

The International Relations Journal

SUSTAINABLE SOLUTIONS TO ISRAEL-PALESTINE WATER DISPUTE

Margarita Gonzalez

THE GAME OF UKRAINE:
BATTLING GOVERNMENTAL CORRUPTION IN THE CASE OF HUMAN
TRAFFICKING

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CONFLICT RESOLUTION, INTERVENTION AND NATION-BUILDING

Alma Zalihic

A YEARLY PUBLICATION OF THE INTERNATIONAL RELATIONS DEPARTMENT
COLLEGE OF BEHAVIORAL AND SOCIAL SCIENCES

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THE INTERNATIONAL RELATIONS JOURNAL at San Francisco State University strives to exhibit the diverse range of undergraduate and graduate research interests that flourish in our department.

Each semester, the Journal is offered as a course in which students participate as writers or editors in a peer review process, or as administrative staff members who assist authors and editors as well as guide the Journal through its production.

The goal of the course is to expose students to the peer review process, focusing on academic standards of argumentation and factual accuracy, citation formatting, and collaborative editing using Microsoft Word's "track changes" feature. More broadly, the Journal's executive editors aim to help students develop writing/editing skills applicable in other courses and promote a deeper understanding of the discipline of international relations as a whole.

SUBMISSIONS & PROCESS

The *Journal* encourages all students pursuing a B.A. or M.A. in International Relations to submit completed works (incomplete papers and abstracts are not accepted) at the beginning of each semester. From these submissions the Journal's executive editors assign students to positions on the writing and editorial boards as well as a number of administrative-level appointments.

The course curriculum includes a number of informational workshops and at least three rounds of structured editing and revision. All editing is anonymous and three different editors review each submission.

The structured peer review is as follows: [1] a submission is first edited by an undergraduate or graduate “peer expert” who has conducted prior research on topics and/or regions relevant to the paper and can thus provide fact checking and citation suggestions; [2] second round editing focuses on clarity and academic tone by pairing the manuscript with an editor unfamiliar with the paper’s subject; [3] finally, the paper is edited for proper citation formatting and technical aspects.

At the end of the semester, authors participating in this process are expected to submit a final manuscript for consideration by the Journal’s executive editors and the faculty advisor.

PUBLICATION OF ARTICLES

Only submissions that have gone through the peer review process and meet the content and formatting requirements, will be considered for publication; from these only a limited number of the edited and completed papers will be published in the final issue of the Journal. The Journal is published annually.

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In memory of
Anthony Abdul-Lateef Aboujaoude
B.A. International Relations
SFSU

for his passion in the peaceful coexistence of religious faiths

**THE
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Abstract – *One of the requirements to ensuring national security is obtaining access to water. Rivalry over access to a limited amount of reliable water supplies stands as yet another contention point between countries in the Middle East. Although there have been several attempts at negotiating between Israel and Palestine over water rights, these dialogues failed to create concrete action plans to address the region's uneven water distribution and unsustainable consumption levels of water. Thus, each agreement resulted in little change in the Middle East's water situation and parties have become increasingly discouraged over the years. The central argument of this paper is that there is an urgent need for Israel and Palestine to revisit previous negotiations such as the Oslo Peace accords, the Johnston Plan, and the Israeli-Jordanian peace accords; they must then proceed to adjust them through serious and precise re-negotiations that include water sustainability projects, as well as equitable water distribution policies.*

Sustainable Solutions to the Israel-Palestine Water Dispute

➤ *By Margarita Gonzalez*

Introduction

Over the last 20 years, the water conflict between Israel and Palestine has transcended from a political issue to an urgent environmental and humanitarian crisis that can no longer be ignored by the international community. The lack of vision in the past has resulted in an urgent situation today, and politicians are unfortunately in danger of repeating past errors by producing rushed policies and failing to contemplate long-term solutions. All actors involved must address this issue with the grave attention that it deserves in order to avoid war and resolve the conflict in a manner that both secures long-term peace and serves as a template for future water conflict resolutions.

This paper will present a brief summary of the history of the water conflict and the most significant multilateral resolutions, plans, and agreements that have led to the current status. Following this section is the central argument: the conflict over water between Israel and Palestine has escalated to such a degree that the solution must be both all-encompassing and specific simultaneously. As stated by Friends of the Earth Middle East, an environmental non-governmental organization (NGO), the Israeli-Palestinian water conflict must be solved by a “top-down coupled with a bottom-up solution.”¹ There must be a direct re-negotiation between Israel and Palestine, where they establish water preservation policies such as desalination,

¹ “About us: Eco Peace, Friends of the Middle East,” *Friends of the Earth Middle East*
<<http://www.foeme.org/peace.php?id=50>>.

water recycling, installation of water-saving devices, and lastly, set limits on the extraction of water from all sources, so as to guarantee a certain degree of sustainability.

First there will be a discussion regarding the feasibility of each of the aforementioned solutions, and thereafter bring attention to all of the support that is already in place locally and internationally for such a resolution to not only pass, but be actively and properly implemented.

History of Water Distribution: One Source, Many States

The current system of water distribution from the Jordan River stems from the events that took place in the mid-1940s. The state of Israel was established in 1948, following the proclamation of the Hashemite Kingdom of Jordan in 1946. Almost immediately after the formal recognition of both states, their governments began independent research and engineering projects, which aimed at accumulating and funneling as much water as possible from the Jordan River to secure their individual nations' livelihood.²

Jordan and Israel's actions towards claiming and funneling water to improve their own nation's standards set Palestine at a great disadvantage, because it had no legal rights or ownership of territory. The Arab states were very critical of the way in which the Israeli government treated its Palestinian neighbors and became increasingly concerned with Israel's growing monopoly on water. The Syrian government took direct action on this concern, since it relied heavily upon the Jordan River for the majority of its water supply, and began to plan a way to divert the Israelis' water system.³

While the Israelis were working on their National Water Carrier (NWC), a project aimed at storing water in the northern Lake Kinneret (also known as Lake Tiberias) and channel it to the southern regions of the country, Syrian authorities and engineers plotted ways to "divert their

² Michael Klare, *Resource Wars*. New York: Henry Holt and Company, 2001: 166.

³ Klare, *Resource Wars*, 169.

waters (via the Yarmuk) to the East Ghor Canal in Jordan, thus bypassing the upper Jordan and Lake Tiberias.”⁴ Once Israeli authorities became aware of the Syrian water plans, they denounced them as a direct “threat to peace,” and indeed treated the plans as such. As a result, tensions built up between Syrian and Israeli forces fighting over Lake Tiberias, eventually escalating into the War of 1967.⁵ Though the water issue was not the only cause of the war, governments saw access to water as a matter of national security. Therefore, conflicting views and interests have remained difficult to negotiate.

By the end of the War of 1967, all states other than Israel seemed to be in adverse circumstances. Israel occupied the Golan Heights of Syria, which then granted them direct control over the Baniyas River, thereby eliminating any threat to the headwaters of Jordan. Israel also seized the West Bank, gaining access to the lower Jordan River and to the valuable aquifers located in the hills north of Jerusalem.⁶ Jordan was left without the West Bank or the Yarmouk River, which it had controlled from 1948 up until the War of 1967. For the next 10 years, Israel’s monopoly on water escalated existing tensions between the states that relied on the Jordan River as a water source.

It is evident that political conflict runs deep between Israel and Palestine, making the precedence of negotiations (successful or not) a sign of hope for future bilateral relations and increased cooperation. Despite common belief, water has been one topic upon which the two rivals have been willing to collaborate and have been attempting to resolve.⁷ Negotiations, such as the Camp David talks of 1978, the Oslo accords from 1991-1995, and the signed Israeli-Jordanian peace treaty of 1994, have set a strong foundation for future negotiations.

⁴ Klare, *Resource Wars*, 168.

⁵ Klare, *Resource Wars*, 170.

⁶ *Ibid.*

⁷ Clifton Coles, “Water Without War,” *Futurist* 38 No. 2 (2004): 9.

The Need to Revisit Previous Negotiations

Israel and Palestine are at a point where negotiations over water rights are crucial if they intend to sustain their current water resources and territorial control, not only for peace and equality, but out of self-interest. Negotiations between the two states over water rights would be nothing new, as various thoughtful negotiations have taken place in the past and merely need to be revisited and revised.

In 1978, U.S. President Jimmy Carter was able to broker a peace agreement between Egypt and Israel through what is now referred to as the “Camp David Talks”. Directly following this, Egypt and Israel exchanged ambassadors and normalized relations.⁸ Although the negotiations were not perfect and received much criticism from the Arab world—specifically that Egypt did not take enough advantage of this situation to help Palestine—the overall outcome was positive. It demonstrated to the world that cooperation and negotiations between the two parties were, in fact, possible. The Camp David Peace talks set the stage for the Oslo Peace Accords. The Oslo Peace Accords had two major phases. The first phase took place in 1993, which marked the first direct face-to-face agreement between Israel and Palestine. The second phase in 1995 wrapped up the negotiations and established the “Joint Water Committee (JWC),” a major step towards permanent Israeli-Palestinian accommodation over water.⁹

The Oslo Accords, also known as the “Interim Self Government Arrangements” or the “Declaration of Principles” (DOP), agreed upon the withdrawal of the Israeli Defense Forces (IDF) from parts of the Gaza Strip and West Bank, as well as calling for a Palestinian right of self-government within those areas through the creation of a “Palestinian Interim Self-Government.” Furthermore, this agreement established Israelis’ recognition of “the existence of Palestinian riparian rights in the West Bank, and more importantly it gave the newly formed

⁸Hillel Shuval and Hassan Dwick, *Water resources in the Middle East: the Israeli-Palestinian water issues*. Berlin: Springer, 2007: 18.

⁹ Shuval and Hassan, *Water resources*, 252.

Palestinian Authority (PA) a partial role in the allocation of water supplies.”¹⁰ Through this process of negotiations, the JWC was established to manage water resources and enforce water policies, protecting the interests of both parties by preventing unrestrained drilling through the creation of standards and monitoring. Again, these negotiations proved unsuccessful due to political instability and a continuation of attacks from both sides, resulting in a sharp decline in the already low level of trust between the two states.

On the other hand, Jordan and Israel were able to take full advantage of the Oslo Accords and sign the Israeli-Jordan Peace Treaty in 1994. Through this treaty, Israel agreed to grant Jordan 50 million cubic meters of water per year, and to share the Yarmouk River so that Jordan was re-granted control over three-quarters of it. Both countries agreed to develop other water resources and reservoirs and to help each other in years of drought.¹¹ Such agreements were successful enough to serve as guidelines in future re-negotiations between Israel and Palestine.

The Johnston Plan was also very influential in the history of negotiations on water disputes. U.S. ambassador Eric Johnston served from 1953-54 under the Eisenhower Administration, and developed a plan to resolve the disputes over the distribution of water around the Jordan River Basin. Johnston developed a fair plan for the distribution of water, and it was approved by technical water committees of all the regional riparian countries-Israel, Jordan, Lebanon and Syria.¹²

From the Johnston Plan to the Oslo Accords, negotiations were relatively fair and, for the most part, extremely helpful in resolving the current state of conflict. However, they failed to address one of the most important components of the problem: water sustainability. The negotiations discussed water distribution in terms of set quantities and landmasses, but they failed to establish a reworking of the system to preserve the existing water. Establishing a more sustainable system of water consumption would add an interesting component to the

¹⁰ Eliabu Rosenthal, “Water and Diplomacy in the Jordan River Basin,” *Israel Journal of Foreign Affairs* 3 No. 2 (2009): 103.

¹¹ Rosenthal, “Water and Diplomacy,” 104.

¹² Rosenthal, “Water and Diplomacy,” 101.

negotiations, in that Israel would not have to cut back on all of its water usage. If Israel and Palestine invested in the preservation of water, they could potentially increase the current quantity and redirect it where it is needed the most, such as Palestine or Syria.

What Previous Negotiations Lacked: Sustainable Solutions

The changes that have occurred within the last 20 years have further complicated the pre-existing water disputes. There has been a spike in population growth and, therefore, an increase in water consumption, resulting in a disturbing decline in the amount of water available. Israel has already managed to tap dry two major aqueducts, and has been “over-drafting between 15 to 20 percent above the rechargeable capacity of water from other sources.”¹³ Israel and Palestine need to come together and re-negotiate their current status by emulating previous negotiations and incorporating essential forms of sustainable solutions such as increases in desalination plants, water recycling, and a mass installation of water saving devices, as well as more specific regulations on water extraction and distribution.

Desalination

The process of desalination is still thought of by many as unrealistic because of the costs that such projects entail, not only in terms of money but in the great deal of energy that would be expended. However, we must examine the costs in comparison to the current costs of extracting water from aqueducts. The long term costs of not increasing desalination plants and instead tapping dry the existing aqueducts makes desalination seem a viable option for the situation.

Israel is in the process of bringing the costs of desalination down to U.S. \$0.50-\$0.60 per cubic meter of water, whereas neighboring countries are paying an average of U.S. \$1 per cubic

¹³ Rogers, “Water and Environmental Security,” 6.

meter.¹⁴ Furthermore, the total cost of providing additional desalination plants over the next decade is estimated to be between \$20 million and \$40 million a year—virtually meaningless when compared with Israel’s gross domestic product of \$100 billion.¹⁵ Israel has long been working on desalination projects; it is time that Palestine benefits from these advances. In new negotiations, Israel must accept that it is against humanitarian law to refuse the Palestinians their minimum amount of water needed under health standards which is, as mentioned earlier, 100 cubic meters per person. Currently, they only receive 80 cubic meters per person, the lowest rate of all states in the region.

Water Recycling and Saving

Desalination of water has become necessary due to serious water scarcity. However, desalination alone is not enough, as it simply increases the ability to lavishly over consume. In other words, desalination is the easy way to postpone a serious environmental problem. An increase in desalination is only appropriate if paired with an increase of consciousness in terms of water consumption and a mass implementation of water recycling strategies.

Both Israel and Palestine have already begun to work towards this objective. In 1995, the Israelis began recycling 120 million cubic meters of water per year from the Shafdan Sewage Treatment Plant in Tel Aviv to recharge their coastal aquifer.¹⁶ In addition to creating more water through desalination and increasing the potential of water use through recycling, there needs to be greater efforts toward addressing the underlying problem of water over consumption. The hardest part to change of any problem is human behavior, or the lifestyle patterns that people within communities develop. Yet efforts must be made towards educating people about the dire consequences that arise from overconsumption. In order to alleviate the

¹⁴ Rogers, “Water and Environmental Security,” 7.

¹⁵ Benjamin Pogrud, “Springs of Hope,” *New Statesman* 137 (2007): 2.

¹⁶ Rogers, “Water and Environmental Security,” 7.

pressure on the individual of taking on a lifestyle change, both states need to collaborate in instituting policies that enforce water conservation.

State initiatives would greatly contribute to adopting sustainable practices nationwide; however, they are not the only potential agents of change. Non-governmental organizations have proven to make significant contributions. For example, through the Good Water Neighbors project, established by EcoPeace and Friends of the Earth Middle East, initiatives have been proposed and progress has been made. Over 25 cross-border communities are now involved and have installed water saving devices in public schools and facilities, which have been able to reduce the water expended by a third.¹⁷ Israel has also contributed to these efforts, especially in its agricultural industry, which comprises 70 percent of Israelis' water consumption.¹⁸ Israel has implemented drip-water irrigation as well as other programs that have allowed them to produce five times the value of crops with the same amount of water that was previously used.¹⁹

Regulation on Water Extraction

As stated by Friends of the Earth Middle East, "water disputes can only be resolved by the specific determination of quantities and quality of water to be allocated and not by means of general concepts."²⁰ Keeping this in mind, Israel and Palestine need to take the time to study how much more water they will have once the above policies are implemented, and then proceed to seriously re-negotiate and establish more equitable terms for long term sustainable peace.

The new set of negotiations must include limits on the extraction of water from all sources, in order to maintain a sustainable water draw, as well as guarantee equity in water quality and quantity for each state. Water quality is equally important to water quantity. This factor can no

¹⁷ "About us: Eco Peace, Friends of the Middle East."

¹⁸ Rogers, "Water and Environmental Security," 8.

¹⁹ "Flowing Uphill," *The Economist* 336 (1995): 36.

²⁰ "About us: Eco Peace, Friends of the Middle East."

longer be neglected because it has been proven that the upstream groundwater of the Jordan River is of far higher quality than that of the downstream. Lastly, there needs to be a prohibition on the exhaustion of non-renewable water sources, such as fossil aquifers, which take thousands of years to naturally develop and re-charge.²¹

Support Structures Already in Place

Interestingly enough, much of the history of the “water wars” has been that of negotiation and collaboration, not only conflict and war. In fact, water issues stand as one of the few issues on which Israelis and Arabs have made real efforts at cooperation.²² It is in the best interest of both countries to re-evaluate both the situation and their current policies before it is too late. Although few in the Middle East believe that water alone can ever become the cause of war, its destabilizing power is already apparent.²³ The people of both Palestine and Israel are in need of guidance and have the necessary organizations in place to contribute and implement the change. For example, Friends of the Earth Middle East and the Israel and Palestine Center for Research and Information are two of the most notable organizations that have made much progress through collaborating with members of the opposing state.

Friends of the Earth Middle East (FoEME)

FoEME is an organization that brings together Jordanian, Palestinian, and Israeli environmentalists in the goal of promoting cooperative efforts to protect their shared environmental heritage. This unique organization has been advised by both sides to not negotiate before fair land distribution is established, but the members of the organization claim that, “by the time the politicians are done, the environmental degradation will be so advanced

²¹ Rosenthal, “Water and Diplomacy,” 110.

²² “About us: Eco Peace, Friends of the Middle East.”

²³ Antelava, “Lack of Mid-East Peace,” 3.

that this land that we've been fighting over for decades will not be suitable for living anymore."²⁴ This is indicative of the urgency and the initiative that individuals within the communities are ready to embrace.

Israel and Palestine Center for Research and Information (IPCRI)

Founded in 1988, the IPCRI is to this day the only joint Israeli-Palestinian public policy think-tank in the world. It is devoted to developing practical solutions for the Israeli-Palestinian conflict with a "two states for two people" mentality.²⁵ This organization makes itself readily accessible to the public through their website, where they post publications, news, and updates on progress. The IPCRI would be of great help in the event of re-negotiations because both states will have not only the history of negotiations to rely upon, but the current studies and information readily available through this network.

International Support

Not only do both states have the local support to make for an honest and legitimate grassroots change from the bottom-up, but institutions such as the UN, as well as powerful states, could be supportive by participating in final negotiations as well as recognizing and legitimizing the outcomes. International donors such as the U.S., Japan, Germany, the EU, and the World Bank (the largest international investor in water projects) would then need to re-evaluate and redirect the funds to meet the new needs of the policy changes.²⁶ Global support has been, and will continue to remain, intact, yet the international community can only set up guidelines, broad and non-binding resolutions, or fiscal support. The actual change and specific resolutions that are needed can only result from direct negotiations between the leaders of the two states.

²⁴ Emily Hauser, "Saving the Jordan." *The Environmental Magazine* 18 (2007): 20.

²⁵ "Israel and Palestine Center for Research and Information," *Israel and Palestine Center for Research and Information*.

<<http://www.ipcri.org/>>.

²⁶ "Flowing Uphill," 36.

Conclusion

Israel and Palestine have been relying on the Jordan River for the majority of their water supply, which has always a point of dispute, as Israel controls the current distribution of water among itself and its neighbors. Israel's decision to restrict the quantity of water funneled over to the Palestinians created anger and frustration between the two nations, as this conflict has taken a leap in urgency within the past 20 to 30 years. The change in demographics, such as the rapid increase in population and refugees, as well as the increase in Israel's standard of living, has resulted in a sharp increase in water usage and a subsequent decrease in water availability.

Paired with a long history of conflict, Israel and Palestine have a history of negotiations and collaboration towards solving this problem. As both states continue to develop, the water issue becomes an increasingly greater priority. The political roots of the issue have morphed the problem into a looming environmental crisis. Perhaps through this unique lens, both states will be able to succeed in negotiations.

Israel needs to re-visit previous negotiations, such as the Johnston Plan and the Oslo Peace Accords, in order to use them as solid precedents while simultaneously modifying them to fit the current status and injecting themes of water sustainability. It is in the best interest of both states to sustain the Jordan Rivers' water; therefore, they need to construct desalination plants and water-saving devices, increase regulations on water extraction, and follow up by reworking the current distribution of water so that it is more equitable. Lastly, re-negotiations must take advantage of the local and international support that exists through organizations such as the IPCRI, FoEME, and international donors. So long as re-negotiations make sustainability a priority, there is hope for long term water peace, where the idea of water wars may one day cease to exist.

Abstract – Since its independence in 1991, Ukraine has faced economic turmoil and political unrest. Corrupt officials have taken control of the state’s business apparatus, resulting in little transparency and criminalization of the economy. While the government does have laws protecting human rights, they don’t directly combat corruption or human trafficking. To improve human rights conditions, and alleviate human trafficking in Ukraine, the government needs to reform its current policies and drastically improve the transparency rate to combat governmental corruption. If Ukraine fails to show improvement, the illicit market will continue to thrive, and the lack of accountability will discourage foreign investors, further impeding Ukraine’s economic development.

The Game of Ukraine: Battling Governmental Corruption in the Case of Human Trafficking

➤ *By Bianca Lucchetti*

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Human trafficking has become an epidemic worldwide, impeding on millions of people’s basic human rights. According to the United Nations Palermo Protocol, human trafficking remains the third most profitable crime worldwide.²⁷ The definition of human trafficking as provided by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons states, “Human Trafficking is the recruitment, transportation, transfer, harboring or receipt of persons by improper means, such as force, abduction, fraud, or coercion, for an improper purpose, such as forced or coerced labor, servitude, slavery or sexual exploitation.”²⁸ The U.S. State Department estimates that “800,000 people are trafficked against their will across

international borders each year.”²⁹ Though there are victims of human trafficking in virtually every country, it is the developing nation-states, with few resources and scores of economic hardships, that more commonly fall prey to modern-day slavery.

Since its independence in 1991, Ukraine has faced economic turmoil and political unrest.³⁰ Corrupt officials have taken control of the state’s business apparatus, which has resulted in little transparency and a criminalization of the economy. On a national scale, progress in combating human trafficking has been minimal.³¹ The lack of governmental interference, tied with the lack of the country’s transparency on

27 Palermo Protocol
28 Ibid.

29 Synovitz, R. "Sex traffickers prey on eastern europeans."
30 "CIA World Fact Book: Ukraine"
31 "U.S. Department of State: Country Report of Ukraine."

the matter, have proved to be detrimental to the country's development. Not only are the lives of Ukrainian citizens at risk, but also economic development remains stagnant under these conditions.

There is a direct correlation between human trafficking and development in Ukraine. Governmental corruption and the inherent lack of transparency dissuade foreign investors. I argue that in order to promote economic development within the country, the issue of human trafficking must be tackled to reform corruption and stabilize the region. This paper will examine the main actors involved in human trafficking in Ukraine, and will propose policy recommendations to implement in order to progress as a nation both socially and economically.

Prevailing Epidemic in Ukraine

The economic decline of Eastern European states after the collapse of the Soviet Union has resulted in a spread of unemployment and poverty throughout the region. Although GDP growth has steadily risen and development has been noted, the vacillation of the Ukrainian political administration has enabled an unregulated market economy and has left the nation highly vulnerable to corruption.³² According to the Transparency International 2009 Corruption Perceptions Index, Ukraine was ranked as 146 out of 180 most corrupt countries of the world.³³ Though not all governmental workers are involved, many fear retaliation if they do not cooperate with organized criminals. In Ukraine's case, fear combined with corruption and lack of financial support leads many law-enforcement agencies to simply ignore or "downplay" this epidemic.³⁴

Corruption plays a conclusive role in human trafficking because the cooperation between the criminals and governmental officials who are willing to sacrifice national interests for bribes

32 "CIA World Fact Book: Ukraine"

33 "Corrupt Perception Index 2009."

34 Miko, F.T. "Trafficking in women and children: the U.S. and international response."

effect its success. The goal of the “transnational political criminal nexus” is to make money.³⁵ Greed, destitution, and the search for better opportunities fuels the supply of victims, while the demand for prostitution, servitude, and cheap labor stems from receiving countries. John Miller, the director of the U.S. State Department’s Office for Monitoring and Combating Trafficking in Persons declared, “Human trafficking is synonymous with slavery. Human trafficking relies on coercion and exploitation. It thrives on converting hope to fear. It’s maintained through violence. The trade in people is a major source of revenue -- in the billions (of dollars per year) for organized crime”.³⁶ The exploitation of humans is reliant on poverty, disparity, and crisis. Organized criminals have taken advantage of people in regions of destitution, who are desperate to escape their dire situations. Per year 75,000 people are trafficked from Eastern Europe, the majority of which come from Russia and Ukraine.³⁷

Migration to other countries in search of job opportunities has been a crucial strategy for the citizens of Ukraine to become economically stable, or at least to meet the basic needs of living. The minimum estimated number of current labor migrants for Ukraine is two million, and it is estimated that one hundred thousand of these migrants have become victims of human trafficking since 1991.³⁸ The International Organization for Migration (IOM) stated that one in every ten citizens of Ukraine knows of someone who has been trafficked.³⁹

It is estimated that 48% of victims in Ukraine are women and children who are trafficked into the sex industry.⁴⁰ Though there is a small percentage of women who are sold into domestic servitude and service industries, most victims of trafficking are women between the ages of 17 and 26 years old and are used for prostitution. Due to the lack of services and organizations aiding victims in Ukraine, it is extremely difficult to escape the prostitution ring.

35 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

36 "U.S. Department of State: Country Report of Ukraine."

37 Miko, F.T. "Trafficking in women and children: the U.S. and international response."

38 "Elimination of human trafficking from Moldova and Ukraine through labour based measures."

39 "U.S. Department of State: Country Report of Ukraine."

40 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

Prostitution

Women have been especially susceptible to exploitation because they are disenfranchised in the labor force, with little opportunity to infiltrate the stagnant economy. Given the circumstances, Ukrainian women are especially eager to find work abroad. Traffickers have harnessed Ukrainian women's dreams of generating income abroad; and with the aid of corrupt government officials and a strong network of organized criminals, they have been able to defraud scores of women.⁴¹

Traffickers use legitimate businesses and agencies, including advertisements in newspapers, radio and television, offering well-paid jobs abroad to coerce their victims. The traffickers themselves are not usually former criminals, in fact, often they are well known and come from respected sociopolitical backgrounds, and even own legitimate businesses.⁴² What is most shocking is that 80% of the traffickers are Ukrainian, and 60% are women.⁴³ Given this pre-existing notion of assurance, the trafficker can easily gain trust with the victim. In an interview with a freed victim, the woman described how the recruiters presented themselves as "friends of friends" who posed as representatives of a genuine employment agency.⁴⁴ Once a victim has agreed to go abroad, the traffickers make all the necessary arrangements for travel, including paying for the expenses as well as obtaining the proper travel documentation. According to the Global Survival Network (NGO), traffickers in Ukraine can obtain false documentation from corrupt officials for approximately \$800, in order to facilitate trafficking their victims.⁴⁵

Corruption in the governmental sector has deeply contributed to the success of organized crime. Officials provide necessary false travel documents and passports, or simply "ignore"

41 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

42 Miko, F.T. "Trafficking in women and children: the U.S. and international response."

43 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

44 Synovitz, R. "Sex traffickers prey on eastern europeans."

45 Miko, F.T. "Trafficking in women and children: the U.S. and international response."

trafficking at border control areas in exchange for money.⁴⁶ In a case presented in 2004, a police officer was charged for providing minors with travel documents with false ages and identities who were trafficked to a group of Russian pedophiles.⁴⁷ Despite the common knowledge of governmental corruption, little disciplinary action has been taken against high ranking officials.⁴⁸ Many victims do not report their case to federal agencies for fear of their involvement in organized crime. On average, only 12% of Ukrainian victims report to the police, and of those, many are turned back to the traffickers and receive brutal retaliation.⁴⁹ This lack of governmental interference has the international community questioning Ukraine's transparency, which inherently hurts multilateral relations.

Current Implemented Policy

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According to the U.S. State Department's Trafficking in Persons Report of 2008, the Ukrainian government has increased enforcement measures in convicting traffickers. However, the government has been flagged as a "Tier 2 watch list" state by the U.S. State Department's Office to Monitor Trafficking (MOI), for its failure to comply with international norms and regulations to eliminate trafficking.⁵⁰ This deficiency stems from a lack of resources within Ukraine to combat the issue. The MOI has assigned a department exclusively for the prevention of trafficking, with 27 directorates in regions throughout the nation and over five hundred officers serving the anti-trafficking department. Reports show, however, that there remains minimal accomplishment in tackling the issue of government involvement in trafficking.⁵¹ Though the government has increased investigation and prosecution tactics, it is largely a result of increased funding by the Ministry of the Interior (MOI), while progress within the Prosecutor

46 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

47 "U.S. department of state: country report of Ukraine."

48 Ibid.

49 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

50 Miko, F.T. "Trafficking in women and children: the U.S. and international response."

51 Liemt, G.L. "Human trafficking in europe: an economic perspective."

General Office (PGO) remains desolate.⁵² In 2005, 354 cases were filed involving 217 suspected traffickers and 390 victims, and only 149 of these cases went to trial that year.⁵³ Out of the 217 suspects, a mere 58 were sentenced to prison with lenient convictions.⁵⁴ While the government did sponsor anti-trafficking seminars for officers of the MOI, no high ranking governmental officials have been prosecuted for involvement, and very few lower ranking officials have been convicted.⁵⁵

Corruption Prevails

Ukraine was one of the first countries in Europe to adopt Article 149 of the Criminal Code to make human trafficking a criminal offense, and yet, the country remains highly susceptible to this epidemic.⁵⁶ Though prostitution is illegal in Ukraine, it is a common issue fueled by organized crime and widely ignored by the government. While the government does touch on human rights laws, it does not directly combat issues of corruption or provide strict laws against human trafficking.⁵⁷ The Den, a national newspaper, reported on October 19, 2005 that since the "2001 introduction of criminal penalties for organized crime," no criminal cases on prostitution had been opened.⁵⁸

Currently, penalties for involvement in human trafficking in Ukraine stem from three to eight years. The most severe sentencing on record is for fifteen years, which involved a case in which children under the age of fourteen were being trafficked.⁵⁹ Munir Podomlak, head of Croatia's Partnership for Social Development & Anti-Corruption Campaign, is confident that policemen, governmental officials, and diplomats are inextricably tied to human trafficking, and that there

52 Miko, F.T. "Trafficking in women and children: the U.S. and international response."

53 Liemt, G.L. "Human trafficking in Europe: an economic perspective."

54 "U.S. Department of State: Country Report of Ukraine."

55 "Country Narratives: Ukraine."

56 Liemt, G.L. "Human trafficking in Europe: an economic perspective."

57 "U.S. Department of State: Country Report of Ukraine."

58 Stadyk, A. "Ukraine takes a step to curb trafficking."

59 "U.S. Department of State: Country Report of Ukraine."

is "something much bigger behind it, which we have no knowledge of."⁶⁰ With a lax enforcement of such serious offenses, especially demonstrated by the weak attempts to prosecute high-ranking officials, human trafficking and organized crime continues to thrive in Ukraine.

On a national scale, progress in combating human trafficking has been minimal. Though the government spent \$53,465 in 2007 to fund awareness campaigns, there has been no evidence of campaigning against exploitation in the commercial sex industry.⁶¹ In 2007, the MOI provided aid to 488 victims, yet this group only represents a small percentage of Ukrainian victims.⁶² Local governments, however, have improved their undertaking of the issue by implementing victim assistance programs, awareness campaigns, as well as further enforcing prosecution methods of traffickers. Ukraine's capital, Kiev, has the most established collection of medical facilities and shelters for victims.⁶³

A recent phenomenon of corporate responsibility has swept the nation with national companies funding campaigns to raise awareness. For example, three of the leading cell-phone providers (Kyivstar, Life & MTS) have founded a national toll-free hotline in which people can call for information and assistance.⁶⁴ Other major national corporations in the business of oil, technology, and entertainment have funded programs to take action against human trafficking.⁶⁵ Television stations such as MTV Ukraine, have donated airtime for public service announcements and have broadcasted documentary films based on this prevalent issue.⁶⁶

Ukraine's limited resources have caused the country to rely heavily on external aid to help combat human trafficking within the country. Many programs are funded by donations from

60 "A Modern slave's brutal odyssey."

61 "Country Narratives: Ukraine."

62 Liemt, G.L. "Human trafficking in europe: an economic perspective."

63 "Country Narratives: Ukraine."

64 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

65 Ibid.

66 Ibid.

NGOs, UN mediated programs, as well as independent subsidies from other countries.⁶⁷ Victims are generally referred to non-governmental organizations (NGOs) for assistance which provide medical and psychological care, as well as reintegration programs and assistance in job placement.⁶⁸ There are currently 31 local NGOs working in Ukraine to assist victims and law enforcement agencies in gaining awareness about the issue.⁶⁹ The EU has donated the largest sum to Ukraine, with a running total of over one billion dollars since 1991, funded by the TACIS program to assist with humanitarian relief.⁷⁰ The Organization for Security and Cooperation in Europe (OSCE) has been working with the government to assist in technical support and legal reform to combat corruption within Ukraine.⁷¹ Furthermore, the United States has teamed up with the OSCE in a multilateral response to trafficking in Ukraine with financial aid, governmental reform assistance, and monitoring policies to ensure development.⁷²

Counter Productiveness

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Though the general interest of NGOs on the matter is to assist the victims and disenfranchise the illicit business, there have been reports of corrupt NGOs funded by receiving countries that promote policies that legitimize the sex industry.⁷³ According to Carel Hofstra, secretary of the US-Ukraine Regional Law Enforcement Workshop Against Trafficking in Women and Children, "The Netherlands was first to provide funding for NGOs [in Ukraine], and they provide 80% of funding for La Strada: Ukraine."⁷⁴ La Strada is a well-established NGO that helps to promote human rights of women of central and Eastern Europe by campaigning against human trafficking.⁷⁵ In the case of Ukraine, however, Ukrainian citizen's interests are not regarded as the main priority. For instance, in a televised debate on prostitution in September 2008, La

67 Liemt, G.L. "Human trafficking in europe: an economic perspective."

68 "Country Narratives: Ukraine."

69 "U.S. Department of State: Country Report of Ukraine."

70 "Ministry of Foreign Affairs: EU-Ukraine bilateral relations."

71 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

72 Ibid.

73 Ibid.

74 Ibid.

75 Liemt, G.L. "Human trafficking in europe: an economic perspective."

Strada-Ukraine promoted the legalization of prostitution, which followed the policy goals of the Netherlands, and not of Ukraine. In that same year, in a poll taken throughout Ukraine, 75% of the respondents said they would not maintain contact with someone they knew had been a prostitute.⁷⁶ The general opinion on prostitution in Ukraine is very negative and though awareness has grown in the realm of human trafficking, the conservative views of the country remain extremely critical on the matter. The authentic voice of public opinion and interest in Ukraine is thereby not represented through NGOs such as La Strada, which have a completely contrasting agenda. If prostitution was legalized in Ukraine, not only would there be public uproar, but the epidemic would most likely continue.⁷⁷ By giving organized criminals the right to continue business, corruption is commended: a step in the wrong direction.

Policy Recommendations

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Despite its ultimate lack of resources, Ukraine has put-forth significant efforts to tackle the epidemic of human trafficking. The government has shown signs of cooperation with international norms with its multilateral diplomacy policies within the UN charter.⁷⁸ Ukraine adopted the "Palermo Protocol" in 2000 to combat human trafficking on a global scale, calling for coordination and cooperation of all member-states.⁷⁹ Joint efforts are necessary to tackle this epidemic. There needs to be a cohesion of efforts from the private and public sectors in order to most efficiently combat trafficking. Partnerships must be made between the Ministry of the Interior and NGOs in order to combine efforts for a maximum result in all related realms of trafficking.

The government cannot depend solely on external aid. In accordance with the protocol, Ukraine should put more of an emphasis on awareness programs, which target ignorance as the source

76 Stadynek, A. "Ukraine takes a step to curb trafficking."

77 Liemt, G.L. "Human trafficking in Europe: an economic perspective."

78 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

79 Palermo Protocol

for victims, and would potentially reduce the amount of those affected by trafficking. For example, by being able to recognize the problem early on, such as the rise of a new prostitution ring, the government will be better prepared to combat the issue effectively. Ukraine must also enforce anti-corruption policies and promote more harsh punishments for convicted traffickers and members of organized crime. Within this realm, Ukraine must work particularly on the prosecution of corrupt officials, as well as improve the general transparency levels of the country.

Though Ukraine intends to progress, it has faced severe affliction with internal cooperation on the matter. For instance, in the realm of prosecution, victims rarely report to the police, and if they do, the lack of transparency in law-enforcement agencies has led to minimal investigative strategies.⁸⁰ Victims are reluctant to report their case for various reasons; the most prevalent reason being the lack of trust in the police.

Public opinion of prostitution has strongly influenced repudiation of victim's experiences.⁸¹ The interconnectedness of prostitution and trafficking is not coherent within Ukraine. Prostitution is highly condemned, and disowning participants is a common phenomenon, no matter the situation. The constitutional rights of victims in Ukraine are in need of reform as they characterize victims as "willing prostitutes" and dismiss confidentiality.⁸² It is thus obvious why the already traumatized victim would avoid the process of going to trial for fear of further public ridicule. Ukraine needs to implement a coherent witness protection program that promotes confidentiality in order to secure the victim's safety against retaliation from organized criminals. Moreover, the government should encourage more victims to report their cases. If more victims provided information about their experiences, law-enforcement agencies would have more evidence and thus more concise prosecution policies could be executed.

80 Hughes, D.M. "The Transnational political criminal nexus of trafficking in women from Ukraine."

81 Stadyuk, A. "Ukraine takes a step to curb trafficking."

82 "U.S. Department of State: Country Report of Ukraine."

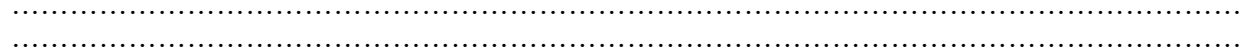
In order to alleviate the epidemic of human trafficking in Ukraine, and in effect, promote economic development; the government needs to reform its current policies. Prosecution charges for criminals should be strictly enforced, especially within the realm of governmental corruption. Transparency should be promoted in order to enforce legal proceedings against culprits. Ukraine must also emphasize the importance of protecting the victims of trafficking in order to promote social prosperity, as well as substantiation for the use in legal proceedings. In order to deter further exploitation of its citizens, Ukraine must focus efforts to dissuade the demand for exploitative commercial sex acts. If Ukraine fails to show improvement on the issue of human trafficking, the illicit market will continue to thrive, as will the poor economy. As a result of lack of accountability, foreign investors will be discouraged to invest, which will further impede Ukraine's economic development.

Abstract – Over the last 30 years, China's relationship with the United States has seen a dramatic shift away from what it once was. With Mao Zedong's death on September 9, 1976, Deng Xiaoping assumed leadership and began implementing major reforms in the Chinese economy. The Chinese government started phasing out collectivized agriculture and expanded to include the gradual liberalization of prices, fiscal decentralization, development of stock markets, rapid growth of the non-state sector, and, most importantly, the opening of foreign trade and investment. Annual inflows of foreign direct investment rose to nearly \$108 billion in 2008. Today the United States' foreign policy toward China is shaped by the U.S.'s economic concerns, specifically with regard to its relationship with Taiwan and the possible threat of China stripping the U.S. of its global hegemonic status. However the current global economic crisis has altered the relationship between the two states. Now, looking forward, there is a push toward a more sustainable model for economic development between China and the United States. Whether a more amicable, enduring relationship between the two states will prove effective is still yet to be seen, but what is certain is that going forward, the relationship between the two powers will continue to dramatically change.

United States and Chinese Economic Relations:

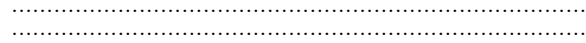
A Changing Paradigm for the 21st Century

➤ *By Mary Schmidt*



China, the United States and Taiwan:

Between a Rock and a Hard Place



Since the United States government signed the three joint communiqués, which serve as central statements to the normalization process of relations between the U.S. and China, and Congress passed the Taiwan Relations Act in 1979, the relationship between China, the United States, and Taiwan has been unclear. The signing of the three joint communiqués showed China that the United States recognized only “one China.” Around the same time, however, the United States Congress passed the Taiwan Relations Act, which essentially countered what the three communiqués delineated. On one side, the United States is

appeasing China by acknowledging that there is only “one China” and that Taiwan is part of that China. On the other side, the U.S. is trying to respect Taiwan’s desire for autonomy. In appearing supportive of both countries, the U.S. is able to keep both markets opened and responsive to U.S. investments. The countering, unspoken agreements between the three states have not yet caused a major conflict. The balancing between these powers has been occurring for decades. The most notable example was the Taiwan Strait Crisis of 1995 and 1996, when the United States tried to mediate between the Peoples Republic of China (PRC) and Taiwan. The U.S. government ultimately sided with Taiwan because of stipulations that were outlined in

the Taiwan Relations Act, stating that the United States is “to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern.”⁸³

The Taiwan Strait is still a point of contention between the United States and China, in part because of China’s growing influence on the international stage. In the last two years there has been major progress in cross-strait relations, mainly because of the inauguration of a new Taiwanese President, Ma Ying-jeou, in 2008. He has been making strides toward improving Taiwan’s relationship not only with China, but also with the United States. It is important for Taiwan to keep these relationships cordial because, according to Deputy Assistant Secretary of the Bureau of East Asian and Pacific Affairs David B. Shear, “the PRC is Taiwan’s largest trading partner with cross-Strait trade totaling close to \$110 billion in 2009, according to Taiwan statistics. We expect that the two sides will sign an Economic Cooperation Framework Agreement (ECFA) sometime this year, with the next round of talks scheduled for the end of this month.”⁸⁴

The United States is performing a diplomatic power balancing act between the PRC and Taiwan in order to maintain its relationship with both countries. The U.S. wants to be sensitive to the PRC because of its size, economic power, and mutual economic dependency. At the same time, however, the U.S. does not want to jeopardize its blossoming trade relationship with Taiwan. The United States is currently “the largest foreign investor in Taiwan with cumulative direct investments of over \$21 billion. Taiwan is the U.S.’ 10th largest trading partner, ranking higher than Italy, India, and Brazil, with trade amounting to over \$46 billion last year.”⁸⁵

U.S. involvement in cross-Strait relations is much more complex than just potential trade and economic growth. While the United States may tend to side with Taiwan, China can use its

⁸³ James Martin, *Center for Nonproliferation Studies at the Monterey Institute of International Studies*, 2007.

⁸⁴ Shear, David B. *China-Taiwan: Recent Economic, Political and Military Developments Across the Strait and Implications for the United States*.

⁸⁵ *Ibid.*

relationship with North Korea as leverage over the United States. China has declared that it will help in counterterrorism and management of the nuclear crisis with North Korea. Whenever China sees the U.S. siding with Taiwan, however, it usually does not hesitate to accelerate its military modernization efforts to increase the costs and risks of a U.S. intervention on Taiwan's behalf.⁸⁶ The U.S. has tried to avoid having to choose between China and Taiwan, but its increasing security role in the Taiwan Strait will make it hard to maintain a balanced policy. Despite efforts to stay out of the middle, Washington has been forced to become more involved in cross-Strait relations to preserve the status quo.⁸⁷ Between China and Taiwan, there is speculation that increased Taiwan economic dependence on China could lead to the reunification of the two countries. However, Taiwanese economists also speculate that the reverse could become true and less economic dependence would lead to Taiwan strengthening its relationship with the U.S. and becoming autonomous.⁸⁸ Whatever the motive or the outcome of these decisions may be, the United States needs to be more careful with how it operates with both Taiwan and China in the future.

The United States vs. China's Rapid Economic Growth: The Next Global Hegemon

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Toward the end of the 1970s, Deng Xiaoping gained power over the Chinese government and implemented a series of policy shifts. One of the most notable changes was in international economic policy, where Xiaoping opened the special economic zones (SEZ). The first SEZ was created in Shenzhen in 1980. Prior to the opening of the SEZ, Shenzhen started out as a small fishing community but has since grown and developed exponentially. Over the next several decades, many more SEZs opened all over mainland China. These sites have attracted a great deal of foreign direct investment because of their lenient regulation policies. For many U.S.

⁸⁶ Ibid.

⁸⁷ Saunders, Phillip C. "Long-term Trends in China-Taiwan Relations: Implications for U.S. Taiwan Policy."

⁸⁸ Ibid.

corporations, this means much lower wages for workers and much cheaper costs of production. "Most FDI is taking advantage of China's cheap labor in its manufacturing plants,"⁸⁹ leading to an exodus of corporations' factories and businesses from the U.S. to China.

This surge of FDI over the last 30 years has contributed greatly to China's rapid economic growth. Jan Prybyla, an economics professor at Pennsylvania State University, estimates that "70 percent of China's industrial growth was due to private and foreign investment. There are thousands of foreign trading companies in China. In 1991, foreign investment climbed to \$17.8 billion, up by 47 percent over 1990 and more than doubled after 2000."⁹⁰ While this kind of economic growth may be good for the American companies and may even be beneficial to the Chinese people in the short term, the long term implications may prove to be detrimental both to the United States and to China. The outsourcing of jobs to China has contributed to American job loss.⁹¹ In addition, there has been recent concern that all this American investment in China may be contributing funds to the Chinese military development.⁹² This is concerning to some who believe that if China has a strong military, they will certainly threaten the United States as the global hegemon.

Additionally, such rapid development has proven to have devastating effects on the environment. John Ashton, the top climate change official at the UK Foreign Office, estimates that China is building two new power plants every week in order to sustain their economic growth.⁹³ This kind of growth not only has harmful effects on the local environment, water sources, ecosystems, plants, animals, and human health, but it also greatly increases CO2 emissions into the atmosphere. The combination of all these factors has the potential to halt long term growth in economic cooperation of both the United States and China.

⁸⁹ Hanami, Andrew K. *The U.S., Japan, and Asia in International Politics*.

⁹⁰ Ibid.

⁹¹ Krugman, Paul. "China's Dollar Trap." *New York Times*

⁹² Hanami, Andrew K. *The U.S., Japan, and Asia in International Politics*.

⁹³ Harrabin, Roger "China Building More Power Plants." BBC News.

Currently, in terms of economic success, China is achieving much more than the United States.⁹⁴ Some analysts see this shift in economic success as a potential shift in global hegemonic power. China, the United States, and Taiwan are party to the Asia Pacific Economic Cooperation (APEC), along with 18 other states. The relationship between these states is delicate and very important for insuring long term economic growth for the United States. This is yet another reason why the United States is fervently working to preserve relations with both China and Taiwan. During a March 9th interview with Kurt Tong, a Senior Official for Asian Pacific Economic Cooperation (APEC), Bureau of East Asian and Pacific Affairs, he explained what APEC is doing to address the current economic concerns of the American people. Tong stated that, "taking a longer view, it's important to create a paradigm for growth in the Asia-Pacific region which will lead to long-term and sustainable growth and thus benefit the United States."⁹⁵ This is emblematic of how Chinese-U.S. relations have been in the past and could possibly continue to develop in the future. In recent months there has been a lot of pressure put on the current administration in the White House by Congress to stop China's alleged currency manipulation that sets China's exchange rate very low. Some may argue that this conflict of interest may present a problem when it comes to U.S. firms doing business in and with China.

For now there are a few things that the U.S. can do to keep its position as a hegemonic power. The United States must practice a policy of deterrence, dissuasion, or enmeshment. China's rise will increase its ability to challenge the international system. However, it will be less likely to do so the more it is enmeshed or entangled in the existing international order, because its leaders will perceive the order as serving Chinese interests. Furthermore, the creation of ties to the existing order will clarify Chinese challenges to the international system, if they come, by serving as litmus tests for judging Chinese behavior.⁹⁶ Of the three options, deterrence, dissuasion, and enmeshment, a policy of enmeshing will prove to be the most effective in keeping China subordinate on the global stage. It would appear that in the last couple of

⁹⁴Krugman, Paul. "China's Dollar Trap." *New York Times*.

⁹⁵Tong, Kurt. *Interview on the Asia Pacific Economic Cooperation*.

⁹⁶Twomey, Christopher P., "Missing Strategic Opportunity in U.S. China Policy since 911: Grasping Tactical Success."

decades this has been one of the main motives behind the United States foreign policy toward China. The U.S. has long had an interest in preventing challenges to its position atop the distribution of power. This is not a new goal; its principles run deep in American foreign policy. Although there is little the U.S. can do to stop China's relative rise in the long run, Washington can solidify the U.S.-led order within that rise when it occurs. Doing so not only ensures the narrow military security of the nation but also allows Washington to shape the norms of international behavior in ways that benefit the U.S. and oftentimes the system as a whole.⁹⁷

The Great Recession:

How U.S., China Relations Have Changed Since 2008

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Although the idea of framing a U.S.-led order amidst China's economic rise could have been feasible at one point while still in the face of the global economic crisis, it no longer looks to be a viable option. The stakes have become too high for the United States and the rest of the global community. Moving forward, the United States needs to work more closely with China as a partner, rather than as an enemy or competitor. During April of 2009, when U.S. President Barack Obama made his first trip as Commander-in-Chief to China to meet with Chinese President Hu Jintao, Obama emphasized the importance of cooperation between the two states.⁹⁸ The two sides agreed to work towards more mutually beneficial cooperation in a wide range of areas, including but not limited to: the economy, trade, counterterrorism, law enforcement, science and technology, education, culture, and health. They also agreed to continue and expand consultations on non-proliferation and other international security topics.⁹⁹ The two leaders also welcomed further exchanges between the national legislatures, local authorities, academics, young people, and other sectors.¹⁰⁰ Furthermore, President Obama and President Hu agreed to resume a human rights dialogue as soon as possible. Both countries

⁹⁷ Ibid.

⁹⁸ New York Times. "Mr. Obama and Mr. Hu." *New York Times Editorial*.

⁹⁹ Ibid.

¹⁰⁰ The White House Press Secretary. "Statement on bilateral meeting with President Hu of China."

share a commitment to military-to-military relations and will work for their continued improvement and development. President Hu and President Obama concluded that continued close cooperation between the United States and China was critical at this time to uphold the strength of the world economy and would remain so in the future.¹⁰¹ They both acknowledged that as major economies, the United States and China need to work together, as well as with other countries, to promote the smooth functioning of the international financial system and the steady growth of the world economy.¹⁰² The talk between the two leaders was seen as a positive starting point for continuing to work on and developing a more sustainable and meaningful Chinese-U.S. relationship.

More progress was made during July of 2010, when President Obama made another trip to China to meet with the country's top financial advisors. During this meeting, he emphasized the point once again that the two states must work together going forward through the economic crisis. He said, "The current crisis has made it clear that the choices made within our borders reverberate across the global economy -- and this is true not just of New York and Seattle, but Shanghai and Shenzhen as well...that is why we must remain committed to strong bilateral and multilateral coordination."¹⁰³ He was also sure to mention that the interests of the two countries have never been as closely intertwined as they are right now because of their economic relationship.¹⁰⁴

In recent months the United States' attention has been brought back to China's alleged devaluing of its currency, the renminbi. During a time when the world economy is still struggling to recover, many states have become very sensitive to the fact that China is doing what would appear to be currency manipulation. Since the collapse of the United States' financial system and the start of the global economic crisis, many western heads-of-state have been looking at China and accusing them of intentionally keeping the value of their currency

¹⁰¹ New York Times. "Mr. Obama and Mr. Hu." *New York Times Editorial*.

¹⁰² The White House Press Secretary. "Statement on bilateral meeting with President Hu of China."

¹⁰³ Puzanghera, Jim. "As China, U.S. begin high-level talks, Obama urges cooperation on economy." *Las Angles Times*.

¹⁰⁴ *Ibid*.

low.¹⁰⁵ The practice of keeping the value of your currency low is generally more accepted when it is done by developing countries. China's status, however, as a developing country is up for debate; while the country does have an ever-increasing GDP, its per capita income is still relatively low on the global scale. As a result of China keeping the renminbi's fixed and artificially cheap exchange rate, exporters all over the world are being undercut. This is also complicating economic policy-making decisions among China's neighbors who cannot afford to combat growing inflation by allowing their own currencies to rise, because it would even further affect their exports. China would also benefit from shifting its focus away from relying solely on exports and focusing more on internal consumption as a source for growth.¹⁰⁶ It would improve the living standards of its citizens and would ease the job of China's central bank in trying to keep inflation at bay. Allowing their currency to rise would establish China as a more responsible actor on the global economic stage. This issue of currency manipulation is not only a problem between the United States and China, but one that affects most of the world. The challenge for President Obama now is to get the rest of the world's leaders to articulate their frustration and concern with China's economic strategy as clearly and urgently as they can.¹⁰⁷ The two leaders concluded the April 2010 meeting with President Obama agreeing not to take a forceful stand against China, but rather a more submissive approach. Some analysts saw this as the right thing to do, given the United States' current economic standing with China. At the same time, China still understood the severity of the situation. There is talk that China will in fact switch from a fixed exchange rate to a floating exchange rate. This would allow the renminbi to change with the foreign exchange market, which will likely increase the value of their currency.

As of now, the United States seems to be taking a more passive approach and simply observing and analyzing what happens. This may be an indication that the United States' relationship with China has shifted or is shifting to a more equal and balanced relationship based on mutual

¹⁰⁵ Krugman, Paul. "China's Dollar Trap." *New York Times*.

¹⁰⁶ Puzanghera, Jim. "As China, U.S. begin high-level talks, Obama urges cooperation on economy."

¹⁰⁷ *New York Times*. "Mr. Obama and Mr. Hu." *New York Times Editorial*.

respect of the other's power. If this is the case, then China and the United States are definitely on the path towards building a sustainable and meaningful long-term global partnership that will work towards maintaining the balance in the global economic system.

Conclusion

The United States and China have had a tumultuous relationship over the course of the 20th century and into the 21st century. The two countries have not seen eye-to-eye on a host of political and social issues that define them as nations. The relationship between the two states has been characterized by U.S. dominance over China, or at least that is how it is perceived on the world stage. This relationship began to change as we moved from the end of the 20th century into the 21st century, when China began to run a trade surplus and saw a dramatic increase in their overall GDP. The United States became a debtor nation, and in some ways was at the mercy of China. Now, as the world moves through the global economic crisis, it is important that both the United States and China work together to secure economic growth and stability not only for themselves but for the global community.

Abstract – The New York Times has argued that “the use of child soldiers is probably the world’s most unrecognized form of child abuse.” The current nature of warfare has led to the rise of the child soldier. Children are recruited by armed forces through a variety of means and for diverse reasons. In spite of the increase in child soldiering around the globe, little has been done to effectively prevent child recruitment. While national governments have attempted some progress, they are often limited in their success. Although the international community has enacted several protocols and treaties calling for action, it suffers from its own limitations and has failed to adequately act further. In order to fully illustrate the arguable inaction of the global community, a description of the evolving characteristics of modern day warfare will be provided, as well as how and why children are recruited into armed groups. After a review of background on the issue, the limited action of national governments and the reasons for their restrictions will be described, followed by the international community’s response, particularly the legal framework it has sought to establish and the shortcomings of treaties and subsequent actions.

Innocents Ignored:

Child Soldiers and the Lack of Effective Action by the International Community

➤ *By Sadie Yeager*

Introduction

The recruitment of child soldiers has increased throughout the world in recent decades.¹⁰⁸ According to the Cape Town Principles and Best Practices, a ‘child soldier’ is defined as “...any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity...”¹⁰⁹ Historically, rare military uses of children have typically been the result of desperation, as traditional warfare rendered them ineffectual. However, modern war has evolved in ways that have resulted in the active and systematic military recruitment of children. Children are being utilized as active combatants across the globe and continue to

be enlisted by force, manipulation, or volunteerism. While some children do ‘volunteer,’ the degree to which that enlistment is truly voluntary is arguable, as the lack of economic or survival options tend to be deciding factors for such individuals. Children are seen as uniquely beneficial both on and off the battlefield for numerous reasons, including cost-effectiveness, malleability, and tactical advantage. Although national governments have taken some action in an attempt to curb the recruitment of children, such work has been hindered by deficient resources and understanding, ineffective strategies, and a lack of power. In some instances, governments are not only unable to adequately contend with the issue, but have

¹⁰⁸ Singer, “Children on the Battlefield,” 359.
¹⁰⁹ Cape Town Principles, “Definitions,” 8.

furthered the problem by recruiting children themselves. As a result, nations have seen little progress toward successful prevention.¹¹⁰

Similarly limited action has been taken at the international level to prevent further conscription. While the reasons for the recruitment of children as soldiers are morally and ethically unjust, the lack of effective action toward the prevention of child soldiering is equally unjustified. The majority of action at the global level has been through the international legal framework, by establishing universal definitions and criminal consequences for recruiters. However, these various laws and treaties meant to enact change have done little to effectively curb child recruitment due to their inherent weaknesses, such as vague language, conflict between cultural social attitudes, the limitations of enforcement, and inattentiveness toward the treatment of child veterans. These factors have not only prevented international human rights law from being properly enforced, but have been the source for failure in further actions of information gathering and special courts taken by the global community. Until these innate problems are rectified, child soldiering will continue on a widespread and systematic scale.

Historical Military Uses of Children and the Nature of Modern Day Warfare

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Throughout history the use of children in war has been a last resort as attitudes toward children and their relationship with warfare, as well as the nature of war itself, made children unattractive as combatants.¹¹¹ Traditionally, official child members of armed forces were visibly segregated from active soldiers. Children fulfilled roles as musicians, supply runners, and aids to the caretakers of wounded soldiers.¹¹² They were oftentimes given different titles and wore different uniforms to further differentiate them from their adult counterparts.¹¹³ Also, for both

¹¹⁰ Wessells, *Child Soldiers*, 61.

¹¹¹ Singer, *Children at War*, 10.

¹¹² Singer, "Children on the Battlefield," 358.

¹¹³ Singer, *Children at War*, 13.

those in militant groups and outside of them, conventional warfare kept children safeguarded from direct involvement in war fighting because they were ineffective and useless to commanders. Wars were fought with the use of heavy, complicated artillery and strict military strategies, which required the strength and skills of adult men.¹¹⁴ Also, traditional conflicts occurred between rivaling nations and were resolved with official armies and fought on established battlefields.¹¹⁵ Physical inability and the separation of battlefields from civilians prohibited children from becoming significantly involved in warfare. However, the nature of war has since changed from such traditional circumstances and practices.¹¹⁶

Today, guerilla warfare is more commonly utilized and weapons have evolved, becoming lighter and easier to use, such as the AK-47.

Using such weapons, even a 10-year-old child can be an effective fighter, a fact not lost on most commanders. In previous ages, young children lacked the size and strength to wield effectively the weapons of the day, such as swords, spears, shields, and heavy muskets. Weapons like the AK-47 have changed this, opening the door to the pervasive use of child soldiers.¹¹⁷

Conflicts are now typically intrastate, rather than international, and affect civilians more directly, including children who become soldiers.¹¹⁸ Such factors have not only made children more useful, but have also enabled them to be more easily employed by militant groups. The late 20th and early 21st centuries have seen the rise of the child soldier as children are now actively recruited because of the advantages they provide, placing them at the center of many conflicts.¹¹⁹

At any given moment, an estimated 300,000 children are involved in armed conflict.¹²⁰ "In over three-fourths of the armed conflicts around the world, there are now significant numbers of

¹¹⁴ Klare, "The Kalashnikov Age," 19; Singer, "Children on the Battlefield," 358.

¹¹⁵ Klare, "The Kalashnikov Age," 19; Singer, "Children on the Battlefield," 358.

¹¹⁶ Klare, "The Kalashnikov Age," 19.

¹¹⁷ Wessells, *Child Soldiers*, 19.

¹¹⁸ Klare, "The Kalashnikov Age," 19.

¹¹⁹ Singer, "Children on the Battlefield," 359-60.

¹²⁰ Becker, "Child Soldiers," 17; Fox, "Girl Soldiers," 468; London, *One Day the Soldiers Came*, 169; Machel, "The Impact of Armed Conflict on Children," 9; Stark, et al, "Children and Fighting Forces," 522; Pearn, "Children and War," 169; Wessells, *Child Soldiers*, 9; Wessells, "Child Soldiers, Peace Education, and Postconflict Reconstruction for Peace," 363.

children participating as active combatants.”¹²¹ Although Africa is commonly thought of as the epicenter for child soldiering, children are seen as participants in warfare from Columbia to Nepal, Sierra Leone to Russia. Child soldiers are no longer products of unique moments in history, but have become a disturbing new feature of warfare. While children are central, their experiences sometimes differ in the ways in which they become involved and for the reasons they are recruited by their respective armed forces.

Methods in which Children are Recruited into Armed Forces

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Children are recruited into armed conflict through different methods. One of the most common strategies for recruiters is simply by force; abduction.¹²² Children are often kidnapped from places where they are thought to be most safe: schools, churches, refugee camps, or even homes – “Anywhere that there are a lot of children away from their families...is ideal.”¹²³ In such settings, children are most vulnerable to recruiters who want to fill the ranks of their organizations. Grace Akallo, a young girl who was recruited by the Lord’s Resistance Army in Uganda was abducted from her classroom:

In October 1996, the Lord’s Resistance Army, LRA, attacked St. Mary’s college, Aboke, a girls’ boarding school in Aboke Town, in Apac District in northern Uganda. They abducted 139 girls—including myself. I was 15 years old at the time.¹²⁴

With few adults capable of protecting them, children are easily taken from beds and classrooms. Other children are forcibly brought into armed conflict under the threat of injury, either to themselves, their families, or community. One boy, nicknamed ‘L,’ age seven, had such an experience: “The rebels told me to join them, but I said no. Then they killed my smaller brother. I changed my mind.”¹²⁵ They join in order to protect their families, friends, and themselves.

¹²¹ Goodwin-Gill and Cohn, *Child Soldiers*, 4.

¹²² Singer, *Children at War*, 58.

¹²³ London, *One Day the Soldiers Came*, 154.

¹²⁴ US Congress. Congressional Hearing. 109th Cong., 2nd sess., 26 April 2006.

¹²⁵ Singer, *Children at War*, 3.

They are told, 'either join or die.'¹²⁶ Upon enlistment, further threats of torture or death for attempt of escape, children are forced to comply with the orders of their new found commanders.¹²⁷

Recruiting organizations use deception and spread propaganda to manipulate children into joining their ranks.¹²⁸ Preying upon their naivety, such a strategy convinces children of the need to conscript their selves.¹²⁹ Ishmael Beah, a former child of the Revolutionary United Front in Sierra Leone, joined for such reasons, which he has illustrated in various interviews and speeches:

He described 'a circle of revenge' which was used to manipulate children into joining the army or rebel groups...[The army] explained how the rebels were committing murders and atrocities, and how the army was protecting the people. Over time, he saw more and more soldiers being killed by the rebels and felt compelled to join the army to help them out and survive. The rebels used the same tactics...¹³⁰

Once enlisted, militant groups are able to encourage loyalty, justice, and pride in their 'cause' in order to maintain their forces.¹³¹

Volunteerism is another recruitment method, one that is quite common.¹³² Many children do in fact volunteer as soldiers because it can provide needed security. Poor living conditions and the absence of viable economic options for young people, along with the looming threat of disease, leave youth in impoverished areas with few choices for an independent and stable future other than enlistment.

Inequalities have been widened and livelihoods have become more insecure, straining and weakening the social fabric. Household and community capacities to nurture and protect younger generations declined, and social norms and value systems to protect children weakened.¹³³

¹²⁶ Wessells, "Children, Armed Conflict, and Peace," 639.

¹²⁷ Singer, *Children at War*, 61.

¹²⁸ Francis, "'Paper Protection' Mechanisms," 213.

¹²⁹ Francis, "'Paper Protection' Mechanisms," 213.

¹³⁰ Center for Emerging Threats and Opportunities, "Seminar Report," 3.

¹³¹ Singer, *Children at War*, 68.

¹³² Singer, *Children at War*, 61.

¹³³ Honwana, "Children's Involvement in War," 146.

Children believe that military involvement will provide the opportunity to change their lives in order to become contributing members of their individual societies.¹³⁴ In some cases, service is the only way to survive in areas where even basic resources, such as food and water, are scarce. “For many, the possession of [a weapon] was often their only means of access to food and a sense of power.”¹³⁵ These children are also often surrounded by violent conflicts and affiliating themselves with one side of the fighting renders them less vulnerable than remaining a civilian.¹³⁶ Because of these factors that lead to ‘voluntary’ enlistment, in many cases, it is arguable that such involvement is not by choice at all.¹³⁷ Push and pull factors leave enlistment as the only viable option and therefore, like abduction or manipulation, volunteerism is, in actuality, forced.¹³⁸ No matter the means of entry, children are now vital members of fighting forces because of the advantages they bring both in battle and outside of it.

Justifications for Child Soldiering

Children are recruited as soldiers due to various qualities that make them inherently valuable to fighting forces. The first of these characteristics is simple economics; children are less expensive.

[Children]...offer a quick, easy, low-cost way of generating forces. Groups that otherwise would have no real military power can pose a significant threat by augmenting their ranks with child soldiers.¹³⁹

Commanders are able to have a much larger force at the same, or even lower, cost with children than with traditional soldiers.¹⁴⁰ This is largely due to the fact that they can perform all of the

¹³⁴ Susan McKay, “Reconstructing Fragile Lives,” 27.

¹³⁵ Honwana, “Children’s Involvement in War,” 147.

¹³⁶ Klare, “The Kalashnikov Age,” 19.

¹³⁷ Becker, “Child Soldiers,” 16; Francis, “‘Paper Protection’ Mechanisms,” 211-12.; London, *One Day the Soldiers Came*, 157; Singer, *Children at War*, 61-62; Wessells, *Child Soldiers*, 43; Wessells, “Child Soldiers, Peace Education, and Postconflict Reconstruction for Peace,” 364; Wessells, “Children, Armed Conflict, and Peace,” 639.

¹³⁸ Becker, “Child Soldiers,” 16; Francis, “‘Paper Protection’ Mechanisms,” 211-12.; London, *One Day the Soldiers Came*, 157; Singer, *Children at War*, 61-62; Wessells, *Child Soldiers: From Violence to Protection*, 43; Wessells, “Child Soldiers, Peace Education, and Postconflict Reconstruction for Peace,” 364; Wessells, “Children, Armed Conflict, and Peace,” 639.

¹³⁹ Center for Emerging Threats and Opportunities, “Seminar Report,” 14.

same tasks as their adult counterparts. Children are not only combatants, but they are also used as messengers, porters, spies, guards, landmine detection, as well as a variety of other tasks that do not involve firing a gun.¹⁴¹ Forces are also easily sustainable due to the fact that in many of the areas suffering from active recruitment, there is typically a much larger population of children than adults, and recruiters have a much bigger pool to pull from to maintain their ranks.¹⁴² This is especially helpful during times of conflict as war exhausts manpower through its violence with high amounts of casualties.¹⁴³ Similarly, these areas usually have high disease rates, leading to high mortality rates, making the larger population of children more attractive.¹⁴⁴

It is believed children can be easily 'coded,' that they can be made into 'living robots' that will obey any and all commands without hesitation.

...Children make good soldiers because they are especially susceptible to ideological conditioning; they are easier to manipulate and control; they are readily 'programmed' to feel little fear in combat or revulsion at atrocious acts; and they can simply be made to think of war and only war.¹⁴⁵

The malleable characteristics of children are more valuable to recruiters in comparison to adults who have established ethics because they can be ordered to commit violent acts with little consequence.¹⁴⁶ While adults would hesitate or refuse such commands, a child, once indoctrinated to violence, is a willing and sometimes even eager participant.¹⁴⁷

Another quality that is significantly attractive to those who employ child soldiers is more obvious, the simple fact that they are children. Smaller than their adult counterparts, children provide a smaller target that is more difficult to detect and fight against.¹⁴⁸ Also because of their size, children can hide in smaller spaces and attack from locations that are both virtually

¹⁴⁰ Michael Wessells, *Child Soldiers*, 34.

¹⁴¹ Becker, "Child Soldiers," 16; Machel, "The Impact of Armed Conflict on Children," 9; Wessells, *Child Soldiers*, 71.

¹⁴² Singer, *Children at War*, 38.

¹⁴³ Wessells, *Child Soldiers*, 33-34.

¹⁴⁴ Wessells, *Child Soldiers*, 33-34.

¹⁴⁵ Honwana, "Children's Involvement in War," 146.

¹⁴⁶ Singer, *Children at War*, 80.

¹⁴⁷ Wessells, *Child Soldiers*, 36.

¹⁴⁸ Singer, *Children at War*, 84.

undetectable and highly advantageous in ‘surprise attacks’ and battle.¹⁴⁹ They can also be used as decoys given that conventional armies do not expect children to be participants in armed conflicts.¹⁵⁰ Regardless of the reasoning behind recruitment, whether economics, malleability, or simply because of their size or age, national or international action is unequivocal to the extent to which children are being actively recruited.

National Governmental Action and its Limitations

Although most member states of the United Nations have signed treaties to prevent child recruitment, only a few of the nations affected by child soldiering have actually carried out demobilization processes, however limited. Oftentimes, governments who fail to comply are restricted in their efforts for a variety of reasons. There are structural inhibitions, such as a lack of resources, ineffective methods, national instability, and governmental recruitment. These countries simply do not have the means to enforce international, or even domestic, law within their borders. These measures require money, and few of the countries that see recruitment within their borders have the required financial means. A lack of accurate data and knowledge of the extent to which children are recruited and their experiences with war also limits effective governmental action.¹⁵¹ Without proper understanding of the issue itself, national governments cannot adequately respond to the problems or underlying issues of child soldiering in a way that fosters prevention.

The consequences of this inadequate awareness are best seen in the unsuccessful government endorsed methods to return children to their former civilian communities. While some countries attempt to liberate child soldiers, their programs typically focus solely on demobilization and do not include rehabilitation or reintegration aid.

¹⁴⁹ Center for Emerging Threats and Opportunities, “Seminar Report,” 14.

¹⁵⁰ Singer, *Children at War*, 75.

¹⁵¹ Ayissi, “Protecting Children in Armed Conflict,” 10.

Not much commitment and sustained effort is devoted to the social and psychological reintegration of ex-child combatants, beyond an immediate preoccupation with disarmament and demobilization. In these countries, the former child soldiers are largely overlooked, abandoned and treated as a lost generation.¹⁵²

Because of governments' lack of attention to life post-conflict, children are left without skills or options for a productive, independent civilian livelihood and suffer from impermanent reintegration as a result. Exploitation can continue after such failures as these children are sometimes re-recruited. This is especially true of conflicts that last for many years:

One of the most pernicious aspects of the use of child soldiers that, in the drawn-out conflicts in which they tend to be used, the cycle of violence continues and, unless they are carefully monitored in the long term, the children are regularly re-recruited into the army, caught and punished for escaping, or even recruited into the opposing side.¹⁵³

In long-term conflicts, the war often occupies the governments' attention, rather than social injustices suffered by the civilian population, like child soldiering.¹⁵⁴

Because of the instability of modern-day conflicts, national governments do not necessarily have the power or incentive to stop such atrocities. Sometimes, the nongovernmental forces that recruit children even dominate the countries in which they operate, such as the Lord's Resistance Army in Uganda, which controls much of the northern half of the country.¹⁵⁵ Some national militaries recruit children as well, such as Uganda and the Democratic Republic of the Congo.¹⁵⁶ While there are 300,000 children presently involved in armed conflict, the United Nations estimates that "...more than fifty states actively recruit at least another half million children into their military and paramilitary forces, in violation of both international and usually their own domestic laws."¹⁵⁷ Like nongovernmental organizations, governments sometimes have to resort to the use of children due to the demands of armed conflict. Because certain national governments benefit from the militant use of children, they have no incentive to

¹⁵² Francis, "Paper Protection' Mechanisms," 209.

¹⁵³ London, *One Day the Soldiers Came*, 154.

¹⁵⁴ McKay, "Reconstructing Fragile Lives," 20.

¹⁵⁵ Dunson, "The Child Soldiers of Gusco," 12.

¹⁵⁶ Becker, "Child Soldiers," 16.

¹⁵⁷ Singer, *Children at War*, 30.

prevent their recruitment. Because states have done so little, action is left to the global organizations, the United Nations in particular.

Action at the International Level

Like national governments, some action has been taken by the international community with regards to child soldiering, but it too has been limited and often unsuccessful. The United Nations (UN) has enacted various protocols and treaties as a means to take action against child recruitment. These agreements are meant to encourage national governmental prevention measures, establish programs for gathering information, which fosters meaningful action, and create a foundation for legal action through ‘special courts,’ as in Sierra Leone, where offenders can be brought to justice.¹⁵⁸ While such efforts have brought public attention to the plight of child soldiers and some perpetrators have had war crimes charges brought against them, children are still recruited on a large scale throughout the world. The limiting effects of inadequate legal language, limited enforcement powers, and ineffective methods have narrowed the capabilities of the international legal system and, as a result, prevented further action from truly affecting change.

The Legal Foundation of International Action

The first of these legal actions by the international community is found in the 1977 Additional Protocols to the Geneva Conventions. With this document the minimum age for involvement in armed service was set at fifteen and member nations, having signed, are required to take, “...all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into

¹⁵⁸ United Nations Security Council Resolution 1315.

their armed forces.”¹⁵⁹ The Additional Protocols were an attempt to force warring non-state militant groups to comply with international human rights law by bringing them under its jurisdiction while simultaneously providing protection for civilians, specifically children.¹⁶⁰ In 1989, The UN Convention on the Rights of the Child was the first international document that provided a definition for a ‘child.’ The CRC classifies a child as “...every human being below the age of 18 years...”¹⁶¹ and reinforces the minimum age for recruitment at 15.¹⁶² Signatory states, as in the Additional Protocols, are required to take all “feasible” action against the recruitment of children under that age into armed service.¹⁶³ Simultaneously, this document also sets international legal precedence of a “...child’s inherent right to life, survival, development, and freedom of thought, regardless of race, religion, or gender.”¹⁶⁴ All children have rights as humans that must not only be acknowledged, but also protected.

While the CRC officially defined the term ‘child,’ no such definition had been yet provided for the ‘child soldier.’ In 1997, the Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa finally supplied that definition. A ‘child soldier,’ is “any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity...”¹⁶⁵ The Principles, aside from establishing a vital universal understanding, provided the UN and other nongovernmental organizations with effective methods and strategies to best demobilize and reintegrate child soldiers, by enacting and enforcing national prevention laws and regulating military recruitment, as well as to prevent further enlistment by giving children access to family support, healthcare and support.¹⁶⁶ In 1998, the Rome Statue of the

¹⁵⁹ Additional Protocols to the Geneva Conventions, Article 1.i-ii.

¹⁶⁰ Druba, “The Problem of Child Soldiers,” 272.

¹⁶¹ Convention on the Rights of the Child, Article 1.

¹⁶² Convention on the Rights of the Child, Article 38.3.

¹⁶³ Convention on the Rights of the Child, Article 38.3.

¹⁶⁴ Honwana, “Children’s Involvement in War,” 142.

¹⁶⁵ Cape Town Principles, “Definitions,” 8.

¹⁶⁶ Stark, et al, “Children and Fighting Forces,” 523; Cape Town Principles and Best Practices, 1.

International Criminal Court was created, which clearly defined the military recruitment of children as a war crime.¹⁶⁷

The Rome Statute makes it a clear crime to recruit – conscript or enlist – children under fifteen years of age, or to use them in hostilities in both international and intrastate armed conflicts, whether on behalf of a government or any non-state armed group.¹⁶⁸

The Statute marks the militant use of children as a universal crime that would result in international jurisdiction, meaning any sovereign nation can bring perpetrators of such a crime to justice at the ICC. Because its strong language garners legal strength, the 1998 Rome Statute has been described as “the most important development in proscribing the use of child soldiers...[It] came closest to establishing a universal legal standard...”¹⁶⁹

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified in 2000, pushes international action against child soldiering further by raising the minimum age for armed service at 18, rather than 15 like previous documents.¹⁷⁰ While previous documents allowed for younger voluntary recruits, the Optional Protocols only allows for “volunteers” as young as 15.¹⁷¹ In 2007, as a way to mark the 10-year anniversary of the Cape Town Principles, the Paris Commitments and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups was written as a way to examine the progress since the mid-1990s.¹⁷² It also worked to establish universal strategies for effective disarmament, demobilization, and rehabilitation of child soldiers.¹⁷³ The signatory nations again agreed to take all “feasible” action against child recruiters and to make every effort possible toward healing and reintegrating child veterans.¹⁷⁴ This is significant in that it is an attempt by the global community to not only examine what has been learned from past

¹⁶⁷ The Rome Statute, Article 8, 2.b.xxvi.

¹⁶⁸ Honwana, *Child Soldiers in Africa*, 38.

¹⁶⁹ Rosen, “Child Soldiers,” 301.

¹⁷⁰ Optional Protocols to the UN Convention on the Rights of the Child, Articles 1-2.

¹⁷¹ Optional Protocols to the UN Convention on the Rights of the Child, Articles 3.1.

¹⁷² Stark, et al, “Children and Fighting Forces,” 523.

¹⁷³ “The Office of the Special Representative of the Secretary-General for Children and Armed Conflict – Paris Principles”

¹⁷⁴ Paris Commitments.

efforts regarding child soldiering, but to also create universal standards in regards to post-conflict treatment.¹⁷⁵ Although international human rights law concerning child soldiers has clearly evolved, there are still devastating shortcomings that are the cause for problems found in the laws themselves and in further actions.

The Shortcomings of International Human Rights Law

While these various laws and protocols were created in an attempt to end child soldiering, international human rights law has been continuously weak for various reasons, one of which is its unclear, and therefore consequently weak, language. Without a strong foundation from which to begin from, further success against child recruitment has been severely hindered. While the Additional Protocols to the Geneva Conventions was the first document to establish a need for action, it defined neither 'child' nor 'child soldier,' which left monumental gaps in its interpretation.¹⁷⁶ It was not until eleven years later that 'child' was given a clear description, and it was not for another seven years that a definition was provided for 'child soldier,' resulting in almost 20 years without universal standards of the most basic aspects of the issue. Similarly, in the Optional Protocols to the CRC its language of "volunteer" is similarly vague. Much of the Optional Protocols is left to debate as a result of what truly constitutes a volunteer and how much encouragement, influence, or pressure a child can receive from others, whether militant group or not, and their enlistment still considered voluntary. The Additional Protocols requires states take any and all "feasible" action, but such wording is also imprecise.¹⁷⁷ While the Convention of the Rights of the Child defined 'child' and the Paris Principles attempted to create standards for the treatment of child veterans, they too, like the Additional Protocols, have parallel weak vocabulary. As a result of such language throughout these international documents, party nations have been left with interpretational opportunities for

¹⁷⁵ Stark, et al, "Children and Fighting Forces," 523.

¹⁷⁶ Rosen, "Child Soldiers," 300.

¹⁷⁷ Druba, "The Problem of Child Soldiers," 273.

noncompliance.¹⁷⁸ Refusal to cooperate has been made extremely easy for heads of state by claiming that preventative action against child recruitment is simply not 'feasible.'¹⁷⁹ Supplementary obstacles are thus inevitable with such weaknesses in the legal basis from which further action arises.

In some countries, these laws are inadequate due to the cultural ideals they are based upon. Western attitudes and understandings toward, children, childhood, and war oftentimes conflict with the notions of non-Western, more 'traditional' societies.¹⁸⁰ A primary example of this can be found in African attitudes:

In many African cultures, for example, notions of adulthood can be shaped by economic contexts or marked by rites of passage and ceremonial acts. These factors often signify when a boy becomes a man or a girl becomes a woman, and may well occur before the age of 18.¹⁸¹

With such international treaties, Western ideals are forced upon these cultures. Because such laws work against local societal norms and values they consequently cannot adequately cope with the issue of child soldiering.¹⁸²

International law is also extremely difficult to enforce. Neither the United Nations nor the International Criminal Court have the power to enforce treaties or decisions on sovereign nations. Their roles are as counsels that work to establish norms in which nations can choose to participate. This weakness leaves such documents and judgments worthless in the eyes of those nations and non-state forces that enlist children, and is particularly true during times of war where the traditional etiquette is no longer followed. "There are no rules of engagement in these situations."¹⁸³

¹⁷⁸ Rosen, "Child Soldiers," 300.

¹⁷⁹ Rosen, "Child Soldiers," 300.

¹⁸⁰ Rosen, "Child Soldiers," 297.

¹⁸¹ Stark, et al, "Children and Fighting Forces," 524.

¹⁸² Francis, "'Paper Protection' Mechanisms," 222.

¹⁸³ Center for Emerging Threats and Opportunities, "Seminar Report," 17.

Lastly, international law has not yet fully confronted the questions of child veterans, rehabilitation, or reintegration.¹⁸⁴ While demobilization is a major factor in the prevention of child soldiering, without creating an environment in which child veterans can effectively disassociate themselves from war, children will continue to be recruited.¹⁸⁵ Treatment, both physical and psychological, must be readily accessible and communal acceptance and forgiveness must be facilitated in order for veterans to attain success and permanency as civilians. Although the Paris Principles attempted to address this issue, it is weak in its wording and lacks support; only 76 of the 192 member states of the United Nations are party to it.¹⁸⁶ Thus, it is evident that there is still conflict over methods of demobilization, rehabilitation, and reintegration. Although attempts at creating better understandings is a sign of progress by the global community, established universal perceptions and strategies have yet to be agreed upon and continue to, along with weaknesses in wordage and enforcement, prevent significant results.

The Failures of Consequent International Actions

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The Futility of Reporting on Child Soldiering

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Since such legal ‘accomplishments,’ the UN has created the position of Special Representative of the Secretary-General for Children and Armed Conflict, currently held by author, lawyer, and diplomat Radhika Coomaraswamy.¹⁸⁷ From the office of the Special Representative, annual reports are published on ‘grave violations’ to children’s rights as humans, such as their recruitment into fighting forces.¹⁸⁸ This is a strategy known as ‘naming and shaming.’¹⁸⁹ It is meant to “...enforce international human rights norms and laws. Nongovernmental

¹⁸⁴ Druba, “The Problem of Child Soldiers,” 274.

¹⁸⁵ Becker, “Child Soldiers,” 17.

¹⁸⁶ “The Office of the Special Representative of the Secretary-General for Children and Armed Conflict – Paris Principles”

¹⁸⁷ “The Office of the Special Representative of the Secretary-General for Children and Armed Conflict – Radhika Coomaraswamy”

¹⁸⁸ “The Office of the Special Representative of the Secretary-General for Children and Armed Conflict – Monitoring and Reporting”

¹⁸⁹ Hafner-Burton, “Sticks and Stones,” 689.

organizations, news media, and international organizations publicize countries' violations and urge reform."¹⁹⁰ While this kind of exposure might lead to a force's international unpopularity, it does little else.¹⁹¹ Without the incentive of real legal action to convince such groups to discharge their child soldiers, public criticism will do nothing. Such reports do not garner compliance or demobilization and without proper enforcement, fighting forces will continue to employ child soldiers.

Special Courts and Tribunals and their Ineffectiveness

Another so-called triumph by the global community since the establishment of international legal standards has been the formation of special courts or tribunals, such as in Sierra Leone. The Court, founded in 2000,¹⁹² was created in order to bring to justice those who had committed war crimes, crimes against humanity, and serious violations of domestic law during the Sierra Leonean Civil War, which wreaked havoc on the country from 1991 to 2002.¹⁹³ However, since its inception, the Court has only indicted 13 criminals and of those few, it has only successfully charged eight.¹⁹⁴ Another, former Liberian President Charles Taylor remains on trial since June 2007 for his support of the rebel group Revolutionary United Front (RUF), which had been enlisted thousands of children during the war.¹⁹⁵ This dismal progress is evidence of the Court's, and likewise the international community's, need to become increasingly proactive, stringent, and forceful in the criminalization of child soldier recruitment.¹⁹⁶ As with the 'naming and shaming' of the annual UN reports, organizations that recruit children remain without incentive to demobilize its illegal ranks because such courts are not actively seeking out and punishing war criminals.

¹⁹⁰ Hafner-Burton, "Sticks and Stones," 689.

¹⁹¹ Ayissi, "Protecting Children in Armed Conflict," 11.

¹⁹² United Nations Security Resolution 1315.

¹⁹³ Schocken, "The Special Court for Sierra Leone," 436.

¹⁹⁴ "The Special Court for Sierra Leone – Cases."

¹⁹⁵ "The Special Court for Sierra Leone – Cases."

¹⁹⁶ Ayissi, "Protecting Children in Armed Conflict," 11.

Conclusion

Although not new to human history, the recent rise in the child soldier has transformed child recruitment into a major international issue. Children are recruited through various methods, whether by force, deception, or by voluntarily enlisting themselves into armed service. They are utilized in armed conflicts by many different non-state and national military organizations around the world for various reasons and continue to be sought in violent conflicts. While action has been taken by national governments, such work has been limited and seen little success. Most nations experiencing child recruitment lack the resources and influence necessary to affect change within their borders. At the international level, various treaties, protocols, and laws have been enacted as a legal response to child soldiering. Although such laws attempt to protect children from the effects of war, they have done little due to the lack of enforcement, weakness of language, and disregard to post-conflict rehabilitation and reintegration. As a result, modern day warfare has continued to see a blurring of the division between civilian and combatant, adult and child. "Recent civil wars tend to obliterate distinctions between civilians and belligerents in ways hardly witnessed before."¹⁹⁷ While language has created intrinsic problems in the legal action against child soldiering by the global community, such issues are further compounded by the disagreements between Western and non-Western societal values, the limitations on the power of global institutions, and the disregard for child veterans.

Without both a major movement against the use of children in armed conflict by international organizations, particularly the United Nations, and an increased focus on the rehabilitation and reintegration of former soldiers, children will continue to be enlisted around the world. If international human rights law is to be the foundation from which further action rises, it must be modified for the strength and clarity of language, proper enforcement, and the harsh criminalization of offenders. Compliance must come from both positive and negative

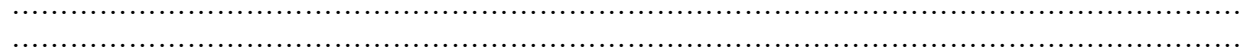
¹⁹⁷ Honwana, "Children's Involvement in War," 141.

incentives, and strictly enforced obligations to abide by such laws. Special courts and tribunals must be proactive in their indictments and judgments and also formulated in such a way that allows for adequate enforcement of their decisions. Finally, the struggles of life post-involvement must be methodically addressed in such a way that all child veterans receive formal assistance so that they are successfully and permanently reintegrated into civilian life. They must be provided with the therapy, skill training, and communal acceptance that is required of them and the cultural attitudes of their societies. Without such strategies and revisions, child soldiers and veterans will continue to suffer from the inherent weaknesses of international action; innocents will remain ignored.

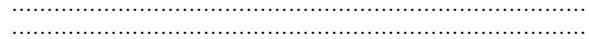
Abstract – Somalia has undergone massive amounts of violence and poverty during an absence of government, which began in the early 1990s. Along with continued acts of piracy and the growth of terrorist organizations, Somalia is considered the most corrupt nation in the world. Throughout the years, international organizations and military interventions have attempted to establish order, yet little to no progress has been fulfilled within the country. The purpose of this paper is to examine three factors that impede Somalia's ability to begin economic development: bad governance, internal conflict, and inefficient aid policies. In addition to demonstrating factors that prevent economic growth, this paper aims to provide a solution that will jumpstart the developmental process. Through the observation of historical events in combination with empirical data, I will examine Somalia's capability for development and prosperity. While the path towards development may appear grim, there still are existing solutions for this collapsed country.

The Democratic and Economic Reform of Somalia

➤ By Rachid Yousfi



Introduction



Somalia is a country that qualifies as a failed state. Only 37.5% of the population can read and write in their native languages. The infant mortality rate is 109 of every 1,000 with a life expectancy of only 49 years.¹⁹⁸ The annual GDP growth rate of Somalia is 2.6%, and their gross domestic product is a mere \$5 billion.¹⁹⁹ Its citizens continue to experience poverty, internal conflict, and a lack of a functional, representative government. The international community has clearly lost interest in Somalia and has resigned to feeling that there is no possible way to restructure the country. Attempts at

development have occurred multiple times, but history shows that these strategies were unsuccessful, each time driving the country into even greater economic and political failure than before. Therefore, new strategies and approaches should be taken into consideration.

The purpose of this paper is to prove that political and economic development in Somalia is still possible. Theorists state that Somalia is a lost cause and that history inevitably repeats itself. Others believe it is still not too late to promote new ideas for development and prevent the same mistakes made in the past. This paper will argue that three things are hindering Somali development: corruption, internal conflict, and ineffective foreign aid policies. These chronic obstacles have continuously

¹⁹⁸ "Background Note: Somalia," *United States State Department*, Jan. 3, 2011.
¹⁹⁹ *Ibid.*

distanced the country from the goal of economic prosperity, making it difficult to even introduce new ideas. As the data in this paper will show, without the reform of all three characteristics, hope for Somalia will remain as grim as ever.

To explain Somalia's situation, this paper uses the International Society theory of international relations, in which peace and stability must be obtained in order for development and justice to prosper. It is crucial that the internal state be reformed in order to see political and economic progress.

Methodology

A variety of methodologies are used throughout the paper, but it primarily consists of empirical data using quantitative research specifically regarding Somalia. It uses inductive reasoning that states the broad topic, and provides evidence to prove its validity. In addition to empirical data, it uses historical research to describe the policies Somalia has made in the past that led them to their current plight. From decolonization in 1960 to U.S. intervention in 1991, the Somali leadership has made bad policy decisions that eventually led the country to state failure.

After 20 years of constant failure, it is time for Somalia to start developing. The country has the potential to become a new, vital trading port throughout Sub-Saharan Africa. Somalia's development is critical to other countries as well, due to its proximity to many important trade routes and regional economic leaders. Somalia's development will lead to improved trade for other countries and enhanced diplomatic relations. The strategy that this paper puts forth for the development of Somalia will eventually lead the country to a brighter future.

Historical Background

Somalia declared its independence on July 1st, 1960, casting off both British and Italian rule.

Although there were many ethnic groups in Somalia, four in particular were well-known: the Dir, Isaaq, Hawiye, and Daarood. These groups were dispersed among the northern and southern regions of Somalia, each holding their own short-lived presidential terms between 1964 and 1967. Two years after Abdirashid Ali Shermarke of the Daarood ethnic group took power in 1967, Siad Barre, another leader of the Daarood clan, led a bloodless coup and installed a Socialist government in Somalia.²⁰⁰

Barre followed a very anti-American and pro-Soviet political agenda.²⁰¹ He expelled the Peace Corps from Somalia and required his people to call each other “comrades.” Barre’s Marxist views tried to bring all Somalis together and eliminate all clan identifications, as well.²⁰² After his first six years of ruling Somalia, however, Barre began to lose the interest of the Soviet Union government. In 1977, the Ogaden War broke out, which was a territorial dispute over the Ogaden Desert between Ethiopia and Somalia. The Soviet Union fully backed Ethiopia, “supplying Ethiopia with 10,000-15,000 Cuban troops and Soviet military advisors,”²⁰³ while at the same time still giving a small amount of support to Somalia. After Somalia lost the Ogaden War in 1978 and reluctantly made peace with Ethiopia, Barre expelled all Soviets and Marxists, shifting toward a pro-American approach.²⁰⁴

Once the Somali government turned to the U.S. for economic support and military aid, they allowed the U.S. to access the port of Berberia for military purposes.²⁰⁵ While the U.S. remained in Somalia, Barre became paranoid of ethnic groups forming a coup d’état, fearing that he would lose control of his government.²⁰⁶ Thus, he launched violent oppositions toward the ethnic groups that threatened his regime. Since Barre had access to U.S. artillery, he was able to use the national army against his own citizens. Barre bombed Hargeisa, a city in northern Somalia, with the intention of destroying the Somali National Movement led by those of the

²⁰⁰ Aguibou Yansane, *Development and Foreign Policy Issues in Africa*, 1996: 25-26.

²⁰¹ Yansane, *Development and Foreign Policy*, 26.

²⁰² Ibid.

²⁰³ “Background Note: Somalia.”

²⁰⁴ Yansane, *Development and Foreign Policy*, 26.

²⁰⁵ “Background Note: Somalia.”

²⁰⁶ Yansane, *Development and Foreign Policy*, 28.

Isaaq ethnic group.²⁰⁷ The movement's plan was to remove the Barre regime from power and to gain control of the state. This initiated a war between all four major ethnic groups of the country in 1986, known as the Somali Revolution.²⁰⁸

Once war broke out, the U.S., along with the rest of Somalia's international support, fled the country.²⁰⁹ As groups banded together, they ousted Siad Barre from the government, causing him to flee to Nigeria in 1991. The country then fell into a civil war between the four ethnic groups, which has yet to be concluded. Due to a lack of governmental supervision throughout the civil war, the country suffered heavy looting at the hands of militias and civilians alike. Crippling water droughts further diminished their economy, agriculture, and livestock.²¹⁰ Many Somalis fled the nation into neighboring Djibouti, Kenya, and Ethiopia. Most of those who fled Somalia to these bordering nations were given the status of refugees.²¹¹

In response to the major outcries by many Somalis and foreign politicians, the United Nations (UN) employed the United Nations Operation in Somalia (UNOSOM), which entered the country in 1992 to provide food, water, and sanitation to the impoverished populations.²¹² The UN attempted peace settlements, but could not succeed in convincing warlords to agree on a common government. To support the UN, U.S. President George H.W. Bush carried out "Operation Restore Hope" by sending in military forces to bring order to the country. However, the U.S. did not understand or pay any attention to the existence of various ethnic groups and instead chose to take sides in the conflict.²¹³ In October of 1993, a Somali ambush killed 18 U.S. army soldiers during their attempt to arrest Mohamed Farah Aideed, the Somali military leader at the time who declared himself Barre's successor. The tragic outcome of the Battle of Mogadishu pushed President Clinton to withdraw American forces from Somalia, presuming

²⁰⁷ Helen C. Metz, "From Independence to Revolution," *Somalia: A Country Study*, Library of Congress (1992).

²⁰⁸ "Background Note: Somalia."

²⁰⁹ Yansane, *Development and Foreign Policy*, 29.

²¹⁰ *Ibid.*

²¹¹ "Background Note: Somalia."

²¹² Yansane, *Development and Foreign Policy*, 30.

²¹³ *Ibid.*

that this was a war that the U.S. could not win.²¹⁴

From 1994 until the present, Somalia has undergone many regime changes that have each attempted to stabilize the government and economy. The Transitional Federal Government (TFG) has been in place since 2004. The Prime Minister of Somalia is Mohammed Abdullah Mohammed, who was elected by the Transitional Federal Parliament (TFP) in 2009.²¹⁵ Although the TFG is still in power today, it has little to no competence in improving the country's development or ending the current civil war. Today, Somali piracy is rampant in the Indian Ocean and the Red Sea and is an increasing threat for countries exporting to the region through the Suez Canal and other major regional waterways. Fewer attacks have been made this year in the Red Sea, but the pirates' numbers are increasing.²¹⁶ From the country's tumultuous political history, it seems as if there is no hope for Somalia to become a developing nation.

What is Blocking Somalia From Development?

Somalia is the recipient of massive foreign aid from various state and non-state actors. Supporters from all over the world have tried donating money, food, and water supplies, but Somalia still has not shown signs of any significant progress. There are many common factors that contribute to a state's stagnant development, but this section will focus on three: corruption (also known as bad governance), internal conflict, and aid.

Corruption and Bad Governance

The TFG will be in place until the country is able to exert some measure of control over its territory and implement and enforce government policies. However, warlords, including the infamous Islamic extremist group Al-Shabab, continue to rule large regions of the country. So

²¹⁴ "Intervention in Somalia (1992-1995)," *BBC News*, Nov. 15, 2005 <<http://www.bbc.co.uk/dna/h2g2/A6110948>>.

²¹⁵ "Background Note: Somalia."

²¹⁶ "Fewer attacks by Somali pirates, but their net widens," *Christian Science Monitor*, Apr. 21, 2010 <<http://www.csmonitor.com/World/Africa/2010/0421/Fewer-attacks-by-Somali-pirates-but-their-net-widens>>.

how does corruption fit into the demise of the Somali state?

According to Robert H. Bates' book *When Things Fell Apart*, certain heads of state will have policy choices that tend to lead themselves into "control regimes."²¹⁷ These control regimes lead to "a closed economy, the distortion of key prices in the macro-economy, the promotion and regulation of industries, and the regulation of markets."²¹⁸ In addition, 60% of control regimes are governed by the military (like Barre after leading the bloodless coup). 59% of civilian-led governments had "one-party" governments, where countries would only allow a single-party rule, disregarding all other political opinions.²¹⁹

Corrupt African governments have "imposed tariffs and quantitative controls on a wide range of industrial products"²²⁰ in order to control trade. For instance, during the 1970s, Saudi Arabia was Somalia's number one livestock trading partner. Siad Barre, however, enforced tariffs in the region, which eventually resulted in the loss of Saudi Arabia as a trading partner.²²¹ Today, Somalia's agricultural sector is the most important part of the economy, with "livestock accounting for 40 percent of GDP and 50 percent of export earnings."²²² Of course, there is not much choice in the matter, as Somalia has a predominantly agricultural background with little to no industrial resources. It has a traditional economy and the farmers have been living in the same area for generations. Furthermore, the country still has a high debt of \$3 billion, which will take decades to pay off.²²³

It is regarded as common knowledge that "agriculture is the largest single industry"²²⁴ in African countries, particularly in Somalia. In addition to the agricultural economy, the Somali state failed due to adopted control regimes. In Bates' book, he writes that African states were

²¹⁷ Robert H. Bates, *When Things Fell Apart: State Failure in Late Century Africa*, (Cambridge: Cambridge University Press, 2008): 55.

²¹⁸ Ibid.

²¹⁹ Bates, *When Things Fell Apart: State Failure in Late Century Africa*, 61.

²²⁰ Bates, *When Things Fell Apart: State Failure in Late Century Africa*, 55.

²²¹ P.D. Little, "Traders, Brokers and Market 'Crisis' in Southern Somalia," *Journal of the International African Institute* 62 No. 1 (1992): 101.

²²² "Somalia," *CIA World Factbook*, Apr. 6, 2011 <<https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>>.

²²³ Ibid.

²²⁴ Bates, *When Things Fell Apart: State Failure in Late Century Africa*, 62.

beginning to adopt control regime policies:

When states failed in late-century Africa, growth rates fell between 1.8% and 1.9% per annum. More surprising[ly]...the imposition of a control regime led to a loss of roughly 1.6 percentage points per annum in the growth rate, thus rivaling the impact of state failure...[Control regimes] appear in more than 60% of the country year observations in the late 1970s and early 1980s. The adoptions of control regimes thus imposed high costs of Africa's economies.²²⁵

If the above is assumed to be true, the state of Somalia collapsed due to control regime policies adopted by the Barre leadership. Yet, if such leaders, like Barre, realized that their continued policies hurt their economy, why did they continue to use them? The common answer is that these decisions were more politically based than economically based.²²⁶ During the war with Ethiopia over the territory of the Ogaden Desert, Somali forces were defeated partially because Barre's political beliefs impeded his rational judgment, resulting in a loss of livestock due to the costs of the war and the loss of Soviet support.

Corruption and bad governance are extremely widespread throughout the whole African continent, because those in control continue to reap the benefits of the corrupt system that they themselves have created. Corrupt leaders will tend to keep the public uneducated and poor, because rent-seeking taxes benefit these leaders. However, once a state has collapsed due to corruption and bad governance, the likelihood of the state turning around immediately is 1.6%.²²⁷ Therefore, it is likely that countries will "stay as failing states for a long time."²²⁸ In fact, the average time of escaping "failed state" status, according to economist Paul Collier, is roughly 59 years.²²⁹ Somalia has only been considered a failed state since the withdrawal of American troops in 1993.

According to Transparency International, Somalia is the most corrupt state in the world today. This organization believes that corruption is "a major hindrance in fighting major problems like

²²⁵ Bates, *When Things Fell Apart: State Failure in Late Century Africa*, 63.

²²⁶ *Ibid.*

²²⁷ Paul Collier, *The Bottom Billion: Why The Poorest Countries Are Failing And What Can Be Done About It?*, (Oxford: Oxford University Press, 2007): 66.

²²⁸ Collier, *The Bottom Billion*, 71.

²²⁹ *Ibid.*

the financial crisis and climate changes."²³⁰ Corruption in Somalia is forcing the country deeper into poverty and debt, leaving little hope for short or long-term development.

Internal Conflict

The internal conflict in Somalia continues to block the development process. Civil war is an extreme form of state failure because it means that it is unable to rule and control its own territory.²³¹ According to Economist Benno Ndulu, "low incomes and primary commodity exports substantially increase the risk of civil war."²³² The failure of political order eventually undermines economic growth, usually leading to civil war.²³³ In the case of Somalia, intense conflict erupted only after Barre became paranoid and lost control of his own state, leading to a massive civil war between the different ethnic groups.²³⁴

Collier puts emphasis on the "conflict trap" in his book, *The Bottom Billion*. He finds that low income increases the risk of internal conflict, but at the same time, internal conflict increases poverty and low income due to the costs of war.²³⁵ Collier continues to note that countries (in this case, Somalia) experiencing stagnation, decline, or slow growth, are also prone to internal conflict.²³⁶ Most impoverished young adults are easily persuaded to engage in internal conflict because they have no hope.²³⁷ Their last resort is to join a militia that will promise some form of riches. In early 2010, the Somali extremist group Al-Shabab offered \$400 to young men who would join their "holy cause"²³⁸ in enforcing Sharia law in Somalia and helping overthrow the TFG. Clearly, many Somalis hold no hope for development and are doing anything they can to make a profit. Unfortunately, this is a routine practice throughout the entire nation, since Al

²³⁰ "Somalia Seen As Most Corrupt Nation," *Al-jazeera*, Oct. 27, 2010
<<http://english.aljazeera.net/news/2010/10/20101026213816364284.html>>.

²³¹ Dominique Njinkeu, *The Political Economy of Economic Growth in Africa 1960-2000 Vol. 1*, (Cambridge: Cambridge University Press, 2007): 44.

²³² Ibid.

²³³ Ibid.

²³⁴ Yansane, *Development and Foreign Policy Issues in Africa*, 28.

²³⁵ Collier, *The Bottom Billion*, 19.

²³⁶ Collier, *The Bottom Billion*, 20.

²³⁷ Collier, *The Bottom Billion*, 20.

²³⁸ Scott Baldauf and Ali Mohamed, "Somalia's Al Shabab recruits 'holy warriors' with \$400 Bonus," *Christian Science Monitor*, Apr. 15, 2010.

Shabab is still fighting against the TFG.

Somalia is considered to be the most dangerous country in Africa, as well as one of the most dangerous countries in the world.²³⁹ The death rate is extremely high due to its internal conflict. Along with corruption, internal conflicts significantly decrease the chances for development. Additionally, as internal conflict continues, the theme of low income becomes more and more present in this never ending cycle.

Aid

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The question that is asked repeatedly in this debate is: what are the aid policies of Africa, and if countries and international organizations have given a tremendous amount of aid, why has Somalia not even begun to walk the road to economic prosperity? First, as mentioned earlier, corrupted governments that are given aid from foreign donors usually do not use the funds to promote development, but rather use it for their personal expenses. This is the most common reason why most failed states do not start the development process. Second, and most importantly, the aid given is not strategically targeted enough to help promote development. The purpose of this sub-section is to describe certain aid donors' strategies of development and why they are not effective in Somalia.

NGOs

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Non-governmental organizations (NGOs) are one of the largest groups of donors in Africa. These organizations focus on particular problems, such as food and water shortages, education, hospitalization, natural disasters, and the collapse of governments. Well-known NGOs include Doctors Without Borders, Greenpeace, Amnesty International, Helping Other People Everywhere (HOPE), and International Committee of the Red Cross/International Federation of Red Cross and Red Crescent Societies. All types of NGOs, though they focus on different problems, generally aim to help reform a country after its collapse. Furthermore, NGOs usually

²³⁹ Zach Greenburg, "World's Most Dangerous Countries," *Forbes Magazine*, Mar. 4, 2009.

create local chapters to implement their projects and more directly benefit the people in need.²⁴⁰

There are five specific types of NGOs that are present in failed states.²⁴¹ First are the international governmental organizations, in which governments start organizations to either promote development within a country or to enforce law. Second, there are local branches of NGOs which are used by larger NGOs and run by either the local government or community. The third type is religious NGOs, which are commonly used throughout the continent of Africa, helping to restore hope within communities by building churches that shelter the homeless. As of now, the Islamic Relief program is stationed in Somalia building mosques and helping out communities in need.²⁴² Fourth are ethnic NGOs, where organizations are set up for the benefit of a specific region or ethnic group. An example of an ethnic NGO is the Golyome Rehabilitation and Development Organization in the Bakol region in Somalia.²⁴³ Fifth, project-related NGOs focus on specific projects executed according to a timeline. For example, the Africa Educational Trust focuses on delivering efficient school supplies to African children that lack an educational system.²⁴⁴ Some NGOs, however, can be used as fraud schemes to make money for either groups and individuals, or even the governments themselves. These schemes were famously used in Nigeria, when groups stole bank account numbers and extorted money for their purposes.

State Actors

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In addition to NGOs, nation-states give loans and aid, but many times this is not effective. Countries tend to donate whatever they want rather than what the country actually needs. These are known as “donor driven” countries.

During the Cold War, the U.S. constantly gave money to countries that did not support the

²⁴⁰ Theodore Trefon, *Reinventing Order in the Congo: How People Respond to State Failure in Kinsasha* (Zed Books, 2005): 102.

²⁴¹ Trefon, *Reinventing Order in the Congo*, 106-110.

²⁴² “Somalia NGO Consortium,” <<http://www.somaliangoconsortium.org/>>.

²⁴³ “Golyome Rehabilitation and Development Organization,” <http://gredosom.org/files/CSMT_projects.htm>.

²⁴⁴ “Africa Educational Trust,” <<http://www.africaeducationaltrust.org/>>.

Soviet Union.²⁴⁵ In fact, during the 1980s, when the U.S. supported Somalia, it originally donated \$500 million to specific developing African nations. Once Congress passed the African Development Fund, the U.S. increased their funding to \$800 billion in 1991. After the Cold War ended, the entire fund for these developing countries completely ceased in Somalia, except for a few humanitarian projects.²⁴⁶ To show Somalia's dependence on aid, Carol Lancaster, author of the book *Aid To Africa: So Much To Do, So Little Done*, makes remarks concerning Somalia's aid GNP percentage:

[In] thirty-five countries, aid has equaled 5 percent or more for at least a decade...Somalia, where in 1990 foreign aid equaled a whopping 237 percent. This percentage included relief aid. The more "normal" ratio of aid to Somali GNP was usually well over 100 percent between 1977 and 1990.²⁴⁷

Other countries took a similar route when it came to aiding African nations. France would only donate to those countries that reflected their French culture; Britain lacked detailed knowledge of the recipient countries when donating; Italy completely failed in their hopes to better African societies; Japan started donating after Nigeria threatened to raise tariffs on Japanese goods.²⁴⁸

Other Non-State Actors

Besides nations and NGOs, many other non-state actors are responsible for the lack of development within the country. For example, the International Monetary Fund (IMF) is an organization based in Washington D.C. that loans money to indebted countries which are unable to pay off their debt. Once a country qualifies for a loan, they then must meet certain conditions that will likely increase their chances of paying back the loan through the liberalization of economic policies. Some of those conditions include opening their trade to the global market and devaluing their currency while adopting an export-oriented strategy of growth. Despite Somalia's acceptance of these terms, the state still collapsed because of an

²⁴⁵ Carol Lancaster, *Aid To Africa. So Much To Do, So Little Done* (Chicago: University of Chicago Press, 1999): 86.

²⁴⁶ Lancaster, *Aid To Africa. So Much To Do, So Little Done*, 90.

²⁴⁷ Lancaster, *Aid To Africa. So Much To Do, So Little Done*, 41.

²⁴⁸ Lancaster, *Aid To Africa. So Much To Do, So Little Done*, 91.

increased debt and higher unemployment and poverty rates.²⁴⁹ In 2010, Somalia owed the IMF \$230.3 million, with \$118.3 million of this number being purely interest.²⁵⁰

Somalia is unable to fulfill their goal of economic development due to the continuing lack of governance by corrupt warlords, general internal conflict, and the lack of strategically targeted foreign aid. Somalia still suffers from hunger, thirst, drought, and lack of educational and health facilities. All of these traits have contributed to the loss of hope and will-power of both Somali civil-society and the international community.

Democratic Reform

Somalia is in need of reform that aims at benefiting the political and economic standards of the country. It is important to understand that this process will take approximately 20 to 25 years to implement, but it will show that if the country takes the necessary steps toward reform, it can begin the process of economic and political development. To begin the reform process, a functional government must be installed. Second, the internal conflict within Somalia must be brought under control. Third, there must be reforms in the process of aiding African countries. Lastly, the Somali government must intervene in the domestic economy in order for it to stabilize.

A Fully Practiced Democracy

It is difficult to build a democratic society in a country which has never experienced democratic freedom. Today, the TFG is attempting to promote democracy, but warlords and militia groups still run rampant in many parts of the country. It is imperative to build a new structure of security which will enforce laws that citizens respect and abide to, as well as regulate an

²⁴⁹ "Review of the Fund's Strategy on Overdue Financial Obligations," *International Monetary Fund*, 17.

²⁵⁰ *Ibid.*

efficient government and police system.²⁵¹

Additionally, and most importantly, Somalia must focus on the true aspects of democracy and try to unify the people as one nation. One method through which to carry this out is concentrating on youth education. The youth are the future of the world, and educating them effectively and freely will ultimately unite the people of Somalia and rid it of negative ethnic stereotypes. In addition to uniting the people, giving citizens a political voice and role in government decision-making is critical. A democracy allows civil society to have freeform thought and expression through the ability to vote without government interference. It will also give people the ability to form political parties and institutions that will focus on the needs of the people while working together with the new government.

Democracy is possibly the only viable path remaining for Somalia. Democracy grants the freedom to create new businesses, which contribute to democracy and economic growth. These measures will promote the people of Somalia rather than favoring specific ethnic groups, as was done under previous regimes.

Peace and Order

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In order to form a justice system that brings warlords and criminals to trial, there must be a general measure of peace and order throughout the country. There are two possible ways of doing this. The first is through truth and reconciliation. This method punishes those who have committed acts of violence against the innocent. Those who plead guilty to their crimes have less severe punishments. The second method is through a U.S.-led military intervention that is more strategically prepared than Operation Restore Hope in the 1990s. This intervention should focus on utilizing and supporting the UNOSOM peacekeeping troops that are currently present

²⁵¹ *Global Coalition for Africa*, 16.

in Somalia, fighting against a number of militias, including Al-Shabab.

Truth and Reconciliation

A practice that has been proven to succeed in two African countries (South Africa and Rwanda), truth and reconciliation will assist in the process of bringing others to justice. Obviously, this war is more complex than one side battling a second. There are a number of ethnic groups that continue to fight amongst themselves, but the most damaging group throughout the conflict has been Al-Shabab. One possibility is to bring those forward who are guilty of committing violent crimes of any form, whether it be terrorism, murder, or piracy. To come forward and be granted amnesty for mistakes made in the past will bring more hope for the future.

A counterargument to this approach, however, is that Al-Shabab is an extremist group that will continue its acts of violence until Islamic Sharia law is instituted in Somalia.²⁵² It is clear that Al-Shabab is a militia that is well-organized and attempts to control the country through any means necessary. Therefore, if truth and reconciliation fails, other measures such as military intervention should absolutely be considered.

Military Intervention

Military intervention in Somalia is the best solution if truth and reconciliation proves unsuccessful. Although extremely risky, this is the only hope that Somalia has if it wishes to begin the economic development process. There is a complex internal conflict taking place in Somalia today that requires a stronger force of UN peacekeeping troops to make sure the government progresses smoothly towards development.

Many classical realists will argue that another military intervention in Somalia is not in the interest of the U.S., considering they do not impose a threat to our national security. However, Al-Shabab is continuing to expand and control more areas of Somalia. Al-Shabab is a sister

²⁵² "Who is Al-Shabab?," *Newsweek* <<http://www.newsweek.com/2010/07/12/the-rise-of-al-shabab.html>>.

organization to Al-Qaeda, the extremist Islamic group that has targeted the United States.²⁵³ These soldiers are trained to fight anyone who disagrees with their policies and in many cases, are willing to die for this reason as well. In addition, this group is responsible for the relentless pirate attacks in the Indian Ocean and Red Sea. Piracy obstructs trade routes to the Suez Canal, and it is becoming more difficult for cargo ships (such as those from China, the U.S.'s number one trading partner) to have easy access of trade. Therefore, the numbers of militiamen aiming to prevent this democratic promotion and spread of free trade are growing, and need to be addressed directly.

Others argue that military intervention in Somalia should be avoided because of what happened during Operation Restore Hope. They claim that the U.S. does not want to risk any more soldiers for a seemingly hopeless cause such as Somalia. There are two arguments against this point. First, Operation Restore Hope was a plan that had no organization. Once the military entered Somalia, they immediately favored ethnic groups and did not focus on the situation at hand. Second, when soldiers enter a battlefield, they know that their lives will be at stake. They are willing to give their lives to support their country and should be honored because of it. President Franklin Delano Roosevelt, for instance, did not recall U.S. soldiers after hearing how many people were killed during the Invasion of Normandy in World War II. President Lyndon B. Johnson did not bring soldiers home from the Vietnam War once the Tet Offensive reports were leaked to the media, informing the American public of how many soldiers' lives were lost. Bringing peace to Somalia may cost a few lives, but 300,000 Somali lives have already been lost since the American retreat in 1993 and thousands more have fled to neighboring countries seeking refugee status.²⁵⁴ According to the UN Charter under Chapter VII, Article 39, the Security Council must rule what is considered to be a threat to international peace and what measures should be taken.²⁵⁵ Considering the numbers above, this civil war is a threat to peace and security for both the Somali government and the country's civil society, especially in terms

²⁵³ Ibid.

²⁵⁴ Collier, *The Bottom Billion*, 125.

²⁵⁵ *UN Charter*, Chapter VII, Article 39.

of reform and development. Therefore, Chapter VII, Article 42 of the UN Charter will allow military intervention to restore peace and security. Article 42 states:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.²⁵⁶

A more strategic approach is necessary to end the conflict altogether. Once the military is in place, it will need to cooperate with the government, training civilians to fight alongside the military and cooperate with UN Peacekeeping troops to rid the country of any parties planning to disrupt the new developing government. Al-Shabab is a threat to peace and security, and therefore development, within Somalia.

New Aid

It is not possible for Somalia to continue to develop on its own. The country is dependent on foreign aid because of its lack of resources and ability to govern. However, completely relying on aid without building a capacity for self-reliance will further deepen the country's debt in the long run, resulting in a higher chance of additional conflict. Aid policies must be reformed in a way that is beneficial to the country, rather than what is convenient for other governments or organizations.

As a professor of politics, Carol Lancaster's aid reform policy states that aid should be "depoliticized," or organized in a way that is more autonomous of that specific aid program, focusing on the organization's goals for development. Furthermore, the bureaucratic spending in these organizations and governments must be eliminated because the effects are more

²⁵⁶ *UN Charter*, Chapter VII, Article 42.

hindering to development than progressive.²⁵⁷ These donor organizations need to primarily focus on what Somalia needs rather than what the donors want to see happen. They must work alongside the Somali government to know exactly what the country is lacking in terms of development.²⁵⁸

Also, these organizations must focus on one of two organized strategies in order to promote development and stability. The first strategy employs joint donor missions, which occur when organizations and countries collaborate to focus on the development process. However, when there are too many organizations trying to implement their ideas and strategies, little to no progress will be made. Currently there is more competitiveness in this category than there is solid aid being provided. Second, these organizations need to make sure that they will actually give the aid benefits to those that need it the most. There are too many incidents where aid agencies are stationed in Somalia, but barely any of the proceeds actually are delivered to those in need. Either the recipient government takes the aid for itself, or the organization does not efficiently deliver these services. These organized improvements in strategy will prompt more progress to occur than in the past.

Lastly, actors need to set aside their own interests when contributing aid. One often sees these countries and organizations giving aid solely because they want something in return. Considering that Somalia barely has anything to give, and is not in any position to give what it has, this strategy is extremely ineffective. Organizations such as the World Bank and the IMF will have to reform their conditions that they feel will create stability in Somalia. Otherwise, they should stop lending completely unless the state is stable enough to compete in the global market. A more neutral agenda of all parties involved will show better results.

Foreign aid is crucial to Somalia. The country uses only its agricultural sector to increase growth. The country lacks clean water facilities, often has food shortages, lacks education, and

²⁵⁷ Lancaster, *Aid To Africa: So Much To Do, So Little Done*, 233.

²⁵⁸ Lancaster, *Aid To Africa: So Much To Do, So Little Done*, 224.

has no effective medical facilities. These are critical to the development process and aid should fulfill these needs until Somalia is capable of providing these services on its own.

Economic Stability

Once the above criteria are finally met, Somalia can begin to take steps toward economic reform. This is the last stage that will finally provoke economic growth and stability within Somalia. The following is a long-term process that Somalia should use to stabilize its economy.

The first step is to focus on Somalia's comparative advantage. Given that Somalia's GDP per capita percentage has remained at 2.6% due to their livestock trade, it is obvious that the government must focus on developing the country's agricultural sector, which is its strongest area of trade and largest potential for economic growth. In doing so, the government will increase the number of workers in the agricultural sector and provide incentives to instigate more output per worker.

After this is managed, the Somali government can trade with countries that have a comparative advantage in other sectors. This will increase the state's ability to fully develop economically.²⁵⁹ Export-based growth will create enough profit to start paying off the debt that past regimes have incurred. It will also increase their chances of being accepted into the World Bank's debt relief program.²⁶⁰

Once the government has solved internal conflicts, it can promote safer trade routes through the Red Sea and Indian Ocean. One of Africa's biggest investors is China, which currently invests in over half of all African countries.²⁶¹ China has helped develop railroads and more effective driving roads in return for natural resources. For example, China is currently trading with

²⁵⁹ Justin Y. Lin, "Growth Identification and Facilitation: The Role of the State in the Dynamics of Structural Change," *World Bank Policy Research Working Paper*, 17.

²⁶⁰ Lin, "Growth Identification and Facilitation," 18.

²⁶¹ Dambisa Moyo, *Dead Aid: Why Aid Is Not Working And How There Is A Better Way For Africa* (Farrar, Straus and Giroux, 2009): 98.

Sudan for petroleum. In return, China is providing critical resources to construct new bridges, roads, and even mobile communication. Furthermore, Somalia's seaport is extremely important to many countries that are landlocked. Chad, the Central African Republic, the Democratic Republic of the Congo, and Uganda will all benefit from Somalia's improved seaport involvement if they commit to trade with China.

Somalia must also focus on a new industrial center and decentralize from Mogadishu. The best possible area would be further on the coastal-north near Somaliland, a region that is experiencing relative economic prosperity even in today's harsh atmosphere. This will eventually create more jobs and build Somalia's capacity for technological innovation.

This economic plan will eventually restore hope to the Somali people, as well as ultimately lead to economic growth and stability within the country. Somalia will then be able to participate more actively in international relations.

Conclusion

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Democratic reform in Somalia is a crucial project that must be approached strategically. Somalia has been in economic turmoil for over 20 years, and the country's problems are beginning to spill over into other African countries. For instance, Uganda has been experiencing terrorist attacks in its capital by Al-Shabab.²⁶² Somali regression is increasingly becoming a security risk in countries throughout the world.

Finally, the United States and the United Kingdom, two of the five permanent members of the United Nations Security Council, have a large role in restoring hope in Somalia. It is not solely the problem of the U.S. or the UK that Somalia is underdeveloped, and the problems taking place in Somalia are the country's own responsibility; however, the U.S. and the UK can benefit

²⁶² "Al Shabab Claims Uganda Bombings," *Al-jazeera*, Jul. 13, 2010.

by assisting the country with a thorough plan that helps to stabilize the country. In addition, they will benefit economically through trade agreements with that region of Africa, thereby making it more stable as a result of their help. This reform process will benefit not only Somalia, but the entire region of Sub-Saharan Africa. It will take a long time for Somalia to finally see economic development, but with enough patience and the correct strategy, it can not only become a reality, but will finally give the Somali people the hope they have been without for generations.

Abstract – Historically, several factors have underlined the need for humanitarian and military interventions, including the magnitude of the conflict itself, the political interests of inside and outside powers, as well as the norms of the international community. Those interventions, however, have hardly – if ever – led to sustainable peace over time, largely because creating peace requires fulfilling certain conditions, namely: (1) brokering a peace agreement (peacemaking), (2) implementing the peace agreement (peacekeeping), and (3) promoting political stability (peacemaking). In the case of Bosnia and Herzegovina, priority was given to ending genocide and ethnic cleansing, leaving ambiguity to the manner in which a divided and reconfigured Bosnia was to function as a coherent and sovereign entity. This paper's main thrust is to argue that successful conflict resolution requires a clear agenda and an action plan, in both ending the conflict and implementing instruments for the assurance of long-lasting peace.

Conflict Resolution, Intervention and Nation-building: The Case of Bosnia and Herzegovina

➤ *By Alma Zalihic*

The General Framework Agreement for Peace in Bosnia and Herzegovina of December 14, 1995, also known as the Dayton Peace Accords, officially ended the Bosnian War, a 44 month-long violent ethnic conflict between Bosnian Croats, Serbs, and the government. Now, 15 years later, war has erupted again in Bosnia and Herzegovina, showing that the Dayton Peace Accords has failed to fulfill their ultimate objective of creating a climate for self-sustaining peace and democracy.

The present stagnation in terms of nation-building and the democratization process in Bosnia has sparked a renewed concern on the part of the international community. Peace agreements usually require immediate action without as much

consideration for long-term solutions that would lead to a self-sustaining peace.²⁶³ In the case of Bosnia and Herzegovina, the Dayton Accords halted the brutal violence of the war, which included ethnic cleansing and other crimes against humanity, but left ambiguous the manner in which a divided and reconfigured Bosnia was supposed to function as a unified nation. A strong military coupled with political intervention can impose peace in a relatively short time, but the process of self-sustaining peace requires the enormous dedication, support, and competence of the international community. Although the authors of the Dayton Accords hoped that moderate

²⁶³ Jones, Bruce D. "The Challenges of Strategic Coordination: Containing Opposition and Sustaining Implementation of Peace Agreements in Civil Wars." *Human Security Gateway*, June 2001.
<<http://www.humansecuritygateway.com>>.

would surface in the post-war political sphere, the ethnic division of the country drawn out in the agreement has effectively prevented moderates from emerging. Successful conflict resolutions require a clear and immediate agenda, as well as a long-term action plan for both ending the conflict and implementing instruments for the assurance of sustainable peace:

The case of post-Dayton Bosnia and Herzegovina (BiH) provides an interesting lens through which to reflect on the interconnected and often conflicting challenges of implementation of internationally brokered peace agreements, external support to democratic transition and consolidation, and contemporary notions of sovereignty and state building.²⁶⁴

A Brief History of Bosnia and Herzegovina

Bosnia and Herzegovina has a long and rich history, despite the fact that it is a fairly new nation-state. The territory of present-day Bosnia has been inhabited since the Neolithic age.²⁶⁵ Due to its geopolitical location on the Balkan Peninsula, many different ethnic groups have come and gone, leaving remains of their cultures behind.

Bosnia emerged as an independent kingdom for the first time in 1180 under Kulin Ban. Bosnia was conquered and incorporated into the Ottoman Empire in the 15th century and subsequently into the Austro-Hungarian Empire at the end of 19th century. After WWII, the Socialist Federal Republic of Yugoslavia emerged, and Bosnia became one of its six republics. Josip Broz Tito became the republic's first president and pursued a communist ideology for Yugoslavia until his death in 1980. With the collapse of the Soviet Union in 1990, a coalition arose with the aim of ousting the communists from power. As a result, ethnic nationalism emerged. Slobodan Milosevic, President of Serbia (another Yugoslav republic) at the time, fomented this rising nationalism among the Serbs with the aim of turning Yugoslavia into "Greater Serbia." With much discontent, each republic began declaring its own independence,

²⁶⁴ Perry, Valery. "At Cross Purposes? Democratization and Peace Implementation Strategies in Bosnia and Herzegovina's Frozen Conflict." *Human Rights Review* 10.1 (2009): 35-54.

²⁶⁵ Malcolm, Noel. *Bosnia: a Short History*. London: Pan, 2002.

acts which were systematically met with Serbian military confrontation. The Serbs mounted increasingly violent attacks, first on Slovenia, then Croatia, and finally Bosnia.

The war in Bosnia lasted from 1992-1995, with more than 200,000 Bosnian people killed, and 1.8 million displaced. The war ended with the signing of the Dayton Peace agreement, which divided the country into two entities: the Federation of Bosnia and Herzegovina (BiH) and the Republika Srpska.

Lack of Intervention

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The prelude and early stages of the war were marked by weak international response. During the Cold War, Yugoslavia had been a border state in the east-west divide, and as the Cold War came to an end, U.S. interests in the region diminished. Although reports show that in the late 1980's U.S. intelligence forewarned of a possible war in Yugoslavia and became aware of Milosevic's ambitions for establishing a greater Serbia, the U.S. had no interest in stopping a Serbian offensive against the other republics.²⁶⁶ Then-U.S. Ambassador Warren Zimmerman warned that Milosevic was spreading ethnic hatred and that Milosevic and Croatian President Franjo Tudjman were conspiring to carve Bosnia and Herzegovina and divide it between Croatia and Serbia.²⁶⁷ Even when the armed conflict erupted, the international community made no effort to extinguish it. Instead, the UN Security Council imposed an embargo on Bosnia and Herzegovina, making it impossible for the newly emerged nation to import arms in its own defense. French General Jean Cot claimed afterwards that the war could have been "stopped in October 1991, with three ships, three dozen planes, and about three thousand men deployed," which would have emphasized "the unequivocal determination of the European Community."²⁶⁸ The reluctance from the international community to engage in the Bosnian

²⁶⁶ Zimmermann, Warren. *Origins of a Catastrophe: Yugoslavia and Its Destroyers*. New York: Times, 1999. Print.

²⁶⁷ IBID. p.137

²⁶⁸ Cot, Jean. *Derniere Guerre Balkanique?* Paris: L'Harmattan, 1996. Print. As cited in Carol Hodge's "A Test for Europe". University

conflict could be explained by the realist notion that what goes on within a state is unimportant as long as it does not interfere with overall structure of the international system. Others claimed that the complexities of the ethnic issue made it almost impossible to determine who the aggressor in the conflict really was. Indeed, the conflict is often depicted as a civil war although it is clear that the Serbs had invaded and taken over two-thirds of Bosnia.

In April of 1992, Bosnia declared its independence. Just as many had predicted, Bosnian Serbs and Serbian warlords unleashed massive military attacks and acts of systematic ethnic cleansing against Bosnian Muslims and Croats, with the help of the Yugoslavia National Army (JNA). As the violence in Bosnia escalated, the newly appointed UN Secretary-General, Boutros Boutros-Ghali, under pressure from the European Community, worked towards sending UN peacekeepers with the strict mandate to protect only humanitarian aid convoys.²⁶⁹ Most of the interventions from the international community in this early phase of the war reflected humanitarian and peacekeeping approaches, which revealed the extreme helplessness of the intervention.

John Steinbruner and other experts claimed that the international community could not respond to the conflict on the scale required without appropriate leadership from the United States.²⁷⁰ However, with no direct U.S. interests at stake, the George H.W. Bush administration considered the violence in former Yugoslavia to be strictly a European problem. At the outbreak of the war, the lack of U.S. action as indicated through popular media and public opinion can be described as sympathetic to the victims, but unwilling to commit U.S. troops to a complex, faraway war. A lack of understanding of the complexities related to the former Yugoslavia and a lack of public pressure led the Bush administration “to look at Milosevic’s intransigence with a shrug”.²⁷¹ Decision-makers in the U.S. faced the dilemma of justifying the

of Glasgow, Glasgow, UK. 1996. Pg. 5 .

²⁶⁹ "Security Council Resolutions - 1992." *United Nations*. Web. 21 Feb. 2011. <<http://www.un.org/documents/sc/res/1992/scres92.htm>>.

²⁷⁰ Wehling, Fred, John Steinbruner, George Kenney, Michael Klare, and Michael Mazarr. "U.S. Intervention in Ethnic Conflict." *E Institute on Global Conflict and Cooperation*. 1995. Web. 21 Feb. 2011.

²⁷¹ Bass, Warren. "The Triage of Dayton." *Foreign Affairs* 77.5 (1998): 95-108. *JSTOR*. Web. 21 Feb. 2011. <

costs and potential casualties of military action to American taxpayers. Government officials held many debates over whether American forces should intervene to stop ethnic and nationalist violence and if the U.S. had an interest in upholding international law and maintaining legal order in collapsing states. While some argued that the U.S. had a moral duty to intervene, others pointed out that respect of the sovereignty of other states held greater importance. Although the horrors of the mass rape and ethnic cleansing undoubtedly presented a just cause for intervention, at the same time "political and legal ambiguities make...the legitimacy of military intervention extremely difficult."²⁷²

The Dayton Peace Agreement

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Gruesome and horrendous images of war victims surfaced due to the efforts of brave journalists, and the U.S. realized that they could no longer stay idle. The ideology of "America's self-perceived role as torchbearer of liberal democracy and human rights around the world"²⁷³ commanded a new policy. President Bill Clinton and his administration knew that failing to support its allies and contribute to the UN's efforts in Yugoslavia would greatly strain and dampen relations among North Atlantic Treaty Organization (NATO) members. Discussions on support and opposition to various kinds of U.S. involvement in Bosnia soon arose. The U.S. response to the events in Bosnia evolved slowly due to constant opposition from Congress, but eventually NATO took on a critical role in the conflict, replacing the UN Protection Force (UNPROFOR) as the leading organization.²⁷⁴ Suggestions about bringing the warring parties to the negotiation table reemerged, and the Dayton Peace Agreement was brokered after 20 days of negotiations between Serbian President Slobodan Milošević,

www.jstor.org/opac.sfsu.edu/stable/20049053>.

²⁷² Johnson, James Turner, and Alan Geyer. "On U.S. Involvement in Bosnia." *Christian Century* 110.17 (1993): 543. *Academic Search Complete*. EBSCO. Web. 21 Feb. 2011

²⁷³ Bloch, Yaeli. "An Exploratory Model of Media-Government Relations in International Crisis: U.S Involvement in Bosnia 1992-1995". *Media and Conflict: Framing Issues, Making Policy, Shaping Opinions*. Ardsley, NY: Transnational, 2002. 153-73. Print.

²⁷⁴ "95/11/01 Fact Sheet--Bosnia: NATO Involvement in the Balkan Crisis," *United States Department of State*, <<http://dosfan.lib.uic.edu/ERC/bureaus/eur/releases/951101BosniaNATO.html>>.

Croatian President Franjo Tuđman, and Bosnian President Alija Izetbegović. The most vital short-term goal during the negotiations for all parties was to end the war, which, to everyone's surprise, was achieved. However, this success came at the expense of Bosnian territorial integrity, as the final treaty divided the country into two separate entities: the Federation of Bosnia and Herzegovina and Republika Srpska.

Other parts of the Dayton agreement called for regional stabilization, inter-entity boundary lines, free and democratic elections, the creation of a new constitution, protection of human rights and punishment of those that abuse them, and the safe return of refugees and other displaced persons.²⁷⁵ The critics of the Dayton Peace agreement evince that it pushed for immediate peace as the sole priority without strategic formulation for post-conflict strategy. Self-sustaining peace building came as an *ad hoc* programmatic measure.²⁷⁶

Nation-Building

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Drafters of the peace agreement held different perspectives of earlier Bosnian history along with international misunderstanding, if not outright ignorance, of the "ancient racial origins," which they used to justify dividing Bosnia and Herzegovina into two entities. Richard Holbrooke, a chief negotiator, assembled the General Framework Agreement for Peace in Bosnia and Herzegovina. Although it brought peace to Bosnia, the cost of peace, as many scholars criticize, came at the price of underdevelopment in Bosnia and Herzegovina.²⁷⁷

Even today, 15 years after the signing of the Dayton Peace Agreement, Bosnian politicians apply different interpretations of the loose federal structure in order to justify and support their ideologies. The current reemergence of ethnic nationalism in political culture is preventing

²⁷⁵ "Dayton Peace Accords on Bosnia." *U.S. Department of State*. Web. 21 Feb. 2011.

<<http://www.state.gov/www/regions/eur/bosnia/bosagree.html>>.

²⁷⁶ Chivvis, Christopher S. "The Dayton Dilemma." *Survival* 52.5 (2010): 47-74. *Academic Search Complete*. EBSCO. Web. 21 Feb. 2011.

²⁷⁷ Chandler, David. *Bosnia Faking Democracy after Dayton*. Sterling, Va: Pluto, 2000. Print.

necessary reforms, and thus pushing Bosnia and Herzegovina towards crisis once more.²⁷⁸ One of the major causes of the Bosnian War was nationalism. Contemporary regional leaders have orchestrated and manipulated nationalism today through propaganda as Milošević did 20 years ago. The participants of the Dayton Accords ignored the fact that these different ethnicities had lived in coexistence for centuries, and they crafted a plan to suppress violence by dividing the country along those ethnic lines. The accords required people to declare their ethnic and religious affiliations, thus destroying the once present multi-ethnic and multi-religious social fabric. The Dayton Peace Agreement accommodated this ethnic nationalism.²⁷⁹ As nationalist leaders were reelected in the immediate post-war period, they “gained the gloss of democratic legitimacy, making them all the more difficult to eliminate.”²⁸⁰

These nationalist leaders pursue different ideologies, and thus, “each ethnic group regards its vital interests to be existentially threatened by the other ethnic group.”²⁸¹ Milorad Dodik, President of Republika Srpska, is very outspoken about the aims and goals of this entity. The Republika Srpska (RS) sees the Dayton agreement as a temporary transition and wants to separate itself from Bosnia. Although it seems like a long shot, Bosnian Serbs still hope to annex themselves to Serbia. In Dodik’s inaugural speech, he states that RS “will never, under any conditions renounce [its] autonomy, not even to become a member of the European Union.”²⁸² He added in a recent interview that 88% of the people in the RS want a separate status from Bosnia and Herzegovina and admitted that he shares this view, but at the same time, he wants to abide by the Dayton laws.²⁸³ In a separate interview he said, “It is no secret that I am no fan of Bosnia and Herzegovina; I am here for political reasons, because international treaties

²⁷⁸ Bosnia experienced some improvement in the post-Dayton era (2002-2006).

²⁷⁹ Chivvis, Christopher . S. "Back to the Brink in Bosnia?" *Survival* 52.1 (2010): 97-110. *Academic Search Complete*. EBSCO. Web. 21 Feb. 2011.

²⁸⁰ Chivvis, Christopher S. "The Dayton Dilemma." *Survival* 52.5 (2010): 47-74. *Academic Search Complete*. EBSCO. Web. 21 Feb. 2011.

²⁸¹ Van Willigen, Niels. "From Nation-building to Desecuritization in Bosnia and Herzegovina." *Security & Human Rights* 21.2 (2010): 127-38. *Academic Search Complete*. EBSCO. Web. 21 Feb. 2011.

²⁸² "Bosnia: Serb entity's new parliament swears in Dodik as president." *McClatchy - Tribune Business News*. 15 November 2010. <<http://0-www.proquest.com.opac.sfsu.edu/>> (accessed March 26, 2011).

²⁸³ "Serb entity leader criticizes Bosnian Muslim obstruction, foreign interference." *BBC Monitoring European* 12 January 2011. <<http://0-www.proquest.com.opac.sfsu.edu/>> (accessed March 26, 2011).

exist."²⁸⁴ This ideology expressed by Bosnian Serbs is another example of Dayton's failure. Because then-Serbian President Milošević signed the peace agreement instead of a Bosnian Serb leader, many Bosnian Serbs never respected the Dayton Accords.

Although a different ideology is pursued in the other entity, the Federation of BiH, its success is limited by the Dayton Accords as well. Politicians from the Federation support the idea of a more centralized government, as both presidents, Bakir Izetbegovic (Bosniak) and Zeljko Komsic (Croat), have stressed repeatedly that Bosnia's survival depends on its unity.²⁸⁵ Their view of a unified Bosnia and Herzegovina is not shared with Serbs, as stated above. Furthermore, a significant number of Croats supporting the more nationalist parties (HDZ BIH or HDZ 1990) want a separate entity for Croats.²⁸⁶ They believe they are underrepresented in the Federation, and thus want a separate government.²⁸⁷ Again, there is a disagreement on the interpretation of the "united but divided" concept of Bosnia and Herzegovina created by Dayton.

Reforms to the current constitution are "crucial to overcome the debilitating dynamics of ethnic nationalism and to allow self-sustaining peace to take hold."²⁸⁸ In addition to keeping its sovereignty, territorial integrity, and independence (which are not to be taken for granted given the recent conflict), Bosnian policy has been geared towards accession into the European Union, or at least for better integration into the political and economic structure of the EU. In order to accomplish this, the international community must continue to provide the necessary support for implementation of the necessary political and economic reforms in Bosnia, with appropriate supervision through the Office of the High Representative and European Union Force troops (EUFOR). So far, an enormous amount of financial aid has been poured into Bosnia in hopes of

²⁸⁴ "Serb leader says Bosnia "irreversibly divided"." *BBC Monitoring European* 23 November 2010. <<http://0-www.proquest.com.opac.sfsu.edu/>> (accessed March 26, 2011).

²⁸⁵ Kakissis, Joanna. "After Elections, Is Bosnia Closer to Unity or Collapse?" *TIME.com*. 4 Oct. 2010. Web. 17 Feb. 2011. <<http://www.time.com/time/world/article/0,8599,2023347,00.html>>

²⁸⁶ Bilefsky, Dan. "Nationalists favored in Bosnian election." *International Herald Tribune*. 4 Oct. 2010, ProQuest Newsstand, ProQuest. Web. (accessed March 26, 2011).

²⁸⁷ "Croatian president rejects arbitration over Bosnian Croat entity." *BBC Monitoring European*. 16 November 2010. ProQuest Newsstand, ProQuest. Web. (accessed March 26, 2011).

²⁸⁸ Chivvis, Christopher . S. "Back to the Brink in Bosnia?" *Survival* 52.1 (2010): 97-110. *Academic Search Complete*. EBSCO. Web. 21 Feb. 2011.

strengthening the moderate leadership, but so far these efforts remain fruitless. With financial aid declining, there is some hope that local politicians will face the necessary reform head-on. Failures of both the “Butmir Talks” and “April Package” to implement the necessary reforms in Bosnia “repolarized the political discourse,”²⁸⁹ and at the same time further reiterated the need for the U.S. and the EU to amend their policies and speak with one voice.

The controversial source of political power in Bosnia lies in the hands of the UN Office of the High Representative (OHR), which was created to ensure the implementation of peace. In 1997, the Peace Implementation Committee (PIC) extended the initial powers of the OHR, allowing it “to remove from office public officials who violate legal commitments and the Dayton Peace Agreement, and to impose laws as he sees fit if Bosnia and Herzegovina’s legislative bodies fail to do so”²⁹⁰ (also known as the Bonn Powers). Since then, numerous representatives used these Bonn powers when there was lack of progress on the local government side. The critics of the OHR, such as Dodik, state that OHR is unconstitutional and its actions are undemocratic. The proposition to remove OHR prematurely would create a major setback in Bosnia and Herzegovina’s political development due to the current polarization.

The Dayton Peace agreement aimed to make sure that each of the three majority nationalities would be proportionally represented at all levels of the state government, which has resulted in a very weak and decentralized structure with “hardly any effective central powers.”²⁹¹ The authors of the Dayton Accords gave more power to entities and cantons, hoping that this would break up the nationalism and encourage cooperation.²⁹² Instead, the leaders of the three ethnic groups continue to weaken the central government, thus strengthening their own regional power. Local politicians are in favor of keeping the status quo, as they benefit from the current political status. Constant use of ethnic nationalism to polarize the constituents hinders Bosnian

²⁸⁹ IBID, pg. 107

²⁹⁰ “General Information.” Office of the High Representative in Bosnia and Herzegovina. Web. 3 Mar. 2011. <<http://www.ohr.int/ohr-info/gen-info/>> (accessed March 26, 2011).

²⁹¹ Borden, and Hedl. *Government in Triplicate. Human Rights Matters*. By Julie A. Mertus. Stanford: Stanford UP, 2009. Print.

²⁹² Gallagher, Tom. *Balkans in the New Millennium: in the Shadow of War and Peace*. London: Routledge, 2005. Print.

development and integration into the EU and NATO. The weakness of the central government is noticeable in the decision-making process, which is based on a simple majority that must include at least one-third of the votes from each entity. This system allows each ethnic group to block the proposals of the others, often resulting in a political stalemate. Conflict management scholar Daniel Serwer stated that “the international community must retain the authority to block moves by Bosnian politicians of any ethnicity that would fatally undermine the Dayton agreements and return Bosnia to war.”²⁹³

The EU and the U.S. would like to transfer the authority and responsibility of nation building from the OHR and other international institutions to local political leaders. It is becoming more evident that the top-down reform process is not yielding results and that reforms must come from within Bosnia with the support of its own citizens; but this can result in even worse consequences if performed prematurely. Acknowledging the failures of the Dayton agreement does not mean that nothing can be accomplished; in contrast, it reiterates the fact that military interventions require comprehensive understanding of local politics and an enormous dedication and capacity from everyone involved.

The negotiations aimed at settling an armed conflict should be undertaken with a better knowledge of the situation. Essentially, in Bosnia we are dealing with problems in which one side views the peace agreement as a potential tool to separate and establish a new state, while the other side feels that the agreement rewarded an aggressor and legitimized a land-grab. Without substantial reforms, this solution simply will never unify Bosnia and Herzegovina and will not bring a lasting peace.

²⁹³ *Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Bosnia*, House Committee on Foreign Affairs Cong., 2 (2010) (testimony of Daniel Serwer).