Journal of International Relations

Challenges for the Developing World

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Letter from the Editor

Dear Readers,

It is my great pleasure to present the ninth edition of the *Journal of International Relations*, produced by the Epsilon Chapter of the Sigma Iota Rho National Honor Society for International Studies (SIR) in partnership with the International Relations Undergraduate Student Association.

This edition marks the fifth year that the University of Pennsylvania's International Relations program has been home to SIR's national headquarters and the third year that the Journal has been produced with nationwide collaboration. As we continue to link individual chapters across the country together to fortify the greater SIR community, it is our hope that the journal plays an integral role in fostering the study of international relations among undergraduate students at some of the nation's leading institutions. The students published this year hail from all over the country, as the universities represented in this journal include Loyola University Chicago, Brigham Young University, the University of Michigan, San Francisco State University, and James Madison University. The journal is currently distributed at over 70 campuses across the country - we hope that this number continues to grow.

The *Journal of International Relations* staff strives to improve the quality of the publication with the release of each new volume. This year's installment is no different: the breadth and depth of the submissions, thoroughness of the evaluation process, overall aesthetics, and distribution were all aspects of the journal that were held in high regard and monitored closely. This year also marks the first time that SIR has offered a cash prize to the writer of the best submission. All of this leads me to be able to say with confidence that this edition features some of the finest undergraduate papers that SIR has had the pleasure of publishing.

I would like to thank the University of Pennsylvania's Student Activities Council for providing funding for the journal, Allen Press for its services, and Dr. Frank Plantan and Dr. Tomoharu Nishino for their guidance. Most of all, I would like to thank the editorial staff for its efforts and devotion to a project that has spanned an entire academic year.

I hope you enjoy reading the journal as much as I enjoyed overseeing its production.

Sincerely,
EDWARD HAN
Editor-in-Chief

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JOSHUA F. FRENS-STRING

Particular Fragmentation in the Age of a New Globalization:
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University of Michigan

A New Moment, A New Politics

Much has changed since 1648, the year the Treaties of Westphalia established a world order in which the nation state was to be the sole source of political authority. The Westphalian order's focus on the state's absolute sovereignty within its fixed boundaries, the autonomy of the state in its external and internal affairs, the establishment of the people as the authors and subjects of the law in democratic nation states, and the state's monopoly on the use of violence has in many ways changed.[1] A new global interconnectedness marks our times, an interconnectedness denoted by globalized identities and cultures and more rapid global exchange of goods and persons, among others. Some have argued that the post-colonial society of today differs in no substantive manner from the prior colonial world order. In some ways, this argument is convincing. In the sphere of economics, the economies of the Global South, those nations exploited during colonial times for their natural resources and labor, still remain largely dependent on the economies of the industrialized Western world. However, in the political sphere, the new importance of international political organizations and transnational social movements have come to form a new globalized politics-a politics that in some ways perpetuates the political inequality of colonial systems but in other ways provides a new means to recreate the international political order through the flipside of integration: global fragmentation.

The new politics entailed by globalization, in which the state is no longer the sole source of political authority, requires a new conceptualization of world politics. Remaining at the core of this new conceptualization, however, is the value of democracy, an ideal few would deny as essential in creating a proper political order. A debate has emerged on whether an integrated, cosmopolitan political order is normatively desirable or whether a more communitarian order would better confront the globalized politics of the present and, in likelihood, the future. I will explore this debate using as my lens what I put forward as the only true democratic theoretical

foundation, that of deliberative democracy. From this foundation, I will argue that a democratic cosmopolitan political order is not achievable. Such an order would require a universalist ethic that simply does not exist as such. Rather, the world order is composed of particularities constructed locally and fit together in a relational manner on the international level. To illustrate this idea of universal particularity, I will use the case of human rights, explaining why such rights should not be viewed as universal. Finally, I will argue for a reconstruction of the global system beginning at the local level and provided by the disintegration of traditional notions of citizenship.

The Purity of Democracy: A Deliberative Framework

Of foremost importance before further proceeding is the establishment of a working definition of democracy. Too frequently, the term democracy is used without defining its meaning, giving it a rhetorical emptiness that distorts a potentially productive conversation about democracy in modern times. The term liberal democracy has likely become the most widely accepted use of the term, but its definition does not clear up all uncertainty about the term. As Anthony McGrew notes, while the concept of liberal democracy has gained global dominance in the last quarter of the twentieth century, there has also been a rethinking of what liberal democracy entails.[2] Liberal democracy has come to include the concept of "inablienable constitutional rights" and "popular sovereignty" in which the people are both the authors and the subjects of the law. Such a definition restricts use of the term so as to not simply accept a nation with procedural elections as democratic. A liberal constitution must also be present.

However, do simple procedural or institutional elections meet even half of the democratic requirement? Jurgen Habermas's theory of deliberative democracy, used by McGrew,[3] emphasizes the role of the public sphere in democratic development. In his case for transnational democracy, McGrew argues that transnational civic spheres must be created so that dialogue between those who govern and those who are affected by their decisions can exist.[4] That is to say, procedural elections alone do not necessarily fulfill even the requirement of popular sovereignty. Democracy works on a dual track in which a means to participate in a public sphere must be made available to all affected by a political decision, in addition to institutional procedures, for rule by and for the people to be such. I will argue that this can only truly be done through local means, and thus, cosmopolitan orders will ultimately lack democratic legitimacy.

An Emerging Post-Westphalian Order

Any debate about what type of normative theory one should desire to meet the political challenges of globalization rests on the fact that the international political order is indeed changing. That is, we must accept that something about the political world of today is indeed different than, for example, forms of colonial globalization. More specifically, it must be argued successfully that the nation-state, undoubtedly the sole source of political authority in the Westphalian world system, is in the process of having its political primacy disaggregated. While not fully developed by any means, it does appear that a post-Westphalian international political order is emerging, seen in the ever-growing number of new "spheres of authority" (SOAs) at the level of political authority and the emergence of disaggregated citizenships at the level of rights and participation.

James Rosenau argues that new "Spheres of Authority" illustrate a global process of "fragmentation in which a multi-centric system of authority has emerged."[5] In a world of both increased integration/interdependence and fragmentation, political authority has

been disaggregated from the Westphalian order of sovereign nation-states to numerous rule systems. Rosenau writes that "the key to understanding their (SOAs) various roles in global governance lies not in focusing on their legal prerogatives, but rather in assessing the degree to which they are able to evoke the compliance of the people whom they seek to mobilize."[6] This assessment shows that compliance with rule systems is widespread without being legally binding. Rosenau points to the evolution of "multilevel" structures of governance, in which "authority is voluntarily and legally dispersed among the various levels of community where problems are located and local needs require attention" as an undeniable example of a new multi-centric system of authority.[7] While the nation-state may still be the primary actor in the international order, a new fragmented world order, in terms of political authority, does appear to be developing.

At the same time, Michael Ignatieff acknowledges the descriptive presence of new spheres of authority in his writing on human rights. Discussing the importance of new networks of transnational human rights organizations, Ignatieff writes that "the advocacy revolution has broken the state's monopoly on the conduct of international affairs, enfranchising what has become known as global civil society."[8] What Ignatieff refers to as a revolution, has helped narrow the gap between rhetoric and reality, bringing to light abuses of human rights and shaming governments into compliance.[9] Again, while the state still might be the ultimate source of political authority, being the power that, in the end, must create compliance, it does not occupy this space alone. Networks of non-governmental organizations play an important political role as a new sphere of authority that states cannot simply ignore.

Signals of an emerging post-Westphalian order not only can be seen at the level of new forms of global authority but also in the transformation of citizenship. The aggregated, full citizenship attached to nation states has given way to a transformed, disaggregated citizenship.[10] Globalization in the area of international migration has created many new categories of individual status. Today a simple binary categorization of citizens and non-citizens does not function as it once might have, as categories like asylum seekers, stateless peoples, permanent residents, and illegal aliens have become more widespread. Benhabib argues that political membership is still of great importance in maintaining democratic legitimacy but such membership need not have its foundation in the borders of the nation state as we know it today.[11] She writes that "what is emerging is 'disaggregated citizenship' and differential rights regimes for different groups."[12] As another example of the emergence of a post-Westphalian order, we can now see the development of new citizenships that entail different types of social and/or political rights. To say that a post-Westphalian order has emerged would be misguided, but to argue that it is not emerging would be to not acknowledge a general compliance with international conventions, the emergence of new spheres of political pressure, and the development of disaggregated citizenships.

Cosmopolitanism as a Normative Political Solution?

It might appear quite appealing to confront empirical changes in the international political order, specifically the emergence of a multi-centric system of authority, with the construction of a cosmopolitan international order, an order in which the international institutions of today are reconstructed and held accountable to an international public law. While stopping short of the creation of a world state, many cosmopolitan democrats call for a global yet divided authority system in which the different power centers are all accountable to an enforceable global public law. The political philosophy of Immanuel

Kant is the first to speak of a universal or cosmopolitan right, disconnected from one's citizenship in the state and simply attached to one's status as a human being. Kant writes of such a right in an era when few, if any, were thinking beyond the nation state as the sole source of political authority. In Perpetual Peace, Kant explains his theory of a limited cosmopolitan right, saying "hospitality means the right of a stranger not to be treated with hostility when he arrives on someone else's territory."[13] Though limited to "hospitality" or freedom from injury at the doorstep of another's territory, a cosmopolitan, legal right is for the first time conceived.

Further, Kant alludes to a federation of states, his conceptualization that falls short of a world state but which holds strong universalistic tendencies.[14] Kant writes that "this federation does not aim to acquire any power like that of a state, but merely to preserve and secure the freedom of each state in itself, along with that of the other confederated states..."[15] This construction of an international federalist order, arising from the formation of self-governing nations, is essential for the discovery of a lasting, international peace in the mind of Kant.

Political thinker and philosopher Jurgen Habermas develops Kant's allusion to a universal right to hospitality further in conceptualizing his own theory of a cosmopolitan world order. Particularly, Habermas is critical of Kant's claim that his theory is legal and not simply moral. Habermas argues that Kant does not show the legally binding nature of the right he develops.[16] For Habermas, there must be an institutionalized and enforceable cosmopolitan law.[17] The international rights of the individual, rather than the sovereign state, should be the reference point, something that Kant does not acknowledge in his philosophical work.

Both Habermas and Richard Falk and Andrew Strauss put forward basic political programs to implement their normative belief in a cosmopolitan order, with that of Strauss and Falk providing the most concrete of suggestions. The reconstruction of international institutions presented by Habermas calls for a reorganization of the Security Council to act as a sort of executive branch of world government, a new judicial system that with jurisdiction over more than simply relations between states and with binding judgments, and a world parliament with direct representation of world citizens.[18] Falk and Strauss endorse a cosmopolitan order based upon a Global Parliamentary Assembly in which world citizenship based on one person, one vote would coincide with national citizenship.[19] In the long run, the plans of both the Habermas and Falk/Strauss proposals claim to reduce the democratic deficit as the crucial role of civil society actors in the project will drive the state to participate.[20] However, as I will continue to argue, such a proposal would prove to be quite democratically illegitimate and thus normatively undesirable under a democratic theoretical framework.

Bottom-up Communitarianism and a Public Space for Democracy

It is very reasonable that our conceptualization of a cosmopolitan democratic order fulfill the institutional participation track of the dual track deliberative democrat's theory of democracy. However, it is unlikely that this order would offer an adequate means of providing for active citizen participation in the public sphere. Further, I have doubts about whether or not constitutional rights could be universally conceived as the establishment and then enforcement of such rights would rest on a universal ethic not present in the world, an idea I will develop as I continue. The creation of a global parliament or other organs of global institutional governance will only re-institutionalize the existing national procedural democratic projects, already often not reflecting the complete will of

the people, this time on a more disconnected and distant scale.

Habermas and other deliberative democrats that have endorsed a cosmopolitan democratic order pay service to the necessity of a public sphere for the survival of democratic legitimacy and accountability. Falk and Strauss follow this line of democratic political thinking stating, "the primary energy for a global parliament will come from civil society or nowhere."[21] Further, they argue that democratization through the reconstruction of international institutions will address the concern of current undemocratic international institutions.[22] In the same line of argument, David Held writes that a cosmopolitan law that subordinates all other law to an overarching legal framework will lead to a recovery of a more participatory local democracy to complement a new public sphere on the global level.[23] However, such an assumption that participation will in some way be stimulated by the creation of a more distant public sphere has no empirical support or even further explanation.

Rather than instituting a top-down model of cosmopolitical governance through reconstruction of global institutions, only a bottom-up reconstruction of the global system can adequately provide democratic governance in the deliberative democratic mold. Specifically, only the reconstruction of local, community democratic institutions will allow for an active means of public sphere citizen participation, inalienable rights, and a procedural means of electoral participation. McGrew argues that "global civil society" has emerged with the rise of social movements based on issues like the environment, human rights, and women's issues.[24] However, McGrew fails to take into account the undeniable connection that such networks of social movements have to local, tangible issues and particularities.

This sort of argument against a cosmopolitan "democratic" world order is also put forward by Nadia Urbinati and, in many ways, by Robert Dahl as well. Urbinati writes that "cosmopolitan democratic legitimacy has multiple, interconnected sources: democratic states that give birth to agreements and conventions along with a public sphere populated by NGOs and critical public opinion grounded in circuits of communication."[25] Urbinati argues that these multiple sources of legitimacy do not produce effective legitimacy, however, as citizenship no longer becomes restrictive. As a Kantian thinker, she believes the sovereignty of the state should remain so as to keep intact a restrictive citizenship that can maintain democratic accountability, a part of Kant's thinking that many Kantian cosmopolitan democrats look past.

The democratic theorist Robert Dahl articulates a similar criticism of the concept cosmopolitan "democratic" order. While perhaps at times beneficial in the sense that the larger capacity of such an international order could better tackle transnational world issues, to say that such an order could ever be democratic is incorrect.[26] Democracy can only truly be found within the bordered limits of the nation state, and so this must be retained in order to guarantee that any form of democracy remains.

While agreeing with the views of Urbinati and Dahl, it is important to still acknowledge how globalization has internationalized the sphere of civil society. I accept in a sense, for example, the position of McGrew regarding the rise of transnational social movements. I find myself in disagreement with him, however, when considering the categories of transnational social movements that he and others often put forward as exemplifying their idea, specifically environmental movements and women's issues groups. While I do not deny the importance that these movements ought to play in all corners of the earth, they do still represent social movements of the industrialized, and particularly Western world. That is to say, the internationalization of these issues has been guided by industrialized world activists, often not taking into account the ideas and opinions of

local communities. The environmental advocacy of Greenpeace, for example, has been accused of this tendency most recently in a dispute over the construction of pulp mills on the Uruguayan side of the Río Uruguay separating Argentina and Uruguay. Local differences, specifically when comparing the industrialized and developing worlds, should be taken into account in any attempt to democratize the world order. If they are not, undemocratic institutions will only be re-institutionalized, leaving many still excluded from controlling decisions that directly affect them.

New Localized Citizenship and Localized Ethics

It is the argument of Urbinati[27] that a public sphere or global civil society cannot be created under a cosmopolitan order because citizenship in such an order is not restrictive and territorialized. But as Benhabib[28] writes, one cannot simply make the claim that full, restrictive citizenship remains in this era of increased globalization. Rather, disaggregated citizenship in which multiple statuses for one's being in a nation are connected to differential rights, both political and social. It does not seem possible, therefore, that fighting against the current of disaggregated citizenship in order to retain full and restrictive national citizenship is a feasible means of maintaining participation. However, further fragmentation and decentralization of citizenship to the local level does seem to me to be possible and even normatively desirable under a theory of deliberative democracy, as it most closely arrives at the source of ethical construction, the locality in which one finds him/herself being developed. It thus serves to motivate political action and participation in a public sphere.

 Globalization has broken down the once thick borders that separated one sovereign nation state from another, but it has not created a universal culture in the way that some have argued it has. In many ways, globalization has led to global stratification in which the industrialized world has integrated on a basis of mutual dependence and the developing world has been integrated on a basis of simply one-way dependence, in a developing to developed world direction of fit. These different forms of integration have created an industrialized Western culture that could in broad terms be viewed as unified or in the process of unification but also multiple developing world cultures that have very distinct local roots. That is to say, the process of human socialization in a tribal community in developing Angola does not have the same cultural connection to a rural village in developing Bolivia as the New Yorker might have with the Parisian (as much as the two attempt to define themselves as distinct) in the industrialized and evidently globalized world.   In the face of this process, there must be an equalizing moment, a moment in which democracy is reconstructed from the bottom-up. I see the descriptive tendency of new disaggregated citizenships as precisely this moment in which citizenship returns to the source of ethical formation and recreates the public sphere as more participatory.

To make such an argument, one first has to acknowledge and accept that morality as such is simply locally objective as opposed to universally objective. Local objectivities do fit together in a relational manner on the global level but should not be viewed as universal, in the sense that such moral objectivity is not in the fabric of the universe. The case of human rights can be used to argue for this viewpoint. Thomas Laqueur in his critique of Michael Ignatieff's position as a rather strong universalist with respect to human rights argues that it is a sense of immediate local sympathy that is the seed of our "moral imagination" and thus gives to us the capacity to feel moral commitments to strangers at a distance.[29] Ignatieff himself accepts this perspective, pointed out by Anthony Appiah. Supporting Ignatieff, Appiah writes "we do not need to agree that we

are all created in the image of God, or that we have natural rights that flow from our human essence, to agree that we do not want to be tortured by government officials, that we do not want our lives, families, and property forfeited."[30] That is to say, human rights need not be grounded in the metaphysical as they are already a part of the diverse metaphysical structures of nearly all cultures. From these diverse metaphysical structures, a minimalist conception of human rights, limited to freedom from oppression in the mind of Ignatieff, can be reached and referred to as universal.[31]

A brief discussion of human rights and the "good" life/order will serve as useful in distinguishing my view from that of Ignatieff and Appiah. Ignatieff argues for a thin notion of human rights that includes negative liberties but does not grant positive freedoms. He writes that "human rights is an account of what is right, not an account of what is good".[32] Further, he argues that the "good life" is a concept interpreted by a culture or civilization that can be a point of disagreement between cultures. However, people across cultures can hold this disagreement while still agreeing about what is truly wrong.[33] I believe that Ignatieff's conceptualization of human rights as minimalist speaks to his universalist project. To claim that human rights are not universal would seem politically incorrect, and so Ignatieff appears to be unwilling to challenge this idea while accepting still their local rootedness. A willingness to disconnect one's self from this universal presupposition, as politically damaging as it might at first be, would allow us to acknowledge that the local ethical objectivity of some will include "rights to the good life," as perhaps the Western moral objectivity illustrated in the Universal Declaration of Human Rights does, while at the same time acknowledging that other cultures do not hold such an inclusion to the "good" as basic to human existence.

How is it that we stimulate political action in the public sphere through this denial of the universal and the re-acceptance of the local as the primary sphere in which we think about morality? Again, I return to the argument of Thomas Laqueur who focuses on the idea of immediacy as the instigator of action. Quoting Primo Levi, Laqueur enphasizes that it is "the human being of flesh and blood standing before us, within the reach of our providentially myopic senses" that moves us to sympathy.[34] An attachment to suffering in the case of human rights abuses, for example, is what moves us to act. In the same way, I believe that an attachment to other political issues is what moves us to political action and participation. Laqueur continues by noting that modern technology brings humanity before our eyes and can make any political, social, or economic issue "within the fold of our compassion."[35] Therefore, the term local no longer should be defined in geographic terms but rather in terms of emotional or transcendental connection. It is this emotional, intangible bond that makes the struggles of landless peasants the struggles of urban shantytown dwellers. Globalization, while driving increased integration on the terms of the already established world elite, has also entailed with it disintegration. It is through this fragmentation that a world order that follows the deliberative democratic model can be reached. Specifically, in the area of disaggregated citizenship, a new locally bounded citizenship can be constructed in which the reality of local objectivities powers an active public sphere.

Our Moment for Radical Democratic Thought and Action

The Westphalian political order still remains largely intact as the nation state remains the central source of political authority. Accepting this is not to deny that a new order with multi-centric spheres of authority, political pressure networks, and new forms of citizenship are in the process of emerging. While theorists and activists alike are

accepting that such a global transformation is occurring, nearly all rhetorically cling to a support for democracy. I have argued that democracy, in its truest form, is that of a deliberative democratic model in which an active public sphere of participation accompanies procedural electoral mechanisms and constitutionally guaranteed rights. This form of democracy has also been endorsed by thinkers such as Jurgen Habermas and David Held, among others. However, such theorists have also supported a cosmopolitan democratic order to confront an emerging post-Westphalian order, claiming that the creation of a global civil society will in some way increase local participation as well.

I have argued that rather than confronting the globalization of the political sphere with re-institutionalization of global political inequality, the fragmentation that globalization has also entailed should be the impetus for a radical and global reconstruction of the democratic order, but this time on a local scale. The claim that an active public sphere can be created through a cosmopolitan project lacks substance when one considers how morality is constructed through immediacy rather than as some universal in the fabric of the universe. This is what I have attempted to show through my discussion of human rights. Political participation is tied to a restrictive citizenship, a notion that disaggregated citizenship has broken down. Therefore, from the disaggregation of citizenship, a new citizenship based on the local ought to be desired. I understand that such an ideal may seem politically impossible, but I believe this proposal serves as a new way of conceptualizing democracy in the face of a new globalization, the phenomenon that is marking our political times.

Endnotes
1. McGrew 2000, 3
2. Ibid, 21
3. McGrew 2002
4. Ibid, 286-287
5. Rosenau 2002, 75
6. Ibid, 74-75
7. Ibid, 78
8. Ignatieff 2001, 8
9. Ibid, 10-11
10. Benhabib 2002
11. Ibid 448
12. Ibid 453
13. Kant 1991, 105
14. Ibid, 102
15. Ibid, 104
16. Habermas 1991, 168-169
17. Ibid, 180-181
18. Ibid, 186-187
19. Falk and Strauss 2003, 204
20. Ibid, 228-229
21. Ibid, 219
22. Ibid
23. Held 1999, 107
24. McGrew 2000, 240
25. Urbinati 2003, 73
26. Dahl 1999, 22

27. Urbinati 2003
28. Benhabib 2002
29. Laqueur in Ignatieff 2001, 134
30. Appiah in Ignatieff 2001, 106
31. Ignatieff 2001, 55-56
32. Ibid, 55
33. Ibid, 56
34. Laquer in Ignatieff 2001, 133
35. Ibid, 135

WORKS CITED

1. Appiah, K. Anthony. "Grounding Human Rights," in Ignatieff, Human Rights as Politics and Idolatry, Princeton: Princeton University Press, 2001, pp. 101-116.

2. Benhabib, Seyla. "Transformations of Citizenship: The Case of Contemporary Europe, Government and Opposition 37 (2002), pp. 439-465.

3. Dahl, Robert A. "Can International Organizations be Democratic? A Skeptic's View," in Ian Shapiro and Casiano Hacker-Cordón, eds., Democracy's Edges, pp. 19-40.

4. Falk, Richard and Andrew Strauss. "The Deeper Challenges of Global Terrorism: A Democratizing Response," in Archibugi, ed., Cosmopolitics, New York: Verso, 2003, pp. 203-231.

5. Habermas, Jurgen. "Kant's Idea of Perpetual Peace." The Inclusion of the Other: Studies in Political Theory, Cambridge: Polity Press, 1991, pp. 165-201.

6. Held, David. "The Transformation of Political Community: Rethinking Democracy in the Context of Globalization," in Shapiro and Hacker-Cordón, eds., Democracy's Edges, New York: Cambridge University Press, 1999, pp. 84-111.

7. Ignatieff, Michael. Human Rights as Politics and Idolatry. Princeton: Princeton University Press, 2001.

8. Kant, Immanuel. "Perpetual Peace: A Philosophical Sketch" {1795}. Political Writings, New York: Cambridge University Press, 1991, pp. 93-130.

9. Laqueur, Thomas W. "The Moral Imagination and Human Rights," in Ignatieff, Human Rights as Politics and Idolatry, Princeton: Princeton University Press, 2001, pp. 127-139.

10. McGrew, Anthony. "Globalization and Territorial Democracy." The Transformation of Democracy? Walton Hall: The Open University, 2000, pp. 1-24.

11. McGrew, Anthony. "Transnational Democracy," in April Carter and Geoffrey Stokes, eds., Democratic Theory Today, Cambridge: Polity Press, 2002, pp. 269-294.

12. Rosenau, James. "Governance in a New Global Order," in David Held and Anthony

McGrew, Governing Globalization. Cambridge: Polity Press, 2002, pp. 70-86.

13. Urbinati, Nadia. "Can Cosmopolitical Democracy be Democratic?" in Archibugi, ed., Cosmopolitics, New York: Verso, 2003, pp. 67-86.

EVAN FAIN

Mexico After NAFTA:

A Qualified Success

University of Pennsylvania

The North American Free Trade Agreement (NAFTA) was to usher in a new era for Mexico in which it would become an active participant in the highly globalized international economy and benefit from the tenets of economic liberalization…or so went the grandiose promises. The reality is a bit more complex and it is clear now, with NAFTA well into its second decade, the results are mixed. It has neither been the great economic savior promised by Mexican President Carlos Salinas nor has it fulfilled any of the doomsday predictions of naysayers. This paper will argue that, on the whole, Mexico is better off after NAFTA for three main reasons. First, the agreement has had positive effects on Mexican economic growth as measured in foreign investment, trade and productivity. Second, it began a dialogue on broader issues critical to Mexican well-being, such as labor laws and environmental protection. Finally, it solidified Mexico's commitment to economic liberalization and gave faith to investors and the Mexican people.

However, praise of NAFTA has been far from universal. Critics contend that it has achieved little, in contrast to promises, in terms of employment growth and real wage increases. Others suggest that NAFTA has only served to further the structural dependency of Mexico on the United States, has led to a "race to the bottom" where labor standards and environmental protection are loosened as Mexico fights to stay competitive, and has crippled major parts of the domestic agriculture sector. But regardless of their position, both sides agree on one issue: while the agreement has in fact opened the door for Mexico to enter the increasingly globalized world stage, it is also apparent that NAFTA alone is not enough to allow the country to fully realize the benefits of free markets. Rather, it must be accompanied with broader systematic changes within Mexico's domestic economy and political spheres.

NAFTA was a bold initiative for a number of reasons. First, it created the world's largest free trade area as measured by GDP (covering 21.3 million square miles and affecting 422 million people) and brought together three of the world's ten largest economies.[1] Second, the agreement was extremely broad in nature, dissolving trade barriers over a wide range of industries, incorpo-

rating a well-defined dispute-settlement mechanism and confronting environmental and labor issues head on. Finally, NAFTA has been cited as the first attempt to bring together the economies of highly developed, industrial nations (the US and Canada) with that of a developing nation (Mexico). Although tariffs were already relatively low pre-NAFTA, the agreement institutionalized the relationship and aimed for a near total elimination of all tariffs along with a corresponding reduction of non-tariff barriers.

In response to a severe economic crisis in the 1980s that left Mexico on the brink of bankruptcy, the government abandoned its longstanding policy of import substitution and embraced liberalization as proposed by the International Monetary Fund (IMF). Tariff barriers were lowered, public entities privatized and Mexico became a signatory to the General Agreement on Tariffs and Trade (GATT). The policies proved effective, as foreign direct investment grew from $17.1 billion in 1987 to $34 billion in 1991, the manufacturing industry took off and trade rose substantially.[2]

In search of further investment and eager to continue the upward trend in exports, the administration of President Carlos Salinas de Gortari looked towards its neighbors in the North (who already accounted for 85% of Mexican exports and had an active bilateral free trade agreement) for a free trade agreement that would advance the image of the "new Mexico" as a place to do business.[3] Over the criticisms of anti-imperialists, peasants and indigenous peoples in Mexico, labor unions and environmental groups in the US, and cultural protection activists in Canada, NAFTA was passed in late 1993 and went into force on January 1, 1994. The average Mexican tariff dropped from 12% in 1993 to 1.3% in 2001, while US tariffs on Mexican imports fell from 2% to 0.2% over the same years.[4]

Critics argue, however, that while tariffs have decreased, non-tariff barriers still remain a significant obstacle. While Canada and the US have a more established dispute system in place,[5] NAFTA generally leaves it up to the individual countries to determine issues of dumping and countervailing duties based on domestic trade laws.[6] Thus, when the US takes unilateral anti-dumping actions, as it has within the steel industry for example, the Mexicans, unless willing to enter into a lengthy and expensive legal battle, are largely powerless. Furthermore, NAFTA allows for certain protectionist safeguards. First, each country is allowed to protect certain significantly sensitive industries; oil and gas drilling in Mexico, shipping in the US, and "cultural industry" in Canada. Second, certain "snap-back" provisions allow governments to temporarily institute import tariffs if a domestic sector is suffering substantially due to import competition. Third, in large part because of the strong agricultural lobby in America, Mexico agreed to allow certain concessions not stipulated in the agreement, such as the taxing of Mexican orange concentrate in certain situations.[7] Finally, certain American industries with historically high import tariffs were granted longer phase-out times to allow them to adjust, demonstrating a concession on the part of Mexico because "they wanted the agreement more."[8]

Despite these criticisms, trade flows and foreign direct investment (FDI) have grown substantially in Mexico since the implementation of NAFTA. In dollar terms, exports to the US and Canada more than doubled from 1993 to 2002, and trade as a percentage of GDP rose from 25% in 1993 to 51% in 2000. Whereas the total increase in world exports from 1993-2002 was less than 75%, Mexico registered an increase of around 300%, and from 1996-2002, Mexico trailed only Korea and Turkey in highest export growth rate in the world.[9] The fact that Mexican exports grew at a much lower 13% per year from 1986-1993 supports the claim that NAFTA was largely responsible for this dramatic transformation of Mexican industry.[10] Furthermore, consider that ten years ago Mexican

exports to the US were about equal with the rest of Latin America while today they are nearly double that of all Latin American countries combined.[11]

Similar positive results have been seen in FDI, which has been a critical factor in Mexican growth. Mexican firms with FDI employ nearly 20% of the formal workforce and pay wages 48% higher than the national average. Over 11,000 US firms invested in Mexico between 1994-2000 and generated one in every four new jobs in the country.[12] Since NAFTA was passed, FDI in Mexico increased from $15 billion to $52 billion in 2002.[13]

Of course, the critics see the results somewhat differently. First, they question whether the increase in trade performance was really related to NAFTA. Admittedly, it is hard to analyze the direct impact of NAFTA as the agreement was one of many steps in Mexican liberalization and was phased in gradually. Some economists employing a gravity model, such as Anne Krueger, contend that Mexico's growth should be attributed not to NAFTA but to its unilateral reduction in tariffs following its joining GATT and the collapse in value of the Peso in 1994.[14]   In addition, other NAFTA opponents argue that these increases have really only occurred in the exploitative "Maquiladora" (assembly line) industries that have very little positive impact on the economy, as they "thrive upon very low real wages, minimal labor standards, sell very little of their output to Mexico and buy no more than 3% of their materials, parts and components from Mexican suppliers, making it a highly disarticulated sector from the rest of the Mexican economy."[15] Furthermore, environmentalists worry about the environmental effects caused by economic growth in Mexico, noting the "irresponsibility" of foreign firms operating within Mexico and the drop in environmental spending by the Mexican government during the 1990s.[16]

Despite those who predicted a "race to the bottom" in Mexico, as environmental standards would be reduced to attract investment, nothing of the sort has occurred. While pollution certainly remains a problem in Mexico, some actually credit NAFTA, and the FDI associated with it, as leading to the adoption of more efficient and greener technologies.[17]   Additionally, NAFTA was accompanied by the North American Agreement on Environmental Cooperation, which, while not creating any new binding environmental obligations, was a step towards ensuring that the three counties work cooperatively in protecting the environment as industry increases. The United States and Mexico established the North American Development Bank to assist in financing cleanup costs along the border, along with water treatment facilities and sewages.[18] Finally, orthodox theory suggests that trade liberalization, by increasing per capita income, will allow for better opportunities to tackle serious environmental problems in the future.[19]

Mexico is also better off post-NAFTA because of the economic stability the agreement created. Despite claims by opponents who contend that NAFTA, by creating "irrational exuberance,"[20] was the cause of the 1994-1995 peso crisis, the reality is that it occurred for pre-NAFTA reasons, namely the huge disparity between Mexican foreign debt obligations and available foreign exchange - similar in many ways to the experiences of Asian and Latin American countries who had no NAFTA-like agreements.[21] Forced to abide by the regulations of NAFTA, a protectionist backlash was averted and economic activity with the US and Canada flourished, rescuing the Mexican economy. Whereas during Mexico's debt crisis in the early 1980s when FDI fell to one fifth what it had been the year before, in 1995 FDI remained 75% higher than it had been in the three previous years.[22]   And while some pessimists, such as Paul Krugman, expected a severe and sustained reduction in FDI in Mexico, within a couple of years investors were back,

leading to a post 1995 boom.[23]

     Still another reason NAFTA has been beneficial to Mexico is because of the increase in productivity it has created. As Mexico cut tariffs dramatically, its industries were exposed to fierce competition from the North and were forced to compensate, especially in agriculture with irrigation.[24] From 2000 to 2005, official bank data from Banco de Mexico shows that labor productivity rose 18%. The industries most highly integrated into the US market have seen the biggest increase in productivity, as they have modernized more quickly and found access to credit more easily.

     Critics note, however, that productivity has not been universal nor met with an appropriate increase in wages. Since NAFTA came into effect, labor productivity had grown fast in the tradeable sectors (between 20 and 40 percent) but has lagged in the non-tradeable sectors."[25] Even worse, they argue, for most Mexicans real wages today are lower than before the agreement. In addition, employment gains in export manufacturing have barely offset the losses in domestic manufacturing and agriculture (that latter having been crippled by US subsidized imports in corn and other crops).[26]

     These negative effects, however, cannot be purely attributed to NAFTA. Rather, the peso crisis of 1994-1995, during which the government conducted a strict wage-setting policy, is to blame for the lack of wage growth. Furthermore, income per capita is restricted by institutional gaps in political stability, governmental effectiveness, the rule of law, and the control of corruption, not NAFTA.[27] In addition, GDP growth has rebounded from a decrease following a recession in 2001 and looks to be continuing on a positive trajectory. Mexico's experience confirms the prediction of trade theory: that it creates losers in addition to winners when it comes to wages and employment, especially in the short to medium term. Sectors with a comparative advantage will gain, while those without it will lose. And while the government needs to work to assist those harmed, the worst response to negative effects would be to blame NAFTA and close the doors to trade competition.[28]

     Much of the debate over the costs/benefits to Mexico as a result of NAFTA involves the standard arguments over free trade. As with any transnational or supranational agreement, adherence implies a certain forfeiture of state sovereignty. Anti-free traders argue that Mexico no longer will be able to take national "self-help" measures, as NAFTA undermines the Mexican's legal authority to intervene in the economy[29] and challenges the traditional modes by which people are able to shape their lives.[30] Other observers feel that NAFTA sent a negative message to the international community about the future success of multilateral trade. NAFTA possibly undermines the prestige and importance of other agreements (such as GATT), and Mexico will "lose much more from their contribution to an overall disintegration of existing global rules and a failure to work sufficiently to build new ones."[31] Finally, critics highlight that NAFTA formalizes the structural dependency of Mexico on the United States. As was evident during the recession of 2001, Mexico's economy is now at the will of the United States. Just how deeply this will cut into domestic affairs, politics and culture remains a concern.

     In conclusion, if one is to accept that free trade is a good thing, NAFTA is a great success. Irrespective of the specifics in policy, it has trumpeted Mexico's entrance as a player in the global economic community. It has also created a defined and enforceable set of rules that increased transparency, raised important labor and environmental questions, confronted issues of intellectual property, distortions to investment, transportation and, most importantly, signified to the world that Mexico is to be taken seriously.[32] As Paul Krugman put it: "NAFTA is a sort of pledge - a pledge to foreign investors that

Mexican reform will continue (and that the US market will remain open). It is also a pledge to the Mexican population that better times are coming."[33]

And this perhaps is the most critical part of NAFTA in regards to Mexico. Economic reform alone is not enough for the Mexico to truly flourish. Rather, such reforms must be accompanied by other governmental policies to facilitate change. To maximize employment gains, for example, there must be mechanisms to insure that domestic supplier and support industries participate alongside FDI exporters. To maximize wage growth, laws governing collective bargaining and protecting working conditions must be implemented, while abuses are prosecuted.[34] In addition, certain IMF recommendations must be implemented: labor market rigidities need to be relaxed; telecommunications deregulated; the judicial system strengthened; the tax structure reworked to reduce the dependence on oil revenues and contribute more to education and infrastructure.[35]

Despite its shortcomings, NAFTA provides the best available path for further Mexican development. The recent election of the pro-market National Party (PAN) candidate Felipe Calderon over his left-leaning opponent in a race fought almost entirely on economic grounds confirms the country is willing to believe in the progress to date. The closeness of the election, however, also reveals how support for free trade is in no way guaranteed if average citizens feel left out from its gains. NAFTA will no doubt change in upcoming years as it shifts to confront new domestic and international challenges. Its ultimate success will depend on Mexico's ability to deal successfully with both.

Endnotes

1. Fry 2003, 4
2. Balaam & Veseth 2001, 257
3. Ibid.
4. Kose, et al 2003, 7
5. This is the result of the extension of the 1989 US-Canada FTA dispute settlement provisions which established a trade commission, consultation system and arbitration panels (Cooper 199, p. 238).
6. Cooper 1999, 238
7. Balaam & Veseth, 260
8. Frankel 1997, 213
9. Kose, et al, 12
10. Ramirez 2003
11. Serra & Espinosa 2002, 60
12. Lustig 2001, 98
13. Fry, 7
14. Kose, et al, 14
15. Ramirez 2003
16. Cavanagh & Anderson 2002, 63
17. Audley, Papademetriou, Polaski, Vaughn 2003, 66
18. Balaam & Veseth, 261
19. Cavanagh & Anderson, 62
20. The argument that NAFTA contributed to the crisis is based on the Metzlerian wealth effect, wherein expected future income leads to a reduction in savings and creates unrealistic speculation (Ramirez).
21. Serra & Espinosa, 64
22. Lustig, 98

23. Balaam & Veseth, 178
24. Audley, et al, 12
25. Lustig, 99
26. Audley, et al, 12
27. Perry, Lederman, Maloney, Serven, slide 16
28. Gilpin 2001, 206
29. Cooper 1999, 232
30. Balaam & Veseth, 266
31. Cooper, 231
32. HufBauer & Schott 1993, 2
33. Krugman; 1999, 19
34. Audley, et al, 33
35. Ibid.

Works Cited

1. Audley J., and D. Papademetriou and S. Polaski and S. Vaughan. "NAFTA's Promise
    and Eeality: Lessons from Mexico for the Hemisphere." Carnegie Endowment for
    International Peace; (2003),
    www.ceip.org/files/publications/NAFTA_Report_full.asp.

2. Balaam, David and Michael Veseth. Introduction to International Political Economy,
    Second Edition. (New Jersey: Pretence-Hall, Inc, 2001).

3. Cavanagh, John and Sarah Anderson. "Debate: Happily Ever NAFTA? A Bad Idea
    That Failed." Foreign Policy, No. 132 (Sep.-Oct., 2002): 58-65.

4. Cooper, Andrew. "NAFTA and the Policies of Regional Trade," in Trade Politics:
    International, Domestic and Regional Perspectives, ed. Brian Hocking and Steven
    McGuire (New York: Taylor & Francis Group, 1999).

5. Frankal, Jeffrey A. Regional Trading Blocks in the World Economic Order. Washington
    DC: The Institute for International Economics (Washington, 1997).

6. Fry, Earl H. "North American Economic Integration." Policy Papers on the Americas,
    Vol. XIV, Study 8, (July 2003).

7. Gilpin, Robert. Global Political Economy: Understanding the International Economic
    Order. (New Jersey: Princeton University Press, 2001).

8. Hufbauer, Gary and Jeffry Schott. NAFA: An Assessment, Revised Edition.
    (Washington DC: Institute for International Economics, 1993).

9. Kose, M. Ayhan, and Guy Meredith and Christopher Towe. "How Has NAFTA
    Affected the Mexican Economy? Review and Evidence," IMF Working Paper No.
    WP/04/59; (April 2004) http://ssrn.com/abstract=878882.

10. Krueger, Anne O. "Are Preferential Trading Arrangements Trade-Liberalizing of

Protectionist?" The Journal of Economic Perspectives, Vol. 13, No. 4 (Autumn, 1999): 105-124.

11. Krugman, Paul, "The uncomfortable truth about NAFTA; its foreign policy, stupid." Foreign affairs 72: 5 1993, pp 18-19, quoted by Andrew Cooper, "NAFTA and the Policies of Regional Trade," in Trade Politics: International, Domestic and Regional Perspectives, ed. Brian Hocking and Steven McGuire (New York: Taylor & Francis Group, 1999).

12. Lustig, Nora. "Life is not Easy: Mexico's Quest for Stability and Growth." The Journal of Economic Perspectives, Vol. 15, No. 1 (Winter, 2001): 85-106.

13. Moreno-Brid, Juan Carlos and Jesus Santamaria and Juan Carlos Rivas Valdivia. "Industrialization and Economic Growth in Mexico after NAFTA: The Road Traveled." Development and Change, 36 (6): (2005) pp. 1095-1119.

14. Perry, G. and D. Lederman and W. Maloney and L. Serven. "Lessons from NAFTA for Latin American and Caribbean Coutries." The World Bank. Presentation, (April 2003), http://info.worldbank.org/etools/bspan/PresentationView.asp?PID=761&EID=386

15. Ramirez, Miguel D. "Mexico under NAFTA: a critical assessment." The Quarterly Review of Economics and Finance, Vol. 43, Issue 5, (Winter 2003).

16. Serra, Jaime and Enrique Espinosa. "Debate: Happily Ever NAFTA? The Proof is in the Paycheck." Foreign Policy, No. 132 (Sep.-Oct., 2002): 58-65.

JEFFREY BEAN

Terrorism, Extradition, and International Law

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Will terrorists ever be in the legal sense hostis humani generis or enemies of mankind like sea pirates? Morally, one can hope, but legally contemporary terrorists have considerably more room to operate. Terrorist organizations require space to act beyond the reach of the international community or in the loopholes of international law.[1] The 2006 National Security Strategy for Combating Terrorism discusses the idea of legal safe havens, both in the reality of failed states and normatively within international law.[2] These legal safe havens can be approached from many angles - including international extradition. This study will argue that in both practice and legality, the issue of international extradition is a crucial component in counter-terrorism efforts that warrants further analysis to ensure that it exists as a robust international legal tool of U.S. policy and subsequently the rest of international society.[3]

Initially, it is necessary to establish why it is that extradition is an issue- such a crucial issue in the war on terrorism. This requires a brief overview of the modern day transnational terrorist threat. Terrorism, in essence, is acts of violence committed to injure some people, but to spread fear into far more with an overarching goal of political objectives.[4] It is clear that terrorists' recruitment, finance, and operation do not take place in a vacuum, but rather a highly globalized and fluid world.[5] These terrorists must be either prosecuted or extradited and then prosecuted, to precipitate legal proceedings. Prosecuting terrorists in the United States (or any state) is the logical and legal next step in the progression of law. To do so will serve to de-legitimize the terrorist cause in eyes of some, and perhaps more importantly, generate international political will or empathy to maintain security from terrorist activity for all states.[6]

In the face of growing concern world-wide about the U.S. strategy for combating terrorism, America and its allies must ensure they are using the full range of legitimate normative instruments at their disposal. Explicating current policy and viewing the state of international extradition must be done thoroughly. First, one must conduct an assessment of historical and contemporary extradition in law and its mechanisms, especially its exceptions, such as the

principles of citizen protection, political exception, and dual criminality. Scholars have questioned the extent of the boundaries that exist for international legal cooperation against terrorism, with extradition discussed both as an avenue for success or a barricade leading to failure.[7] [8] Multilateral agreements are the logical next step in discussing this international cooperation and one will see the interplay of conventions and treaties seeking to legally define international terrorism.[9] This area will include discussion of definitions and norms, and an elaboration on the types of treaties in place, concluded by an evaluation of those treaties which have proven most effective in practice. Will a comprehensive treaty prevent legal safe havens? Finally, general recommendations will be outlined for consideration of international law as it relates to terrorism and extradition. The United States needs to continue supporting a movement towards an international legal regime to thoroughly address terrorism.

The Transnational Threat and U.S. Response

Modern transnational terrorist groups that have experienced success are of diffused nature, extensively organized, diversely funded, and vary in levels of training.[10]   The purpose of this exercise is to establish the international nature of their operations and actions. Much like contemporary sea-piracy, non-state transnational terrorist actors can be found at the nexus of international organizations, and sovereign state infrastructure. Numerous countries contain active al-Qaeda terrorist cells in all corners of the globe. Their organization is diffused, responsibility for operational action distributed. Modern telecommunications and transportation provide for means of simple connection throughout the world. The United States response in the war on terror, often characterized as too independent, has been one of much publicized unilateral action, combined with lesser publicized joint efforts internationally with like-minded states to address the issue.

From intelligence exchange to cooperative police efforts to outright military action, the United States has heavily engaged itself globally in targeting terrorists, including their bases, ideological base, foreign support, finances, and of course their actual persons. The U.S. invasion of Afghanistan was in direct response to the free nature of movement and support enjoyed by al Qaeda from the Taliban. America and its allies have drastically increased monitoring of all domestic and foreign considerations of terrorism, Islamic or otherwise. Both in the immediate aftermath of September 2001 and throughout the period 2001-2005, the U.S. has stepped up efforts to freeze suspected terrorist financial assets in the U.S. and abroad, in the form of bank accounts, businesses, and wayward charities. With just intent, and perhaps slightly less clear distinction, the United States has killed or arrested several hundred transnational terrorists or terrorist suspects.

In a complementary way the U.S. has promoted numerous regional initiatives to establish or strengthen infrastructure as it relates to terrorist violence in Africa, South America, and Asia. The fundamental issue here for the U.S. is that this cooperation and team-play have created scenarios in which international extradition becomes an even greater concern. Trying those convicted of crimes in a legitimate legal fashion is thus of supreme importance for a longer term comprehensive strategy of de-legitimizing the use of terrorist tactics and support for terrorist groups. Within the body of legal action - outside of armed force options - there exist three methods for acquiring the custody of an individual terrorist after they have been captured by a foreign state or identified as living in a foreign state. These are extradition, abduction, or irregular rendition.[11] Extradition is the longest established of these aspects, and most legitimate in international law, with years of valid legal practice. Therefore, the nature of the terrorist threat is truly transna-

tional, diffused, dynamic, and multi-faceted. Efforts of international cooperation to counter the threat must move forward, and before any prosecution or punishment a state must possess custody of a terrorist.[12] To address this clear transnational threat, the U.S. can request the extradition of known terrorists. Further discussion warrants an overview of extradition and how has come to place in contemporary international law.

A Brief History of Extradition

The process of acquiring a suspect to stand trial for crimes committed in one country from another is not a new legal practice. Some of the earliest known diplomatic agreements signed by the Ancient Egyptians broach the topic of "reciprocal rendition of fugitives."[13] Both Greek and Roman imperial entities engaged in their own situational or spot efforts to both request and grant rendition of criminals within their empires and outside of them. It is generally agreed that in the sixteenth century Irish lord and leader Brian O'Rourke was the first man to be legally "extradited" from one country to another in the United Kingdom. Disgruntled with a lack of expansion of his holdings, in 1588 he aided survivors of the defeated Spanish Armada in fleeing the British Isles, and was legally transferred from Scotland to England.

Throughout the European medieval period states or monarchs requested or worked for extradition both of enemies of the monarchy and common criminals.[14] Charles Blakesley cites a very modern treaty reached between medieval parties - that of Charles's France and the Count of Savoy on March 4, 1376. The treaty called for reciprocal rendition on both states once there was a simple examination of the request.[15] Extradition treaties of various degrees of progress were concluded between nations throughout the eighteenth and nineteenth centuries, but not surprisingly few of them addressed terrorism, and many contained steep clauses based around the rule of discrimination, or political exception. Ultimately, extradition does possess considerable historical precedence which plays into its modern applicability.

Extradition in Modern Law and Modern Politics

As political scientist Robert Jackson has advocated, "What has been said of international law could also be said of traffic regulations: namely whatever efficacy they have rests ultimately on driver self-interest."[16] At the end of the day, application of law combating terrorism, like any other international convention, comes down to the willingness of states to partake based on there own interests.

International extradition is concisely the legal process of the granting of a request from one state to another of the rights to an accused or convicted criminal.[17] Normatively, extradition is only appropriate when charges or evidence supporting potential crimes have been given against the body of the accused. Extradition is thus fundamentally about the interaction between two sovereign states and their underlying legal systems.[18] In opposition to Grotius and de Vattel, who argued that there exists natural law compelling extradition, the primary influence over the process has always been one of national sovereignty.[19] Customary international law has consistently upheld the idea that there is no independent duty to extradite criminals- terrorists or otherwise. Thus, the main thrust of international extradition law is that of positivism. Essentially, for states to be legally obligated to extradite accused persons they must be bound by a treaty. Generally, extradition treaties exist as bi-lateral or multilateral agreements that govern potential extradition between states. In the United States for example, accused cannot legally be extradited unless there is a specific treaty or agreement reached with

the requesting party state.

However, terrorism in the contemporary international order falls much closer to the boundaries of extradition rather than run of the mill type criminal rendition. The following legal exception principles are all brought into the debate when it comes to normative and practical application of extradition rules, both bi-laterally and multilaterally: the rendition of politically motivated offenders, the prohibition of rendition of a state's own citizens, and the issue of dual criminality.

Sovereign Protection: A Discussion of Exceptions

Many civil law countries possess the citizen exception, with the thrust being that states owe it to their citizens to maintain their sovereignty instead of granting an outside state the right or jurisdiction over an individual. This has lead to a number of one sided bilateral treaties; in which a civil law country will request extraditions, while in common law countries the decision is then discretionary. Meanwhile, common law states have protections against their citizens being tried for crimes committed anywhere in the world. This is a constitutionally granted right in numerous states which has emerged as troubling in the war on terror. France is a stalwart example of a state which does not permit the extradition of its citizens for crimes committed abroad in some circumstances. Experts such as Ivan Shearer and Christopher Greenwood have argued that any comprehensive, multilateral international terrorist convention will allow states to reach a point where this exception could be eliminated.[20] [21] [22]

The political exception is another concern that the United States and other nations will confront in the processes of legitimately extraditing terrorists. The academic community has clearly concluded that terrorism is violent action that is inherently political in nature, by motive or objective.[23] Political exception, like state specific citizen protection, is not a recent development in international law, and has been present for several hundred years. This standard addresses the prevention of extradition of an individual who may be unfairly treated or unjustly tried based on feeling as it relates to their nationality, ethnicity, or religious views. Without question this "standard" has come under fire, especially if the accused's actions lack proportionality and distinction, and cause harm that exceeds the potential benefit due to excess cruelty. Walter explained the example of the 19th century anarchists as terrorists considered exceeding this principle. The principle is designed to protect states from stronger neighbors seeking retribution, yet could stand in the way of mass murders being extradited and justly tried for crimes. Silvia Borelli has argued that the political exception rule has not as great an impact on the practice of extraditing terrorists However, she points out the challenges that the existence of such a norm creates for preparing any comprehensive treaty are magnified.[24] Dealing with political exception will be fundamental in any extradition debate.

Dual Criminality, a third principle of protection for the accused terrorist in customary international law implies, that "A state cannot obtain the custody of an individual for conduct that is not recognized as criminal in the in the asylum state."[25] If the suspect's crime is not illegal in the state that has custody, there could be potential barriers to extradition. This is chiefly applicable in those states that possess courts that apply a territorially oriented principle of jurisdiction. However, as Borelli, Bassiouni, and Shearer advocate from varying angles, the dual criminality principle should not be an impediment to the United States requesting suspected terrorist extradition - barring the presence of a general citizen protection.

International Norms to Extradite or Prosecute: *Aut dedere aut judicare*

It has been established, then, that there are well worn, if not necessarily smooth processes, that exist between states for the transfer of alleged criminals, and occasionally terrorists. Combined with the international nature of terrorism, it is clear a bridge forward continues to present itself for counter-terror prosecution. In light of this discussion, the United States and its allies should be placing more effort into extradition as both an established legal procedure, and just process, to acquire terrorists. As a legally established method, additional weight towards current extradition agreements and future draft treaties could serve as a legitimately effective and normatively sound procedure for acquiring, trying, and punishing terrorists. Consequently, bearing in mind that terrorism is transnational, and knowing the norms of traditional extradition law, one can now approach international efforts to legally thwart terrorism from a grounded perspective. Gaining states that are bound by aut dedere aut judicare will aid the U.S. in the war on terror, as they are obligated to 'extradite or prosecute.'

Towards a legal definition of international terrorism and legal regimes
Before terrorists can be extradited through any international framework to achieve normative standing, deterrence, or success, it must first be established, what is the legal definition of terrorism? Tracking the progress of the legal processes relating to terrorism is a complicated endeavor. The progression towards an internationally effective legal response to terrorism is filled with fits, starts, and apparent flaws. As it remains today, the most controversial element of any international accord addressing terrorism remains legally defining what represents terrorism or subsequently a terrorist act. The debate over exceptions and restrictions is just as heated, and perhaps more crucial.

A Step forward: The League of Nations and Geneva in 1937
The first treaty to significantly impact the formation of a definition for "acts of terrorism" was the enterprise of the League of Nations of 1937. While the treaty never entered into force, the 1937 Convention for the Prevention and Punishment of Terrorism did establish a number of precedents which bear interest.[26] The treaty was both a comprehensive and universal multi-lateral anti-terrorist effort, one which had a complementary treaty provision for the establishment of an international criminal tribunal for the prosecution of terrorists. Most crucially, the Convention attempted to define acts of terrorism as: "*criminal acts directed against a state or intended to create a state of terror in the minds of particular persons or group of persons or the general public,*"[27] On the face of it, this definition has been supported as legally sound, and reasonable.[28]
The Second Article contains the substance of the those terrorist actions for the party states including,

1. "Any willful act causing death or grievous bodily harm or loss of liberty to:"
   - (A-C) include Heads of state, or acting heads of state, and their families, or leaders who are attacked while in a public capacity.
2. "Willful destruction of, or damage to, public property, or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party
3. Any willful act to endanger lives of members of the public
4. Any attempt to commit an offence falling within the foregoing pro visions of the present article
5. The manufacture, obtaining, or possession, or supplying of arms, ammunition, explosives or harmful substances with a view to the

commission in any country whatsoever of an offence falling within
the present article."

The convention explicitly creates two different standards, one of the direct effort or attack against persons, and the second of the threat to the over-arching security of the state.[29] In the ongoing diplomatic and legal process conducted by states at the United Nations this distinction still holds. In point of fact, the original draft text submitted in 2000 as it related to terrorist offenses states, "the purpose of the conduct by its nature or context is to intimidate a population or compel a Government or international organization to do or abstain from doing any act."[30] Meanwhile Article 3 of the League of Nation's document implicates conspiracy, incitement, participation, and assistance towards terrorist acts as equal aspects of the terrorism offenses defined above.

The final article of relevance is article 8, which was designed to compel states to automatically inter alia accept these crimes as part of any extradition treaty that existed at that time, or that would be signed in the future. Furthermore, even if the contracting parties failed to recognize these standards there would be customary implied extradition anyway. Finally, the extradition segment received a weakening clause explaining that states were still subject to any conditions and limitations of their own domestic law or their practice. Any modern anti-terrorist treaty will likely be based on both definition and outline of this language. Following the thread of counter terrorism, it is apparent that difficulties lie ahead in terms of treaties in place at this time. If the United States or its allies are to successfully request extradition for prosecution of terrorists, they must do so under the bounds of contemporary accords, beyond mere bi-lateral agreements. U.S. policy to this point in the War on Terror has been extensively bi-lateral or diplomatically requested extradition, mainly with countries in Europe and the Middle East. Between 2001 and 2004 the U.S. concluded or revised only a dozen different agreements on the extradition of terrorists. In short bi-lateral extradition treaties are difficult to negotiate and enforce because a broad range of political issues and legal concerns are brought into play. Therefore, the counter-terror policy goal of effective extradition in the United States and like minded nations should rest on the backs of multilateral agreements.

Cleavages in the Law: The Range of Multilateral Conventions
Cherif Bassiouni, a leading authority on international law and international order, has argued that there exist divisions within the body of the international law regarding terrorism.[31] Essentially, there are other treaties previously formed or in formation related to specific aspects of terrorism or specific venues.[32] These seventeen conventions dealing with terrorism can be sub-divided and sorted. The two dividing lines include the "breadth of an accord," and the "territorial extent." Thus, one can make distinctions between those treaties which are comprehensive or sectoral and those that are universal or regional conventions. Some of these standards overlap, but in general they form a good method of approach. All of these treaties contain six avenues of international cooperation in penal matters including but not limited to the important extradition and mutual assistance.

In essence, there exist treaties of universal territorial extent, some comprehensive, such as the League of Nations Convention of 1937 and there are those which contain language that obligates states to respond in a direct way for any act that falls into a clearly defined category of terrorist action i.e. an ad hoc treaty, but one that is applicable anywhere. An example of a true multi-lateral, ad-hoc sectoral treaty is The International Convention for the Suppressing of Terrorist Bombing signed in 1998, ratified by the U.S.

in 2002. Meanwhile, regional treaties also exist, for example, the Inter-American Convention Against Terrorism. Finally, there are U.N. sponsored resolutions taken by the Security Council which stand to be considered.

Regional Agreements
    Envisioned to facilitate more effective criminal rendition within geographic or political areas, regional agreements addressing terrorism are less common and, in practice, still fairly robust when compared to ad hoc treaties. The most well-known regional convention to date is the 1977 European Convention for the Suppression of Terrorism. Most regional treaties are comprehensive, and the European document is that much more compelling because it required signatory parties to alter their individual domestic law to reflect the Convention. The treaty itself is a collection of the individual offenses, like those of ad hoc agreements, bound together providing a battery of terrorist acts that are illegal. Party states can withhold requested extradition of suspects, but then must submit to a general review panel to discuss their case.[33] A number of states submitted reservations to the treaty to maintain a traditional political exception clause, leading to questions of its effectiveness. Also, as a result of this synthesis of a list of terrorist acts, the treaty does not attempt to define terrorism generally. Further development of the EU means that many of the old concerns, as it related to the political exception, have been eliminated.
    Another major treaty that emerged in the reaction after 9/11 was the newly created Inter-American Convention Against Terrorism. John Murphy argues that this agreement, signed by thirty of Organization of Americans States' thirty-three states represents a potential quantum leap forward in the enforcement of terrorism accords.[34] He cites the non-narrow, affirmative nature of the treaty, and its extensive commitment to U.N. antiterrorist conventions as evidence of its demonstrated progress. This instrument of regional application also requires states to aggressively deny safe haven to persons suspected of terrorism in the form of refugees or those requesting asylum.[35] Financial links to terrorism are to be combated as well, undercutting critical elements of transnational terrorist infrastructure.
    For the regions in which they effect, comprehensive agreements have proven more robust in the actual extradition and prevention of terrorism. The London Subway bombings and the bombings in Spain over the last few years have witnessed a rise in the application of the European convention, in conjunction with standing EU law. For those truly international treaties, the instruments of potentially normative or customary nature in the future, one must assess Ad Hoc or Sectoral agreements.

Ad Hoc Treaties
    There also exist a slew of treaties that are designed to address certain sectors of terrorist action, that remain universal in geographical scope such as the Hague Convention for the Unlawful Seizing of Aircraft of 1970 or the International Convention for the Suppression of the Financing of Terrorism of 1999. Both of these conventions are limited by a defined sphere of activity i.e. aircraft hijacking and financial support respectively. At least ten treaties are currently in effect that meet the criteria of one sphere, yet remain multilateral and universal in jurisdiction. Given language lends itself for the breakdown of "terrorist acts" that are forbidden as it relates to transportation. The first of these styled agreements, the 1970 Hague Convention on the Unlawful Seizure of Aircraft set the guidelines to which other treaties also adhered. The common thread that emerges from Article 1 of this treaty paralleled by subsequent conventions is that of unlawful acts

committed - be it relating to civil aviation aircraft, taking hostages, targeting protected persons, stealing nuclear material, violence at airports, fixed (oil/drilling) platforms, terrorist bombings, financing terrorism, and lastly facilitating nuclear terrorism.[36] Importance cannot be underestimated of the applicability of these legal regimes. While not all of them contain the most robust extradition clauses, they represent specific action under which terrorists can be extradited for and prosecuted, serving as ad hoc stop gaps to breaks in international and comparative legal commonality or consistency. All of these treaties discussed here operate under the expressed normative principle of aut dedere aut judicare.   Party states are thus clearly compelled to prosecute or extradite, within these precise terrorist acts. The punishment clause is often in the range of requiring severe or grave penalties.   The 1998 International Convention on the Suppression of Terrorist Bombings and 1999 International Convention for the Suppression of the Financing of Terrorism, are both borne out of direct concern for al-Qaeda, especially in the wake of the U.S. Tanzanian and Kenyan Embassy bombings. These two most recent agreements, as well as the Convention covering Nuclear Terrorism (2005), avoid the principle of political exemption/exception entirely. These ad hoc, universal, multilateral arrangements currently represent the most effective standing international law as it relates to the extradition of terrorists.   However, their range is still limited, as the treaties only cover the very specific acts outlined.

U.N. Resolutions
    Carrying a different weight of applicability are United Nations Resolutions from the Security Council. While not legally binding, they serve as strong incentive for member states to address transnational terrorism and its practitioners. The most effective action the Council has taken to this point was during its deliberations over Libya, when it ordered the Libyan government to provide "full and effective responses" to the Lockerbie Incident. Al Megrahi, a member of Libyan intelligence was convicted and sentenced to life imprisonment for murdering 270 people Pan Am flight 103.[37]
    America's primary U.N. link in the struggle to institutionalize international terrorist extradition is U.N. Security Council Resolution 1373 adopted uniamously on 28 September 2001. Shearer describes the crucial nature of the statement as it relates to extradition. While states are not obligated to do so by the resolution, they request and require that states ensure terrorists, or terrorist supporters, are brought to justice and punished duly.[38] As such the Security Council Resolutions clearly represent an instrumental part of global efforts to ensure the extradition of terrorists.

Towards a Comprehensive Convention
    Since 1937 there have been two major attempts to outline a major multilateral universal comprehensive treaty condemning or suppressing terrorism. The Ad Hoc Committee established by the U.N. in 1972 represented the first efforts of the United States and the United Nations to approach the element, but the definition of international terrorism proved unreachable. Moreover, elements of concern emerged during the Cold War from recently independent former colonies and smaller states over the need for the right to self-determination. Subsequently, no single definition proved acceptable. With parallel implementation possible due to the presence of a large number of sectoral conventions previously discussed, in 2006 the international community has much more to stand on than in 1972.
    In 1994, a General Assembly resolution was passed on the Declaration on Measures to Eliminate International Terrorism or UN/GA Resolution 49/60. The motion urged

Member States to review the scope current conventions as it related to the suppression, prevention, or condemnation of terrorism. This sparked renewed debate, and a building of snail momentum towards a draft.

More recently, the Indian government entered a Draft Treaty into the United Nations for consideration, reviving the Ad Hoc Committee on Terrorism in 1996, and submitted the draft in 2000. Ten years later progress is undeniably slow. Unlike the 1972 document, the definition of international terrorism or terrorist actions in Articles 2 and 3 respectively is no longer the most decisive sticking point for states. Rather, the always present concern for allowing people's right to self determination should not be defined as terrorism in the eyes of many U.N. members. The detailed number of exceptions and the scope of the conventions operation have now emerged as the major political and legal battleground for discussion.[39] Structured comprehensively, the treaty is very similar to the Inter-American regional agreement, in that it provides for addressing concerns of terrorist acts, financing, assisting, facilitating or organizing anything that meets standards of international terrorism, terrorist training camps , or recruitment. At this time, the draft would require parties to alter their national laws to reflect the Convention - in the same way the Council of Europe did regionally in 1977. However, such a clause could possibly be dropped in the last minute efforts to gain ratification.   Provided the United States can ensure what it deems as adequate protection of its military personnel, it would seem that the U.N. Draft Comprehensive Convention on International Terrorism should remain a primary focus for the United States in the ongoing normative and legal struggle.[40] Creating a credible international regime would be a decisive long term element in limiting transnational terrorism world-wide, and ensuring extradition of offenders.

In summary, the four major points of concern in the debate regarding a comprehensive treaty on international terrorism are the definition of international terrorism, the scope of the treaty as it relates to armed forces exercising their duty, the relationship between terrorism and anti-colonial movements, and the extent of exceptions and reservations. With this in mind, the United States should be definitively proactive in the U.N. efforts to draft a comprehensive treaty. As international norms have demonstrated, just because a U.N. Convention is signed, ratified, and enters into force, this is not in of itself a solution. The 1948 U.N. Convention on Genocide is standing proof that political will and measured definitions are necessary for real enforcement. However, the current situation in international relations implies a direct focus on the issue of terrorism and an ongoing struggle daily to address it many areas of the globe that has never been seen on behalf or in condemnation of genocide.

Conclusion and Recommendations

Building on the efforts of international relations scholarship and legal tradition in the face of the transnational threat of terrorism, these guidelines follow for U.S. theoretical and normative thinking about extradition and international terrorism accords.

The conflicting nature of acting vigorously against transnational terrorists while at best dodging and at worst subverting the International Criminal Court, is not aiding the United States effort in grappling with transnational terrorism.   While it is true that the United States legally owes no more obligation to the Rome Statutes than any other state, the consistent U.S. appeal towards international order and justice in fighting terror, as well American safety from criminal acts, means that the U.S. can strengthen its position by ratifying the Rome Statutes and allowing the ICC to gain that additional legitimacy. Doing so can bolster efforts to promote cooperative frameworks against terror.

Second, the United States should continue to encourage the development of formidable regional conventions to combat terror. Building on the ground broken by the European Regional Convention on the Suppression of Terrorism, the Inter-American regional agreement represents a quality step in ensuring that the United States can seek rendition of terrorists and support neighbor states in opposing terrorist activity.

Third, in engaging those aforementioned mechanisms, the U.S. must maintain a commitment to the instrument of extradition as a tool in international law to capture and prosecute alleged terrorists for the greater safety of America. Provided military tribunals are limited, Americans can have confidence in the justice sector's efforts to curtail terrorism. It is in the U.S. interest to continue using extradition, in addition to more visible and direct methods of combating terror, such as intelligence, military force, law enforcement, and homeland security.

Finally, the United States must energize the movement for the Draft Comprehensive Convention on International Terrorism currently before the United Nations' Ad Hoc Committee on Terrorism. While a paper tiger will not be helpful, meaningful U.S. engagement in the process will ensure that many more terrorists are extradited and prosecuted each year. If international society can reach the breakthrough that is a universal, comprehensive, and international agreement, then the future transnational terrorism will be truly marginalized.

Endnotes
1. 2006 National Military Strategy Plan for the War on Terrorism
    see <http://www.defenselink.mil/pubs/pdfs/2006-01-25-Strategic-Plan.pdf>
    (Accessed 30th November 2006)
2. 2006 National Security Strategy for Combating Terrorism
    see <http://www.mipt.org/pdf/National-Strategy-Combating-Terrorism-Sept-
    2006.pdf> (Accessed 3rd December 2006)
3. John Murphy, "International Law and the War on Terror: The Road Ahead,"
    International Law and the War on Terror ed. Fred Borch and Paul Wilson
    (Newport: U.S. Naval War College International Law Studies, 2003), 391-440.
4. David E. Long, The Anatomy of Terrorism. (New York: Free Press, 1990).
5. For further definition discussion see Walter Laqueur, A History of Terrorism (New
    Brunswick: Transaction Publishers, 2002), 79.
6. Ibid…391-440.
7. Silvia Borelli, "The Rendition of Terrorist Suspects to the United States: Human Rights
    and the Limits of International Cooperation," Enforcing International Law Norms
    Against Terrorism ed. Andrea Bianchi (Oxford: Hart Publishing, 2004), 331-373.
8. Christopher Greenwood, "Terrorism: The Proper Law and the Proper Forum War,"
    International Law and the War on Terror ed. Fred Borch and Paul Wilson (Newport:
U.S. Naval War College International Law Studies, 2003), 353-369.
9. Ivan Shearer, "The Limits of Coalition Cooperation in the War on Terrorism,"
    International Law and the War on Terror ed. Fred Borch and Paul Wilson (Newport:
U.S. Naval War College International Law Studies, 2003), 275-296.
10. Benjamin Netanyahu, Fighting Terrorism: How Democracies Can Defeat Domestic
    and International Terrorism (New York: Farrar Straus Giroux, 1995).
11. See Abramovsky and Eagle, "U.S. Policy in Apprehending Alleged Offenders Abroad:

Extradition, Abduction, or Irregular rendition." Oregon Law Review 51 (1977).

12. It is possible in some states that a terrorist could be extradited well after being con
    victed of an offense.

13. M. Cherif Bassiouni, International Extradition: U.S. Law and Practice (Oxford:
    Oxford University Press, 2002).

14. Christopher Blakesley, Terrorism, Drugs, International Law, and the Protection of
    Liberty. (Ardesley on Hudson: Transnational Publishers, 1992), 179.

15. Ibid, 180.

16. Robert Jackson, Global Covenant: Human Conduct in a World of States (Oxford:
    Oxford University Press, 2000), 120.

17. Shearer, 275-296.

18. M Cherif Bassiouni and Edward M. Wise, Aut Dedere Aut Judicare: The Duty to
    Extradite or Prosecute in International Law (New York: Springer, 1995).

19. See Emmerich De Vattel's classic study Law of Nations published in 1758. De Vattel
    argues the natural obligation of states to turn over criminals for trial.

20. See Case Concerning Questions of Interpretation and Application of the 1971
    Montreal Convention arising form the Aerial Incident at Lockerbie (US v Libya;
    Libya v UK) Request for the Indication of Provisional Members) 1992 I.C.J. 3.

21. One possible support of this shift in practice argument is that of the Lockerbie inci-
    dent in which the U.N. Security Council recommended in 1992 bypassing the princi-
    ple of constitutional right to non-extradition of certain states. See Her Majesty's
    Advocate v Al Megrahi (Lockerbie Verdict Jan 31, 2001).

22. Shearer, 287.

23. M. Cherif Bassiouni, International Terrorism: Multilateral Conventions and
    Documents (1937-2001) (Ardsley: Transnational Publishers, 2001), xxvii.

24. Borelli, 331-373.

25. Blakesley, 224.

26. Bassiouni, xxv-xxix.

27. Article 1 para 2 Geneva Convention for the Prevention and Punishment of Terrorism
    of 1937, League of Nations depository, NOT entered into force January 1, 1941.

28. Yonah Alexander and Majorie Ann Browne, Control of Terrorism: International
    Documents (New York: Crane, Russak, and Company, 1984), 19-29.

29. Article 2 of the Geneva Convention for the Prevention and Punishment of Terrorism
    of 1937, League of Nations depository, NOT entered into force January 1, 1941.

30. United Nations Draft Comprehensive Convention on International Terrorism submit-
    ted to the United Nations by India in 2000. (Article 2, para 1)

31. Bassiouni, xxv-xxix.

32. For additional discussion of International Law see Adam Roberts and Richard Guelff,
    Documents on the Laws of War (Oxford: Oxford University Press, 2003).

33. Murphy, 422-423.

34. Ibid, 420-423.

35. Ibid, 391-440.

36. See Zdlisaw Galicki, "International Law and Terrorism," American Behavioral
    Scientist 48, no 6 (February 2005), 743-757.

37. See Her Majesty's Advocate v Al Megrahi (Lockerbie Verdict Jan 31, 2001).

38. Shearer, 288-289.

39. United Nations Draft Comprehensive Convention on International Terrorism submit-
    ted to the United Nations by India in 2000.

40. Galicki, 743-757.

Works Cited

1. 2006 National Military Strategy Plan for the War on Terrorism
    see <http://www.defenselink.mil/pubs/pdfs/2006-01-25-Strategic-Plan.pdf>
    (Accessed 30th November 2006).

2. 2006 National Security Strategy for Combating Terrorism
    see <http://www.mipt.org/pdf/National-Strategy-Combating-Terrorism-Sept-
    2006.pdf> (Accessed 3rd December 2006).

3. Abramovsky and Eagle, "U.S. Policy in Apprehending Alleged Offenders Abroad:
    Extradition, Abduction, or Irregular rendition." Oregon Law Review 51 (1977).

4. Alexander, Yonah and Majorie Ann Browne, Control of Terrorism: International
    Documents (New York: Crane, Russak, and Company, 1984), 19-29.

5. Bassiouni, M Cherif and Edward M. Wise, Aut Dedere Aut Judicare: The Duty to
    Extradite or Prosecute in International Law (New York: Springer, 1995).

6. Bassiouni, M. Cherif. International Extradition: U.S. Law and Practice (Oxford:
    Oxford University Press, 2002).

7. Bassiouni, M. Cherif. International Terrorism: Multilateral Conventions and
    Documents (1937-2001) (Ardsley on Hudson: Transnational Publishers, 2001).

8. Blakesley, Christopher. Terrorism, Drugs, International Law, and the Protection of
    Liberty. (Ardesley on Hudson: Transnational Publishers, 1992.

9. Borelli, Silvia. "The Rendition of Terrorist Suspects to the United States: Human
    Rights and the Limits of International Cooperation," Enforcing International Law
    Norms Against Terrorism ed. Andrea Bianchi (Oxford: Hart Publishing, 2004).

10. Case Concerning Questions of Interpretation and Application of the 1971 Montreal
    Convention arising form the Aerial Incident at Lockerbie (US v Libya; Libya v UK)
    Request for the Indication of Provisional Members) 1992 I.C.J. 3.

11. Galicki, Zdlisaw. "International Law and Terrorism," American Behavioral Scientist
    48, no 6 (February 2005), 743-757.

12. Greenwood, Christopher. "Terrorism: The Proper Law and the Proper Forum War,"
    International Law and the War on Terror ed. Fred Borch and Paul Wilson (Newport:
    U.S. Naval War College International Law Studies, 2003), 353-369.

13. Jackson, Robert. Global Covenant: Human Conduct in a World of States (Oxford:
    Oxford University Press, 2000).

14. Laqueur, Walter. A History of Terrorism (New Brunswick: Transaction Publishers, 2002), 79.

15. Long, David E. The Anatomy of Terrorism. (New York: Free Press, 1990).

16. Murphy, John. "International Law and the War on Terror: The Road Ahead," International Law and the War on Terror ed. Fred Borch and Paul Wilson (Newport: U.S. Naval War College International Law Studies, 2003), 391-440.

17. Netanyahu, Benjamin. Fighting Terrorism: How Democracies Can Defeat Domestic and International Terrorism (New York: Farrar Straus Giroux, 1995.

18. Shearer, Ivan. "The Limits of Coalition Cooperation in the War on Terrorism,' International Law and the War on Terror ed. Fred Borch and Paul Wilson (Newport: U.S. Naval War College International Law Studies, 2003), 275-296.

19. United Nations Draft Comprehensive Convention on International Terrorism submitted to the United Nations by India in 2000. (Article 2, para 1).

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The Evolution of Westphalian Sovereignty

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INTRODUCTION

On May 28, 2005, tens of thousands of Sudanese refugees lined the road to welcome United Nations Secretary-General Kofi Annan on his visit to southern Darfur. His arrival represented the concern of the world to the plight of the victims of violence and oppression in the Sudan. Since 2003 the humanitarian crisis in the Darfur region of the Sudan has been dire, calling the international community's attention. Much media attention has been given to Darfur as humanitarian violations have worsened including indiscriminate attacks on civilians, rape, acts of violence, forced displacement, and the deaths of thousands. The United Nations Security Council (UNSC) has been active in addressing the crisis, with little success. The various resolutions that have been adopted seem nominally significant, but few actions have been taken to ameliorate the crisis. Even with the adoption of Resolution 1556 in July 2004, which classified the situation in Sudan as "a threat to international peace and security and stability in the region," intervention has not occurred to stop the atrocities in Darfur. To what can this failure to respond be contributed? It is attributable to the right of state sovereignty.

The sovereign right of a state to the jurisdiction of all matters within that state can be traced to the Peace of Westphalia. The Peace of Westphalia first codified the principles of sovereignty that would govern international relations. These principles have evolved over time to regard the rights of individuals. This evolution first took place within states, with the emergence of popular sovereignty and other individual liberties. Notwithstanding this development of human rights within states, these rights did not evolve in the international system until much later. The principle of state sovereignty is critical in maintaining order in the international system, and was intractable for centuries. However, today state sovereignty is becoming conditional upon certain obligations that a state must meet in order to maintain that sovereignty. Before 1945 the greatest international concern was the prevention of international wars, yet the contemporary trend calls for less concern with international crises and more toward intra-national conflict.[1] The next step in the evolution of human rights will be the acceptance of

human security over state sovereignty by the international community, and to this end, the qualification of state sovereignty.

This paper comprises five main parts. The first part provides a background to the establishment of the principles of sovereignty. The second examines the evolution of Westphalian sovereignty and the rise of individual liberties within the state. The third part reveals the obstacles to the evolution of Westphalian sovereignty internationally and specifically assesses the cases of East Timor and Kosovo to expose the idea of a 'qualified sovereignty'. The fourth part puts forth the evidence that confirms the evolvement of individual rights in the international system. The last part reaffirms the relevance of state sovereignty and touches on the danger of obviating this longstanding principle.

HISTORICAL SOVEREIGNTY

The establishment of state sovereignty dates back to seventeenth century Europe, when the ideas of the religious reformers set many German-speaking territories ablaze with the fire of Protestantism. Contention mounted as religion was the battle cry that pitted provinces against each other seeking to impose their religious beliefs on the states that professed differently. This religious zeal, coupled with other political motives, was the basis of the Thirty Years War (1618-1648). To resolve the matter, the rulers of the European nations created the Peace of Westphalia which proclaimed that each king would have the authority to select the religion of his state.

Not only did the Peace of Westphalia of 1648 bring an end to the Thirty Years War, it also had much further reaching consequences in determining the legal international boundaries of states. The Treaty helped to establish the principle of state sovereignty which remained in force for centuries, and is reflected in the United Nations Charter today. Each ruler was not only able to determine the religion of their choosing but could also make all other decisions in behalf of its people. The principle of non-intervention was also accepted, prohibiting the interference of one state in the affairs of other states and thereby setting the European states equal to each other legally.

To the end of legally securing international territorial boundaries, the United Nations Charter has adopted in its credo, various principles set forth in the Peace of Westphalia. Article 2 lays out the principles on which the Organization is based, the first being the sovereign equality of all its members. Article 2 (4) reads:

> "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations" (United Nations Charter)

The principle of non-intervention also outlined in Article 2 (7) states:

> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice to the application of enforcement measures under Chapter VII" (United Nations Charter)

In protecting the individual state's territorial sovereignty, the Charter recognizes the authority of the ruler or government in power to determine all matters within the state and protects that leader from interference, excepting only a Chapter VII. Chapter VII

gives the Security Council authority to take measures necessary to maintain or restore international peace and security in the case of a "threat to the peace, breach of the peace, or act of aggression."[2]   These measures may include the use of armed force, where necessary.

THE EVOLUTION OF WESTPHALIAN SOVEREIGNTY WITHIN THE STATE

Since the Peace of Westphalia, the ideas of sovereignty have gradually changed to meet the needs of a progressing world. The first and most drastic changes were those involving individual rights within the state. Liberal thinkers argued that all men were born with certain human rights. Among these was the right to a voice in the governing of the state. This progress can be examined in part, through the context of political power within the state since Westphalia.

Under the Peace, each ruler was not only able to determine the religion of their choosing, but could also make all other decisions in behalf of its people. Opello and Rosow argue that the Peace of Westphalia specified the monarch as the legitimate form of the state, placing sovereignty in the hands of a single ruler or a small minority.[3]   The Sovereign would hold all power and wield authority without checks.

The French model is a good example of a monarchical state. The crown wielded a majority of power in the country from the tenth to the eighteenth century. Up through the fifteenth century the king respected the rights of the nobility and would call the Estates General to discuss official matters with the clergy, nobility, and the bourgeoisie. However, the power of the crown strengthened into the seventeenth and eighteenth centuries allowing the king to usurp absolute power in France. The power of the sovereign would not hold out however.

Following the ideas of the Enlightenment thinkers Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, sovereignty gained a new face, the face of the people. Liberal ideas began to challenge the authority of the monarchs in Europe and the people demanded a voice. "Popular sovereignty" required that sovereignty reside in the hands of the people. It was the will of the people that gave legitimacy to the law. Thus, "the institution of sovereignty as popular sovereignty created a new realm of individual freedom that weakened the absolutist state in favor of the individual."[4]   This idea that sovereignty emanated from the people began to challenge and eventually superseded the perception, created at Westphalia, that sovereignty was held by a single ruler.[5]

Pursuing France's history, we find an example of the evolution of the Sovereign, to sovereignty in the hands of the people. The ideas of Jean-Jacques Rousseau were very influential to the movement of the French Revolution. When King Louis the XVI summoned the Estates General in 1789, the clergy and nobility challenged the King's authority and demanded a voice in the government. In the fire of defiance, the audacious bourgeoisie declared itself the true representative of the people, in accordance with the idea of popular sovereignty. Civil unrest ensued for a time, but by 1792 the revolution had led to the formation of a French republic. This liberal revolution frightened the other monarchs of Europe as they saw the fierce determination of the people to acquire the right to the reigns of sovereignty.

The ideas of Liberalism had succeeded in spurring the evolution of the Sovereign, as recognized at Westphalia, to a "popular sovereignty," where the authority lies in the hands of the populace. In the modern world, those states which are recognized as having legitimate forms of government are those that maintain that the power to govern emanates from the people. The Secretary-General referred to this advance in individual rights when he stated, "State sovereignty, in its most basic sense, is being redefined not

least by the force of globalisation and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa."[6]   Just as the notion of a Sovereign gave way to sovereignty in the hands of the people within the state, the notion of Westphalian state sovereignty must yield to human rights for this evolution to continue internationally.

THE CHALLENGE TO WESTPHALIAN EVOLUTION INTERNATIONALLY

In recent decades, evidence of a problematic disconnect between international law regarding sovereignty and the failure to protect human rights has become more obvious as attempts at humanitarian intervention have either been prevented or received staunch criticisms. Where Westphalian sovereignty has needed to be adjusted in order to protect human rights, it has found its barrier in the obstinance of state sovereignty. Two recent crises bring this dilemma to light. I will first examine the case of East Timor where state sovereignty was respected even in the face of a humanitarian crisis. Second I will look at the intervention in Kosovo where NATO entered Serbia in violation of state sovereignty. These cases help to reveal the dynamics of sovereignty in the international system and the need to transform Westphalian principles of sovereignty in today's world.

East Timor

As Portugal released East Timor from a colonial grip that was centuries old, Indonesia seized the opportunity to take the island as her own in 1975. International response to the invasion was minimal. The US and other Western nations turned a blind eye to the invasion, perhaps because Indonesia was a rising asset for investment opportunities, but more importantly because of Indonesia's loyalty to the West during the Cold War.[7]   Indonesia's relatively powerful neighbor Australia also overlooked the invasion of East Timor because of national interests including national defense and trade.[8]   The UN was decisive and from the start of the invasion firmly held the position that sovereignty did not belong to Indonesia and that East Timor had the right of self-determination.

Indonesia held East Timor firmly through 1998, but Indonesian policy began to change as President Habibie took power. Habibie was more open to consider the idea of self-determination for East Timor and with encouragement from Australia, Habibie decided to allow for a referendum in order to hear East Timorese voices regarding independence. On May 5, 1999, the UN, Indonesia and Portugal agreed that the UN would supervise the voting in August, later that year.[9]   However, it soon became obvious to the UN Mission in East Timor that securing the peace for such an election would not be easy. Those opposing independence began to mobilize, forming militias and using intimidation and violence to terrorize the pro-independence movement.

It was the results of the ballot that sparked the large scale violence in East Timor. After it was announced that 78.5 percent of registered voters had given a voice for independence, widespread terror began. The brutal militias targeted key figures in the independence movement and terrorized citizens. Within a matter of days up to a quarter of the population had left their homes and more than 1000 had died.[10]   Although Habibie pledged to restore order, the violence continued as he had little control over the military. With atrocities mounting, the UNSC met on September 5 and demanded that Indonesia restore the peace. The terrible events quickly made their way into the international press and the world became cognizant that without an intervention East Timor would likely become the next Rwanda. Habibie's initial reaction to the idea of foreign military presence was one of opposition. Yet given a few days, and sufficient pressure from the inter-

national community, Habibie willingly agreed to an Australian led UN peacekeeping force.

This case evidences the fact that even as a humanitarian crisis was underway human rights yielded to Indonesian state sovereignty. Wheeler and Dunne note that, "respect for Indonesia's sovereign prerogatives was crucial in facilitating acceptance of the process by the Security Council."[11] Furthermore, Australia would not have agreed to lead the UN peacekeeping mission if Indonesia had continued to oppose foreign military presence because of their national security interests in respecting Indonesian sovereignty. The Indonesian case is special because considering Indonesia's position internationally it had poignant pressure points, which gave the international community extra leverage in coercing Habibie to yield Indonesian sovereignty and allow an intervention force in East Timor. However, if those pressure points had not been there, as is the case with many other nations where humanitarian crises are found, the UN would not have had a legal right to intervene. Therefore, in the case of East Timor sovereignty was sacrosanct, and had Habibie not willing yielded to pressure, intervention would not likely have occurred.

Kosovo

The election of Slobodan Milosevic as President of Yugoslavia in 1989, signaled a turn for the worst for the Kosovar Albanians. As they would soon discover, a significant diminution of their civil and human rights was on the Milosevic's agenda.[12] The Albanians fought back against the Serbian police with their own Kosovo Liberation Army, which intensified the conflict. As repression and violence increased in Serbia international eyes turned to Kosovo. With reports of increasing violence and many Kosovars fleeing their homes, the question of a supreme humanitarian emergency was posed.

By August of 1998 the United Nations High Commissioner for Refugees (UNHCR) estimated that there were 200,000 refugees outside of Kosovo and 260,000 internally displaced people.[13] With the Security Council unable to come to a consensus on the issue unraveling in Kosovo, NATO took action as intervention seemed necessary to prevent the Serbs from killing thousands of Kosovar Albanians.

This intervention was a milestone. It was the first time a humanitarian justification had been used to account for unilateral intervention without the specific approval of the UNSC. It was a tremendous step forward in the promotion of human rights internationally and brought to full light the dichotomic problem between state and human rights. The problem was recognized by the UN legal counsel after the Kosovo intervention with the acknowledgment that, "there are those who declare that the legal framework involving the right of self-determination and respect for territorial sovereignty is now in disarray."[14] Humanitarian intervention like that of Kosovo, could not be justified under the ideas of a traditional Westphalian concept of sovereignty.[15]

A Need to Qualify Sovereignty

Changes in the contemporary political atmosphere have led the international community to reevaluate the norms of state sovereignty in the twenty first century. In addressing his concern to protect human rights while maintaining the integrity of state sovereignty Secretary-General Kofi Annan posed the question, "…if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica - to gross and systematic violations of human rights that affect every precept of our common humanity?"[16] Many of the writings and speeches of

Annan have made clear the need to qualify sovereignty and perhaps suggested the need to limit state sovereignty in certain cases. He contends that, "national sovereignty was never meant to be a shield behind which massacres are carried out with impunity."[17] Although Annan recognizes the need to qualify sovereignty, it is his view that any attempts to ameliorate the problem should be carried out under the legality of international law and the United Nations. Along with Annan, British Prime Minister Tony Blair has also addressed the challenge in these words:

> The most pressing foreign policy problem we face is to identify the circumstances in which we should get involved in other people's conflicts. Non-interference had long been considered an important principle of international order. And it is not one we would want to jettison too readily…But the principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees which unsettle neighboring countries they can properly be describes as 'threats to international peace and security'.[18]

But which should take precedence under international law, human rights or state sovereignty? Annan opined, "It is not the deficiencies of the Charter which have brought us to this juncture, but our difficulties in applying its principles to a new era; an era when strictly traditional notions of sovereignty can no longer do justice to the aspirations of peoples everywhere to attain their fundamental freedoms."[19] The Secretary-General here suggests that the notion of sovereignty is not in itself faulty but will need to be bridged to consider the implications on individual security in today's world.

THE EVOLUTION OF WESTPHALIAN SOVEREIGNTY INTERNATIONALLY

Although it is obvious that individual sovereignty has been slower to take hold in the international system than within the state, there have been evidences of evolvement. In 1945 the United Nations was created with the objective of maintaining international peace and security. Although territorial security was a high priority after two world wars, human security was also considered in the Charter, at least nominally. The preamble of the United Nations Charter begins:

> "We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."[20]

Thus the affirmation of human rights in the Charter underlined the ideal treatment of humankind. Yet, during the Cold War human rights took a back seat to state sovereignty and not much progress was made in advancing human rights. Changes in the contemporary international system have led to new progress in the promotion of individual sovereignty however. The idea of contingent sovereignty as a result of increased international terror, the publication of the document The Responsibility to Protect (R2P), and the unprecedented intervention in Kosovo all lend evidence to the evolution of Westphalian sovereignty internationally.

Terrorism
The contemporary push to qualify state sovereignty is not only coming from the

humanitarian intervention camp. Changes in international security also give force to the idea that sovereignty must be qualified to meet the demands of the modern world. Since the terrorist attacks of September 11, 2001, top political leaders in the Bush administration have supported the notion of "contingent sovereignty." Richard N. Haass, President on the Council on Foreign Relations, posits that sovereignty includes the responsibilities of humane treatment of citizens and the resolve not to support terrorist activities or pursue weapons of mass destruction.[21]   In 2002, Haass purported that, "sovereignty does not grant governments a blank check to do whatever they like within their own borders."[22]

   The call that is sounding demands the adaptation of international norms in order to make sovereignty contingent upon the responsible actions of state governments. Contingent sovereignty then professes that where there is a failure to live up to sufficient norms of security, other worried nations should be entitled to take any necessary actions to defend themselves.[23]   Just as human rights demands the qualification of sovereignty, modern threats to security including terrorism and weapons of mass destruction are requiring the contingency of sovereignty. However, because of the priority of national security over human rights, contingent sovereignty has already found itself a comfortable position in US policy. In the National Defense Strategy of March 2005 it reads:

> It is unacceptable for regimes to use the principle of sovereignty as a shield behind which they claim to be free to engage in activities that pose enormous threats to their citizens, neighbors, or the rest of the international community. The U.S., its allies, and partners must remain vigilant to those states that lack the capacity to govern activity within their borders. Sovereign states are obligated to work to ensure that their territories are not used as bases for attacks on others.[24]

Although not spurred by the notion of human rights, the doctrine of contingent sovereignty includes the protection of individual sovereignty in its discourse.

   In January of 2006, US Secretary of State Condoleezza Rice addressed President Bush's vision of supporting democracy and ending tyranny in our world. In order to fulfill Bush's vision the Secretary presented the concept of "transformational diplomacy". In explaining this nascent doctrine, Rice asserted:

> Since its creation more than 350 years ago, the modern state system has rested on the concept of sovereignty. It was always assumed that every state could control and direct the threats emerging from its territory… Today, however, these old assumptions no longer hold. Technology is collapsing the distance that once clearly separated right here from over there. And the greatest threat now emerge more within states than between them. The fundamental character of regimes now matters more than the international distribution of power.[25]

   Rice recognizes the need for transformation and for evolution in the traditional ideas of sovereignty that have existed since Westphalia. A changing world requires an updated set of guidelines. As a result of these changes Rice proposes the need to "transform old diplomatic institutions to serve new diplomatic purposes."[26]   The proliferation of international terror has motivated US policymakers to recognize and embrace the need for a sovereignty contingent on the responsibility of regimes.

Responsibility to Protect

The international community took a significant step forward in addressing the Secretary-General's challenge to come to an acceptable consensus on the issues of humanitarian intervention and state sovereignty when the Canadian Government and other organizations formed the International Convention on Intervention and State Sovereignty. In December 2001, the Commission published its report known as The Responsibility to Protect. This report outlines the challenges that humanitarian intervention has faced over the last few years as systematic human rights violations that require international response have been hindered or halted due to policy challenges in international law.

With a growing trend toward intra-state conflict and the United Nations aspiration to protect human rights, the Commission purports the international community's responsibilities to respond to gross and systematic abuses of human rights around the world. More significant, however, is the pressure that the Commission puts on individual states in suggesting that sovereignty comes not only with rights, but also with responsibilities. These responsibilities entail those owed to the citizens of the state as well as those owed to the international community. Outlined in the document's core principles it reads:

> Basic Principles
> A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
> B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.[27]

The ICISS's report gives impetus to the growing prevalence of individual sovereignty. Where state sovereignty has so long been the principle preventing humanitarian intervention, the recognition of human rights as a priority is gaining momentum. The report's policy challenge states: "Whether universally popular or not, there is growing recognition worldwide that the protection of human security, including human rights and human dignity, must be one of the fundamental objectives of modern international institutions."[28]   At the World Summit in 2005 world leaders affirmed that states had responsibility to protect their citizens and that the international community was ready to act through the council on a case by case basis where states failed to do so. In April 2006 the Security Council reiterated its support for the World Summit Outcome Document's provisions to the protection of citizens from crimes against humanity in UNSC Resolution 1674.[29]   The document is limited in committing nations to action, yet successful in making the ides of qualified sovereignty known. It is another step toward human rights taking precedence in the values of the day.

Intervention
NATO's intervention in Kosovo marked a change in the traditional respect for state sovereignty. International law was violated as the need to intervene on behalf of the Kosovar Albanians was considered to be more imperative than respect for Serbian sovereignty. Charney suggests the intervention in Kosovo may set a precedent for the development of new international law to protect human rights.[30]   Although seen as illegal at the time, NATO's actions were not condemned by the UN. Given this inaction and the rejection of a Security Council resolution introduced by Russia, it can be assumed that the UN had decided to acquiesce to the intervention.[31]

Not only does the intervention in Kosovo prove the willingness of many powerful nations to intervene on behalf of human rights violations, but it also shows the UN acceptance of such actions. Moving from ideals to action, Kosovo was a solid step in the path of change for Westphalian sovereignty.

A PLACE FOR STATE SOVEREIGNTY?

The principle of state sovereignty has been a mainstay in the international community to ensure order and the rights of self determination of nations. Many states have become concerned with the evolution of the principles established in the Peace of Westphalia as they shift toward a new qualified sovereignty. The legacy of imperialism weighs heavy on the minds of those in the global south and demands that new justifications for Western powers to pursue their national interests around the globe not be tolerated.

One danger of qualifying sovereignty is that it may result in an abuse of power by the intervening states. Before the intervention in East Timor, many Asian governments expressed concern that legitimating an action to intervene might serve to weaken the principle of state sovereignty.[32] Although there is an ostensible need to limit sovereignty, there seems to be a careful balance required to maintain territorial sovereignty sacrosanct in most cases, while imposing on its virtue in others. Specific regulations to mandate and supervise cases calling for the contravention of sovereignty would reduce the chances of inappropriate interventions and calm the nerves of the anxious global south.

CONCLUSION

Although the evolutionary stage of individual rights at the international level has been limited on occasion by the continued acceptance of the Westphalian notion of state sovereignty, this traditional notion is transforming to meet the needs of the contemporary international system. The need for a qualified, contingent sovereignty has become more prevalent as conflict is occurring more within states than without is the contemporary world. International terror and R2P have also advanced this notion. The action taken in Kosovo reflects a recent willingness to act on these changing ideas and further the cause of human rights in the international arena.

This evolution of individual sovereignty on an international level is unprecedented and has been championed by Secretary General Kofi Annan. In 1999 Annan stated:

> …individual sovereignty-by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties-has been enhanced by a renewed and spreading consciousness of individual rights. When we read the Charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.[33]

Although the evidences for increased protection of individual rights in the international arena are before us, the international community has yet to take significant steps to ensure these rights over state sovereignty.

Currently the Government of Sudan and the Janjaweed are safely protected from the world behind the UN Charter, and thus continue their crimes against humanity. The suffering in Sudan presents the next potential step in the acceptance of human rights over state sovereignty. In his farewell address given on December 11, 2006 Kofi Annan warned:

> And when I look at the murder, rape and starvation to which the people of Darfur are being subjected, I fear that we have not got far beyond "lip service." The lesson here is that high-sounding doctrines like the "responsibility to protect" will remain pure rhetoric unless and until those with the power to intervene effectively-by exerting political, economic or, in the last resort, military muscle - are prepared to take the lead.[34]

The longer the international community waits to act in defense of human rights in Sudan, the slower the evolution of individual sovereignty will occur. As posited by Annan, the world is in need of a state or group of states who are willing to take the lead in demanding that governments be responsible in protecting the rights of their citizens. This momentum will corroborate the growing doctrine of qualified sovereignty and push the world to the next step in the evolutionary process of Westphalian sovereignty, a new realm of individual rights for mankind on the international level.

Endnotes

1. Kosovo Report as cited in Udombana, 2005
2. United Nations Charter
3. Opello 2004
4. Opello and Rosow 2004
5. Ibid, 109.
6. Oberleitner 2005.
7. Wheeler and Dunne 2001
8. Ibid
9. Ibid
10. Wheeler and Dunne 2001.
11. Ibid.
12. Walker 2005
13. Ibid.
14. Hans Corell "Address" as cited in Tanguy, 2003
15. Tanguy 2003
16. Udombana 2005
17. Kofi Annan "Three Crises and the Need for American Leadership" as cited in Elden, 2006
18. Roberts 1999
19. Kofi Annan "Address" as cited in Tanguy, 2003
20. United Nations Charter
21. Elden 2006
22. Ibid.
23. Ashton B. Carter et al. "Catastrophic Terrorism: Elements of a National Policy" as cited from Elden, 2006
24. Department of Defense "The national Defense Strategy of the USA 2005" as cited in Elden, 2006
25. State Department 2006
26. State Department 2006
27. R2P
28. Ibid.
29. Ibid.

30. Charney 1999
31. Ibid.
32. Wheeler and Dunne 2001
33. Oberleitner 2005
34. Truman Library 2006

Works Cited

1. Charney, Jonathan I. (1999) Anticipatory Humanitarian Intervention in Kosovo. The American Journal of International Law, 93, 834-841.

2. Elden, Stuart. (2006) Contingent Sovereignty, Territorial Integrity and the Sanctity of Borders. SAIS Review, 26, 11-24.

3. Oberleitner, Gerd. (2005) Human Security: A Challenge to International Law? Global Governance, 11, 185- 203.

4. Opello, Walter C. and Stephen J. Rosow. (2004) The Nation-State and Global Order: A Historical Introduction to Contemporary Politics (Boulder, CO: Lynne Rienner Publishers).

5. Responsibility to Protect. (2006) R2PCS [online]. Cited Dec. 4, 2006. Available from the World Wide Web: (http://www.responsibilitytoprotect.org/)

6. Roberts, Adam. (1999) NATO'S 'Humanitarian War' Over Kosovo. Survival, 41, 102-123.

7. State Department. (2006) Transformational Diplomacy [online]. Cited Dec. 2, 2006. Available from the World Wide Web: (http://www.state.gov/secretary/rm/2006/59306. htm).

8. Tanguy, Joelle. (2003) Redefining Sovereignty and Intervention. Ethics & International Affairs, 17, 141-148.

9. Truman Library. (2006) Kofi Annan speech online [online]. Cited Dec. 15, 2006. Available from the World Wide Web: (http://www.trumanlibrary.org/news/annan.htm).

10. Udombana, Nsongurua J. (2005) When Neutrality is a Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention in Sudan. Human Rights Quarterly, 27, 1149-1200.

11. United Nations. (2006) Charter of the United Nations [online]. Cited Dec. 15, 2006. Available from the World Wide Web: (http://www.un.org/aboutun/charter/).

12. Walker, Hugh. (2005) The Case of Kosovo. Civil Wars, 7, 28-70.

13. Wheeler, Nicholas J. and Tim Dunne. (2001) East Timor and the new humanitarian interventionism. International Affairs, 77, 805-827.

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The Real Mexican Miracle

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In 1911, Mexico was a country wrought by civil war and political inequality, ready for a new direction, but unsure which way to turn. The Constitution of 1917 provided Mexico with a structural outline that has ensured remarkable stability to this day, but ultimately failed in initiating a democratic era for Mexico. Instead, the results of the Revolution were instrumental in creating a nation controlled by the National Revolutionary Party, now known as the PRI, until the historic elections of 2000. With the advent of democracy came high hopes and expectations for Mexico and its people. An exploration of Mexico's current status of electoral democracy, and the protection of citizens' rights provide a comprehensive understanding not only of the current status of Mexico's democracy, but also the *quality* of their newly acquired democracy. Highlighted through ongoing problems with violence against women, drug-related gang violence, and the unresolved crisis in Oaxaca, Mexico must address violence and corruption to secure its newly acquired democracy and provide an application of democratic principles that benefits the people.

Fundamental to understanding the political tendencies and decisions made in Mexico depends on knowledge of a few key aspects of political culture and history of the country. While in the Latin American region instability is a defining characteristic of political systems, Mexico is a rare exception, largely due to its adherence of their highly respected Constitution. As Harry E. Vanden and Gary Prevost explain in *Politics of Latin America*, colonialism left an authoritarian imprint on societies. Independence movements brought about political structures, like constitutions, that were influenced by foreign democratic models yet implemented in societies that had never actually *experienced* democracy.[1] The Mexican Constitution of 1917 is a perfect example of a document heavily influenced by developed countries such as the United States and France. While the constitution has been in effect for 89 years, Mexico was also ruled by a semi-authoritarian system of single-party rule until 2000. Article 7 of the Mexican Constitution demonstrates the difference between writing democratic laws and applying them within society. Simply worded, Article 7 states "Freedom of writing and publishing writings on any subject is inviolable".[2] Uncensored press is one of the distinguishing traits of a democracy,

yet in Mexico, corruption and violence often override this basic democratic liberty.

One other important characteristic of political culture in Mexico's history is the popular use of *camarillas*, or close-knit groups, within the Mexican political system. Vanden and Prevost explain this system of networks as "a self-promoting political group that maximizes the power and position of its members through concerted collective action".[3] Not reserved solely for politics, *camarillas* are found in Mexican society as well. This practice has played a vital role in securing the PRI's success time and again. Carlos Salinas de Gortari, president from 1988-1994, illustrates the way patron-client relationships among Mexico's political elite work. Salinas grew up in a family with strong political influence and by the time he was running for President, he had secured professional, school, and familial ties to almost every cabinet member who had played a role in economic planning during a span of more than 40 years. It was no surprise that he quickly rose to the head of Finance Ministry and later, to the Presidency.[4] The unique relationships *camarillas* foster in Mexico add an elitist dimension to their political system that, historically, has influenced fundamental components of democracy.

In the 1990s, the Mexican government began a process of liberalization due to pressure from a growing opposition. Peter H. Smith, in his book *Democracy in Latin America*, explains that the surfacing of civil society in Mexico led to the PRI controlled government's electoral reforms. The growing middle-class and their disillusionment with the corruption, misrepresentation, and economic stagnation of Mexico pushed the PRI to institute reforms that were meant only to reorganize the PRI's power structure.[5] Instead, the opposition leaders and experts working on the reforms created institutions like the Federal Electoral Institute (IFE). This semi-autonomous organization was an important part of the reform process that eventually helped Fox win the Presidency in 2000. Other reforms included new voter registration cards featuring the voter's photograph and fingerprints, a legal structure allowing Mexicans and foreigners to carefully monitor the elections, and the opportunity to have the national voter list audited by an independent party.[6] These electoral reforms played a large role in Mexico's transition from a semi-authoritarian government to a free democracy.

Beginning with the 1997 midterm elections, the PRI lost control of the Congress for the first time, and three years later, lost the presidency as well. But the status of electoral democracy in Mexico withstood another, arguably more important, test during the Congressional midterm elections of 2003. In this election, the PRI regained 17 seats and the PRD won 43 additional seats, while Fox's party, the PAN, lost 51 seats. The results of the 2003 election were disappointing to President Fox and his party and caused even more gridlock in the Legislature.[7] More important to highlight is the fact that the Mexican people were disappointed with Fox, and the PAN, for not delivering policy change as they promised during their 2000 campaign. The people voted and their voice was heard yet again. Scholar Luis Rubio reaffirms that "the voters sent a clear message: once in government, what matters are not promises, but delivering on them".[8] Rubio also found a positive aspect to the split in Congress: a need to cooperate and negotiate could provide a base for Mexican politics to become more productive for the people.[9] In turn, this could serve as a tool to motivate more Mexicans to go to the polling booths. When discussing voter participation, Smith's analysis places Mexico in a category where only one-fifth to one-quarter of citizens were registering and participating in elections.[10] This extremely low voter turnout is an element of electoral democracy that Mexico might finally see a change in. Between the 2000 and 2006 presidential elections, more than 12 million more Mexicans became registered voters.[11] With the advent of democracy, voter

participation in Mexico is on the rise. Changes like these in Mexico's political system will only help strengthen the level of electoral democracy within the country.

An analysis of Mexico's status of electoral democracy would not be complete without exploring the most recent presidential elections in 2006. On July 2nd, the voting polls were opened and the day progressed smoothly. That night, the IFE announced that the results of the election were too close and a recount would be needed. The partial recount, which found a few minor discrepancies in vote tallies, resulted in giving Felipe Calderón, representing the PAN, a 243,934 vote lead.[12] Calderón's opponent, Andrés Manuel López Obrador, canidadte from the PRD, demanded a "'ballot by ballot, polling station by polling station' recount, claiming he has proof of 'multiple irregularities'".[13] September 5th brought a decision from the authoritative Supreme Electoral Court (TEPJF) certifying Calderón as the winner. The following months of rallies that Obrador held in Mexico City's Zócalo threatened the still young democracy Mexico was barely holding onto. Encampments of political protestors are forming a new trend of expressing disillusionment with the government, as applied by Obrador, and simultaneously by the people of Oaxaca. Calderón's inauguration on December 1st will bring a new chapter of politics to Mexico; his struggle will be in increasing the strength of the quality of Mexico's democracy while holding tight to the progress of the country's electoral democracy.

Another key aspect of a liberal democracy is the protection and promotion of citizens' rights. Mexico, while considered an electoral democratic, has yet to reach the category of a *liberal* democracy. In *Democracy in Latin America*, Smith explains the gradations of democracy within the region, implementing a comparison of liberal and illiberal democracy, as coined by scholar Fareed Zakaria. While both types of democracy are freely elected, the distinction clarifies that illiberal democracies either have a partial repression of civil liberties or a minimum of civil liberties expressed in their constitutions.[14] Due to recurring complaints of violence and corruption, Mexico is neither ready to be considered a liberal democracy, but is also free enough to be overqualified for placement in the illiberal category. In 1999, the transition to an electoral democracy brought about a more public face to the relatively quiet repression of civil liberties in Mexico. Members of the PRD, PAN, and EZLN were being murdered for expressing different political views and President Ernesto Zedillo confessed to the UN High Commissioner for Human Rights "that Mexico endured 'serious human rights violations'".[15] Since this increase in political violence happened only one year prior to the introduction of democracy, it is impossible to magically transform into a completely liberal democracy overnight. Mexico has made significant strides and has also suffered considerable setbacks during the Fox *sexenio*, impacting the quality of democracy within the country.

Endemic violence provides an inhibition to citizens' rights and creates strong feelings of dissatisfaction with the government. A recent resurgence of violence in Mexico has occurred primarily in the Northern states, concentrated near the U.S. border. Specifically, this new wave of violence encompasses violence against women working within the maquiladora economy of border towns and drug related brutality. Violence against women throughout Mexico, but especially in Ciudad Juárez and Chihuahua, has been growing with the rise of neoliberal policies. In "Violencia Femicida: Violence Against Women and Mexico's Structural Crisis," scholar Mercedes Olivera addresses the issue of femicides, violence directed at women, as "a direct expression of the structural violence of the neoliberal social system…in which individuals have been divided and

battered by the violent dynamics of social transformations".[16]   Freedom House similarly expresses serious concern over the growing number of women who are victims not only of gender violence, but also basic workers' rights abuses.[17]   Women have been the main source of labor in enterprises encouraged by neoliberal reform and this shift of employment patterns in a society dominated by machismo has had devastating effects. Olivera cites that in 2002 alone, more than 5,000 femicides occurred within Mexico's borders.[18] Within the context of a democratic Mexico, women have been able to organize and protest freely, drawing international support in an effort to influence the Mexican government to take action. One particular organization, The Mexico Solidarity Network (RSM) provides an example of how Mexican citizens are democratically voicing their concerns. In their mission statement, the RSM outlines their struggle with civil society and demands that it "take the leading role in fomenting social change by developing democratic spaces and empowered communities…".[19]   The Mexican Congress finally responded with the creation of the Special Commission on Femicide, although real meaningful action is still far in the distance.

The second category of violence plaguing Mexico creates a climate of fear and introduces problems of ungovernability. Drug-related violence, whether in the form of organized crime or gang brutality has grown at an alarming rate in Mexico during its' first democratic sexenio. Research conducted by the Procuraduría General de la República's organized crime unit has reported that in the past 9 months, 1,733 people were murdered by organized crime cartels, a 46% increase from 2005.[20]   Often, innocent citizens are made victims of drug violence, and unfortunately, the government is having a hard time quelling the brutality. Democracy is also made vulnerable by the social problem of violence. In her article about gender violence, Mercedes Olivera relates ungovernability to the association "with poverty, unemployment, narco-trafficing, and the lack of prospects for young people".[21]   It is no surprise that these issues are also the most pressing issues the government has failed to improve within Mexico's short democratic period. As a message to the government, whose promises to bring an end to crime appeared as nothing more than election strategies, 500,000 people gathered in Mexico City to protest against the ubiquitous presence of crime and kidnappings; their purpose was to show their solidarity as citizens who were tired of living in fear.[22]   This excessive amount of violence is also linked to Peter H. Smith's application of illiberal democracy in Latin America. While Mexico faces the world as a free country, the government's inability to taking key steps to eradicate drug related violence significantly lowers the level of civil liberties for Mexicans. For example, the U.S. Drug Enforcement Administration believes anywhere from $25-$30 billion of illegal drug money enters Mexico's political and economic systems, reaching the political, financial, military, and judicial institutions that hold Mexico's democracy together.[23]   In turn, this interlinked violence and corruption diminishes not only the legitimacy of the Mexican government, but the effectiveness of it as well.

Corruption in Mexico has long been a problem detrimental to the growth of democracy. The PRI is infamous for its use of bribery and intricate systems of electoral fraud effectively secured their power for 71 years. One of the most vivid explanations of electoral corruption, as explained through the language of Mexican citizens was the circus of events that took place on Election Day. The infamous *mapaches*, or raccoons, were official PRI members who would ride the *carrusel*, or merry-go-round, to multiple polling places, casting as many votes as possible. If this did not work, the *mapaches* would introduce the *taco*, a ballot that was folded in half and stuffed with multiple ballots.[24]   These

techniques are just a few of the tactics used by the PRI to secure re-election. Since the introduction of democracy in Mexico, corruption within the political system is still evident. In 2004, multiple politicians were caught taking illegal cash bribes on videotape; at Pemex, the state-owned petroleum company, corruption is estimated to have a cost of more than one billion dollars each year.[25] To put Mexico's level of corruption in an international perspective, Mexico was ranked 65 of 159 different countries analyzed in Transparency International's 2005 Corruption Perceptions Index. The persistence of corruption even after the fall of the PRI is the result of a political culture in Mexico that has socially accepted the practices of bribery in all aspects of their lives. President Fox's promise in 2001 to eliminate the "culture of corruption" provided harder to implement than originally thought, and Minister of Comptrollership and Administrative Development, Francisco Barrio estimated that "It will take 30 years to eradicate corruption in Mexico".[26] To put the effects of corruption into perspective, Barrio also explained how the cost of corruption by the Mexican government and normal citizens who engage in counter-bribery accounted for 9.5 percent of Mexico's GDP in 2000; this is more than three percentage points more than is allotted for education in Mexico's budget.[27] Decisions made by the IFE to fine the PRI and PAN millions of dollars in 2004-2005 for electoral irregularities shows the shift, however small, in Mexico's desire to hold corrupt government officials accountable for undemocratic practices.

The current conflict in Oaxaca provides an example of how politics, violence, corruption, and poverty all affect the status of democracy in Mexico. As one of the three poorest states in Mexico, Oaxaca has the largest population of indigenous people as well. For 25 years, the teachers in Oaxaca have participated in a strike each May to add leverage to the negotiations between the state and the teacher's union.[28] The National Union of Educational Workers (SNTE) is the union holding together the education system in Mexico; problematic with this organization is their close relationship with the PRI. Section 22 in Oaxaca "has long been regarded as one of the most militant, independent sections of SNTE".[29] Their strike in May 2005 demanded a new level of accountability from the government and was prepared to fight longer and harder than usual to achieve their goals. Important to emphasize are the goals members of the SNTE were trying to accomplish through *democratic* means of negotiation; the teachers wanted to raise the minimum wage and they also were demanding better funded school facilities. Money budgeted for educational purposes in Oaxaca were often drained by corrupt government officials before it even reached the school systems, a recurring theme within Mexican politics.[30] Mobilization of the teachers began on May 22 with 35,000-60,000 protestors setting up encampments in the Zócalo of Oaxaca City.

The first turning point in this conflict was the use of state riot troops by Governor Ulises Ruíz Ortíz in response to the teachers' demonstrations, strikes, and encampments. This display of force and violence ordered by a member of the Mexican government only solidified and lent sympathy to the teachers' movement. Out of the violent attempt at repressing democratic assembly and demonstrations emerged a new revolutionary group, the Popular Assembly of the People of Oaxaca (APPO). They dedicated themselves to being "the supreme authority in Oaxaca, and asserting the illegitimacy of the entire political structure".[31] Their primary goal at the moment is to have Ruíz removed from power as he is the symbol that embodies corruption and violence in their lives.

A second turning point within the Oaxaca conflict took place when President Fox sent 5,000 federal police to regain control of the Zócalo and other areas occupied by the APPO. Because of the powerful federal forces facing them, the APPO recently conceded

power. Since the conflict began in May, more than six people have been killed, including a journalist from the United States. 1.3 million children have been left out of school since this conflict began, seriously affecting the quality of civil liberties in Mexico.[32] Oaxaca has become a politically violent area, affected by a significant decrease in tourist revenues, and at times, has been on the verge of becoming completely ungovernable. Once the government again controlled Oaxaca, Congress voted for a letter of resignation from Ruíz, which he vehemently opposed. They requested Ruíz to "reconsider resigning in order to contribute to the establishment of governability; juridical order and peace in the said federal entity".[33] While the situation has appeared hopeless for the past five months, the response by Congress shows a fundamental change from the authoritarian past Mexico was trying to forget. A promotion of liberal democratic practices by the Mexican government, like ending corruption and using the extra money to raise salaries and improve the education system, could help lead to a more positive, peaceful end to the situation in Oaxaca, which is far from being over.

With the decline of the PRI, Mexico was finally able to attain an international status of being a democratic state. But with the introduction of electoral democracy, Mexico is faced with glaring problems caused by decades of semi-authoritarian rule by the PRI. Reforms within the political structure must occur for endemic corruption, violence, and poverty to end. Without an emphasis on fixing these problems that affect the citizens of Mexico, the government will continue to face situations like the conflict in Oaxaca, which constantly challenge the quality and strength of a democracy. An introduction of democratically based solutions to these problems is marking a new chapter in Mexico's history and will hopefully push Mexico into becoming a complete, liberal democracy.

Endnotes
1. Vanden and Prevost 2006, 176.
2. "1917 Constitution of Mexico,"
3. Vanden andPrevost 2006, 183.
4. Handelman 1997, 54.
5. Peter H. Smith 2005, 62-63.
6. "The Electoral Process and Political Dynamics,"
7. Smith 2005, 205.
8. Rubio and Purcell 2004, 32.
9. Ibid., 32.
10. Smith 2005, 185.
11. IFES Election Guide
12. Lettieri.
13. "López Obrador takes to the streets against 'fraud,'" 2006, 9.
14. Smith, Democracy in Latin America 2005, 264-265.
15. Ibid., 279.
16. Olivera 2006, 106.
17. Freedom House 2006.
18. Mercedes Olivera 2006, 104.
19. Mexico Solidarity Network.
20. "Killings by Organized Criminals Up 45%," 2006, 9.
21. Olivera 2006, 112.
22. Freedom House 2006.
23. Ibid.

24. La Botz 1995, 193.
25. Freedom House 2006.
26. PBS, "Wide Angles: Cause for Murder," 2002-2006.
27. Ibid.
28. Salzman.
29. Ibid.
30. Ibid.
31. Ibid.
32. "Journalist Dies in Mexico Protest."
33. "Federal Government Takes Action in Oaxaca 2006, 10.

Works Cited

1. "1917 Constitution of Mexico," Text translated from Constitución Política de los
    Estados Unidos Mexicanos; available from
    http://www.ilstu.edu/class/hist263/docs/1917 const.html#TitleIChapterI; accessed
    5 November 2006.

2. "Federal Government Takes Action in Oaxaca," Latin American Weekly Report 44
    (2006).

3. Freedom House, "Freedom in the World - Mexico," [Web site] (2006); available from
    http://www.freedomhouse.org; accessed 5 November 2006.

4. Handelman, Howard. Mexican Politics: The Dynamics of Change (New York: St.
    Martin's Press, 1997).

5. IFES Election Guide [Web site] (2006); available from http://www.electionguide.org/
    election.php?ID=1230; accessed 10 November 2006.

6. "Journalist Dies in Mexico Protest," BBC News International; available from
    http://news.bbc. co.uk/2/hi/americas/6093582.stm; accessed 12 November 2006.

7. "Killings by Organized Criminals Up 45%," Latin American Weekly Report 44 (2006).

8. La Botz, Dan, Democracy in Mexico: Peasant Rebellion and Political Reform (Boston:
    South End Press, 1995).

9. Lettieri, Michael. "Mexican Electoral Wrap-up: The Country Begins Its Precarious
    Political Future," Council on Hemispheric Affairs; available from
    http://www.coha.org/2006/10/03/mexico-electoral-wrap-up-the-country-begins-
    its-precarious-political-future/; accessed 12 November 2006.

10. "López Obrador takes to the streets against 'fraud,'" Latin American Weekly Report
    44 (2006).

11. Mexico Solidarity Network [Web Site]; available from

http://www.mexicosolidarity.org/; accessed 1 November 2006.

12. Olivera, Mercedes. "Violencia Femicida: Violence Against Women and Mexico's Structural Crisis," Latin American Perspectives 33 (2006).

13. PBS, "Wide Angles: Cause for Murder," [Web site] (2002-2006); available from http://www.pbs.org/wnet/wideangle/shows/mexico/index.html; accessed 10 November 2006.

14. Rubio, Luis and Purcell, Susan Kaufman, ed. Mexico Under Fox (London: Lynne Rienner Publishers, 2004).

15. Salzman, George. "From Teachers' Strike to Dual Power: The Revolutionary Surge in Oaxaca," August 2006; available from http://www.counterpunch.org/ salz man08302006.html; accessed 25 October 2006.

16. Smith, Peter H. Democracy in Latin America (New York: Oxford University Press, 2005).

17. "The Electoral Process and Political Dynamics," U.S. Library of Congress; available from http://countrystudies.us/mexico/91.htm; accessed 10 November 2006.

18. Vanden, Harry E. and Prevost, Gary. Politics of Latin America: The Power Game, 2nd ed. (New York: Oxford University Press, 2006).

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Modernity and the Alevis of Turkey:

Identity, Challenges and Change

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Introduction

Is Turkey a country of religious diversity? Conventional wisdom- and the U.S. State Department- would say that Turkey is a 99% Muslim nation.[1] Incredibly, behind this veneer of homogeneity lies a 400 year-old tradition that boasts millions of loyal followers. A religious group known as the Alevis has only recently called attention to its unique Turkish heritage, capitalizing on new opportunities for public expression. The emergence of an Alevi voice in public life, led by a new generation of urban intellectuals, has attracted "a reception ranging from welcome to violence" from the Sunni Turkish majority.[2] Despite occasional clashes, even the secular Turkish government, which promotes a tradition of Sunni Islam, has opened a dialogue with Alevis to curry their political support. Beyond Turkey's borders, immigrants living in Germany have contributed financial and political resources to the Alevi cause. This confident identity might suggest that Alevis have mastered the challenges of modernity, but rapid change also brings uncertainty. The Alevi tradition has long been a conglomeration of disparate influences: Turkish and Kurdish, heterodox and Muslim, and now modern and traditional.[3] Many conventions of Alevi life, notwithstanding its diverse religious philosophy, are shifting underfoot as Alevis take a more prominent public role in Turkey. These cultural changes highlight critical questions of modern identity. If Alevi society was historically organized to promote solidarity in the face of oppression, what would a confident Alevi society look like? How would the oral traditions of a rural lifestyle be transmitted to future generations in an urban context? Would state-sponsored Sunnism threaten to assimilate Alevi culture? Even Alevi community leaders are evolving as a young, educated generation challenges the rural hierarchy.

In this paper I will analyze the Alevi community of modern Turkey: the early traditions, the recent changes and the future challenges. First, I will outline Alevi history, including its origins, primary beliefs and practices. I will also compare the Alevis to similar heterodox communities of the Middle East, including the Bektashis and the Alawites. Second, I will describe the formative influences in

the modern era that led Alevis to reassert their identity in Turkish society, such as the introduction of private media and the rise of Islamism. Finally, I will consider the challenges posed by modernity, both the policies of the Turkish state and dynamics within Alevi society. The first set of challenges arises from their relations with Turkish government policy, which denies Alevis the right to provide their own religious education or to build new places of worship. The Alevis also confront internal challenges, including the transition to urban life, the lack of modern education and the impulses to homogenize Alevi identity in the public sphere. Analyzing these influences, I will argue that while internal upheaval and the policies of a Sunni state represent large barriers to success, there is cause for optimism for the future of Turkey's Alevi community.

Who are the Alevis?

Historical Origins

     The Alevis are a group of approximately 10-20 million people living throughout the region of Anatolia, otherwise known as Turkey.[4]   Despite their early Islamic roots, the group now identified as the Alevis did not fully emerge until centuries' after the Prophet Muhammad. Alevis, who were known as *Kizilbas* (meaning "red head") until the 16th century, are the ancestors of Turkmenic-Turk converts to Islam from the ninth century that migrated to Anatolia.[5]   The name *Kizilbas* has been attributed to Ali, who supposedly said to his followers at the battle of Siffin: "Tie red upon your heads so that ye slay not your own comrades in the thick of the battle."[6] Supported by the Safavids in their fight against the Ottomans, the *Kizilbas* were affected greatly by the Safavid defeat at the hands of the Ottoman sultan Selim in 1514. Highly vulnerable to persecution, the *Kizilbas* retreated to a rural, isolated lifestyle in the Anatolian mountains, which they largely maintained into the 20th century.[7]

Alevis, Alawites and Kurds

     Unlike many societies under Ottoman rule, the Alevis of Anatolia refused to accept the Sunni Islam practiced by their Ottoman conquerors. In modern Alevism, in addition to those who identify strongly with the Turkish state, about 20% of the Alevi population living inside of Turkey claim Kurdish ethnicity.[8]   Many of these "Alevi Kurds" were unready to support the tenets of the Alevi Manifesto, for "there were competing, and, in part, mutually exclusive" claims for their loyalty outside the Alevi culture.[9]   The strong nationalism of the Kurds runs counter to the Turkish allegiance of many Alevis, but its effect on dividing the Kurdish and non-Kurdish is unclear, given the "range of new options" available to Alevi Kurds to promote their political interests.[10]

     Although a significant percentage of followers are Kurdish, all Alevis use Turkish in the *cem* (pronounced jam), or ritual prayer, and Turkish Alevis have traditionally maintained a strong sense of Turkish identity, grounded in their support for Kemal Ataturk's secular national vision. This wider Alevi "preoccupation with being Turkish" also extends to their worship.[11]   They prefer to refer to God by the Turkish word "Tanri," instead of the Arabic "Allah," and distinguish between prayers spoken in Turkish versus those said in Arabic.[12]

     Clearly there is a distinct Alevi identity, but the name has also been appropriated to describe a variety of ethnic groups with heterodox traditions living in the Anatolia region. Among these groups is a collection of Arabic-speaking "Alevis" living in southern Turkey. These Alevis in fact trace their heritage to the Alawites of Syria, and share no ties with the wider Alevi community.[13]

Alevis and Alawites are not ethnically related, but the two groups share many cultural similarities. The Alawites began in the 10th century as a religious sect in modern-day Syria, influenced by a variety of religious doctrines. As Arab converts to Islam, Alawites wove elements of Shi'i-Ismaili Islam, Christianity and paganism into their beliefs. Also known as Nusayris, Alawites were denounced by Sunnis for "their religious heresy and cultural backwardness."[14]   Both Alawites and Alevis suffered heavily under Ottoman rule for their heterodox beliefs, the Alawites often working as peasants or servants under Christians and Sunnis. Their economic misery under Ottoman rule changed dramatically in the 20th century, with Alawite influence in the military rising during the years of French mandate control and independent rule. In 1970, Officer Hafez Assad launched a successful coup of the government, fully catapulting Alawites, who comprise approximately 12-15 percent of the population, into power in Syria. Despite the parallel histories of Alevis and Alawites, Syrian-Turkish tensions persist, and "there seems to be no interest in or any expressed acceptance of each other."[15]

Alevis and Bektashis

Another kindred religious sect of the Alevi is the Bektashi, a group found predominantly in the Balkans whose beliefs are essentially "identical" to the Alevis, despite historically divergent identities.[16]   Alevis and Bektashis are both greatly influenced by the beliefs of 13th century mystic Haci Bektas Veli. Bektas Veli was a dervish and a healer, and he plays a saintly role in both groups' religious ritual, though each group took very different paths under Ottoman rule. For centuries, Bektashis enjoyed the imperial protection of the Ottoman sultans, sustaining a sedentary lifestyle in *tekkes*, or dervish lodges. Meanwhile, Alevis continually faced the threat of persecution, and remained isolated in rural villages. In addition to contrasting social trajectories, Alevis and Bektashis offer different traditions. Alevi religious leaders, or *dedes*, claim hereditary lineage to the relatives of Ali; Bektashi leaders are chosen upon completion of a degree. One must be born into the Alevi community; anyone can join the Bektashi order. Bektashis and Alevis may have virtually identical origins, but they represent "two parallel groups" over centuries of change, with Alevis now asserting the stronger public presence.[17]

Alevi Beliefs

The heterodox tradition of Alevi belief presents a unique challenge to the Sunni Turkish government. Alevism may integrate some tenets of Shi'ism, but rejects many important aspects of modern Islamic faith. The Alevis focus their religious doctrine around the deification of Ali, the cousin of the Prophet Muhammad. The name "Alevi" refers to this belief and also substitutes for the name *Kizilbas*, which had acquired pejorative connotations under Ottoman rule.[18]   Alevis may occasionally worship in traditional mosques, but not with the regularity required by orthodox Islam. Like Shiite Muslims, Alevis believe that Ali's place was taken by the early Sunni forces, reject the four Sunni caliphs (Abu Bakr, Omar and Uthman, excepting Ali) and emphasize Ali and his sons as the rightful line of succession.[19]   This may give the impression that they are followers of a Turkish brand of Shi'ism. According to David Shankland, however, Alevis are more likely to link Shi'ism with Iranian fanaticism, not Alevi traditional beliefs. Alevis actually disregard several of the five basic pillars of Islam, including the duty to make a pilgrimage to Mecca (*hajj*) and the duty to fast during the month of Ramadan. Alevi religious theology offers four paths to God, prioritizing the trinity of Allah, Muhammad and Ali.[20]   By studying the path of *tarikat* under the *dedes*' guidance, Alevis can move one step closer to achieving oneness with God.

How then, can we truly define the relationship between Alevism and Islam? In

addition to their rejection of the *hajj* and fasting during Ramadan, Alevi scholars have limited familiarity with the *Qur'an* and *hadith* of traditional Islamic teaching. In an interview conducted in 1909, when Turkey was still officially part of the Ottoman Empire, one Alevi teacher made several distinctions between Islamic beliefs compared to Alevi beliefs. He observes that "the Muslims describe Allah by negatives, by denial of members and all human notions. Alevis describe God by positive attributes and by the great teaching of incarnation."[21]   According to Fuaz Bozkurt, however, Alevis have tried to prove their Muslim identity "for nearly four hundred years" as a fundamentally Islamic tradition.[22]   How can scholars reconcile these two conceptions of Alevism? Shankland puts forth one argument to explain why Alevis sees no inherent conflict between their faith and Sunni Islam, taking a pluralistic, "live and let live" attitude toward religious belief:

> "The Alevi acknowledge the different practices of their neighbors but do not dissociate from them entirely in their own ritual and personal life…Their doctrines are embedded within the wider sphere of Islam, and the orthodox Sunni practices are not rejected but respected and side-stepped. Ultimately, this means that Alevi communities in Anatolia define their everyday existence more in terms of peacefully going about their daily lives rather than in any form of proselytizing, and that inherent within the very terms of their religion is the possibility of different forms of belief and practice."[23]

If this analysis is accurate, Alevi heterodoxy does not see the *dar al-Islam* as a world exclusive to those practicing Sunnism. Applying their inclusive system of belief in practice, however, faces natural resistance from Turkish secular doctrine. Increased urban migration in the 1990s has prompted Alevis to seek recognized minority status to secure permits for their *cem* houses of worship and private religious instruction. Despite a clear affinity among some Alevis with Islam, the practical implications of Turkish secularism demand that Alevis choose between pursuing a distinct religious status with unique legal rights and restrictions, or risk assimilation within mainstream Sunni institutions.

Alevi Practices

Alevi forms of worship further illustrate their striking divergence from traditional Islamic practice. As previously mentioned, Alevis do not regularly attend mosques, but rather pray at cem houses, called *cemevis*. The *cem*, or primary ritual of the worship ceremony, is intended "to pray to Ali, to recall the names of the first twelve imams, and to mourn the martyrdom of Hasan and Huseyin."[24]   During a typical *cem*, a ritual Alevi dance called the *samah* is performed under the supervision of the *dede*, who acts as the spiritual and community leader. There are two kinds of *cem* gatherings. The more common *Abdal Musa* is open to all members of the village and "calls upon the community to unite" in music, dance and poetry.[25]   The other *cem* is called the *Görüm*, or judicial hearing, which takes place behind closed doors. The *Görüm* provides an institution for law enforcement, in accordance with the village's traditional laws. As Alevis migrate to urban areas, living under the authority of state institutions, the *Görüm* faces a challenge to its legal primacy in Alevi culture.

Alevi traditional theology provides a clear, tripartite structure for village organization. "About one in ten" Alevis are considered to be *dedes*, or the descendents of the founders of Alevism. For every *dede* lineage in a community there exists a *talip* lineage, which looks up to the *dede* with deference and respect. Within each village, the *dede* traditionally acts "at once as its focus, its teachers, temporal judges and links to their reli-

gious heritage," a tradition increasingly threatened by modern influences.[26]   A third social rank is the *effendi*, or those supposedly descended from Haci Bektas Veli. An *effendi* may visit a village once a year to collect a payment called *hak kulak*, and act as a village justice if necessary. Although this group plays a small role in day-to-day life, the *effendi* is essential to explaining the historical meaning behind the *dede/talip* relationship.

The roles of men and women in Alevi culture support equality in some respects, but a clear hierarchy persists. Men are the dominant figures within Alevi society and the household, and women generally must accede to their demands. At the same time, there is minimal physical separation of the sexes in daily life, particularly during religious ceremonies. Women have a culturally established subordinate place to men, but Shankland observes that "Alevi men do not use Islam to control women in the same overt way" as in comparable Sunni villages.[27]   Men and women worship together at the *cemevis*, with both sexes taking part in worship ceremonies. Women even have their own ceremonies without the presence of men, led by female *dedes* known as *anas*. The moments of gender separation in religious practice is hardly an indication of inferiority; "Alevi men laugh at the idea" of some Sunnis that women are ritually unclean.[28]

Alevism and Modern Turkey
1970-1990: Urbanization and Islamism

Modern times have brought political opportunity to Alevi communities. Economic development in the 1960s and 1970s encouraged Alevis to move out of rural villages in the "peripheral and poorest areas of Turkey."[29]   From 1950 to 2005, the proportion of Alevis living in urban areas increased from 25% to 65%, primarily in Istanbul, Ankara and Izmir.[30]   With the rise of Alevi social networks in major Turkish cities, several Alevi journals began to emerge, laying a foundation for later political mobilization. Not surprisingly for an orally-transmitted religion, "migration to the cities inevitably imposed new, urban forms of expression on Alevilik."[31]   When urban associations emerged that would supersede ancestral ties, the rigid hierarchy between dede and talip started to unravel.

The burgeoning Alevi networks fully mobilized when Islamism became a force in the region, especially after the rise of Iran's Ayatollah Khomeini in 1979. Çamuroglu credits the rebirth of Islamist ideas spread by the Iranian revolution, and the resulting "defensive instinct of the Alevi against the rise of Islamism," as the most important cause of Alevis' resurgence in Turkish society.[32]   In the 1970s, Alevis found allies on the political left who expressed support for the working and lower classes, the predominant economic status among Alevis. Unfortunately, political upheaval in Turkey during the early 1980s eroded leftist political power, undermined by the collapse of Soviet influence. The search for a new political foothold revealed that hundreds of Alevi organizations remained intact from years of leftist political involvement. A rising generation of urban Alevi intellectuals began conceiving of a national identity, consolidating Alevi power to promote shared interests.[33]

1989-2006: Asserting Alevism

The introduction of Alevi identity to the national dialogue began to coalesce in the late 1980s, aided by several domestic conditions. First, the Turkish Penal Law that prohibited any mention of "issues implying different identity or culture or way of life than the one drawn by official ideology," in the national media was repealed, finally allowing the concept of Alevism to be discussed in public, let alone advocated.[34]   Second, every national media outlet had been under Turkish state control until 1989. The liberalization

of television and radio brought with it the possibility of private media ownership, giving Alevis an opportunity to reach millions of Turkish citizens. To ensure the integrity of their message, Alevis not only spread public awareness through the media, they also bought the ownership rights to several radio stations. Folk music was a key aspect of the reintroduction of Alevi culture, spread by "a burgeoning cassette industry" and a presence in the bars of Istanbul.[35] The movement promoting Alevi identity was encapsulated in 1990, with the publication of the Alevi Manifesto. Written by a number of Alevi intellectuals, as well as some Social Democratic Sunnis, it promised to spread awareness of the Alevi community in Turkey and to fight for the acceptance of Alevi beliefs and legal establishment of Alevi institutions.[36]

Unfortunately, the benefits of a confident Alevi identity do not guarantee peaceful relations with the powerful Sunni majority. In 1993 in Sivas, group of Sunnis set fire to a hotel full of Alevis attending a festival celebrating a 16th century Alevi poet. The attack killed 37 people, but prompted a backlash that garnered tremendous international support for Alevis and securing their religious freedom. This effort was reinforced two years later when three gunmen attacked an assortment of shops in Gazi, a majority-Alevi neighborhood. When Alevis in Gazi gathered to protest the attacks, police came and shot into the crowd, triggering nationwide demonstrations of outrage. During these widespread protests a total of twenty Alevis were killed, fracturing their remaining ties with leftist groups (one of which was responsible for the attack) and opening up new avenues to Alevi political activity.

The Secular State: Forces of Cooperation

Following the attacks in Sivas and Gazi, the Turkish government took unprecedented steps to acknowledge Alevism in Turkey, even as it continued to mandate religious education for Alevis and to withhold any funding for building cem houses. In 1990, the government officially took over organization of an Alevi festival named after Haci Bektas Veli to promote it as an international experience. Turkish President Süleyman Demirel personally attended the event four years later to court Alevi political support. In 1998, Alevis received direct government funding in the official budget for the first time, allocating 425 billion Turkish lira (approximately $1.3-$2.1 million)[37] to be distributed to Alevi associations.[38]

These recent signs of government support may belie the intentions behind Turkish cooperation, but still offer cause for optimism. Several generations of Alevi immigrants living in Europe have formed strong social networks, particularly in Germany. Recognizing Turkey's expressed desire to join the European Union, Alevis have taken the initiative to leverage their European networks for greater tolerance of Alevi religious expression. If Turkey is committed to joining "a supranational organization guaranteeing the 'right to have identity' as a human right," the EU may be able to coerce Turkey to "promulgate laws to recognize its ethnic and religious minorities as a condition of being accepted as a member."[39] If Turkey did gain EU membership, it remains quite unclear what the net effect would be on Alevi freedom. In the interim, European Alevis have mobilized to lobby for greater religious expression.

The Sunni State: Forces of Assimilation

Despite the Turkish government's official philosophy of secularism, there is an implicit emphasis on religious homogeneity founded on a Sunni doctrine. Critics claim that Turkish religious education, which has been compulsory since 1982, effectively tries to indoctrinate children to the state-sponsored approach to Islam.[40] Certain religious minorities are exempted from this requirement, and allowed to teach their children in a

separate education system if a Muslim is appointed as deputy principal. The only recognized minorities in Turkey, however, are Armenian Orthodox Christians, Jews and Greek Orthodox Christians. Without official recognition, Alevis, Caferis, Protestants and other Turkish minorities have no distinct religious identity, and cannot provide their own education system. In addition to educational restrictions, government-issued identity cards require religious affiliation, further discriminating against those who belong to unrecognized religious groups.[41]

By denying them legal status as a distinct religion, the Turkish government has erected firm barriers to Alevi worship. Under the pressures of urbanization, Alevis have sought to build additional *cem* houses in several urban areas with government consent. The Turkish government body responsible for administering religious institutions, known as the Diyanet, officially "covers the utility costs of registered mosques, but not of *cemevis* and other places of worship that are not officially recognized."[42] This conflict was highlighted in January 2005, when Alevis in Ankara applied for a permit to build a *cemevi*. The Diyanet responded that the *cem* house was unnecessary, because they could worship at a mosque instead. In May 2006, the Diyanet President rejected offering financial support for *cemevis* on the grounds that the DIB lacked funds for "supporting mystical worship."[43] In reality, such a policy is intended to promote state interests, and the desire to assimilate Alevis into the secular Sunni tradition. Perhaps no greater example of this state-sponsored assimilation is the construction of mosques in Alevi villages, supported and operated by the state. It is difficult to believe that the imams of Alevi mosques, hired and paid for by the Turkish government, fully support the continuation of heterodox Alevi traditions.

Internal Challenges to Alevism

The Alevis' introduction to modern Turkey highlights several critical issues for a people striving to adapt to contemporary society. First, there is undeniable tension between those looking to preserve traditional forms of Alevism and those who would adapt Alevism to a modern lifestyle, particularly among the leadership hierarchy. The oral traditions of formally uneducated *dedes* are vulnerable to obsolescence in an urbanizing Alevi culture with social connections beyond the local community. Educated Alevis have risen to prominence to challenge the Sunni brand of Turkish secularism, empirically supplanting the *dedes'* leadership. Alevis will have to reconcile their older hierarchies with expectations of the younger generations to succeed in an evolving society.

Second, the influence of media on modern politics offers hope to preserving a long-marginalized society. The Alevi Manifesto and the increased media prominence of Alevis in the 1990s sparked outside interest in the Alevi situation; within a decade, the official government had recognized the Alevis as a distinct social group for the first time. The opportunities afforded by media exposure to promote traditional music, dance and poetry allow Alevis to reinforce social ties and ingratiate their culture with the Sunni Turkish population.

Yet the expanded reach of Alevi identity may also come at a price. The heterogeneity of Alevism has been cultivated over centuries living in relative isolation. As Alevi interests increasingly engage mainstream Sunni culture, what effects will that have on the traditional flexibility of Alevi society? By following the impulse to homogenize Alevism to secure greater religious and political freedom, there is a real risk of scripturalization, streamlining its tenets into a singular definition of Alevi identity. This movement is seen in the effort to record the oral Alevi traditions, enshrining certain prayers, songs and practices as an ostensible Alevi orthodoxy.

Is this altering of Alevi tradition necessarily disastrous? Not everyone condemns the movement toward codification. Sahin posits it as a natural attempt to legitimize Alevi religious practice. "As every nation finds itself to need a flag and a national anthem," he says, "every religion is expected to have a catechism and sacred texts… According to these expectations of what constitutes a proper religion, Alevis try to establish Alevism as a public religion by fulfilling these requirements."[44]   Other scholars, however, are not optimistic about the impact of scripturalization. Vorhoff worries about the effect of creating a written tradition juxtaposed with a very different living, breathing version of Alevism. Shankland actually issues a warning to the academic community not to permit such a homogenization: "if, as researchers, we permit this flexibility, inherent within Alevi communities, to be written out of the process of cultural revival, we are failing in the one area where we may be of use."[45]

Conclusions

The Alevis stand out in Turkey as a rich and remarkably populous culture of Islamic religious heterodoxy. For centuries, disparate rural communities shared the Alevi traditions in reverence of Ali, his sons and the 13th century mystic Haci Bektas Veli. Responding to threatening Ottoman regional predominance after 1514, Alevi culture sustained itself with strong social ties and oral traditions reliably passed down to future generations. Within Kemal Ataturk's secular Turkish state, dynamic influences have emerged to inspire activism and hope for the Alevi community. In the face of fervent Islamism, Alevis used their social networks and the emergence of private media to assert their own place in Turkish society, attracting international support and political influence in the process.

Despite the progress of recent decades, the mission to preserve Alevi culture and tradition in Turkey remains unaccomplished. Compulsory religious education and limits on the construction of *cemevis* will likely continue to strain the Alevi relationship with the Sunni government. The added challenges of urbanization and codification leave Alevis with difficult internal questions to resolve. Yet there is reason to believe that they will successfully adapt to the barriers presented by Turkey's urban lifestyle. If their survival during Ottoman rule is any indication, Alevis are accustomed to adjusting their way of life to present conditions. A younger generation has proven "pragmatic in their task…modernity is welcomed while at the same time traditional community and values are cherished."[46]   Guided by such pragmatism, established networks to promote Alevism will continue rebutting any perceived threat to the state's secular Sunni philosophy. The Turkish government has even shown modest signs of acceptance toward Alevis, despite its stiff opposition to religious pluralism. If the Alevis continue down the road to reform, their resilient history portends a bright future in the modern Turkish state.

Endnotes

1. "International Religious Freedom Report 2006: Turkey," 2006.
2. Sahin 2005, pg. 467.
3. According to the Oxford English Dictionary, heterodox is defined as: "Not in accordance with established doctrines or opinions."
4. Population estimates for Alevis are imprecise, but suggest between 10-20 million followers. Scholars do agree that they are statistically significant, comprising 10-25% of Turkey's overall population.

5. Caha, pg. 326.
6. Trowbridge 1909, pg. 340.
7. Caha, pg. 327.
8. Ibid.
9. Leezenberg 2003, pg. 200.
10. Ibid, pg. 211.
11. Vorhoff 1998, pg. 233.
12. Shankland, *The Alevis in Turkey*, pg. 157.
13. Bruinessen 1996, pg. 7.
14. Laanatza, pg. 152.
15. Ibid, pg. 164-165.
16. Mélikoff, pg. 6.
17 .Mélikoff, pg. 7.
18. Ibid, pg. 6.
19. Caha, pg. 326.
20. Sahin, pg. 466.
21. Trowbridge, pg. 345.
22. Bozkurt, pg. 92.
23. Shankland, "Anthropology and Ethnicity: The Place of Ethnography in the New Alevi Movement," pg. 22.
24. Shankland, *The Alevis in Turkey*, pg. 24.
25. Bozkurt, pg. 88.
26. Shankland, "Anthropology and Ethnicity: The Place of Ethnography in the New Alevi Movement," pg. 19.
27. Shankland, *The Alevis in Turkey*, pg. 97.
28. Ibid, pg. 97.
29. Sahin, pg. 470.
30, Ibid, pg. 470.
31. Çamuroglu, pg. 79.
32. Ibid, pg. 80.
33. Sahin, pg. 470.
34. Caha, pg. 329.
35. Nezi 2003, pg. 117.
36. Erman and Goker 2000, pg. 102.
37. U.S dollar conversion based on 1998 exchange-rate conversion. Historical rates are available at http://www.bankofcanada.ca/en/rates/exchform.html.
38. Sahin, pg. 476-477.
39. Ibid, pg. 478.
40. Bilici, pg. 58.
41. "International Religious Freedom Report 2006: Turkey."
42. Ibid.
43. Ibid.
44. Sahin, pg. 479.
45. Shankland, "Anthropology and Ethnicity: The Place of Ethnography in the New Alevi Movement," pg. 22.
46. Vorhoff 2003, pg. 107.

Works Cited

1. Alevi Identity: Cultural, Religious and Social Perspectives: Papers Read at a Conference Held at the Swedish Research Institute in Istanbul, November 25-27, 1996. Edited by Tord Olsson, Elisabeth Oˇzdalga and Catharina Raudvere. Swedish Research Institute in Istanbul: Curzon, 1998.

2. Bilici, Faruk. "The Function of Alevi-Bektashi Theology in Modern Turkey," Alevi Identity: Cultural, Religious and Social Perspectives, eds. Tord Olsson, et al., 51-62.

3. Bozkurt, Fuaz. "State-Community Relations in the Restructuring of Alevism," Alevi Identity: Cultural, Religious and Social Perspectives, eds. Tord Olsson, et al., 85-96.

4. Caha, Omer. "The Role of the Media in the Revival of Alevi Identity in Turkey." Social Identities. Vol. 10 Issue 3 (May 2004), 325-338.

5. Erman, Tahire and Goker, Emrah. "Alevi Politics in Contemporary Turkey," In Middle Eastern Studies, Vol. 36 Issue 4 (October 2000), 99-118.

6. "International Religious Freedom Report 2006: Turkey." Sep 15, 2006 http://www.state.gov/g/drl/rls/irf/2006/71413.htm. Nov 19, 2006.

7. Laanatza, Marianne Laringberg. "Alevis in Turkey-Alawites in Syria: Similarities and Differences." In Alevi Identity: Cultural, Religious and Social Perspectives, eds. Tord Olsson, et al., 151-165.

8. Leezenberg, Michiel. "Kurdish Alevis and the Kurdish Nationalist Movement." In Turkey's Alevi Enigma: A Comprehensive Overview. Eds. Paul J White and Joost Jongerden. Boston: Brill, 2003, 197-214.

9. Mélikoff, Irene. "Bektashi/Kizilbas: Historical Bipartition and Its Consequences." In Alevi Identity: Cultural, Religious and Social Perspectives, eds. Tord Olsson, et al., 1-7.

10. Nezi, Leyla. "Zazaname: The Alevi Renaissance, Media and Music in the Nineties." In Turkey's Alevi Enigma: A Comprehensive Overview. Eds. Paul J White and Joost Jongerden. Boston: Brill, 2003, 111-124.

11. Shankland, David. The Alevis in Turkey: The Emergence of a Secular Islamic Tradition. London: New York: RoutledgeCurzon, 2003.

12. Shankland, David. "Anthropology and Ethnicity: The Place of Ethnography in the New Alevi Movement." In Alevi Identity: Cultural, Religious and Social Perspectives. Eds. Tord Olsson, et al., 15-22.

13. Trowbridge, Stephen Van Rensselaer. "The Alevis, or Deifiers of Ali." The Harvard Theological Review, Vol. 2, No. 3. (Jul., 1909), 340-353.

14. Van Bruinessen, Martin. "Kurds, Turks and the Alevi Revival in Turkey." In Middle East Report, No. 200 (Jul-Sep 1996), 7-10.

15. Vorhoff, Karin. "Let's Reclaim our History and Culture! Imagining Alevi Community in Contemporary Turkey." In Die Welt des Islams, Vol. 38, Issue 2. (Jul.1998), 220-252.

16. Vorhoff, Karen. "The Past in the Future: Discourses on the Alevis in Contemporary Turkey." In Turkey's Alevi Enigma: A Comprehensive Overview. Eds. Paul J White and Joost Jongerden. Boston: Brill, 2003, 93-110.

Rebecca Busse

Microfinance:
Part of the Solution For Haiti's Pervasive Poverty

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Haitian poverty today is extreme. What was once a booming colony that earned untold wealth for its colonizers is now the poorest country in the Western Hemisphere, with a per capita income at $380 per year, lagging very far behind the rest of Latin America, which averages $3,260 per capita.[1] Why has Haiti's poverty, violence, and political instability far surpassed that of other states in its region? The answer is a convoluted mixture of colonial exploitation, external political and economic influence and intervention, and internal political instability and strife, to name a few key ingredients.

Haiti's extreme poverty is well-known throughout the industrialized world, but the sheer extent of the problem is surprising. High unemployment (and *underemployment*) rates, low life expectancy and literacy rates, and a high rate of infectious and preventable disease contribute to the daily struggle of most Haitians to simply survive - nearly 80% of the rural population lives in abject poverty, and most people live on less than $1 per day.[2] According to the CIA and the World Bank, the unemployment rate in Haiti is 70%, and life expectancy is 47.5 years for males and 49.2 years for females.[3] Literacy rates are very low (less than 50%), and only 1 in every 5 secondary-aged schoolchildren attends school.[4] Only 25% of the population has access to clean drinking water.[5] The country has been granted the dubious distinction of being the only country in the Western Hemisphere to be considered rife with "extreme human suffering;" only 3 other countries were judged to be worse off in this regard, and all three were embroiled in internationally-recognized civil wars at the time.[6] According to The World Bank, Haiti's long-standing traditions of political instability, poor governance, and corruption greatly influence the scope and the continuation of the poverty problem in Haiti.[7]

One bottom-up approach to poverty alleviation that has gained recognition of late is microfinance, also known as microcredit. The United Nations deemed the year 2005 to be "The Year of Microfinance,"[8] and the "godfather of microcredit," Muhammad

Yunus, will be receiving the Nobel Peace Prize in Oslo for his extraordinary work in the field of microlending in December of 2006.[9] Microfinance loans are small-scale loans, usually given to rural women (79% of the 67 million recipients worldwide have been women) that have facilitated positive economic growth from the grassroots level.[10] Microfinance is seen by many international organizations as a powerful development tool that can break the poverty cycle, and it can even help such offshoot problems of poverty as human trafficking and child labor.[11] Even The World Bank, which originally eschewed microfinance loans in favor of a more top-down economic approach to development, has become a big supporter of microfinance, providing over a billion dollars to NGOs for microloan disbursement.[12] Microfinance has been successful in Asia, Africa, and Latin America, and successful existing programs in Haiti point to the need to expand this powerful grassroots tool.[13]

Poverty is Not Just a Deficit of Capital

Haiti was not always so poorly off. While a French colony in the late 18th century (then called Saint-Domingue), Haiti was the "world's most profitable colonial holding - a world-record holder in coffee and sugar production."[14] However, a centuries-long legacy of colonialism has drained Haiti dry of its once-profitable resources. With the derisory logic of colonialism, France demanded 90 million francs from the Haitians in 1838 in exchange for their independence, which the Haitians paid, even though France had already seen more than its fair share of Haiti's wealth.[15] Some scholars have suggested that this debt, which would today amount to $21 billion, was the reason that Haiti was economically doomed from the inception of the state.[16]

Foreign intervention has also hindered Haiti's development. Unstable Haitian governance has allowed foreign governments to take advantage of its weak state to advance their own agendas.[17] The US invaded and occupied Haiti from 1915-1934, partially because German business interests within Haiti were growing in power, but the US was able to cloak its economic agenda in the guise of coming to Haiti's rescue on a political matter: within a 13 year-span, Haiti had 8 presidents, the last of which was literally torn apart by a mob in Port-au-Prince for ordering the execution of 167 unarmed political prisoners.[18] The US, as a result, intervened and militarily occupied the country.[19]   Much later, in 1991, and again in 2004, the US helped to remove the democratically elected president Jean-Bertrand Aristide.[20] Theories as to why the US has occasionally intervened in Haiti's political affairs point to US security interests: Haiti's political and economic instability leads to Haitian refugee crises and drug trafficking into the US, which the US sees as security threats.[21] The US has had periodic distaste for President Aristide because of his populist rhetoric and economic policies, which alienated the rich Haitians whom US officials were hoping would lead Haiti's economic rebirth.[22] Aristide's policies (state-led development which would lessen the power and profits for the business elite) were seen as a roadblock in the way of Haiti developing in a manner that the US could support.[23]

Internal political factors have been an important facet of Haiti's underdevelopment as well: infrastructure, basic public services, and the justice system have all suffered as a result of the corruption of many regimes, including brutal dictatorships.[24] These factors have had an effect on foreign investment in the country, as Haiti continues to experience negative growth at a rate of about 5% per year, which does not allow the country to develop.[25] Per capita health spending is only $21, lower than even sub-Saharan Africa at

$38, and significantly lower than Latin America at $202.[26] Described as a "poverty trap" by The World Bank, these factors, along with a high population growth rate, underinvestment in human capital, environmental degradation, unchecked violence, and lack of attention to basic human rights and needs make it difficult or impossible for Haiti to escape its cycle of poverty, misery and desperation.[27]

Foreign aid, often heralded as the way out of poverty, can also be part of its perpetuation, through dependence on that aid to survive or use of aid as a political tool for foreign intervention.[28] The cessation of necessary foreign aid for political reasons has held Haiti captive in a political struggle: in the 1990s, Aristide's administration strained relations with donor countries (mainly due to his populist rhetoric and anti-neoliberal stance), which resulted in a huge decrease in aid: from $611 million in 1995 to just $136 million in 2002.[29] The World Bank also suspended most of its aid to Haiti in 2001 (with the exception of $3.5 million for emergency health programs) after it had promised $263 million for agriculture, education, environmental, and other development programs.[30] In January of 2005, the World Bank approved $73 million in loans and grants and affirmed a commitment for its part ($150 million) of a $1.09 billion international aid program, however; poverty has worsened because of the aid embargo during the Aristide administration, and, as a result, innocent Haitian civilians are the real losers in this political struggle possibly aimed at dislodging Aristide's power.[31]

Scholars studying Haiti have described US foreign aid policy toward Haiti as being linked to cruelty and severe human rights violations against Haitians. For example, during the brutal Duvalier dictatorships, which were characterized with well-known and -documented human rights abuses and political violence, aid came freely into the country, and was not suspended even during the violent military rule after the collapse of the dictatorship in 1986.[32] Conversely, when the Aristide administration became unpopular, the US "orchestrated an international aid embargo against the Haitian government, freezing an estimated $500 million in promised and greatly needed assistance".[33]

The nature of poverty is that it is a gateway phenomenon for other iniquities. Paul Farmer, a physician who has indefatigably worked in rural Haiti for decades in order to mitigate some of the extreme human suffering, characterizes Haiti as "a sort of living laboratory for the study of affliction, no matter how it is defined".[34] According to Farmer, Haiti's poverty is part of the "structural violence" that afflicts its citizens: "extreme and relative poverty, social inequalities ranging from racism to gender inequality, and the more spectacular forms of violence that are uncontestedly [sic] human rights abuses".[35] Poverty alone does not create the necessary preconditions for structural violence, but it paves the way for this tenacious type of violence to take root and grow within a society.

Extreme poverty does not occur in a vacuum, and poverty is not just a deficit of capital: political, social, and economic factors contribute to its emergence and tenacity. Foreign intervention, once in the form of colonialism and imperialism, now in the forms of neo-colonialism and neo-imperialism, a neoliberal economic agenda that does not allow for equal terms of trade, and political manipulations by outside forces are a large part of the pervasiveness of Haitian poverty. Microfinance would not solve this multifaceted problem, but it would provide a basis on which some of the immediate day-to-day suffering of Haitians can be alleviated through the provision of an economic foothold.

Microfinance: The Move From Charity To Self-Sufficiency

A field study from Brigham Young University concluded that clients of Central American microfinance nongovernmental organizations (NGOs) were less poor after con-

cluding the program and tended to invest in economic linkages such as education, better nutrition, and home improvement.[36] Microcredit increases borrowers' buying and investment capability, which also has greater social repercussions such as greater self-esteem and the power of choice and increased economic and social alternatives in poor people's lives.[37] Reducing women's vulnerability by increasing their empowerment and providing them with more choices also has positive impacts on families as well, since women generally spend money gained through programs on household expenses that benefit the entire family.[38]

While interest rates can sometimes be as high as 20%, microcredit borrowers have a surprisingly good payback rate, and while not everyone who enters the program is successful, most clients in the programs show marked success.[39] Part of the ideology behind microfinance programs is that they are a people-centered approach to development that aims for self-sustainability in their clients.[40] Janet McKinley, who donated to the Grameen Foundation, visited a program run by the Vietnam Women's Union, and saw the positive change a twenty-dollar loan could manifest: a woman who started off the program living in a mud hut ended up living in a three-room concrete house, and let her pigs stay in the mud hut.[41] Microcredit loans appeal to the poorest of the poor by not seeming unrealistic; studies show that the poorest people are more likely to succeed when given small loans rather than large loans.[42] Microfinance also directly helps elevate the status of women who in the past have been excluded from the banking process: Majan, an Afghan widow borrowed $100, with which her income doubled, and she is now able to send her children to university.[43]

Haiti already has some successful microfinance programs in place. Microfinance institutions (MFIs) such as Fonkoze that invest in Haiti's small business owners have had an impact on poverty from the ground up. Fonkoze, a Haitian-based MFI has helped over 30,000 Haitians (mostly women), by initiating several poverty alleviation programs.[44] After discovering that loans alone were simply not enough to turn some of the poorest lives around, Fonkoze began to initiate programs such as literacy programs, business classes, and partnerships with other organizations that build health centers, such as Paul Farmer's group, Partners in Health.[45] These programs have been very successful in Haiti, especially for the rural poor, who now have improved access to financial capital and health care, which can facilitate important economic linkages, which are important for further poverty alleviation.[46]

However, these programs could be more successful with the help of the Haitian government and the participation of foreign aid donors, in a move from simply providing aid to investing in self-sustaining microfinance and related programs. The government and international aid donors could provide major financial backing (through the provision of a large portion of the received international aid) to the more successful NGOs and MFIs. Of course, this presents the danger that these organizations will become donor-driven and become essentially an arm of the government, but the oversight of working groups made up of both NGO and government workers could mitigate this effect. A public-private partnership such as this could help to lessen the potential problem that some scholars have noted: NGOs can be critical of the establishment and exert a large amount of influence within the societies they work in, asserting their own agendas and not facilitating cooperation among organizations and the government.[47] One of the main critiques of microfinance programs is that they are sometimes not adapted to the needs of the people they serve,[48] and so working groups to facilitate these partnerships could refine the programs, better tailor them for the specific needs of Haitian clients, and

encourage cooperation among organizations and the government.

Conclusion

Any approach to alleviate poverty in Haiti must be multifaceted in order to account for the complexity of the problem itself. A political approach that emphasizes bottom-up, grassroots development strategies that utilize the already-successful efforts of NGOs and MFIs in Haiti will be successful if a substantial portion of development aid is provided to those organizations that are mostly privately financed at this time. Working groups that provide strategic planning, oversight and cooperation among organizations and the government must be established and regularly monitored in order for the policies to be effective. More importantly, it is imperative that money from international aid be channeled into developing Haiti's infrastructure and strengthening Haiti's political institutions and democracy. Haiti cannot escape its poverty trap without political stability.

Microfinance does not immediately allow for an easy way for Haiti to solve its macroeconomic problems and become economically competitive in the international market, but the dire poverty of Haiti's people, the abjectly miserable conditions most Haitians live in, and the failure of neoliberal economics in Haiti denotes that the priority should be a *human-centered* approach to development, rather than the current economic-centered approach which denies the importance of the alleviation of human suffering. The current poverty alleviation methods are not working. Microfinance is only a small part of the solution to the pervasive poverty problem, but to many people whose lives have been turned around by small loans, microfinance is crucial.

Endnotes
1. CQ Researcher, 2004.
2. The World Bank, 1998.
3. Farmer, 270.
4. See #7
5. Ibid.
6. Paul Farmer, pg. 30, quoting the Human Suffering Index. This Human Suffering Index was developed by international health and population experts by examining measures of human welfare, including: life expectancy, clean drinking water, daily caloric intake, religious and political freedom, respect for civil rights, and degree of gender inequality.
7. See #7
8. Guerin 2006, 549-570.
9. Bruck 2006.
10. Hiatt 2006, 471-477.
11. Getu, July 2006.
12. Hiatt
13. Ibid.
14. Katel 1990, 35-75.
15. Ibid.
16. "Cuba and Haiti: Socialism or Poverty?"
17. CQ Researcher.
18. Ibid., 159.

19. Ibid., 159
20. CQ Researcher, pgs. 158, 153. The distaste for Aristide was not continuous. He was restored to power in 1994 (after the first coup) by the Clinton administration with the understanding that he would be more open to a neoliberal economic agenda.
21. Ibid., 155.
22. Ibid.
23. Ibid.
24. See #7
25. Ibid.
26. Ibid.
27. Ibid.
28. Mittal 2006.
29. CQ Researcher 2004, 166.
30. Ibid.
31. Ibid. CQ Researcher discusses some of the reasons Aristide was unpopular in the international eye: his revolutionary rejection of neoliberal economics, demanding reparations from France for the sum of money Haiti paid for independence, accusations surrounding political killings perpetrated by Aristide's political party (the claims are unsubstantiated), and inciting the poor to rise up against the rich, many of whom were in league with the Duvalier dictatorship. Aristide was enormously popular among the poor, and was elected by an overwhelming majority whose demonstrations in the street often became violent, which Aristide was blamed for, although the armed violence perpetrated by his enemies, some of which were convicted for gross human rights abuses, is not mentioned in the mainstream media, and often these same people responsible for human rights abuses have risen to power in Haiti, a country beset by impunity and corruption with the judicial system.
32. Farmer, 16.
33. Farmer, 16.
34. Farmer 2005, 30.
35. Ibid., 8.
36. Hiatt.
37. Ibid.
38. Hietalahti 2006, 201-210.
39. Bruck.
40. Ibid.
41. Ibid.
42. Hietalahti.
43. Mushtaque, A., Et. August 2006, 84.
44. Fonkoze.
45. Moeller 2005.
46. Ibid.
47. Hiatt.
48. Guerin.

Works Cited

1. Bruck, Connie. "Millions For Millions." The NewYorker Vol. 82, Issue 35 (10/30/2006): 62-73.

2. CIA Factbook (2006),
    http://www.cia.gov/cia/publications/factbook/geos/ha.html#Econ.

3. "Cuba and Haiti: Socialism or Poverty"(2005),
    http://www.revolutionarycommunistgroup.com/frfi/178/178_cub.html.

4. Farmer, Paul. Pathologies of Power. Berkeley: UC Press, (2005).

5. Fonkoze Website, (2006) http://www.fonkoze.org/.

6. Getu, Makonen. "Human Trafficking and Development: The Role of Microfinance."
    Transformation Volume 23, (July 2006):

7. Guerin, Isabelle. "Women and Money: Lessons From Senegal." Development And
    Change Volume 37 (2006): 549-570.

8. Hiatt, Shon R., Warner P. Woodworth. "Alleviating Poverty Through Microfinance:
    Village Banking Outcomes in Central America", The Social Science Journal Vol
    43 (2006): 471-477.

9. Hietalahti, Johanna and Mikael Linden. "Socio-Economic Impacts of Microfinance and
    Repayment Performance: A Case Study of the Small Enterprise Foundation, South
    Africa." Progress in Development Studies Vol. 6, #3 (2006): 201-210.

10. Katel, Peter. "Haiti's Dilemma." CQ Researcher, Volume 15, No. 7, (Feb. 18, 2005):
    149-172
.
11. Mittal, Anuradha, "Playing Politics With Aid: The Unholy Trinity of Defense
    Diplomacy, and Development in the War on Terrorism." Oakland Institute Policy
    Brief, Volume 1, (Spring 2006).

12. Moeller, Jennifer. "Success in Haiti - One Program at a Time." Christian Science
    Monitor, (9/26/2005).

13. Mushtaque, A., R Chowdhury, M Aminul, & Jalaluddin Ahmed,"Development
    Knowledge and Experience - From Bangladesh To Afghanistan and Beyond."
    Bulletin of the World Health Organization, (August 2006).

14. The World Bank, "Haiti: The Challenges of Poverty Reduction", (August 1998).
    http://lnweb18.worldbank.org/External/lac/lac.nsf/3af04372e7f23ef68525
    67d6006b38a3/8479e9126e3537f0852567ea000fa239?OpenDocument

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North Korean Economic Sanctions

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Can an economic mechanism be used to achieve political objectives? This is the fundamental question underlying the debate regarding the effectiveness of economic sanctions. This debate is far from irrelevant, as the use of economic sanctions intended to achieve foreign policy goals has recently become "particularly widespread," largely because sanctions represent a middle ground between diplomacy and military action.[1] In line with this trend is the recent decision by the United Nations Security Council to impose sanctions against North Korea in response to its testing of a nuclear weapon. This action thus begs an important question: are economic sanctions applied against North Korea likely to force the regime in Pyongyang to terminate its nuclear weapons program? In order to ultimately formulate an answer, this paper is structured as follows.

Section one defines economic sanctions and gives an overview of the various types. Section two explores the literary debate of whether sanctions are effective in achieving foreign policy objectives. While the general consensus is negative, there exists a vast literature detailing the conditions under which sanctions may prove to be effective. Thus, section three draws upon this literature to build a framework consisting of three important factors that may influence the ultimate success or failure of a sanctions episode. Section four is devoted to the case of North Korea by examining the recent UN sanctions, justifying the applicability of the framework developed in section three to the North Korean case, and finally applying this framework to the case at hand. This exercise provides a rather pessimistic outlook regarding the potential effectiveness of economic sanctions in bringing the dismantling of the North Korean nuclear weapons program. The conclusion explores alternative options to resolve the nuclear crisis.

Defining Economic Sanctions

While there is some slight variation within the literature, there exists a general consensus among scholars regarding the traditional definition of economic sanctions. Jean-Marc Blanchard and Norrin Ripsman most aptly capture this consensus in noting that economic sanctions are "a coercive foreign policy tool in which a state dis-

rupts its normal economic relations with another state in order to…induce the targeted state to change its behavior."[2]   Of course, the sanctioning body does not have to necessarily be one state: sanctions may be imposed unilaterally or multilaterally. Some scholars include the threat of sanctions in their definitions, as this threat may lead to the desired policy change.[3]

As noted above, the ultimate desired end for a sanctions regime is to cause the targeted state to change its behavior; however, there are many sanctioning tools by which to achieve such an end. While there can be great differentiation, the types of economic sanctions can generally be grouped into two categories. The first category is "comprehensive" or general trade sanctions.[4]   Examples in this group include embargoes, such as general import and export restrictions. The second category - a relatively new addition to the sanctions literature - is known as "smart" sanctions.[5]   "Smart" sanctions can be further broken down into "selective" sanctions - which place "restrictions on particular products or financial flows" - and "targeted" sanctions, which "focus on certain groups or individuals in the target country and aim to directly impact these groups."[6] An example of a "selective" sanction is an arms embargo, while examples of "targeted" sanctions are asset freezes and travel bans on particular individuals. "Smart" sanctions have gained appeal in recent years largely as a response to humanitarian concerns in that "comprehensive embargo inevitably hurts those at the bottom of the economic heap" within a state, as seen in Iraq in the early 1990's.[7]   Thus, these measures are intended to achieve the sender's desired policy change by maximizing the pressure on key decision makers while minimizing the suffering of the general population.

The Effectiveness of Economic Sanctions in Achieving Foreign Policy Objectives

Having defined economic sanctions and explored the various types, it is now possible to ask if sanctions are effective in achieving foreign policy goals. In order to evaluate this question, it is imperative to discern what constitutes a successful versus a failed sanctions episode. This is by no means a topic where unanimity has been achieved within the literature as "individual scholars and practitioners tend to have their own idiosyncratic litmus tests for identifying the foreign policy success or failure of economic sanctions."[8]   As evidenced below, differing definitions of success shape how scholars view the efficacy of sanctions. Yet, despite such differences, two general definitions exist that outline the requirements for determining what constitutes a successful sanctions episode. It is worth noting that these definitions represent two extreme perspectives on the topic and, typically, individual scholars only generally gravitate towards one extreme or the other in their definitions. Despite this, it is useful to highlight these stark definitions to serve as benchmarks for comparison.

The first extreme may be labeled the "positive" definition of successful sanctions. This definition is that "unless the sanctions alone achieve the stated foreign policy goal, by default they have failed."[9]   This extreme is best represented by scholars such as Robert Pape. He argues that sanctions should be deemed successful only if the targeted state largely complies with the sender's demands, sanctions are threatened or applied prior to the compliance, and there exists no more credible explanation for yielding to the demands.[10]   Thus - with such strict requirements for success - one would expect scholars who are inclined towards this definition to be relatively pessimistic regarding the utility of sanctions. It is worth noting that the majority of sanctions scholars gravitate towards

this extreme.

The second extreme may be labeled the "normative" definition of successful sanctions, a relatively new and thus non-traditional sanctions perspective. Scholars who gravitate towards this extreme definition "emphasize the signaling purposes of sanctions, such as deterring future wrongdoing, demonstrating resolve both to allies and domestic constituencies, the preservation of international norms" and potentially warning of future military action.[11]   Therefore, scholars like David Baldwin argue that imposed sanctions may have purposes beyond the explicit demands that a sender may make:

> "To view the use of economic statecraft strictly in terms of securing compliance with explicit and publicly stated demands is to load the dice in favor of failure. Third parties, secondary goals, implicit and unstated goals are all likely to be significant components of such undertakings."[12]

By this line of reasoning, "the most critical component of any analysis of a sanctions episode is to measure the success of sanctions only in terms of the entire array of goals that states are trying to achieve and targets they seek to influence."[13]   It is worth mentioning that some scholars argue that the symbolic use of sanctions to "successfully" express dissatisfaction or make sender's feel content in taking some action should be reduced, as the humanitarian consequences are too grave to be so coy.[14]   Regardless of this criticism, the requirements for success appear less stringent for the "normative" relative to the "positive" definition, thus leading one to expect those inclined towards this extreme to have greater optimism about the utility of economic sanctions.

While "normative" definitions cannot be ignored, measuring the general success of sanctions by these definitions is difficult. For example, how can one be certain that a sanctioning state is trying to achieve a secondary goal if it is not implicit in demanding such a goal? Despite such shortcomings, on a case by case basis normative analysis can be useful and will be utilized when discussing the North Korea case. However, largely due to the difficulty of measuring normative success across large samples as well as the relatively new introduction of the idea, the studies discussed below apply definitions of success that align towards the "positive" extreme. Moreover, such definitions are largely used because, as Peter Wallensteen writes,

> "The credibility of the instrument of economic sanctions will depend on its ability to deliver at least some clear results (i.e. changes in behavior) at reasonable costs, within a reasonable time limit and where it is reasonable to conclude that results are related to the effects of sanctions. This speaks in favor of a rather sharp and dichotomous definition."[15]

Thus, moving forward to analyze the efficacy of economic sanctions, it is important to note that most scholars judge the success of sanctions from perspectives that generally gravitate towards the "positive" extreme of successful sanctions definitions.

The place to begin when examining the success of economic sanctions is with the study of Gary Hufbauer, Jeffrey Schott, and Kimberly Elliott, first published in 1985 and updated in 1990. The study looks at 115 cases of economic sanctions from 1914-1990. Many scholars regard the accumulated results of the study as the fundamental data set in the field.[16]   However, some argue that this may be more by necessity than choice as the database is "the only major large-N study of sanctions, [and thus] has become the

bedrock study" of their utility.[17]   The study evaluates the success of a sanctions episode into two components using a unique scoring system. The two components include "the extent to which the policy outcomes sought by the sender country were in fact achieved, and the contribution made by the sanctions (as opposed to other factors, such as military action) to a positive outcome."[18]   Thus, Hufbauer et al. apply a definition of sanctions success that is inclined towards the "positive" extreme of successful sanctions definitions.

The study finds economic sanctions to be successful in 41 of 115 cases, a rate of approximately 34%.[19]   The researchers go on to note that "although it is not true that sanctions 'never work,' they are of limited utility in achieving foreign policy goals that depend on compelling the target country to take actions that it stoutly resists."[20]   Thus - as might be expected considering the definition of success employed in the study - the researchers are relatively pessimistic about the efficacy of sanctions in achieving foreign policy goals. Yet, they are optimistic about the utility of sanctions relative to some other scholars who dispute their findings.

Pape is perhaps the most critical scholar of the study's results. His requirements for a successful sanctions episode - outlined above as being characteristic of the extreme "positive" definition of sanctions success - are stricter than those of Hufbauer et al. Pape believes that sanctions should be deemed successful only if:

> (1) the target state concedes to a significant part of the coercer's demands
> (2) economic sanctions are threatened or actually applied before the target
> changes its behavior (3) no more-credible explanation exists for the target's
> change of behavior such as covert use of force like assassinations.[21]

Pape desires to truly "assess the independent usefulness of sanctions for political goals" and therefore argues that the analysis of Hufbauer et al. is flawed in its failure to sufficiently consider alternative explanations - most notably the use of force - for the cases for which they deem sanctions to be successful.[22]   Based on his analysis, Pape eliminates 35 deemed successes, leaving only 5* successful sanctions episodes out of 115 cases, or about 4%.[23]

While the conclusions of Hufbauer et al. differ to a large extent from those of Pape, both sides share a generally pessimistic sentiment about the utility of economic sanctions to achieve foreign policy objectives. This pessimism is not rare as "the prevailing view of economic sanctions is unquestionably negative" among academics.[24]   For example, Miroslav Nincic and Peter Wallensteen argue that "the effectiveness of economic sanctions seems rather doubtful - at least if the purpose is to force a significant policy change."[25]   Another scholar has even gone as far to note that "with few exceptions, the growing use of economic sanctions to promote foreign policy objectives is deplorable."[26]   While much of this pessimism with respect to utility of sanctions is focused on "comprehensive" or general trade sanctions, it is worth noting that the early indicators show that "smart" sanctions - which grew in popularity in the 1990's - are also relatively ineffective. For example, one study argues that one type of "smart" sanction, "targeted" sanctions, can be judged as partially successful only 20% of the time.[27]   However, more time and research is needed before any firm conclusions can be reached with respect to "smart" sanctions.

*The reader may wonder how Pape's elimination of 35 successful cases from Hufbauer, Schott, and Elliot's count of 41 yields 5 successful episodes, as the proper number would appear to be 6. The

disparity lies in the fact that Pape argues that Hufbauer, Schott, and Elliot accidentally count the successful episode of 1963 American sanctions against Egypt twice even though it only appears once in the database.

To summarize the prior discussion, the general sentiment among the academic community is that "economic sanctions have historically proven to be an ineffective means to achieve foreign policy objectives."[28]   Yet, as the ultimate aim of this paper is to determine if economic sanctions can be effective in pressuring the North Korean regime to dismantle its nuclear weapons program, determining whether sanctions generally work may not be the question of singular importance. Rather, it is perhaps also instructive to determine the conditions under which sanctions have the greatest potential to be successful. While sanctions may generally be ineffective, they may still serve as a relevant foreign policy tool if applied in cases where circumstances align that are conducive to their possible success. If it is determined under what circumstances sanctions may be effective and conversely when they are most likely to fail, a reasoned assessment can be made about the likely effectiveness of sanctions with respect to any particular sanctions episode, including the pending North Korean case. It is thus pertinent to determine these all-important circumstances. It is this task that is the focus of the next section.

A Sanctions Framework: When Are Sanctions Most Likely to Succeed or Fail?

The goal of this section is to create a framework for assessing the likely effectiveness of economic sanctions in a given situation. Despite the previously discussed general pessimism about the utility of sanctions as tools to achieve foreign policy goals, there exists a substantial academic literature that delves into the question of when sanctions are most likely to succeed or fail. The framework developed here represents an organization of recurring themes in this literature. As the literature is expansive, the framework does not attempt to incorporate every potential variable that may affect the utility of economic sanctions, such as factors like cost to the sender. Rather, the framework is composed of three factors - all drawn from the literature - that are likely to have an important influence on the efficacy of sanctions in a given episode: (1) the scope of the foreign policy goal that the sanctions are intended to achieve, (2) the unilateral or multilateral application of the sanctions, and (3) the domestic political situation within the targeted state. It is important to note that one factor alone will not ultimately determine the possible success or failure of a given sanctions regime. It is with the aggregation of these factors - and perhaps others - applied to a specific case that a reasonable assessment may be made regarding the potential efficacy of sanctions in that particular situation.

The Scope of the Foreign Policy Goal that the Sanctions are Intended to Achieve.

Hufbauer, Schott, and Elliot may most aptly state the general sentiment among sanctions scholars regarding the magnitude of goals that sanctions can independently achieve: "Don't bite off more than you can chew."[29]   In other words, the threat or actual application of "sanctions alone are unlikely to achieve desired results if the aims are large," a proposition that is repeated throughout the literature.[30]   For example, the threat of sanctions failed to deter India and Pakistan from testing nuclear weapons, while harsh sanctions were insufficient to force Saddam Hussein to withdraw his forces from Kuwait, as Operation Desert Storm was ultimately required to achieve this task.[31]   Thus, it is often the case that "economic sanctions supplement rather than replace military action" for integral objectives.[32]   Even for those who are relatively optimistic about their utility,

"economic sanctions seem to be more successful in achieving modest policy goals, while they seldom work as a substitute for military force in achieving major goals."[33]   The sanctions record does show that when economic sanctions have in fact been deemed to be successful - even by the harshest skeptics such as Pape - they have usually achieved modest, specific foreign policy goals. For instance, the 1987 United States sanctions imposed on El Salvador were successful in forcing the government in San Salvador to refrain from releasing three prisoners convicted of murdering American citizens.[34]

Thus, one factor that will improve the chances for success of economic sanctions is applying them when the desired foreign policy goals are relatively modest in nature. However, the scope of the intended goal of a given sanctions regime is not the only factor that will influence potential success or failure. A second factor to consider is whether the sanctions are applied by a single state or a coalition of states.

The Unilateral or Multilateral Application of the Sanctions.

As suggested by the definition described in section one, economic sanctions are designed to induce the targeted state to comply with the sender's demands by increasing pressure on the target through a disruption of normal trade relations.[35]   If the targeted state can without effort or cost replace these "lost" trade relations through alternative sources, the pressure intended to change its behavior will also be diverted. In other words, if a targeted nation that is being sanctioned by another country can turn to other states to relieve such pressure, the sanctions are likely to be ineffective. Therefore, the general consensus throughout the recent literature is that "unilateral sanctions are rarely effective," which is especially true in the present day with the existence of a global economy where "substitute sources of supply and financing" are more readily available than in the past.[36]   Conversely, this global economy may help sanctions efforts to the extent that an integrated targeted state may depend on other states for specific resources.[37]   If this is the case, the targeted state may be more vulnerable to economic pressure if a state it is dependent on is within the multilateral sanctioning coalition.

As a general proposition then, then, "a successful sanctions effort usually requires cooperation among the target state's trading partners."[38]   Simply put, sanctions applied multilaterally are more likely to be successful than unilateral sanctions. While this is logical in light of the aforementioned traditional view regarding the ability of a targeted state to divert economic pressure under unilateral sanctions, political pressure can also play a role to the extent that the targeted state feels singled out by the international community in having multiple states decide to enforce sanctions.[39]   Two examples of multilateral sanctions episodes that are considered successes - even by the most pessimistic of scholars - include the 1979 Arab League sanctioning of Canada as well as the joint United States/Canadian sanctioning of South Korea in 1979.[40]   As would be expected based on the above discussion, these sanctions regimes achieved modest objectives; however, the multilateral sanctions against South Africa were able to help achieve the rather important goal of ending apartheid, perhaps aided by domestic factors discussed below.[41]

It is worth noting that Hufbauer et al. argue in their 1990 edition of Economic Sanctions Reconsidered that "more is not necessarily merrier" when evaluating the effect of multilateral sanctions.[42]   In their eyes, this is largely explained by the fact that "pressing too hard to corral reluctant allies can have the perverse effect of undermining the economic impact of the sanctions, if multilateral agreement takes too long to achieve or requires watering down the sanctions imposed."[43]   Yet, at the time of publication, the authors could not predict the extent of the UN's role in the post-Cold War world as a

body to apply multilateral sanctions. Thus, the adverse effects feared by Hufbauer et al. "can be mitigated by the involvement of international institutions…[such as the] UN."[44] Still, these institutions may not fully eradicate such problems of cooperation. Despite this, the general scholarly consensus is that multilateral sanctions are more effective than unilateral sanctions.

The importance of forming a broad multilateral coalition was highlighted in the 1990's when "cheating" states outside the sanctioning coalition were able to hinder UN sanctions through a lack of cooperation. States that played this role included Iran - when sanctions were placed on Iraq - and the neighboring states of Yugoslavia that eased the pressure on the Milosevic regime.[45]   These examples further elucidate the importance of creating a multilateral coalition to reduce the number of possible "cheaters" that may undermine imposed sanctions. Thus, when sanctions are imposed multilaterally, the political and economic isolation of the target state is solidified and the chances for success improve.[46]

Therefore, a second factor that will improve the potential utility of economic sanctions is applying them multilaterally. The emergence of the UN in the 1990's has helped this process; however, unless both universally agreed upon and enforced even broad multilateral sanctions regimes may be vulnerable to sanctions "cheaters." While imposing sanctions multilaterally increases the potential for success, it is by no means guaranteed. This discussion of unilateral versus multilateral sanctions has focused on the link *between* the targeted state and the state or states imposing the sanctions. It is also pertinent to consider the situation *within* the targeted state as a factor determining the potential utility of economic sanctions.

The Domestic Political Situation within the Targeted State.

While the economic situation within a targeted state cannot be fully discredited, it is the domestic political situation that is perhaps a more important factor in ultimately determining the efficacy of a given sanctions regime. The key domestic factor for the possible effectiveness of economic sanctions is the presence of a worthy political opposition to the government. In other words, "it is only when a strong internal opposition exists that the sender can really hope to change the receiver's policy."[47]   Conversely, a lack of domestic dissidents will ultimately hinder the utility of a sanctioning episode.

The logic of this argument is that a strong domestic political opposition - incited by their suffering due to the applied sanctions - will place pressure on the target state regime to accede to the sender's demands.[48]   This pressure is perhaps the strongest causal mechanism to connect the imposition of the sanctions to a policy change.[49]   When internal pressure is combined with international political isolation of the country signified by the application of the sanctions, the targeted state is placed under the "double grip."[50]   It is important to note the need for international political isolation to achieve the "double grip," which is in line with the prior discussion regarding the importance of the multilateral application of sanctions to maximize effectiveness. This "grip" is seen by the Chilean example, where the strong upper- and middle-class opposition combined with outside economic pressure led to the ouster of President Allende in the early 1970's.[51]   Yet, it is debatable if the ouster would have occurred even without the economic pressure.[52]   The "double grip" is also seen in the South African case, where whites within the country pressured the government to end the apartheid regime not only due to their economic pain but also because of their sensitivity to an "increasingly hostile international opinion."[53]

Without the presence of a strong domestic political opposition, the likely effective-

ness of sanctions is dramatically reduced as seen by the failure of sanctions to remove Fidel Castro from power in Cuba.[54]   In fact, economic sanctions may even permit authoritarian regimes to bolster their authority and strengthen their control over society.[55]   This is made possible by what Johan Galtung calls the "rally-around-the-flag-effect," whereby despotic leaders of sanctioned states invoke nationalist sentiment against sender's to maintain their power base.[56]   This can be seen in the Cuba case, as Castro pointed to economic sanctions to rally popular opinion against the United States and solidify his rule in the 1990's.[57]   Sanctions may also inadvertently bolster authoritarian regimes by creating scarcity, thus enabling governments to more effectively control the distribution of goods.[58]   Finally, due to their control, despotic leaders can easily redirect the consequences of economic sanctions elsewhere in society. Thus, when applied to authoritarian states, economic sanctions often "leave the key targets - the military and political elites - unharmed economically and even strengthened politically, while hitting the weakest members of society very hard."[59]   This is most clearly evidenced by the poverty endured in Hussein's Iraq.[60]

Therefore, the political situation within a targeted state is a third important factor shaping the success or failure of economic sanctions. With greater domestic political opposition - which requires having a society where such opposition is feasible - comes a greater possibility for economic sanctions to bring dividends in achieving foreign policy objectives. If such an opposition does not exist, the prospects for economic sanctions appear grim.

To summarize, the above framework predicts that economic sanctions are most likely to be effective in achieving foreign policy objectives when they are: intended to achieve modest objectives, imposed multilaterally, and directed against states with strong domestic political opposition or where such opposition may form. Alternatively, sanctions will likely fail when they are: intended to achieve major goals, imposed unilaterally, and directed against states lacking domestic political opposition or the potential for such opposition to form. The next section applies this framework to the case of UN sanctions against North Korea.

The Case of United Nations Sanctions against North Korea

Before applying the framework developed in the previous section to the case at hand, it is necessary to examine the type of sanctions being applied and the goals of these sanctions. On October 14th, 2006, the UN Security Council unanimously adopted Resolution 1718:

> The resolution bans trade with North Korea on all materials with direct or
> dual use applications for weapons of mass destruction (WMD); bans the sale
> or purchase of battle tanks, warships, armored combat aircraft, attack helico-
> -pters, missiles or missile systems. It prohibits nations from using their territ-
> -ories or allowing their nationals to provide North Korea technical training,
> advice, services or assistance on weapons of mass destruction. It also prohibits
> the sale of luxury goods to North Korea. Nations are to cooperate with the
> sanctions by inspecting cargo to and from North Korea as necessary. The
> resolution requires nations to freeze the funds, assets and economic resources
> of individuals or businesses -- which will be designated by the council's sanctions
> committee -- connected with North Korea's nuclear and ballistic missile
> programs and impose a travel ban on individuals and their families
> connected with weapons of mass destruction programs. Financial

transactions and resources needed for food, rent or mortgages, medical supplies,
insurance premiums and utility charges are exempted. Humanitarian goods and
services are also exempted.[61]

Many of these directives can be classified as "smart" sanctions, including the asset freeze
and travel ban. As noted above, the purpose of "smart" sanctions is to win a desired pol-
icy change by maximizing the pressure on key decision makers while limiting the suffer-
ing of the general population, a concern that is reiterated by the exemption for humani-
tarian goods and services.

While these humanitarian intentions exist, they are unlikely to ease the societal pain
in North Korea largely due to the nature of the economy. The economy teeters on the brink
of collapse, but arms sales remain an important industry.[62] Thus, the aforementioned
arms sanctions affecting this key industry may easily reverberate throughout the economy,
hurting the entire population.[63] Reinforcing this deprivation are the "comprehensive,"
unilateral American sanctions imposed on North Korea and its recent reductions of
humanitarian aid.[64] Thus, in the North Korean case, the UN sanctions may be "smart" in
theory but are likely to be "comprehensive" in practice to the extent that they influence a
large and integral portion of North Korea's international economic transactions while
bringing suffering to the general population. As a result, the framework developed in sec-
tion three - which is based on the literature that largely takes into account "comprehen-
sive" sanctions - may apply to the North Korean case despite the fact that the UN sanctions
are intended to be "smart."

The UN resolution calls upon North Korea "to return immediately to the Six-Party
Talks [for nuclear program negotiation] without precondition."[65] By this measure, the
sanctions have already been successful in that the North Korean's have agreed to return to
the negotiations. Yet, following this announcement, the sanctions were not lifted, as would
seem appropriate if all desired foreign policy goals were in fact achieved. As a result, the
full array of foreign policy goals of the sanctions remain in doubt. Thus, as David Baldwin
predicts, imposed sanctions may have purposes beyond the explicit demands of the
sender.[66] The North Korean case is interesting in that what may be the most important
goal - the dismantling of the nuclear program - is not explicitly stated. It is worth noting
that other goals such as regime change - which would possibly solve the nuclear program
- may also be on the agenda. While the UN's implicit demands of North Korea can not be
exactly determined, the framework developed in section three will now be applied to the
case under the assumption that the dismantling of the nuclear weapons program is the for-
eign policy goal of the sanctions because: (a) this is the ultimate, stated goal of the Six
Party Talks, which have been a failure to this point; (b) as evidenced below, the nuclear
weapons program is the feature of North Korea that represents the gravest threat to the
international community; and (c) it is possible that the UN's explicit demand may eventu-
ally evolve to the dismantling of the nuclear weapons program.
The Scope of the Foreign Policy Goal that the Sanctions are Intended to Achieve.

Based on the analysis conducted in the previous section, the chances of success for
economic sanctions improve when they are implemented with the intention of achieving
modest foreign policy objectives. Bluntly stated, the dismantling of North Korea's
nuclear weapons program is not a modest foreign policy goal. The possession of nuclear
weapons by what some international relations scholars have termed a rogue state repre-
sents a grave security threat to the international community.[67] This is especially true in
light of the aforementioned fragile state of the North Korean economy, which makes

sales of nuclear weapons to terrorist organizations an attractive and thus more distinct possibility.[68]   This starkness of the potential consequences of not achieving the intended goal of the sanctions reiterates the important nature of the foreign policy objective.
The Unilateral or Multilateral Application of the Sanctions.

As evidenced by their passage in the United Nations - an international organization - the sanctions placed upon North Korea are in fact being applied multilaterally by a broad coalition of states. As suggested in section three, this multilateral application generally increases the chances for success. Moreover, while the regime in Pyongyang preaches a line of "juche," or self-reliance, North Korea in practice depends heavily on certain states - namely China, South Korea, and Japan - to fulfill basic necessities such as energy provision.[69]   At the same time, these states are not dependent on North Korea, helping the sanctions effort as the economic costs to the sanctioning states are likely to be minimal. These circumstances seemingly bode well for the potential success of the sanctions to the extent that these key states use their distinct leverage to increase the pressure on the regime in Pyongyang. However, in the case of North Korea, confounding factors may leave even multilateral sanctions vulnerable to failure.

While the United States and Japan, among others, are firm in their resolve to enforce the imposed sanctions, China and South Korea may prove to be links that weaken the sanctioning effort. This is because these nations, North Korea's "primary economic patrons, fear political instability on the Korean peninsula more than they fear a nuclear-armed North Korea."[70]   More specifically, China and South Korea want to avoid refugees flowing from an economically ravaged North Korea that would place undue economic burdens on each country.[71]   Thus, while these countries may not face steep costs from lost trade, certain costs unique to the situation affect their calculus of how stringently to enforce the UN sanctions. This potential lack of enforcement discipline is already occurring, as South Korea has refused to help intercept ships suspected of carrying potential supplies for the North Korean nuclear weapons program.[72]   To the extent that such "cheating" occurs by China and South Korea, the effect of the sanctions will be weakened by a reduction in pressure on the government in Pyongyang. However, it is worth mentioning that the government in Beijing appears to be taking a tougher stance towards the North Korean regime than in prior years, an especially important development in light of China's role as a major food and energy supplier to North Korea.[73]
The Domestic Political Situation within the Targeted State.

The government in Pyongyang headed by Kim Jong-Il is perhaps best described as a dictatorship that is highly repressive and strongly resistant to reform.[74]   In other words, within North Korea there exists a totalitarian regime that faces minimal domestic political opposition and does not permit the type of society where such opposition may organize. As seen in Iraq under Hussein, economic sanctions are thus unlikely to create a fervent domestic political opposition - regardless of how dire the economic situation becomes - to combine with international pressure in placing the regime under Wallensteen's "double grip."[75]   Additionally, to the extent that the citizens of North Korea are already weakened by the shambled economy, they are even less likely to perhaps rise in a manner to pressure the regime to change its nuclear posture.

Gatlung's "rally-around-the-flag" effect may come into play, as the regime may cultivate nationalist sentiment within the country in response to the sanctions.[76]   This could be particularly dangerous in this situation, as the nuclear program could be the centerpiece of this mass mobilization, thus forcing the regime to continue it into the future. However, to the extent that the general population is suffering, even this government led

political mobilization may be difficult. Generally, then, is appears as though any form of mass mobilization is unlikely due to the decrepit state of North Korean society.

To summarize, the framework at hand is pessimistic about the potential utility of economic sanctions in achieving the foreign policy goal of the termination of North Korea's nuclear weapons program. The major scope of the intended foreign policy goal as well as the nature of the North Korean domestic political system are clearly impediments to successful sanctions. While the multilateral nature of the sanctions seemingly bodes well at first glance, the unique circumstance of South Korea and China's relationships with North Korea and subsequent possible lack of enforcement discipline may hinder the sanctioning effort. Thus, according to the framework, these supposed "smart" sanctions - which largely resemble "comprehensive" economic sanctions in practice - are likely to increase the pain and suffering of the general population while failing to put sufficient pressure on the regime to achieve policy change. Thus, "the prospect of subjecting its people to hardship is unlikely to deter North Korea's government from its chosen path" of continuing with its nuclear weapons program.[77]

Conclusion

Moving into the twenty-first century, economic sanctions are likely to continue to be insufficient tools to achieve foreign policy objectives. This result is likely for a host of reasons, including but not limited to globalization and the difficulty of obtaining absolute multilateral cooperation. When the requirements for successful sanctions outlined in the above framework are added to these twenty-first century specific factors, the outlook for economic sanctions becomes even bleaker. Moreover, even using sanctions to signal dissatisfaction or achieve other symbolic measures is unappealing due to the humanitarian consequences of their application. Thus, the future of sanctions is not promising. While sanctions may fade away from the North Korean scene, the nuclear weapons problem will not. How can this issue be resolved?

It is possible that the regime is using the nuclear program as a bargaining chip to gain international assistance.[78] By this measure, another tool of economic statecraft - engagement - may have success in terminating the nuclear weapons program if sufficient incentives are provided to the regime, such as improved energy aid. The Six Party Talks - scheduled to resume in mid-December - will provide a forum for such engagement to occur. Yet, even this strategy may fail as North Korea has already reneged on its 2005 commitment to end its nuclear program in exchange for such aid.[79]

Alternatively, it may be that the regime in Pyongyang knows that possessing a nuclear weapon is the ultimate guarantee of security in an anarchic world. The regime - knowing that the leadership of the powerful United States and perhaps other states desire its demise - may want to have its nuclear program as the ultimate hedge against outside threats to its power, as such threats are more likely to lead to its downfall than internal threats for reasons outlined above regarding a lack of domestic opposition. If this is in fact the case, one option is the use of military force to destroy the nuclear weapons program before it is fully developed. However, this strategy also has pitfalls. To the extent that North Korea can muster a counter-attack with nuclear weapons - which is more of a possibility now after the recent test - such a strike could bring severe punishment to those in South Korea or Japan. Moreover, China will absolutely disdain such an attack, as it will lead to the instability on the Korean Peninsula that it so fears. This further elucidates the conclusion that China will play an important role in the future of the North Korean nuclear crisis. The government in Beijing has the greatest leverage

to pressure North Korea due to its provision of energy, but it may not have the political will to utilize its position because of its self-interest.

In the end, the resolution to this situation largely depends on the intentions of the North Korean regime. If it desires to improve the standing of its people and national wealth, engagement may work. Yet, this appears relatively unlikely, especially given the regimes past lack of concern for the well-being of the population. If, on the other hand, the regime's biggest concern is to maintain its power, it seems that the use of force may be the only option to end the nuclear weapons program. This is the more likely scenario, as well as the most dangerous for the international community, placing it in a tenuous situation wrought with uncertainty. However, what seems rather certain is that regardless North Korean regime's intentions, economic sanctions are unlikely to play an effective role in resolution of this troubling international issue.

Endnotes
1. Blanchard and Ripsman 2000, pg. 1.
2. Ibid., pg. 219.
3. Hufbauer and Oegg 2001.
4. Cortright and Lopez 2002.
5. Ibid.
6. Hufbauer and Oegg 2000.
7. Ibid.
8. Hufbauer and Oegg 2001..
9. Ibid.
10. Pape 1997.
11. Hufbauer and Oegg 2001.
12. Baldwin 1985, pg. 132.
13. Rowe 2000, pg. 256.
14. Haass 1997.
15. Wallensteen 2000, pg. 5.
16. Pape 1997.
17. Pape 1997.
18. Hufbauer, Schott, and Elliott 1990, pg. 41.
19. Ibid.
20. Ibid., pg. 92.
21. Pape 1997.
22. Ibid.
23. Ibid.
24. Blanchard and Ripsman 2000, pg. 219.
25. Nincic and Wallensteen 1983, pg. 6.
26. Haass 1997.
27. Hufbauer and Oegg 2000.
28. JBlanchard and Ripsman 2000, pg. 219.
29. Hufbauer, Schott, and Elliott 1990, pg. 94.
30. Haass 1998.
31. Ibid.
32. Wallensteen, pg. 126.
33. Hufbauer and Oegg 2001.
34. Pape 1997.

35. Blanchard and Ripsman 2000.
36. Haass 1998.
37. Elliott 2003
38. Martin 1992, pg. 6
39. Blanchard and Ripsman 2000.
40. Pape 1997.
41. Hufbauer and Oegg 2001.
42. Hufbauer, Schott, and Elliott 1990, pg. 95.
43. Ibid., pg, 96.
44. Drury 1998.
45. Wallensteen 2000
46. Ibid.
47. Wallensteen, pg. 126.
48. Eland 1995
49.Kobrin 2006.
50. Wallensteen 2000, pg. 15.
51. Nincic and Wallensteen 1983
52. Ibid.
53. Hufbauer and Oegg 2001
54. Ibid.
55. Ibid.
56. Eland 1995, pg. 32.
57. Hufbauer and Oegg 2001.
58. Haass 1998
59. Hufbauer and Oegg 2001
60. Ibid.
61. Alta.
62. Elliott 2003.
63. Ibid.
64. Manyin 2006.
65. "Security Council Condemns Nuclear Test by Democratic People's Republic of Korea, Unanimously Adopting Resolution 1718, 2006
66. Baldwin, Economic Statecraft 1985.
67. Goldstein, 2006.
68. Goldstein 2003.
69. Elliott 2003.
70. Noland.
71. Goldstein 2003.
72. "APEC Statement on North Korea Pleases White House."
73.Dreazen and Ramstad 2006.
74. Scobell 2006.
75. Wallensteen 2000.
76. Eland 1995, pg. 92.
77. Noland.
78. Goldstein 2003.
79. "APEC Statement on North Korea Pleases White House."
80. Goldstein 2003
81. Ibid.

Works Cited

1. Alta, Judy. 2006. "Security Council Imposes Sanctions on North Korea."
   USInfo.State.Gov, http://usinfo.state.gov/xarchives/display.html?p=washfile-eng
   lish&y=2006&m=October&x=20061014163309ati ayduj0.5138056 (accessed
   November 20, 2006).

2. Baldwin, David A. 1985. Economic Statecraft. Princeton: Princeton University Press.

3. Blanchard, Jean-Marc F., and Norrin M. Ripsman. 2000. "Asking the Right Question:
   When Do Economic Sanctions Work Best?" In Power and the Purse: Economic
   Statecraft, Interdependence, and National Security, ed. Jean-Marc F. Blanchard,
   Edward D. Mansfield, and Norrin M. Ripsman, 219-253. Portland: Frank Cass and
   Company, Limited.

4. Cable News Network. 2006. "APEC Statement on North Korea Pleases White House,"
   http://www.cnn.com/ 2006/POLITICS/11/18/bush.hanoi.ap/index.html (accessed
   November 18, 2006).

5. Cortright, David, and George A. Lopez. 2002. "Introduction: Assessing Smart
   Sanctions: Lessons from the 1990s." In Smart Sanctions: Targeting Economic
   Statecraft, ed. David Cortright and George A. Lopez, 1-40. Lanham: Rowman &
   Littlefield Publishers, Inc.

6. Dreazen, Yochi J., and Evan Ramstad. 2006. "U.S. Stance on North Korea Hits
   Hurdles at Summit." The Wall Street Journal, November 20, 2006.

7. Drury, A. Cooper. 1998. "Revisiting Economic Sanctions Reconsidered." Journal of
   Peace Research, Vol. 35, No. 4 (July 1998), 497-509,
   http://links.jstor.org/sici?sici=0022-3433%28199807%2935%3A4%3 C4
   97%3ARESR%3E2.0.CO%3B2-D (accessed November 17, 2006).

8. Eland, Ivan. 1995. "Economic Sanctions as Tools of Foreign Policy." In Economic
   Sanctions: Panacea or Peacebuilding in a Post-Cold War World, ed. David Cortright
   and George A. Lopez, 29-42. Boulder: Westview Press.

9. Elliott, Kimberly Ann. 1995. "Factors Affecting the Success of Sanctions." In
   Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World, ed. David
   Cortright and George A. Lopez, 51-59. Boulder: Westview Press.

10. Elliott, Kimberly Ann. 2003. "Economic Leverage and the North Korean Nuclear
    Crisis." International Economics and Policy Briefs, Number PB03-3 (April 2003),
    http://proxy.library.upenn.edu:8705/pbei-2/iie/elk02/elk02.pdf (accessed
    November 17, 2006).

11. Goldstein, Avery. 2003. "The North Korean Nuclear Challenge and American

Interests: Getting the Priorities Right." Foreign Policy Research Institute,
http://www.fpri.org/enotes/20031031.asia.goldstein.korea priorities.html (accessed
November 29, 2006).

12. Goldstein, Avery. 2006. Lecture, International Security. April 4.

13. Haass, Richard. 1997. "Sanctioning Madness." Foreign Affairs
    (November/December 1997), 74-85.

14. Haass, Richard N. 1998. "Economic Sanctions: Too Much of a Bad Thing."
    Columbia International Affairs Online, http://proxy.library.upenn.edu:8705/pbei-2/
    bi/har01/har01.html (accessed November 18, 2006).

15. Hufbauer, Gary Clyde, and Barbara Oegg. 2000. "Targeted Sanctions: A Policy
    Alternative?" Paper presented at the symposium on "Sanctions Reform? Evaluating
    the Economic Weapon in Asia and the World," February 23, in Washington D.C.,
    United States of America, http://www.petersoninstitute.org/
    publications/papers/paper.cfm?ResearchID=371 (accessed November 18, 2006)

16. Hufbauer, Gary Clyde, and Barbara Oegg. 2001. "A Short Survey of Economic
    Sanctions." Columbia International Affairs Online, http://www.ciaonet.org/
    casestudy/hug01/hug01.html (accessed November 18, 2006).

17. Hufbauer, Gary Clyde, Jeffrey J. Schott, and Kimberly Ann Elliott. 1990. Economic
    Sanctions Reconsidered. Washington, D.C.: Institute for International Economics.

18. Kobrin, Steven. 2006. Lecture, Globalization and International Political Economy.
    November 29.

19. Manyin, Mark. 2006. "U.S. Assistance to North Korea: Fact Sheet." Congressional
    Research Service Web, http://www.nautilus.org/fora/security/0612.pdf (accessed
    November 25).

20. Martin, Lisa. 1992. Coercive Cooperation: Explaining Multilateral Economic
    Sanctions. Princeton: Princeton University Press.

21. Nincic, Miroslav, and Peter Wallensteen. 1983. "Economic Coercion and Foreign
    Policy." In Dilemmas of Economic Coercion: Sanctions in World Politics, ed.
    Miroslav Nincic and Peter Wallensteen, 1-15. New York: Praeger Publishers.

22. Noland, Marcus. 2006. "A Nuclear North Korea: Where Do We Go From Here."
    Straits Times, October 11, Op-ed.

23. Pape, Robert A. 1997. "Why Economic Sanctions Do Not Work." International
    Security, Vol. 22, No. 2 (Autumn 1997), 90-136,
    http://links.jstor.org/sici?sici=01622889%28199723%2922%3A2%3C90%3
    AWESDNW%3E2.0.CO%3B2-X (accessed November 17, 2006).

24. Rowe, David M. 2000. "Economic Sanctions Do Work: Economic Statecraft and the Oil Embargo of Rhodesia" In Power and the Purse: Economic Statecraft, Interdependence, and National Security, ed. Jean-Marc F. Blanchard, Edward D. Mansfield, and Norrin M. Ripsman, 254-287. Portland: Frank Cass and Company, Limited.

25. Scobell, Andrew. 2006. "Kim Jong Il and North Korea: The Leader and the System." Strategic Studies Institute of the United States Army War College, http://www.strategicstudiesinstitute.army.mil/pdffiles /PUB644.pdf (accessed November 18, 2006).

26. United Nations. 2006. "Security Council Condemns Nuclear Test by Democratic People's Republic of Korea, Unanimously Adopting Resolution 1718 (2006)," http://www.un.org/News/Press/docs/2006/sc8853. doc.htm.

27. Wallensteen, Peter. 1983. "Economic Sanctions: Ten Modern Cases and Three Important Lessons." In Dilemmas of Economic Coercion: Sanctions in World Politics, ed. Miroslav Nincic and Peter Wallensteen, 87-129. New York: Praeger Publishers.

28. Wallensteen, Peter. 2000. A Century of Economic Sanctions: A Field Revisited. Uppsala: Universitetstryckeriet.

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