there are far more bloopers in the book. According to S. Merati, Jadidism is a "very influential Islamic modernist movement developed among Muslims (especially Tatars) of Russian Imperial Turkestan in the second half of the nineteenth century" (p. 47). Yes, indeed, Jadidism has gained popularity in Turkestan, but to reduce this socio-political and cultural movement exclusively to this region is not entirely correct. Only at the end of the book does it turn out that the author understands under Turkestan "the former Soviet Central Asia plus the Russian Volga region" (p. 202). Here, as they say, comments are superfluous.

Unfortunately, there are not only geographic "discoveries" in the book. From the text of the book it follows that the Muslims of Russia adhere to three main currents: the Hanafi madhhab, Sufism and Salafism (pp. 72, 106, 108, etc.). Such inaccuracies in the work devoted to Islam look completely out of place.

There are also "discoveries" in the field of Russian history. So, N.S. Khrushchev was named president (p. 187), although the first secretary of the CPSU Central Committee has never held a position that corresponded to the post of president (chairman of the Presidium of the Supreme Soviet of the USSR). On page 12-13 Merati tells about the creation in Kazan by the decree of Peter I in the beginning of 18 century of a certain "Orientalist school". Judging by the context, the author has in mind the chair of Oriental languages of Kazan University (p. 13). The problem, however, is that the Kazan University was founded only in 1804, and the above-mentioned chair in 1807, that is, more than three quarters of a century after the death of Peter I.

One can, of course, object to much of the above by saying that the book "Muslims in Putin's Russia" is devoted to modernity. But, unfor-

tunately, the analysis of the present in the book is not much better. The author sets herself the task to show that Islam is an integral part of the Russian identity (p. 2). She does not, however, consider a single text written by those Muslims who are a clear example of such an identity.

Instead, the views of the non-system thinker Geydar Gemal are considered in detail. Indeed, some ideas and statements of Gemal are really of great interest to the researcher, but in the absence of an analysis of other sources important for the work, a detailed examination of Gemal's philosophy does not seem entirely justified. Moreover, Gemal's views have been already examined in detail by the French researcher Marlene Laruelle [Laruelle 2016].

It is also difficult to explain why Merati elaborates on the views of Harun (Vadim) Sidorov as the only representative of the movement of Russian Muslims. The National Organization of Russian Muslims (NORM), one of the leaders of which was Sidorov, was primarily an intra-Islamic phenomenon. The result of NORM activities was not the integration, but the marginalization of Russian Muslims.[3] At the same time, not a word is said about the project of G.P. Schedrovitskiy and S.N. Gradirovskiy "Russian Islam", which was developed by these political technologists in the first half of the 2000s and was aimed at integrating Muslims of Russia into the Russian cultural space.

Speaking about the popularity of Eurasian ideas among Muslims of Russia, the author for some reason does not consider the work of Damir Mukhetdinov "Russian Islam: Call for Comprehension and Contextualization"[Mukhetdinov 2015] specially devoted to this issue, but discusses the concept of Euro-Islam developed by Raphael Khakimov. It is also not clear why the author characterizes Euro-Islamism (terminology of the author!) as "Muslim Eurasianism" (p. 33).

Unfortunately, the work written by Simona Merati sins in the same way that some Western researchers' writings in the field of humanitarian and especially social sciences do. It does not matter that much whether Pushkin or Putin is concerned, the main thing is to dazzle a beautiful theory out of improvised material. Scrupulously but, unfortunately, not quite skilfully building her concept of the place of Islam in the history of Russia, S. Merati does not always pay attention to detail, giving inaccurate dates, wrong titles and names.

Any concept is a building, where the facts are bricks of which the building is built. If the bricks are defective, then the building itself will not come out good either. It will dissipate at the first serious test.

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The book "Muslims in Putin's Russia" is a vivid example of unqualified analysis, based on randomly selected, not seriously filtered sources. The result of this was not only a large number of errors and inaccuracies, but a distorted view of the author about the processes that are taking place in modern Russian Islam. It is difficult to analyze the role of the Islamic factor in the formation of modern Russian identity having very remote ideas about the Muslim religion itself. As a result, instead of an in-depth study of a complex and interesting problem, the book turned out to be a so-called spreading "majestic cranberry" with distorted images, as if in a distorted mirror.

Perhaps, Simona Merati fell into a certain trend without even understanding it. In modern Russia (especially clearly manifested in provincial universities), Islamic studies at universities have long been replaced by studying Islamic problems in close connection with security issues and the fight against terrorism. The result of this "academic" activity was monographs and conference proceedings that describe good (traditional, or moderate) and bad (radical) Islam.

Therefore Merati, dividing the Muslims of Russia into extremists and "moderate" (p. 88), clearly hurried to write at the beginning of her work that her work was the first of its kind. There have already been a lot of such works, but they were published in small print runs and therefore were inaccessible to the author.

Driven by a worthy desire to write an original work about "good Muslims", Simona Merati wrote a book about people remotely resembling Russian followers of Islam and residing in the country, somewhat similar to Russia. In conclusion, it remains only to sympathize with the reader, who without preliminary preparation will take up reading "Muslims in Putin's Russia".

Notes

1 The author means Russian empress Catherine II.
2 See for instance the website Neofitam.net where the chapters from Silantiev's book "100 most famous Russian Muslims" are posted. Many of the heroes in this book are presented by Silantiev as terrorists and criminals.
3 More about Russian Muslims see for instance: Bekkin 2012.

List of references

1 Bekkin, R.I. (2012), 'Russian Muslims: A Misguided Sect, or the Vanguard of the Russian Umma?', in *Islamic authority and the Russian Language: Studies on Texts from European Russia, the North Caucasus and West Siberia / Ed.*

by *Alfrid K. Bustanov and Michael Kemper. Pegasus Oost-Europese Studies 19*, Amsterdam: Uitgeverig Pegasus, 361–401.

2   Campbell, E.L. (2015), 'The Muslim Question and Russian Imperial Governance', Bloomington and Indianapolis: Indiana University Press.

3   Crews, R.D. (2009), 'For Prophet and Tsar: Islam and Empire in Russia and Central Asia', Cambridge MA, London: Harvard University Press.

4   Geraci R.P. (2001), 'Window on the East: national and imperial identities in late tsarist Russia', Ithaca: Cornell University Press.

5   Hunter S.T. (2004), 'Islam in Russia: the politics of identity and security', Armonk, N.Y.: M.E. Sharpe.

6   Laruelle M. (2016), 'Digital Geopolitics Encapsulated. Geidar Dzhemal between Islamism, Occult Fascism and Eurasianism', in *Eurasia 2.0. Russian Geopolitics in the Age of New Media / Ed. M. Suslov, M. Bassin*, Lanham: Lexington, 81-100.

7   Mukhetdinov (2015), 'Russian Muslim culture: the traditions of the Ummah within the sphere of Eurasian civilization', Nizhny Novgorod: Medina.

8   Silantiev R. (2015), 'The Russian Council of Muftis: History of One Fitnah', Moscow: RISI.

9   Yemelianova G.M. (2002), 'Russia and Islam. A Historical Survey', Basingstoke, UK: Palgrave.

Lois MCNAY. *The Misguided Search for the Political*. Cambridge: Polity Press, 2014. ISBN 9780745662633.

The Misguided Search for the Political

Reviewed by Nick J. Sciullo

In *The Misguided Search for the Political*, Lois McNay argues that radical democracy suffers from a reliance on abstractions that echo the criticism radical democrats make of traditional liberal democrats. While radical democracy is often theorized as a critique of the immaterial focus of liberal democracy, it too suffers from the inability to adequately account for the materiality of inequality. McNay's book is provocative, readable, and a worthwhile addition to the libraries of political theory graduate students and scholars.

It would be easy to dismiss this book as the work of someone fed up with the excesses of continental philosophy and its sometimes-nefarious impact on political theory. At times McNay seems to read those with whom she disagrees in an overly negative manner, but at the same time, the briskness of her critique is welcome in a world of platitudes. Other times, one wonders why she focuses on some scholars and not others, as in Chapter 5 when William Connolly is the focus, but Stephen K. White and Jodi Dean get relatively little sustained attention. For that matter, why not more discussion of Judith Butler and Gianni Vattimo? In some ways, this is a minor quibble. One can only fit so much in a book, and one has to endure the vagaries of editors, yet readers familiar with the vast expanse of critical theory post-1950 will often

wonder about her focus. Still, one must not dismiss this book as it presents a theory of suffering's centrality to political thought. Indeed, this might be one of the most important works on suffering in the last 10 or so years. This work is important and necessary in the ravishing political excesses of our time.

McNay hopes to center suffering in political theory. This focus helps readers understand what is at stake, namely the well-being of people. She argues that capitalism underlies much of this suffering, and that critique can help us undo oppression. The question is: how do we perform said critique? McNay's critique is grounded in critical theory (Badiou and Mouffe are prominent) with specific attention paid to human suffering. This approach understands the ills of the world as material, and she argues that solutions or theories from political theorists must resist the weightlessness of theory and attend to lived experience. This is why she calls for a phenomenology of negative experience, which is a phenomenology that recognizes the normative nature of political experience rather than highly theoretical approaches to political ontology that often leave out what those theories mean in everyday life.

Phenomenology does offer a way forward. Political theorists are confronted with a menagerie of political ontology arguments from around the political milieu. These arguments often focus on abstract notions of subjectivity or the individual. They are often crouched in theories about being and relationality. Seldom do they address the realities of war, deprivation, social unrest, crumbling infrastructure, poor social services, and crime. McNay argues that phenomenology, particularly when it is turned toward negative experience, can help us do just that.

Some will find McNay's criticisms harsh and perhaps criticize her of simply falling back on liberal democratic hopes. This criticism is not without merit, as critical theory true believers will likely be resistant to her. Her analysis of feminist political theory in Chapter 3 is well argued, but one cannot help but think her fear of relativism might be based on an overly narrow reading of some feminist theorists. That is, the sort of decentered, post-identity politics of many feminist political theorists does not necessarily mean that those thinkers are unable to theorize political subjectivity (or other ideas) in empowering ways that are responsive to lived experiences. Scholars of gender and sexuality will find this chapter particularly challenging as it poses reformula-

tions of commonly held feminist political theories from a number of different angles. Nonetheless, one should read McNay generously as she has much to teach.

This book is highly recommended for graduate students in political theory as well as scholars hoping to challenge pre-conceived notions about critical theory. For those without a background in critical theory, the text will be challenging, but McNay's other works would be helpful tools. This text will no doubt produce considerable debate and class discussions, and for that it is commended.

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