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# GLOBAL AFFAIRS FINAL PROJECTS



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A COLLECTION OF THE TOP 18 ESSAYS

The assignments presented in this E- book were written by students of the specialization track - Challenges in Global Affairs. The selection of papers was made by the instructors of three courses based upon the chosen subject, the quality of the analysis, and presentation-related criteria.

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### Contents

<b>1. INTRODUCTION .....</b>	<b>6</b>
1.1. About the Course.....	6
1.2. About the Assignment .....	6
1.3 A Note from the Instructors.....	7
 <b>2.BILATERAL CONFLICTS .....</b>	<b>8</b>
<b>2.1 PAKISTAN AND INDIA CONFLICT: FEDERALISM AS A PEACE POLICY.....</b>	<b>8</b>
Introduction.....	8
State Institutions and Federalism .....	1
Conflicts .....	2
Indian View .....	3
Pakistani View .....	4
Other's View .....	4
Way Forward .....	4
Conclusions.....	5
References.....	5
 <b>2.2 PEACE AND GOOD NEIGHBORLINESS TO THE FALKLANDS AND ARGENTINA .....</b>	<b>20</b>
I- Can Argentina and the United Kingdom normalize their relations? .....	20
Objectives to be achieved: .....	20
Main agreement proposals.....	20
A diplomatic conflict resolution.....	20
What can hinder the diplomatic rapprochement.....	22
II -How to prevent a new armed conflict .....	23
Is a new war latent? .....	23
The role of some peace missions that could maintain the peace in the region .....	24
Obstacles to reaching an agreement .....	24
Conclusion .....	25
Bibliography .....	25
 <b>2.3 COLOMBIAN-VENEZUELAN BORDER CONFLICT AND THE ROLE OF INTERNATIONAL ORGANIZATIONS.....</b>	<b>27</b>
Introduction.....	27
How could regional organizations help to solve the conflict? .....	28
What are the regional organizations doing to help solving the conflict? .....	30
Conclusion .....	32

Bibliography .....	32
<b>2.4 NEGOTIATIONS WITH FARC: IS IT THE BEST PATH TO A LONG-LASTING PEACE IN COLOMBIA? .....</b>	<b>33</b>
<b>2.5 TAIWAN STRAIT ISSUE OR DESCRIBING RELATIONSHIP BETWEEN PEOPLE'S REPUBLIC OF CHINA AND REPUBLIC OF CHINA .....</b>	<b>40</b>
Abstract .....	40
Introduction .....	40
Main part .....	42
Best alternative to a negotiation agreement. ....	46
Bargaining space .....	46
Conclusion .....	47
Bibliography: .....	47
<b>2.6 THE AGREEMENT OF THE US AND IRAN .....</b>	<b>49</b>
Pros:.....	51
Cons:.....	51
References.....	54
<b>3 CHALLENGES TO INTERNATIONAL ORGANIZATIONS .....</b>	<b>55</b>
<b>3.1 UN: WHY DOES IT FAIL AND WHAT CAN THE INTERNATIONAL COMMUNITY DO TO STRENGTHEN IT? .....</b>	<b>55</b>
<b>3.2 WHAT CHALLENGES DOES THE INFLUX OF REFUGEES TO EUROPE IN RECENT YEARS POSE FOR THE UNHCR? .....</b>	<b>63</b>
Introduction .....	63
The Relationship between States and UNHCR .....	63
Networks and Hierarchies .....	64
Operating within the UN System and the 1950 UNHCR Statute .....	65
Conclusion .....	66
Bibliography .....	66
<b>4 TRANSNATIONAL ISSUES .....</b>	<b>69</b>
<b>4.1 TRANSNATIONAL CAPITAL FLOWS AND THEIR EFFECTS ON SOCIAL AND ECONOMIC DEVELOPMENT .....</b>	<b>69</b>
<b>4.2 THE NEED FOR A TRANSNATIONAL CRITICAL AND STRATEGIC MINERALS ALLIANCE .....</b>	<b>77</b>
Introduction:.....	77
Background .....	77
Political Dimensions .....	79
Social and/or Economic Issues .....	80
Conceptual/Theoretical Aspects .....	81
Support for the Concept .....	81
Specific Recommendations .....	82
Proposed Approach .....	82

Conclusion .....	83
Bibliography: .....	83
<b>4.3 DAESH ATTACKS IN EUROPE: A DEEP ANALYSIS.....</b>	<b>85</b>
Introduction.....	85
DAESH and civil war in Syria.....	85
DAESH in an economic perspective .....	87
Jihadist terrorism in Europe.....	88
<b>4.4 WAR, CHILDREN, IT'S JUST A SHOT AWAY! – THE ROAD AHEAD FOR NUCLEAR WEAPONS</b>	<b>92</b>
Introduction.....	92
Part I – Nuclear Proliferation – Reasons, Threats and Effects .....	93
Part II – International legal regime governing nuclear weapons.....	94
Part III – Comprehensive Covenant as a solution.....	95
Conclusion .....	97
Bibliography .....	97
<b>5 OECD CHALLENGE .....</b>	<b>99</b>
<b>5.1 EVALUATING THE RELEVANCE OF GLOBAL WATER PARTNERSHIPS IN EFFECT OF GLOBAL WATER GOVERNANCE ADDRESSING THE ISSUE OF HOW EFFECTIVE ARE GWG ORGANIZATIONS/ORGANIZATIONAL NETWORKS IN TODAY'S 21ST CENTURY .....</b>	<b>99</b>
<b>5.2 LEARNING FROM CURRENT REFUGEE MOVEMENT IN ORDER TO PREVENT FUTURE CRISES</b>	<b>110</b>
Introduction.....	110
The Present State of Refugee Movement.....	110
Dealing With Refugees in the Future .....	111
The Climate Factor: A Syrian Case Study .....	112
Anticipating Climate Refugees .....	113
Challenges and Opportunities on the Path Forward .....	113
Conclusion .....	114
Bibliography .....	114
<b>5.3 EXTRACTION OF NATURAL RESOURCES AND THE AFFECTATION FOR THE POPULATIONS</b>	<b>116</b>
Introduction.....	116
The extraction of natural resources and the consequences for the population.....	116
Conclusions.....	119
Bibliography .....	120
<b>5.4 CAN THE EUROZONE BE SALVAGED? A CLOSER LOOK AT THE DEBT CRISIS IN GREECE AND HOW TO AVERT FRACTURING OF THE EURO .....</b>	<b>122</b>
<b>5.5 TACKLING THE GENDER WAGE GAP .....</b>	<b>133</b>
Gender Wage Gap Overview.....	133
Factors Influencing The Gender Wage Gap.....	134
Tackling The Gender Wage Gap .....	135
Conclusion .....	138
Bibliography .....	139



**5.6 WHY ARE GLOBAL PROBLEMS SO HARD TO SOLVE? THE PROBLEM OF GLOBAL**

<b>WARMING .....</b>	<b>141</b>
Introduction.....	141
what makes a problem global? .....	141
Conclusion .....	144
Bibliography .....	145

# GLOBAL AFFAIRS FINAL PROJECTS

## A COLLECTION OF THE TOP 18 ESSAYS

### 1. INTRODUCTION

#### 1.1. About the Course

This Final Project of the Specialization “Challenges in Global Affairs” on Coursera brings together the knowledge, insights and skills learned in three MOOCs: The Changing Global Order (Leiden University), Configuring the World (Leiden University) and International Organizations Management (University of Geneva). The leading instructors of these courses joined forces in order to present this capstone and allow students to contribute their creative solutions to the ongoing challenges in international relations in practice.

The instructors of the three courses, Prof. Madeleine Hosli, Prof. Richard Griffiths, and Dr. Lea Stadtler presented serious and highly challenging subjects the students could write about. The course students, which were from 67 different countries, different backgrounds and life experiences, understood and analyzed the assignment in their own ways, creating various interpretations and creative solutions with the aim to apply academic knowledge to challenges in practice.

For more information about the Specialization “Challenges in Global Affairs” please click [here](#).

#### 1.2. About the Assignment

The assignment purpose was to establish links between the theoretical and academic aspects of an issue to the practical dimension of the issue such as social, economic, political or organizational dimension. Students were instructed to present evidence as well as quantitative and/or qualitative data by appropriate sources for their chosen topic. They needed to determine what was their ideal solution for the problem and by whom it can be done, and analyze the strengths and weaknesses of their answer. Students choose between 4 options:

**1. A bilateral conflict**

(such as the current tensions between Russia and the ‘West’ about the Ukraine)

**2. A challenge to an international organization**

(such as related to climate change, trade, internet, public health, or even its own functioning / relevancy / governance / partnership strategies etc.)

**3. A transnational issue**

(such as problems associated with transnational capital flows)

**4. OECD challenge**

(“Why are global problems so hard to solve?”)

### 1.3 A Note from the Instructors

Dear all,

We are honoured to present this collection of 18 essays written for the final project of the specialization 'Challenges in Global Affairs'. We greatly appreciated the enthusiasm with which the authors of these essays and the many other participants embarked on the journey of analysing and discussing a bilateral conflict, a challenge to an international organization, or a transnational issue. Many of the assignments that were submitted were of a high quality. They addressed topics ranging from the gender wage gap, natural resources, the refugees challenge, reforms of the EU, conflicts and tensions around the world, and many, many more.

Hence, it was not easy to choose the 'top' 18 essays from all the submissions that had obtained the highest ranks in the peer-review process, but as the instructors of this specialization, we agreed on the essays you find in this e-book. Many more essays could have been included, but this selection shows the broad range of topics chosen, the different ways of approaching a theme and the various ways in which the analyses have been conducted. We appreciated the fact that many of the essays drew explicitly on the three MOOCs that were the foundation for this specialization (The Changing Global Order, Configuring the World, and International Organizations Management).

At this point we would like to thank the people who helped us carry out this course. Thank you Einat Shitrit, Robert Lynam and Leontine van Melle for all your patience and support. You made the process of designing the course and the course materials much smoother and swifter.

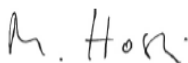
Lastly, we would like to thank all the participants of the specialization track; those of you who agreed to be with us in the final Google Hangout (present and by video), those of you who kept the forum alive and fruitful and those who just enjoyed being part of our course. We enjoyed working with you and we are proud to present this collective product of the capstone: the e-book containing 18 essays written in the framework of the specialization 'Challenges in Global Affairs'.

We hope you will enjoy it and be as inspired by this essay collection as we were,

Kind regards,



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## 2. BILATERAL CONFLICTS

### 2.1 PAKISTAN AND INDIA CONFLICT: FEDERALISM AS A PEACE POLICY

ANSHUL PANDEY

#### Introduction



India and Pakistan were formed out of erstwhile British India when the British left the colony and transferred power to Indian leaders. Pakistan was carved out of India to create a separate homeland for Muslims of Indian subcontinent. The demand for separate nation for Muslims was driven by the idea of “Two Nation Theory” essentially outlining (in the words of M. A. Jinnah) that *“In all things (Muslims’) outlook is not only fundamentally different but often radically antagonistic to the Hindus. We are different beings. There is nothing in life, which links us together”* (Jinnah, Bhutto and the legacy of intolerance).

India and Pakistan are today nuclear armed countries and at loggerheads with each other. Both countries started at the same platform but have taken different paths since 1947 and represent different ideas to the world. Even though both are diverse and share much of the cultural heritage, different paths taken by them have shaped them differently and how it has aggravated the conflicts. This allows us to investigate on how some political reforms can be used to resolve this never-ending conflict. The essay will first go into some historical background on both the countries and the conflicts between the two and then will cover how the state structure differs between them. Finally, it will go into some of the recommendation on how federalist governance structure would assist in resolving the conflict.

## Idea of a separate Muslim homeland in British India

In 1930, Muhammad Iqbal (later national poet of Pakistan (Government of Pakistan Website)) proposed the idea of wanting to see “*Self-government within the British Empire, or without the British Empire*” (Iqbal’s speech, 1930). This was essentially a proposal to create autonomous muslim regions in the federal polity of India. The movement later took a form of demand for a full nation state called Pakistan and was formally supported by AIML (All India Muslim league) (S. P. Cohen) in its 1940 resolution. Talks over the separate Muslim homeland and Muslim question in India kept going but eventually broke down in 1946, which essentially formalized the formation of separate Pakistan (than India) when British hand over the power. Since Muslims were concentrated in large parts in northwestern India and eastern India (primarily Bengal province (Percentage of Hindus in Undivided India)), these two areas were carved out to create a separate homeland for muslims in India, Pakistan (or land of pure). The partition of land around the religious lines and uprooting of people from their own home (Hindus and Sikhs from Pakistan and muslims from border areas of India) created a rift between two new born modern nations that persists to this day.

Pakistan subsequently gained freedom on 14th August, 1947 a day before India (15th August, 1947).

## Violent Start

Creation of two nations based on religious identity where muslims were to live in Pakistan and non-muslims in India created a rift that exists to this day. Partition, one of most bloody political events saw the largest mass migration (Partition of India, BBC) in the recorded history with about 200,000 – 500,000 dead (Brass). Communities living together for a millennia fought with each other and families were torn apart by ending up on the wrong side of the border. This sowed the seeds of hatred largely based on religion where Muslims of Pakistan evicted Sikhs and Hindus and Sikhs and Hindus evicted the muslims in border areas.

## State Institutions and Federalism

### Federalism in India

In post-Independence India, India chose to organize the states along the linguistic lines recognizing that language and local cultural practices are much more important than unifying everyone under the religious umbrella. India chose to preserve the linguistic boundaries to reduce inter-state conflicts and created defined responsibilities for state and central government in the constitutional framework. Even though foreign policy and defense falls into the central government responsibilities, federal politics (multi-party system) restricts Indian government’s ability digress from domestically agreed foreign policy initiatives. Federalism in India acts as a check on central government and how it frames it’s internal and foreign policies. A classic example is India’s lack of support for Israel on world forums, given large muslim population in India that doesn’t want India aligning with Israel. (Aafreedi)

### Federalism in Pakistan

As compared to India, Pakistan relied heavily on religion being the sole organizing principle of the state. However the communities that composed Pakistan are different in many aspects of their daily lives, except that they happen to be muslims. As there is a saying that “*I am a Pakistani for 50 years, a Muslim for 1,500 years and a Pashtun for 5,000 years.*” (Pashtuns in Pakistan).

However post-Independence, Pakistan decided to make Islam, as a state religion, an organizing principle for state politics, therefore asking individuals to “order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran” in their objectives

resolution of 1949 (The Objective Resolution of 1949). This also made Pakistan the 1st “Islamic Republic” in the world. It sought to unite people on the basis on religion and therefore required a clear definition on what constituted that religion. This in subsequent years evolved into excluding large minorities like Ahmadiyas who identified themselves as muslims but were persecuted (starting in 1953) and eventually lost their muslim identity in 1974 (Khan) (Chaudhry). Pakistan in it's early years also imposed a single language policy. Urdu mostly the language of migrants in Pakistan was chosen to be the official language of the state. The fundamental fallacy here was that Urdu was not the language of any of the communities that originally lived in the geographical area of Pakistan. It alienated half of the population of Pakistan (of East Pakistan) who were Bengalis speaking Bengali and had always practiced much more moderate version of Islam and therefore opposed the idea of one-size-fits-all Islam as being espoused by Punjabi muslims in Pakistan (Pakistan: Transition to nationhood). Beginnings with these one-size-fits-all patterns, realistic politics demanded centralized power structure and thereby reducing the influence of individual communities and alienating them in the national politics and nation building in Pakistan. (Mushtaq) (Waseem)

## Conflicts

### 1947 war

Just after the independence, tribals and regular Pakistani army men attacked Kashmir to take it by force. Pashtun tribes from Khyber Pakhtunwala entered Kashmir on 22nd October, 1947, approximately a month after independence. The sudden attack of muslim militia forced the Maharaja of Kashmir, Hari Singh, to sign the “instrument of accession” to India, thereby allowing India to intervene. Indian forces then repulsed the attack and recaptured most of Kashmir, including the valley with around 70% of the population ending up on Indian side. Pakistan occupied 2/5th of the Kashmir province. India moved to UN against Pakistan's attack, which subsequently resulted in ceasefire (on January 1, 1949) and maintaining the current held positions as the line of control.

### 1965 war

Demoralizing defeat of India at the hands of Chinese in 1962 and demise of the Nehru in 1964, gave Pakistan a chance to hit India at the right time and annex the remaining territory of Kashmir. Pakistan started “Operation Gibraltar” in August 1965 to infiltrate into Jammu and Kashmir, and in response India launched full scale military operation on western Pakistan. Both India and Pakistan claimed victory in the war, but war essentially ended in neutral with each side gaining nothing.

### 1971 war and liberation of Bangladesh

Since Independence the West Pakistan had traditionally dominated the internal politics of Pakistan. Even though East Pakistan was almost half the population, they had always complained of unequal power and resource sharing with West Pakistan. During 1965 war with India, East Pakistanis (later Bangladeshis) came to believe that Pakistani military had left them “unprotected” (Haqqani). Bangladesh constituted almost half the population of the country then, but had to pay for the war with India without having any legitimate interest. The economics dictated the interest of Bangladeshis was not in confrontation but in peace with India. When in 1970 Pakistan election, East Pakistan gained absolute majority in the Pakistani parliament, West Pakistan's political party PPP refused to yield power to East Pakistanis. This resulted in revolt in East Pakistan and subsequently Pakistani military intervened to crush the rebellion. Massive war crimes were reported against ethnic Bengalis from Pakistani military which had it's power center in Pakistani Punjab. About 10 million refugees entered India and with world becoming increasingly aware about Pakistani crimes, provided enough ground for India to intervene.



The war ended in liberation of Bangladesh as an independent country on the world map, and in surrender of more than 90,000 Pakistani army men to India. Pakistan had tried to crush the majority of its citizens and ended up losing almost half its territory and population.

## Kashmir insurgency since 1990s and Kargil war of 1999

India has accused Pakistan of supporting terrorism in Kashmir with evidence now coming from USA that Pakistan's intelligence and army provides logistical support to Kashmiri separatists and in their terrorist attacks inside India (ISI sponsors terror activities in Kashmir, FBI tells US court) (ISI funneled millions to influence US policy on Kashmir: FBI) (ISI gives arms to Kashmir terrorists: Rana to FBI) (Afzal Guru's confession: I helped them, took training in Pak).

In the ensuing insurgency in Kashmir valley since 1990s more than 47,000 people have died till the date (India revises Kashmir death toll to 47,000). India and Pakistan also fought a small war in 1999, in Kargil sector of Kashmir valley when Pakistani army occupied territories on Indian side of LoC (Line of Control). The Kargil war resulted in Pakistani army repulsed back to LoC and returning the army posts to as agreed upon locations in Shimla Agreement of 1972. Later Pakistan supported militant groups who have been active in Kashmir since 1990s attacked Indian commercial capital Mumbai on 26/11/2008, further worsening the ties between the two countries (Attacks draw worldwide condemnation). Former Pakistani President, Pervez Musharraf had recently admitted that *"In 1990s the freedom struggle began in Kashmir...At that time Lashkar-e-Taiba and 11 or 12 other organisations were formed. We supported them and trained them as they were fighting in Kashmir at the cost of their lives,"* (Pakistan supported, trained terror groups: Pervez Musharraf). The insurgency in Kashmir been one of major issue derailing peace talks between both countries. Civilian leaders from both countries have shown interest in continuing the peace talks however, the attacks in Indian establishment have shown to derail the talks in the past. Indian foreign minister recently had remarked at UN that *"India does not have four points, it has only one. 'Give up terrorism and we will sit and talk.'"* in response to four point proposal from Pakistani prime minister. (Nawaz Sharif Rakes Up Kashmir at United Nations, Proposes 4-Point Peace Formula). The Kashmir insurgency in particular and Kashmir issue in general is the biggest contentious point in the relationship between India and Pakistan.

## Indian View

India views the dispute as essentially a bilateral dispute over the territory of Kashmir, which it alleges as forcefully and illegally occupied in parts by Pakistan. India stands by the fact that the erstwhile ruler of Kashmir after the independence (1947) chose to sign "instrument of accession" to India thus merging his whole territory into the Indian nation. The accession was subsequently ratified by democratically elected constituent assembly of Kashmir in 1954. (Forgotten day in Kashmir's history).

India has consistently raised its voice over terrorism and insurgency it has faced in Kashmir from non-state actors who have had tacit support from Pakistan's intelligence and security set-up (ISI and the Army). India has also taken steps to move forward with peace process and agreements, e.g. Shimla agreement of 1972 and Bus diplomacy of 1998.

In the recent past with rise in terrorist activities around the world and the growing concerns about terrorism, especially since 2001, India has been making a case of viewing terrorism with the single prism and that it had been facing terrorism long before western nations had faced it.

India has also time and again said that bilateral talks with Pakistan cannot succeed as long as Pakistan is supporting terrorist activities in India.

## Pakistani View

In all international forums Pakistan has raised the issue of Kashmiri independence and rights of muslims of Kashmir as the most important issue that affects it's relationship with India. Pakistan has maintained that injustice was done to Pakistan at the time of partition when muslim majority Kashmir ruled by a Hindu ruler decided to accede to India. It has since maintained that per UN resolution 47 (UN Resolution 47) a plebiscite be held and people's will should decide the fate of troubled region. Despite having been signed a bilateral agreement in 1972 committing to "peaceful resolution of all issues through direct bilateral approaches" (Shimla Agreement, 1972) Pakistan has sought international mediation in the issue.

## Other's View

UN has viewed the conflict as a bilateral conflict arising out of unique situations during independence of India and Pakistan. UN in it's first resolution (47) advocated the need for plebiscite. It had recommended the withdrawal of Pakistan's forces from Kashmir (POK) and asked India to hold plebiscite. Pakistan has since accused India of inaction on plebiscite. India in turn has accused Pakistan of not withdrawing from Kashmir and still holding POK, the clause which is mentioned in the UN resolution 47.

In 2010, UN left out the Kashmir from the list of disputed territories (Kashmir issue left unmentioned in United Nations).

Western nations, especially the US have sided with Pakistan in from 1950s – 2000s since Pakistan is important geo-strategically, first in US's fight against USSR in Afghanistan in 1980s and then in it's war against terror post 2001. In India-Pak war of 1971 USA had sent it's seventh fleet to put pressure on India and stop the war, an episode commonly known as "Gunboat Diplomacy" (Nixon's GunBoat Diplomacy). This had caused US – India relations to hit bottom during 1970s. However given India's recent emergence as economic powerhouse of South Asia, the relations with USA and it's allies are significantly improving.

## Way Forward

Multiple analyses have been done analysis how the state of Pakistan can be stabilized and how peace process can move forward between the two nuclear armed neighbors. The most common recommendation that has come out of multiple forums is the strengthening of civilian leadership and reducing the role of military from all-encompassing power (S. Cohen). However, I believe just strengthening the civilian leadership is not going to solve the problem alone, it needs to also institute federalism in it's core structure. The over centralization and heavy handedness of Punjabis in all state affairs has alienated large sections of populations, be it, East Pakistanis (Bangladeshis) in the past, or Balochs, Pashtuns of NWFP, or Sindhis and Mohajirs of Karachi today.

The loose federal structure of the government with diverse representation would reduce the sole Punjabi viewpoint on Pakistani foreign policy. Federalist policies have shown to influence the foreign policy by opening up better economic opportunities and empowering the local populace. In the modern times, Sindh is a province which stands to lose much more by not having peace and trade with India with which it shares a long (and only) international border. Pakistan's biggest commercial city and capital of Sindh province, Karachi, is home to millions of Pakistanis who crossed over from India (called Mohajirs) during partition and still have family ties back in India.

In the past we have seen both nation states dictating their foreign policy and defense initiatives primarily driven by **Neorealism**, where Pakistan had moved closer to USA and China and India towards USSR during the cold war era. In terms of neorealism theoretic approach, when Pakistan allied itself with USA and Communist China during the cold war era, to balance the equation of power, India chose to align itself with USSR. The neorealist paradigm dictated such alignment to fit to the changing alignments in international order.



I hope that **neo-liberalism** (or neo-liberal institutionalism) in terms of breaking down trade barriers and enabling people movement across the border would have direct effect on the policy initiatives in both, India and Pakistan. The loose structure of federalism would enable closer interaction between neighboring states in India and Pakistan and both would be able to affect policy decisions. In terms of game theoretic approach, it would then become costly for both India and Pakistan to confront directly and would provide incentive to further the peace process. One such arrangement can be granting the “MFN” (most favored nation) status to India and Pakistan (by each other). India has long sought its recognition as “MFN” from Pakistan enabling free movement of Indian goods into Pakistan and also allowing the Pakistanis access to Indian products at much lower cost than usually available, given the long route Indian products need to take to reach Pakistan (India-Pakistan: The Curious Case of the MFN Status).

However, this should also be augmented by furthering the ties between the countries, constructing a common narrative that respects each other’s culture and highlights shared history. In words of Prof, Madeleine Hosli (Universiteit Leiden) it would include “*spread of norms and values, changing identities, and patterns of socialization that will mainly affect*”, “*behavior, including interactions between states. Images and perceptions will matter, such as spread of norms and values, changing identities, and patterns of socialization that will mainly affect actor behavior, including interactions between states. Images and perceptions will matter, such as whether actors perceive others as belonging to ‘self’, or to the ‘other’*”. Both the states need to build a **constructivist** narrative to mend ties and help themselves to move forward.

## Conclusions

India and Pakistan have always been wary of each other and have serious trust issues even among the common populace. (How Pakistanis and Indians View Each Other ). It is important to bridge the trust gap and both countries should develop their independent viewpoint on how to resolve the issues going forward. Given the complex web of geo-political issues especially in the middle- east and Afghanistan, Pakistan is an important country to play a role in western policies in middle east. This can have significant impact on how much Pakistan can do in terms of acknowledging and implementing the recommendations. However, Pakistan should try not to play into the hands of others and develop its own paradigm of foreign policy. In the recent years, US and Pakistan relations have been deteriorating especially since multiple terrorist attacks in western countries have been traced back to Pakistan. Co-incidentally Pakistan-China relations have improved significantly and it would be interesting to see how this will affect the South Asian politics with India emerging as another powerhouse with significant influence in south, east and central Asia.

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## 2.2 PEACE AND GOOD NEIGHBORLINESS TO THE FALKLANDS AND ARGENTINA

LUIS R. FADER

### I- Can Argentina and the United Kingdom normalize their relations?

Argentina and UK are going through turbulent diplomatic relations. After the Falklands' war in 1982, when these countries fought a battle for determining who had the right on the islands, their diplomacy did all possible to show who is right, but they did not want to negotiate a useful agreement for the both parties. However, it is possible to reach an agreement that may change a long history of frustrated negotiations and expectations changing the diplomacy history between these two countries.

In the one hand, the actual conflict situation affects the Falkland islanders, who cannot establish good relations with "the continent" because of the tensions. Their economy does not have access to other countries because of the isolation and the active blockade by Argentina.

On the other hand, Argentinian behavior caused a counterproductive effect on the Britain side and this European country often challenges Argentina giving demonstrations of force.

Therefore, a solution in advanced for this imminent conflict is essential. If politicians do not act now, the world can see again a war in the South American continent. If humanity is searching for peace, it is essential to accept three points of conflict resolution that would be used in order to reach a lasting peace: to find the Best Alternative to a Negotiated Agreement.

This way, In order to avoid such conflict, Argentina must waive the sovereignty of the Falklands in exchange of the demilitarization of the Falkland Islands by the UK. Coming up next it will be explained how to reach this goal. If the parties make reasonable proposals in order to reach an agreement with the goal of the peace and convience in the region, many years of diplomatic tensions can come to the end.

### Objectives to be achieved:

- 1) To reach a diplomatic agreement between the countries in order to the normalization of the relations.
- 2) To prevent any probably armed conflict in the future. Security council can play a positive role as a mediator.

### Main agreement proposals

- 1) Demilitarization of the South Atlantic
- 2) Renunciation of sovereignty over the islands by Argentina
- 3) Establishment of political, commercial, and cultural ties between Argentina, the Falkland Islands, and the UK.

### A diplomatic conflict resolution

First, if Argentina proposes to relinquish any right of sovereignty on the islands, it will show goodwill of decision to resolve this centenary conflict with the British diplomacy. Argentina does not have a dominant geopolitical position, besides this, it is a developing country that does not have power of decision in the worldwide market<sup>1</sup>.

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<sup>1</sup> Mooc Video 6.1.1 Visualization: World Map of Economic Globalization. Course Configuring the World: A Critical Political Economy Approach

That is to say, it cannot use economic or political influence in order to press the UK to change of attitude by force. That is the main reason why Argentina needs to make the first move in order to convince the UK that the war and the postwar trauma have been in the past. Also Argentina could show that it does not seek confrontation but dialogue. To put it another way, this position implies that Argentina should recognize the Falkland Islands as an independent state.

Second, in exchange of the Argentinian goodwill that implies renounce to the sovereignty, UK must demilitarize the islands. This political act would show the British goodwill of not use military force against Argentina if an internal conflict appears in the future. Argentinian recognition of the Falklands as an independent and sovereign state implies that the UK will sign a nonaggression pact with Argentina. Argentina diplomacy insists on this aspect of the problem: the presence of a military base near the Argentine\$2 coast is considered a threat. That way the UK would obtain what always wanted: Falkland islands would be sure on its overseas territories and it is unlikely that any Argentinian dictator will try to recover the islands through an invasion as Galtieri did it in 1982.

Third, commercial, and cultural ties could lead to the diplomatic development of the countries. Both Argentina and the Falkland Islands could cancel visa regime in order to establish a cultural exchange. For example, it would be possible to implement student exchange programs, free trade agreements between the islands and Argentina. The deepening of cultural, trade, and even political ties could lead to the best resolution of this conflict showing that it is possible to reach the understanding and the peace.

Therefore, an agreement between both countries Argentina and the United Kingdom is possible of be reached. For the purpose of attaining those goals, it is necessary to initiate a negotiation process: parts must work together with the purpose to see the problem as a common challenge to overcome.<sup>2</sup> In a mediation process, it is necessary to find an independent part that could play a completely neutral position between the parts: what is neutral to these countries at the same time? The better answer is the Catholic Church. This organization would have the opportunity to test its power as it already had done in 1978 during the so called “papal mediation in the Beagle conflict between Argentina and Chile”<sup>34</sup> and 1982 when Pope Joan Paul II stopped the war. He played a very important role when he came to Argentina and persuaded Argentines to accept the defeat with the British army.<sup>5</sup>

Generally, the parties will not accept to start a negotiation process without the participation of a third actor without direct relation to the conflict.<sup>6</sup> To that end, it is essential to create an especial commission that would mediate between the parties in order to achieve a number of concrete steps to achieve the goals. This commission can be composed mainly by the pope Francis, Nobel Peace Prizes and NGOs which provide to the peacekeeping as facilitator or communicator<sup>7</sup>.

## How the crisis unfolded

This bilateral conflict is causing serious difficulties. This new intensity of the conflict is a threat to the stability in the region. Both parties Argentina and Britain are deepening the confrontation, at least in the verbal level.

<sup>2</sup> Dr. Siniša Vuković, MOOC video “Negotiation”. 3th week of the Course The Changing Global Order.

<sup>3</sup> [https://en.wikipedia.org/wiki/Papal\\_mediation\\_in\\_the\\_Beagle\\_conflict#Aftermath](https://en.wikipedia.org/wiki/Papal_mediation_in_the_Beagle_conflict#Aftermath)

<sup>4</sup> <http://edant.clarin.com/suplementos/especiales/2005/04/03/1-950063.htm> (Spanish)

<sup>5</sup> [http://www.lacapital.com.ar/ed\\_impresa/2013/7/edicion\\_1701/contenidos/noticia\\_5002.html](http://www.lacapital.com.ar/ed_impresa/2013/7/edicion_1701/contenidos/noticia_5002.html)

<sup>6</sup> Dr. Siniša Vuković, MOOC video “3-3 Multi-Party Mediation (Dr. Siniša Vuković)”. Course The Changing Global Order. The Role of Mediation. “Dr. Siniša Vuković, MOOC video “Negotiation”. 3th week of the Course The Changing Global Order.

<sup>7</sup> Facilitator or communicator provides to the parties in dispute all the necessary information, which is essential to develop the negotiation process.

As regard to the Argentinian party, Argentina retook the claim on the Falkland Islands leaving behind the “desmalvinización”.<sup>8</sup> It implies that since 2006 to the present day there is a new conception in the Argentinian social imaginary: some generations lived under the Kirchner’s government period. During this time, the youth was convinced that Malvinas must back to Argentina. Therefore, unlike the previous period called, “desmalvinización”, now there is a high level of conscientization on this issue: the “Remalvinización” is here.<sup>9</sup>

Consequently, Argentina reached a political triumph in the international arena. The most evident achievement was in 2009: Argentina with other south American countries organized a blockade against ships with the Falklands flag. Of course, this situation got worse the isolation for the islanders.<sup>10</sup>

As well as, tensions have been rising and the clashes with the British diplomacy worsened the relations. In order to conduct response actions, Britain decided to intensify its military presence. Since 1985, there is a military base in activity: RAF Mount Pleasant. But it just in 2010 after the diplomatic crisis started it was reinforced.<sup>11</sup> Argentina protests against it.

In 2012 military exercises took place on the islands. That year even prince William came to the islands in order to participate in it. That led to the Argentinian protest accusing the UK of militarization again.

Likewise, Falkland government realized a referendum on the island. In 2013, islanders voted for being part of the United Kingdom of Great Britain as an oversea territories. From approximately 3000 population, 99% voted to remain under the

British flag.<sup>12</sup>

Actually, all the above shows that the conflict arises from the lack of will to negotiate. In this dispute, the losers are both Argentina and Britain. These conflictive relations just cause instability in the South Atlantic. If governments were more realistic, they could achieve a beneficial relationship for all.

On the one hand, It is essential to encourage the dialogue between the parties. Argentina must resign oneself to accept that achieve the full sovereignty is impossible because this issue is being dealt with a nuclear power and a member of the Security Council. It is not realistic to think that through diplomatic fight it will be possible to expel the United Kingdom of the islands. UK is not going to abandon its position in the Falklands because it is the elemental reason that entitles UK to claim its territory in Antarctica. But it is essential to reach the closure of the military base and to achieve a nonaggression agreement with the UK.

On the other hand, UK must leave its position “against any variant of negotiation” and it should begin to assume that the UK can improve finally its relations with Argentina and gain the sympathy of south American people.

### What can hinder the diplomatic rapprochement

The Falkland war of 1982 carried consequences for the people in these countries. In this connection, both Argentine and British nationalists do not want to accept the possibility of success solution to this conflict without confrontation.

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<sup>8</sup> <https://en.wikipedia.org/wiki/Desmalvinizaci%C3%B3n>

<sup>9</sup> <https://en.wikipedia.org/wiki/Desmalvinizaci%C3%B3n>

<sup>10</sup> <http://www.theguardian.com/uk/2012/feb/01/argentina-falklands-economic-blockade>

<sup>11</sup> <http://www.dailymail.co.uk/news/article-3027162/Details-British-base-Falklands-including-ordinates-facilities-runway-information-left-open-public-MoD-website-security-gaffe.html>

<sup>12</sup> [https://en.wikipedia.org/wiki/Falkland\\_Islands\\_sovereignty\\_referendum,\\_2013](https://en.wikipedia.org/wiki/Falkland_Islands_sovereignty_referendum,_2013)

On the one hand, in Argentina a new government came to power. This government is more open to dialogue with all the countries in the world showing the predisposition to the possibility of yield positions. This could be the opportunity of initiate such proposals for peace. However, The outgoing government becoming opposition surely will try to use the “Malvinas” question to mobilize masses against any approaching between the UK and Argentina.<sup>13</sup>

On the other hand, the British diplomacy would not willing to initiate negotiations with Argentina because any attempt of dialogue on Falklands question can be interpreted by British people as political weakness, but not as a rational step that will lead to the peace and to the stability between Uk and the south American countries as a whole. Great Britain must show its political will to cooperate with other countries and contribute to their democratic development.<sup>14</sup>

Falkland question were used already to overcome political crises. Both Galtieri and Margaret Thatcher used it to divert attention from the real problems in every country. New politicians could be the same if the crisis is deepening.

## II -How to prevent a new armed conflict

### Is a new war latent?

In order to understand the behavior of some political actors regarding the Falkland question, it is necessary to understand first the actual world and regional situations. The Arab spring came on the scene unforeseen having caused conflict situations including civil wars. Argentina is not exempt from this situation and a conflict with the UK can trigger an armed conflict.

Argentina is suffering a crisis. During 12 year, the Kirchner administration managed to contain the social discontent implementing social policies and positioning itself as mediation between social classes.<sup>15</sup> To put it another way, Argentina delayed social explosion using its populist rhetoric. Now, the opposition will attack the government using the same rhetoric.

Therefore, the economic crisis could be the triggering factor of a conflict. Then, the *Malvinas* cause can be used against the pro-Western nature of the new government. Under those circumstances, the opposition can attempt to overthrow the government claiming to recover the islands by force or at least causing a political and maybe military crisis in the region. The ideological confrontation with the western is present in every opposition leftist and nationalist political wings.

Should be considered that British economic interests in Argentina have a significant importance. That is why when speaking of conflict, must be taken into account that many British companies are at risk. That implies a probable nationalization (if the government is forced to do it due to the popular pressure) or from below (strikes against the British bosses if the worker unions are led by nationalist unionists). Safely, this confrontation would cause the prompt British answer. Such answer may be executed by military means.

<sup>13</sup> La C mpora”is the most influential political organization actively agitates on the “Malvinas” question and insists in that they belong to Argentina.<http://www.lacampora.org/2014/04/10/charla-malvinas-el-camino-a-la-soberania-en-la-facultad-de-derecho-de-la-uba/>

<sup>14</sup> Western countries including the UK have the higher reputation of democratic countries. It is explained in the MOOC video Visualization: World Map of Democracy. Course Configuring the World: A Critical Political Economy Approach

<sup>15</sup> The concept of “social classes” was taken from the video mooc “Marxism”. School of ideas. Course Configuring the World: A Critical Political Economy Approach



It is essential to prevent a possible conflict whatever it is the magnitude. Any spark could start a war. If this hypothesis becomes real, it is necessary to implement the mediation. The members of the United Nations Security Council could mandate a peace mission in order to avoid any armed confrontation.

In accordance with the above, in order to guaranty the peace in the South Atlantic, four members of the Security Council the United States, France, China, and Russia could perform maritime patrol in neighboring seas to the islands and the Argentinian south regions. This could be a necessary step with the purpose of gaining time. That way could slow down any armed conflict and accelerate the possible negotiations to reach a peace agreement between countries. In other words, the main goal of this peace mission in with would be involved American, French, Chinese, and Russian navies is to avoid any confrontation. The Security Council should discuss this question and try to persuade UK to refrain the use of veto and find a constructive way of conflict resolution.<sup>16</sup>

### The role of some peace missions that could maintain the peace in the region

A large number of peace missions were successful. As an example, it can be cited Russian peacekeepers in Transnistria. Since 1992, this separatist region has guaranteed the peace thanks to the Russian military presence.<sup>17</sup><sup>18</sup>

In Haiti, MINUSTAH since 2004 has prevented the political violence. The military contingent consists of troops from many Latin American countries, United States, France, and Sri Lanka.<sup>19</sup>

UNMOGIP United Nations Military Observer Group in India and Pakistan has supervised the ceasefire between India and Pakistan since 1949.<sup>20</sup>

It is evident that an international mission can supervise the peace in many ways. However, in the Falkland case the goal is to avoid conflict situations on the sea. For that reason the implementation of an international maritime patrol can work as a mean to avoid incidents on sea.

### Obstacles to reaching an agreement

Some opponents can block any proposed agreement considering the next aspects:

First, the main risk to any conflict resolution treated in the Security Council has the risks to be vetoed by the UK if it does not have the political will to advance the negotiation process with Argentina. If the UK is not interested in reaching an agreement considering that such attempt could affect its position in the South Atlantic.

Second, if Argentine nationalists achieve their goal to convince the people that Malvinas must be in Argentinian hands and this slogan is inalienable, it may occur a total mobilization with the people storming the barracks and occupying the Argentine military bases. Under crisis conditions it can lead to a national liberation war.

Third, Argentina could accept this way of conflict resolution with the UK, however if an internal armed conflict emerges in Argentina, the members of the Security Council could not have political willing to intervene directly. The point is that every member has economic and political interests in Argentina.<sup>21</sup>

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<sup>16</sup> MOOC video 6.3 UNSC Current Composition, Course The Changing Global Order

<sup>17</sup> [https://en.wikipedia.org/wiki/Transnistria\\_War#Involvement\\_of\\_the\\_Russian\\_Army](https://en.wikipedia.org/wiki/Transnistria_War#Involvement_of_the_Russian_Army)

<sup>18</sup> It is important to consider Russia as a player in the conflict resolutions.

This Mooc video Russia in International Organizations, Course The Changing Global Order, week 2.

<sup>19</sup> <http://www.un.org/en/peacekeeping/missions/minustah/>

<sup>20</sup> <http://www.un.org/en/peacekeeping/missions/unmogip/>



## Conclusion

The actual conflict around the question of the Malvinas situation affects the islanders. Also, this tension hinders the business development for the British capital in Argentina. Finally, the naval blockade to the Falklands led by Argentina beside some Latin American countries affects any perspective of commercial regional development to the islanders.

Malvinas question can trigger a conflict, whose magnitude are by the moment unpredictable. It can arise in Argentina and it can be extended to other countries. For that, it is necessary to reach the peace and a sustainable policy of understanding between the parties in dispute with the purpose of recovering the trust between the countries.

If both parties Argentina and the United Kingdom reach an agreement that implies the Establishment of political, commercial, and cultural ties between Argentina, the Falkland Islands, and the UK, a sustainable peace and development can prosper in the future leaving behind almost two centuries of confrontation by the Falkland Islands sovereignty dispute. In order to achieve that goal, it is necessary to achieve the BATNA. The best alternative to this diplomatic conflict is mainly two:

In the one hand, in order to achieve normal and friendly relationships it is necessary to achieve the demilitarization of the islands (that corresponds to the UK). Also, Argentina must give up the demand for sovereignty on the islands.

Both Argentina and the UK are democratic countries. If they think of this issue with optimism, a future in peace will be possible.

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<sup>21</sup>China has many projects pending in Argentina. The most ambitious is the aerospace base in Neuquen, <http://www.lanacion.com.ar/1776764-preocupa-a-eeuu-y-a-europa-la-base-espacial-de-china-en-neuquen>

<http://www.falklands.gov.fk/self-governance/relationship-with-argentina/> Relationship with Argentina

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(dr. Sinisa Vukovic) Hosli, Madeleine The Changing Global Order

## 2.3 COLOMBIAN-VENEZUELAN BORDER CONFLICT AND THE ROLE OF INTERNATIONAL ORGANIZATIONS

JUANA VALDERRUTEN BORRERO

### Introduction

Colombia shares with Venezuela its largest frontier. A significant amount of villages and cities from both sides of the border are deeply interconnected. The type of relations built among the border citizens vary from the simplest commercial relations to family bounds. The free transit on the area has facilitated the development of those relationships, on which an important part of the local populations depends. Nevertheless, the frontier between Colombia and Venezuela hasn't been easy to handle, having as a result different border crisis affecting directly the local population.

The Colombian internal conflict has spread its impact to the border countries being detrimental to them in different ways, from increase of violence to the entrance of guerrilla groups upon other countries. Violence has reached most of the towns close to the Colombian frontier, turning the Colombian internal conflict into a regional issue. Ecuador and Venezuela, both Colombia's neighbor nations, have been the most affected peers on the region due to the migration of criminal groups to their frontiers and their association with local criminal organizations, the drug traffic and guerrilla issues, among some other complications. Both countries, especially Venezuela, have also received an important amount of Colombian citizens, civils that have migrated in order to find a better future outside Colombia.

On the other hand Venezuela is currently facing many economic difficulties as a result of the economic policies implemented by the government. Under the socialist presidencies of Hugo Chávez and Nicolás Maduro and until the end of 2013 more than 4000 enterprises<sup>1</sup> were closed in Venezuela, and in the last two years this number has substantially increased. The shortage on a long list of products has brought the Venezuelan population to even fall into food traffic, importing some of this almost absent goods from the Colombian border. The economic crisis in Venezuela has strong devaluated the value of the local currency making the Venezuelan stores more attractive to Colombian buyers in the frontier towns, what bothers especially the socialist regime of Nicolás Maduro.

The latest episode of this tense border relationship, started with the expulsion of hundredths of Colombians who were living in Venezuela since the closure of the mutual border near the Colombian city of Cucuta in August 2015 ordered by the Venezuelan government. According to President Maduro this measure responds to the presence of Colombian paramilitary groups on Venezuelan ground. Since then over 22.000 Colombian citizens have left the Venezuelan territory some of them expelled (about 2000) and the rest avoiding the expulsion, fearing the loss of all their belongings and the separation of their families. However, lots of families were separated, their houses were marked with letters, in order to recognize them and demolish them in most of cases. The Colombian citizens who were being expelled were not allowed to take anything with them being compelled to leave everything. Of course the frontier crossings were closed by Venezuela, affecting the frontier population in many different ways. These facts triggered one of the most difficult binational crises.

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<sup>1</sup> Infobae (2013): Venezuela: cerraron 4.000 industrias en los últimos diez años de gobierno chavista. Link: <http://www.infobae.com/2013/11/28/1527122-venezuela-cerraron-4000-industrias-los-ultimos-diez-anos-gobierno-chavista>



Since regional organizations are emerging as important diplomatic organisms, not only in America but all around the world and their involvement on peacekeeping should be a constant, the role of regional organizations for this specific type of issue going to be the center of this analysis. In order to address this topic there are two main questions to be answered: How could regional organizations help to solve the conflict and what are they actually doing?

### How could regional organizations help to solve the conflict?

There are many different international organizations that work on the Latin-American region, however for the matters of this paper the focus will be set on the regional organizations, which are also international organizations and share responsibility in maintaining peace among their influence area. Even if this focus reduces the amount of organizations to be considered for this analysis, there are many different regional and sub-regional organizations. In order to make it more specific only two of them are going to be analyzed; they are the most active and relevant for the present paper: Unasur and the OAS, which have both countries as members and because of their relevance in the region.

The OAS (Organization of American States) is a **regional organization with general purpose**<sup>3</sup>. This organization is the oldest regional organism on the world. Its beginning dates from 1889 when the first American International Conference took place. Its members are the 35 independent states of America, today including Cuba, who was excluded from 1962 until 2009.<sup>4</sup> The function of this organization as forum to the American states is well known and even reinforced by the second article of the OAS charter where the maintenance of peace and the cooperation of the member states in order to solve peacefully any kind problems are fully specified.

On the other side, there is the UNASUR, (Union of South-American Nations) existing since December 2004 due to the interest of the member states on finding accurate measures to guaranty the energy supply at the region<sup>5</sup>. It is a **sub-regional general organization** which combines very different functions. UNASUR is the result of the union of two sub regional organizations: the Andean Nations Community and the Mercosur. The structure of this organization entrusts as highest authorities the presidents of the member nations, being then lead according to the

<sup>2</sup> Photo taken from Infobae under the following link: <http://www.infobae.com/2015/10/06/1760559-colombia-ratifico-la-corte-penal-la-haya-la-denuncia-contr-nicolas-maduro>

<sup>3</sup> Fleet, Julian (2015): *Taxonomy: Different ways to classify organizations*. In: *Week 1: Introduction to International Organizations*.

<sup>4</sup> OAS's webpage. Link: [http://www.oas.org/es/acerca/quienes\\_somos.asp](http://www.oas.org/es/acerca/quienes_somos.asp)

<sup>5</sup> Unasur's webpage. Link: <http://www.unasursg.org/es/historia>

political position of the mandataries. A neutral and unbiased decision making process is highly unlikely. However, among all the social and economic principles of this organization, the first of all is to enhance and promote the communication between the member states and the union between them<sup>6</sup>. This organization is the most relevant debate **forum** for the South American regional politics.

So having shortly exposed the principal actors of the conflicts and the most relevant regional organizations, the ideal intervention of the regional organizations will be analyzed by using the conflict resolution theory exposed on the first course of the specialization.

During **the Changing Global Order** MOOC, Dr. Vuković explained the accuracy of negotiation in conflicts that escalate fast. Through negotiations the construction of peace tends to be more durable and stable, since both sides of the conflict “work together to gain something that is unavailable to them through unilateral actions” (Vuković, 2015a). In order to find the common goal to be reached both parties should find through a process what is called **competitive bargaining** the **Zone of Possible Agreement**. The best possible solution comes when both parties can agree on how much they would renounce to in order to find a peacefully solution to the conflict but still winning one their principal objectives.

Applying this theoretical frame to the conflict between Colombia and Venezuela, it is important to know what both parties are expecting to achieve at the end of the conflict. Venezuela is looking for more economic control on the border region and to improve significantly security on this area. Colombia on the other side is trying to protect the civil Colombian population living in Venezuela, but security is also an issue of concern.

Applying the concept of **Collaborative Problem Solving**<sup>7</sup>, which states that instead of addressing all of the issues at the same time both parties concentrate in solving them one by one, the intensity of the conflict could decrease. Since humanitarian issues are priority, the first issue to be solved and addressed should be the massive deportation of the Colombian civilians from Venezuela and the closure of the frontiers, but this last one is an aspect on which Venezuela would hardly give in.

It is always important to have the possibility to bring both parties to negotiate. The fact is that the Venezuelan government was not much willing to change its operation modus. This is when a mediator comes to scene. Since one of the parties is still favoring the violent option before the negotiation, a mediator is called to intervene in order to bring both parties to negotiate turning it into a **multi-party mediation**<sup>8</sup>.

According to the scholars Bercovitch and Su-Mi there are different types of mediation, all of them with different methods but with the same goal: to end the conflict. Since this conflict involves two governments, the mediation I propose would be the international mediation. It “refers to activities conducted by various international actors with the aim of managing international conflicts on interstate and intrastate levels”<sup>9</sup>. Dr. Vuković explains who can be possible mediators in this kind of conflicts, saying that other states, NGO’s, individuals or international organizations could perfectly fit in. Since both of the countries involved in conflict are members of some organizations at the same time, and since these organizations focus on the region, it would be logical to invite these organizations as mediators and use their forums to discuss the issue in order to search for a convenient solution to it. The OAS (Organization of American States), the UNASUR (Union of South American Nations) or even the United Nations could be useful mediators, which of course should not fall into partiality.

<sup>6</sup> Unasur’s webpage: <http://www.unasursg.org/es/objetivos-especificos>

<sup>7</sup> Vuković, Siniša (2015a): 3.2 Negotiation

<sup>8</sup> Vuković, Siniša (2015b): 3.3 Multi-Party Mediation

<sup>9</sup> Vuković, Siniša (2015b): 3.3 Multi-Party Mediation

Since some regional organizations are interstate ones, they have the faculties to take action on these matters and their intervention due to its responsibility with the neighbor countries. This kind of mediation (international mediation) is intended to be a “voluntary and a non-coercive form of conflict management”<sup>10</sup>. These mediators are supposed influence the dynamics of the negotiation process by proposing solutions to resolve the conflict. According to the definition given on the course “international mediation refers to activities conducted by various international actors with the aim of managing international conflicts on interstate and intrastate levels”<sup>11</sup> in other words what the regional organizations like the OAS, Unasur or CELAC can be, if they are willing to contribute.

For a case like this the suggested strategy would be the one called **persuasion**<sup>12</sup>, because it involves the mediator not only as communication facilitator but also involving him in the process, allowing him to propose and develop creative solutions to the crisis. The OAS and Unasur, for example, should commit on this kind of conflicts using this methodology, because it doesn't impose anything to the parties, but allows both of them to participate actively in these peace building processes. Their role as mediators helps to bring the conflict to an end but also to reinforce their presence and relevance.

### What are the regional organizations doing to help solving the conflict?

The previous point of this paper exposed the methodology presented by the conflict solving theories, but how close are really praxis and theory? According to the before mentioned information an active and engaged participation of the OAS and Unasur is to be expected, but the reality differs largely from the theory.

Because of this last crisis, the Colombian government searched for the backing of the fellow members of the OAS. This organization, the oldest American regional organization, usually served as forum for this kind of situations but on the last decades it has been continuously losing its relevance. Pretending to bring the crisis to a diplomatic end, Colombia asked the member states of OAS to convene a meeting of all ministers of foreign affairs from the member countries in order to search together for a solution to the conflict. This request was denied after a voting which widely reduced the possibility of a collaborative action of the international organisms<sup>13</sup> on this case.

This border conflicts between Venezuela and Colombia are not new, and there has been looked for a peacefully solution, but they have not been durables. Treaties, conferences and other different groups emerged to control the border situation, but it seems to depend on the national interests of each country or the personal one of the current presidents. The political polarization of South America has divided the subcontinent creating sub groups between the member states of Unasur, like the one leaded by Venezuela and followed by Ecuador and Bolivia representing the left wing of the regional politics, the more moderated left oriented countries are the biggest group and on the other side tending more to the right wing is Colombia. The influence of Venezuela because of its oil reserves and its role as leader of the new left idealists plays against Colombian interests on the regional scenario.

So what are these regional organizations for? The role of the OAS on this last episode of the crisis reinforces the statement of the loss of relevance and legitimacy of this organization. Its principles and goals vanish among the new strings of the leaders of the regional politics. But on the other hand, in past crisis episodes between Colombia and Venezuela the UNASUR has managed to help solving the differences through the diplomatic way. Different articles expose the importance of this international organization as a mediator for the different conflicts that occur between the South American countries, even more than some older organizations like the OAS.

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<sup>10</sup> Vuković, Siniša (2015b): 3.3 Multi-Party Mediation

<sup>11</sup> Vuković, Siniša (2015b): 3.3 Multi-Party Mediation

<sup>12</sup> Vuković, Siniša (2015b): 3.3 Multi-Party Mediation

<sup>13</sup> El País (2015): Colombia sufre una derrota diplomática en la crisis con Venezuela. Link: [http://internacional.elpais.com/internacional/2015/09/01/actualidad/1441131209\\_289207.html](http://internacional.elpais.com/internacional/2015/09/01/actualidad/1441131209_289207.html)

Unasur has served as a forum and as an actor on the last crises. According to the information of the courses, some international organizations can combine the three aspects (forum, actor and resource). Most of these regional organizations start by being a **forum**, being this the most basic of their functions and one of the key aspects for formal interstate organizations<sup>14</sup>. Becoming an **actor** includes capacity of action and legitimation of the community for the decisions taken on the organization<sup>15</sup>. But when international organizations are seen as **resources** “rather than as solutions to problems helps emphasize some limits on their own power and usefulness” (Hurd: 12). This means that international organizations are to be used according to the benefits that they could bring to the parties of the conflict, or to one of them. Applying it to the paper’s issue, the participation of regional organizations like the OAS was not going to be favorable for Venezuela, so the coalition led by the Venezuelan government opposed to the foreign affairs minister’s meeting.

As exposed on the last course of this specialization, **trust** plays an important role on relationships. According to the scholar Guinane “trust implies a three-part relationship involving at least two actors and one act: I trust specific individuals or specific institutions to do specific things” (Guinane 2006: 5). It is not about how trustworthy regional organizations are, but how much can the member countries trust them that they would achieve a certain goal. Corruption, the biased organisms and the social fragmentation of the population have brought the local community of both countries to develop a very significant lack of trust on their institutions.

According to the data index provided by the course, the values of trust in Latin America, not only Colombia and Venezuela are very low, becoming one of the biggest obstacles to achieve any kind of real integration between the South American countries and compromising the durability of any kind of agreement. The population doesn’t trust the government and governments have as well trust issues with the regional organizations. As it can be seen on the graphic, none of these countries has good levels of trust, but especially Colombia which has the lowest. This lack of trust transcends to the diplomatic sphere. Even if the diplomatic relations and integrations in Latin-America are not close to really achieve a significant supranational organization, the idea of having Unasur and OAS responds to the need of congregation and to have an organism to dialog, to mediate, and to bring them closer. If these main goals are failing to be achieved, trust on these organizations decreases.

	A	B	C	D	E	F
	Country	Country iso Code	Region	Trust (0-150)	Year of trust index	Source of Trust Index
10	Argentina	ARG	South America	40,4	2010	World Values Survey Wave 6 (2010-2014)
26	Bolivia (Plurinational State of)	BOL	South America	48,8	2008	Latinobarómetro 1995-2008
29	Brazil	BRA	South America	17,5	2008	Latinobarómetro 1995-2008
42	Chile	CHL	South America	27,2	2011	World Values Survey Wave 6 (2010-2014)
44	Colombia	COL	South America	8,9	2012	World Values Survey Wave 6 (2010-2014)
59	Ecuador	ECU	South America	14,5	2013	World Values Survey Wave 6 (2010-2014)
57	Falkland Islands (Malvinas)	FLK	South America	n/a	n/a	n/a
71	French Guiana	GUF	South America	n/a	n/a	n/a
37	Guyana	GUY	South America	n/a	n/a	n/a
64	Paraguay	PRY	South America	22,7	2008	Latinobarómetro 1995-2008
65	Peru	PER	South America	17,9	2012	World Values Survey Wave 6 (2010-2014)
01	Suriname	SUR	South America	n/a	n/a	n/a
25	Uruguay	URY	South America	37,1	2011	World Values Survey Wave 6 (2010-2014)
28	Venezuela (Bolivarian Republic of)	VEN	South America	48,5	2008	Latinobarómetro 1995-2008

16

<sup>14</sup> Hurd, Ian: Theorizing International Organizations: Choices and Methods in the Study of International Organizations, p. 10.

<sup>15</sup> Hurd, Ian: Theorizing International Organizations: Choices and Methods in the Study of International Organizations, p. 9.

<sup>16</sup> Configuring the World Database Week 2



## Conclusion

The role of the regional organizations on the recent Colombian Venezuelan crisis allowed to see the not only how politicized this organizations are but also how some of them like the OAS can't even achieve the most basic commitments as an international organization: to serve as a forum. The relevance of Unasur is rapidly growing on the region because of its active participation on the regional scale, contrary to the passiveness of the OAS. Even if these organizations have different goals and the expected results differ according to the situation, it is on the principles of both organizations the disposition to serve as conciliator in case of crisis and to maintain peace. Nevertheless it was also exposed that over the regional organizations aims are the national interest which prime over any other commitment to the organization and smaller alliances still have an impact on the decision making process on regional issues.

The mistrust between South American countries is an obstacle to achieve a real regional integration, and since these organizations are interstate ones, the lack of trust on them is widely spread among the population.

In order to solve the crisis definitely regional organizations should commit as neutral mediators who help maintain peace between member states making use of all the tools they have as international organizations and as important institutions on the regional scene. Their relevance is closely tight to the power and relative autonomy they show to the population. Exactly because of that is that being simple observers decreases the influence these organizations can really have in the region.

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## 2.4 NEGOTIATIONS WITH FARC: IS IT THE BEST PATH TO A LONG-LASTING PEACE IN COLOMBIA?

PAOLA L. ARBELAEZ

(\*The concepts seen in the courses have been put in bold for easier identification)

The Colombian government and FARC (*Fuerzas Armadas Revolucionarias de Colombia*) have been holding peace talks in La Havana, Cuba since 2012. Among other previous attempts, this **negotiation** carried out by the current Colombian president Juan Manuel Santos, seems to be the one that will bring the peace to the country. As of right now, as it is mentioned in September 2015 on BBC news (1), both parties have reached an agreement on four points<sup>1</sup> from the six included in the agenda and they have set up a deadline on March 23th, 2016, for a final document to be signed.

Even though the peace talks seem to be going well, there is still a long way to go. Issues that still need to be disclosed and enormous challenges coming together with the signing of the peace. Being that said, the purpose of this paper is to determine why this negotiation may be successful compared to previous attempts that failed, and finally, what are the challenges of a post-conflict era.

**To configure** the complexity of this conflict, it is important to start with its origins. FARC was formed in 1964 with a clear **Marxist ideology**. However, as time passed on, it evolved into a large criminal and terrorist group that completely lost its original philosophy. As Peter Walker explained, “*while it emerged in 1964 among peasant activists as a Marxist-inspired group fighting for social equality, its critics say it has evolved into little more than a large criminal gang centered around the drugs trade, kidnapping and extortion*” (2).

After the death of the biggest capo in the history of Colombia, Pablo Escobar, in 1993, the existing armed groups in Colombia, among which the FARC has remained as the largest and strongest, took over the drug business. In addition to the current drug trade, the FARC has perpetuated several actions involving the violation of human rights such as persecution of civilians, tortures and massacres in villages, kidnapping of police force, civilians and politicians, numerous extortions in different and diverse regions of the country, and forced displacement of hundreds of people.

To give a clearer idea of the extend that this armed conflict has had in Colombia, it may be helpful to **configure this conflict** by considering the number of victims that it has left after more than 50 years. According to the Historical Memorial Center, the Colombian conflict has left 220,000 deaths, 80% of them civilians, 25,007 missing people, 5.7 millions of refugees, 1,982 massacres, 27,023 kidnapped people, 1,754 victims of sexual abuse and 6,421 cases of

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<sup>1</sup> The four points are: land reform, political participation, illegal drug trade and the option of amnesty within the concept of transitional justice.

forced recruitment, which includes an alarming number of children (3). However, it is important to note here that the FARC is not the only responsible actor of these horrific numbers. As the Colombian conflict is a multilateral one with numerous actors into play, it must be said that there are other armed groups that are equally responsible of the numbers showed above, such as the guerrilla group ELN (Ejército de Liberación Nacional) and the paramilitary groups<sup>2</sup>.

As mentioned before, after three failures alongside history in the attempt to reach a negotiated solution, the FARC and the Colombian government are currently engaged in a **negotiation**. They formally started in October-November 2012 in Oslo after having completed some other unofficial encounters before, in which both parties eventually agreed to give dialogue a try. As of right now, the peace talks are being held in La Habana, Cuba, with the two committees and no official international **mediator**. However, representatives of the Cuban and the Norwegian government have been acting as '*guarantors*', and the Chilean and Venezuelan governments have been also present in certain moments of the negotiations to '*accompany*' the process (4).

But what are the two parties expecting from these peace talks? On the side of the Colombian government, the main goal with this negotiation is to bring peace by disarming the FARC and putting an end to violence. The government also wants to put an end to the international drug trade and business, in which the FARC plays a significant role as producer and provider. Thirdly, they are interested in bringing restitution to the victims of the conflict, whom includes relatives of the people that have died and the numerous refugees left without a place to live. On the other hand, what the FARC is looking for is a fair distribution of the land, that is, a solution to the agrarian problem that has existed in Colombia for a long time. They also expect to be able to participate in an active way in the Colombian political arena and not to face jail time for crimes falling under the category of political crimes. Instead, they are aiming for amnesty and pardon (5).

As we have seen in the course **The Changing Global Order**, **negotiation** is one of the most essential tools in conflict resolution for the termination of violence. This important concept has long come and gone within Colombian policy-making and governmental decisions. Some previous presidents believed that this was **the best alternative** to end the armed conflict with the FARC but did not succeed in their initiatives for many different reasons. Other presidents, such as Alvaro Uribe Velez, believed that **coercion** and direct **military force** would be enough to solve this armed conflict. Even though we cannot deny that during his presidency, the FARC was minimized and weakened, the

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<sup>2</sup> Paramilitary groups in Colombia are right wing armed groups that claim to act against the guerrilla groups. They were originated in the 70s as a response to fight back the guerrilla groups due to the inefficiency of the Colombian government to end the proliferation of the guerrilla groups. In the 90s, paramilitary groups took over a significant part of the drug business left by the big cartels and since then they have been directly involved in the international drug trade. They have been also responsible of numerous massacres, forced displacement, extortions, tortures and numerous terrorist acts against civilians, who unfortunately have become the preferred target of both left and right wing armed groups.



conflict was far from over at that time. Consequently, the current president Juan Manuel Santos managed to bring back the concept of *negotiation* into the presidential agenda.

But why may this current attempt be successful compared to previous attempts? What makes these peace talks different from the others? To start with, one could highlight the professionalism and experience of the current team of negotiation chosen by the current government. Not only they have been able to bring the guerrilla back to the table of negotiations, after so many failed attempts, but they also have been able to maintain these negotiations alive throughout *successful strategies*.

The first strategy that is worth mentioning is the choice of a neutral place to hold the peace talks. In previous attempts, the negotiations were carried out within the country, often in areas where the guerrilla dominated and operated, as it was seen in the dialogues held during the government of Andrés Pastrana (1998-2002). Holding the negotiations in El Caguán was probably one of the biggest mistakes made by Pastrana's administration. There were two main reasons behind this. First, this area was known to be dominated and controlled by the guerrilla and second, the government agreed to completely demilitarized the zone, giving the guerrilla even more local power. Consequently, the guerrilla knew how to take good advantage of all the concessions given and managed to manipulate the peace talks as they pleased. The governmental concessions together with the lack of a genuine interest from the guerrilla towards peace eventually caused the negotiations to fail.

The presence of *international and transnational actors* has also affected positively the dialogues. As Adrian Anselma explains, in previous attempts Colombia was reluctant to accept the *international community* as an actor. Fortunately, this changed when the concept of *internationalisation of peace* was first introduced by the Pastrana administration through the creation of the Group of Friends for Peace and the appointment of a Special Adviser to the UN Secretary General. During the current peace talks, both committees have welcomed the assistance of third parties, which has been beneficial overall and fundamental in some stages of the negotiation. For example, when discussing what is probably the most emotional and controversial issue, which is the restitution to the victims, *the intervention of third parties*, both national and international, helped mitigate conflict and facilitate a smoother communication (7). According to Anselma, in some of the most recent stages of the negotiation, Norway and Cuba, the sponsor countries, have asked the *UN* and UNASUR “to monitor and verify both sides’ efforts to deescalate the violence”, and “have appointed former Uruguay Defense Minister Jose Bayardi to accompany the negotiations” (6).

External and circumstantial factors have also positively contributed to the upholding of the peace talks. The president Santos is currently negotiating with a weaker guerrilla that lost a tremendous amount of their military force and some of their most important military and ideological leaders during the two governmental periods of ex president Alvaro

Uribe. In previous negotiations, the Colombian government had to negotiate with a very strong and self-confident guerrilla that was in a very different position and did not have a genuine intention to end this conflict through a dialogue.

However, the negotiation team has also applied strategies with some counter-productive results. For example, the decision of holding the peace talks behind closed doors has brought positive and negative consequences. On one hand, both parties have been able to talk and express their opinions freely without the pressure that a direct broadcast may represent. On the other hand, the absence of the media and the lack of coverage in such a transcendental event have contributed to create a rupture between the government and the population. Some sectors of the population have expressed mistrust and uncertainty towards the events in La Habana precisely because the dialogues are not being broadcasted.

Ultimately, the negotiation team has been aware that the Colombian conflict has a multidimensional nature and then needs multidimensional solutions. For that, they have managed to combine **different types of mediation strategies** in different stages of the negotiation, which have proved relatively successful so far. However, signing the peace is just the beginning of a very long and delicate journey with several challenges down the road. Right after the peace is signed, the first immediate challenge to be faced is the referendum. As sign of **good governance**, in an attempt of including all Colombians in the decision making on the peace deal, the president Santos has stated that a plebiscite will be set up right after the peace talks end and a final document is signed. The goal is to give all Colombian citizens a fair chance to express their agreement or disagreement with the resolutions of the final deal, by voting yes or no to a single question. If Colombians vote yes, then this will give the peace the legitimacy needed to move forward into a post-conflict era. On the other hand, a 'no' will bury the chance of a genuine possibility of peace and all the efforts made by the current government.

Consequently, another challenge that requires immediate attention is the current polarization among the Colombian citizens between those who support the peace talks and those who are against them. A significant part of the population has been very critical to these peace talks mostly due to the perception that the guerrilla is not being honest about their real intentions and to the concessions given by the Colombian government to them. Within the most controversial concessions, it is important to mention the transitional justice and the political participation. Under the concept of transitional justice, political crimes will be eligible for amnesty and pardons, since the FARC has been very clear in never accepting jail time for acts that they consider a "legitimate fight against the state". This formula is based on the possibility for the guerrilla to avoid jail time if they accept responsibility for their crimes (8). Other crimes related to the conflict will be judged throughout special tribunals, with international judges, members of the FARC,



state agents and representatives of non-combatants. Immediate confession will give the guerrilla the opportunity to get reduced sentences (8).

The possibility for the guerrilla to actively participate in politics and democracy is a thorny topic that seems not to be accepted by a lot of Colombians, who are afraid that this will eventually lead the country into the same critical situation that Venezuela faces. The fear caused by such misconception is having a negative effect on the referendum for the peace as many Colombian citizens claim that they are not voting in favor of it. The strongest advocate of the opposition is the ex president Alvaro Uribe, who has engaged in a harsh campaign against the negotiations and president Santos's initiatives to reach the peace. His emphatic perception of the FARC as a **terrorist group** who lacks any legitimacy to be part of a negotiation has been broadcasted long enough -since his presidential period- to leave a significant mark within the public opinion and to cause a delicate polarization that lasts until today.

Another important challenge is found in the **concept of trust**. As seen during the course Configuring the World, the trust that the members of a society have in its institutions is the 'glue' that holds that society together. Without any trust, a society cannot function. Sadly, the concept of trust in Colombia has been totally eroded due to the sharp corruption and the long-term violence. People don't trust their representatives in politics nor the institutions; people don't feel protected or served by them. The lack of institutional trust within a society brings about a **fragmentation** that threatens the proper functioning of a democracy. In Colombia's case, the historical absence of governmental institutions and state presence in the countryside led to the isolation and oversight of a significant vast territory of the nation, which in turn, gave enough leverage to the armed groups to have one legitimate cause to rise.

Despite the past, both committees can take the peace talks as a platform to build new bridges of trust. The challenge ahead lies in the **reconfiguration of the individual, the social and the institutional trust** of a nation that should be aimed to recreate **identities** that fully accept and tolerate **the other**. In the post-conflict era, Colombians need to configure a society that enhances its diversity and respect and tolerates its plurality.

The reintegration of the members of the guerrilla into the civil society is another significant challenge that comes after peace is reached. Former combatants must definitely get psychological assistance to assure a smoother social integration and get vocational training so they can be productive to the national economy (9). On the other hand, other Colombian citizens must also get educated about how this type of processes work so they learn how to accept and welcome these ex combatants back into society. Reintegration is an unavoidable challenge that needs to be taken seriously in order to prevent that insurgence forces rise up again due to frustration and/or isolation.

The peace comes with a high cost, not only social and political, but also economical. The funding of the peace is another fundamental challenge to be taken into account. The country needs to have enough resources to deal with all the resolutions reached in the peace talks but also to start the reconstruction of the nation in the post-conflict era. As the ex senator Roy Barreras stated, major investment is needed in many different fields such as land distribution, agriculture and local governments, which will approximately cost the government 45 billion dollars over the next decade (10).

Beyond the peace, the government has the responsibility to address many deep and old structural issues that have been historically unattended and have fueled directly or indirectly the culture of violence. Issues like **unemployment**, **poverty**, political and socioeconomic isolation of the countryside, **institutional corruption and income inequality** need to be addressed urgently in the post-conflict era to avoid future social tensions<sup>3</sup>.

On the other hand, of course it is expected for the peace to also bring positive outcomes. For example, the Colombian Research Centre predicts that a peace deal would "strengthen formal employment, hasten poverty reduction and improve quality of life" (10). Furthermore, some experts believe that the peace would bring a generalized confidence that would boost the foreign and local investment, creating then new sources of income and new opportunities.

Following the concept of **constructivism** –seen in the class The Changing Global Order- where social reality is constructed, the post-conflict era comes as a new opportunity for the nation to rearticulate a more plural, tolerant and inclusive **civil society**. A civil society that welcomes different ideas represented in different political parties and that demands active participation of sectors long forgotten such as peasants, ethnic minorities, indigenous groups, educators, philosophers, scholars and small local businesses.

Lastly, the role that **the international organizations** can play in the construction of the peace must not be overlooked. Just as the **international and transnational actors** have proved an important role during different stages of the peace talks, they can also provide assistance in the maintenance of peace during the post-conflict era. For example, as A. Williams states, **the Peace Building Architecture Commission** can help countries into the transition from war to peace (11). Nowadays, it is undeniable that a successful peace process will need international support and this may be the only chance to do it. At the end, as Secretary General Ban Ki-Moon states, *"building peace is about much more than ending war. It is about putting in place the institutions and trust that will carry people forward into a peaceful future. We often have a limited window of opportunity in which to do this"* (12).

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<sup>3</sup> As mentioned by V. Buschschluter in BBC, *the 2012 World Bank figures* showed Colombia as the seventh most unequal country in the world, with similar levels to the ones found in Haiti and Angola, and with 32.7% of poverty levels.

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## 2.5 TAIWAN STRAIT ISSUE OR DESCRIBING RELATIONSHIP BETWEEN PEOPLE'S REPUBLIC OF CHINA AND REPUBLIC OF CHINA

TEMIRLAN MUKASHEV

### Abstract

Conflict between the PRC and the ROC has potential serious impact on future not only China but also on future the whole East Asia region, because conflict is part of relations PRC and USA. Today two countries are most economic powerful states in a world, some journalist and politician threats that it can lead to third world war or big clash states with many victims. Solving of this issue should be guaranteed in peaceful without using arms.

Agreement in this work will be use just abbreviation ROC and PRC

### Introduction

Why does independence of Taiwan affect on China.

Causes:

1. It can lead to reducing control over territory of Macao and Hong Kong.
2. It is important water enters in world Pacific Ocean regions.

History and causes of issue.

Periods:

1. From 1949 to beginning 1970s

Taiwan conflict has a big history from 1949 to our days. It begins with escaping of government of Chiang Kai Shek to Taiwan Island

Mutual defense treaty was signed 2 December of 1954 between ROC the USA. In this document is told about guarantees of USA from attacks the other countries.<sup>1</sup>

30 July 1955 prime minister of the PRC Zhou Enlai declared, that the Taiwan issue is the internal case of the PRC and this case wasn't related to "5 principles of peaceful coexistence"<sup>2</sup>. Also he noticed that, if the USA will not influence on internal affairs of the PRC, they can unify in a peaceful way and negotiate between local and central governments.<sup>3</sup>

130 different consultations, negotiations between the PRC, the ROC and the USA took place from 1955 to 1970.<sup>4</sup>

2. From 1970s - to 1990

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<sup>1</sup> <http://www.taiwandocuments.org/mutual01.htm>

<sup>2</sup> <http://www.zhouenlaipeaceinstitute.org/en/five-principles-of-peace-2/>

<sup>3</sup> Zinoviev G.V., 2006, "History of Chinese-American relationship and Taiwan issue"

<sup>4</sup> Zinoviev G.V., 2006, "History of Chinese-American relationship and Taiwan issue"

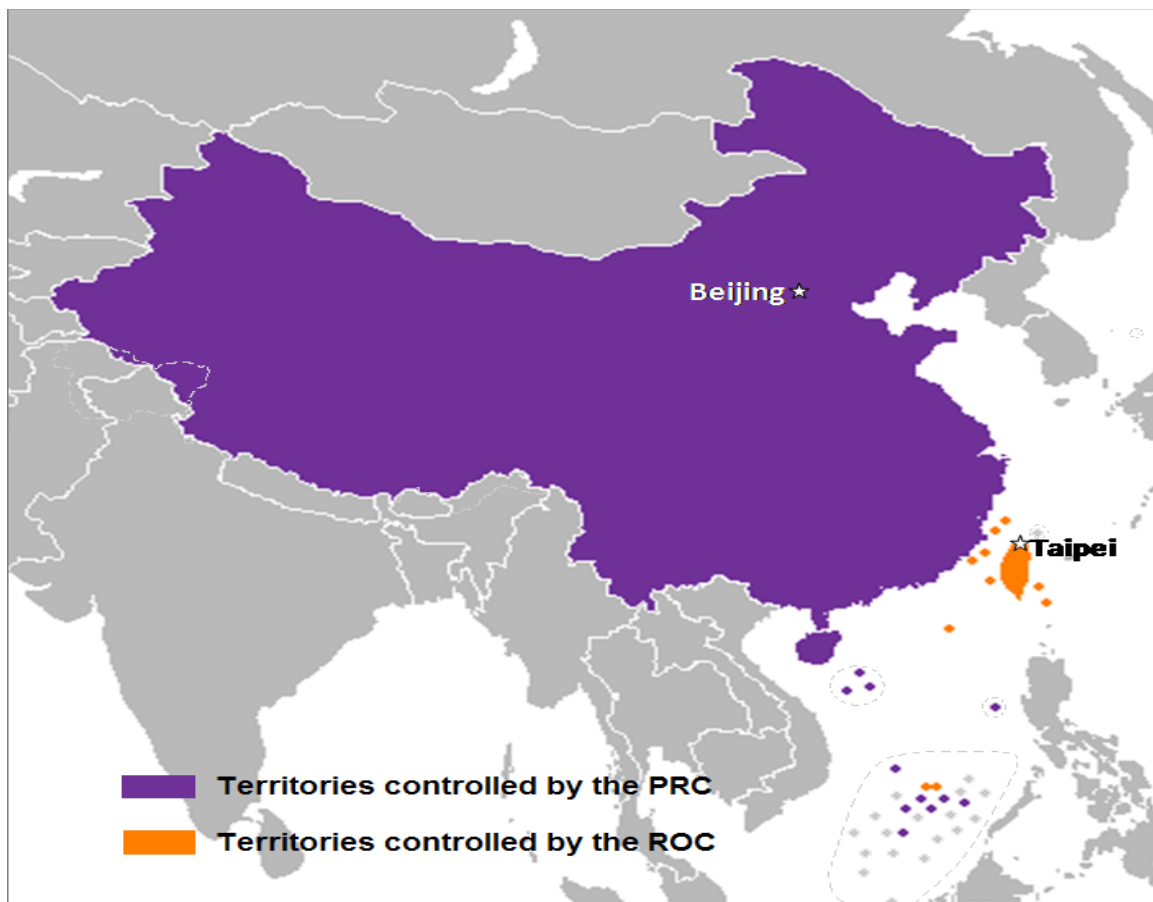


The period is characterized with recognition of the PRC in international area, and establishing relationship between the USA and the PRC. This period emphasized with rising of role of the PRC in economic and international area. Deterioration of relationship between the PRC and the USSR lead to started negotiation between the USA and the PRC.

25 October of 1971 with the resolution 2758 PRC was recognized as representative's only lawful China to United Nations.<sup>5</sup>

In 1972 Richard Nixon has travelled to China, and, as a result, Shanghai Communique was signed. In this document U.S. acknowledged that there is "One China and Taiwan is part China". Diplomatic relationship between the PRC and the USA was reestablished on the January of 1979.

1984 Deng Xiaoping declared famous "One China, Two systems". He suggested this principle as principle of considering Taiwan, Hong Kong issue as special parts of the PRC.<sup>6</sup>



### 3. From 1990s – 2000s

A Tiananmen Square protest of 1989 was put down by the PRC Government with the armed forces decrease relationship the PRC with other world. After the riot, relationship between the PRC and the USA deteriorated. The

<sup>5</sup><http://daccessddsny.un.org/doc/RESOLUTION/GEN/NR0/327/74/IMG/NR032774.pdf?OpenElement>

<sup>6</sup> <http://www.china.org.cn/english/features/dengxiaoping/103372.htm>

PRC Government showed how they can solve their intranational problems with cruel suppressing of rebels. It, also, showed that, the PRC can use armed forces to solve Taiwan issue. The Government of PRC not to guaranteed of using their troops to solve it.

The president of the ROC Lee Teng-Hui formulated his famous "Special State-to-State" relations. In this thought he mentioned, that ROC has own government and "they designate to as nation-to-nation or state-to-state ties rather than internal relation in a concept of One China"<sup>7</sup>.

In 1993 the PRC Government declared "the One-China Principle and the Taiwan issue" of the PRC "White paper".<sup>8</sup> White paper is a document which it is clarifying Taiwan issue and reunification of China. There declared, that "Taiwan is inalienable part of China" and also denied "two Chinas", "one China, one Taiwan" and "one country, two governments".<sup>9</sup>

The next President of Taiwan Chen Shui-bian in his Inauguration Speech formulated "Five Noes"<sup>10</sup> principle.

During period of leaving Chiang Kai-Shek from mainland China to Taiwan acquire their own Government, President, election systems and other governmental structure and they had new economic and political view of thinking. Taiwan today has different from mainland China political system and population of Taiwan has other identity.

This period can be characterized by constant tensions and fluctuations between two sides of strait. As an illustration "anti-secessionist law" of the PRC, which was ratified in March 2005, in response to opportunity of referendum in Taiwan? On the one hand from 2000s the PRC was ramping up their troops and arms and U.S. heightening their arms selling to Taiwan in order to deter China's rising and they also elaborated different plans to discourage of invasion PRC. These fluctuations explain with changing their policies and with attempts existed "status quo" violation. Despite attempts of convergence U.S. with creating new global leadership format "G2" with China by leading of U.S., this attempt was failed.

Another difference is that Taiwan Government is started consider real possibility to declare of referendum. The evidence is different principles, thoughts of Taiwanese leaders concerning situation with independence.

After Presidency of Chen Shui-bian in 2008 Ma Ying-jeou became the new President of Taiwan.

## 2. Main part

### First argument – Commons and Challenges.

#### Trade and Identity.

Ma Ying-jeou chose another policy of converging with PRC on the basis of "three noes", which sound like no independence from China, no unification with China and no solving differences by arms.<sup>11</sup>

Ma's policy of convergence is based on his five points such as "establish a cross-strait hotline between senior officials to avoid misunderstanding" or "continuing broaden exchange" between two countries.<sup>12</sup> Ma's proposal

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<sup>7</sup> [http://csis.org/files/media/isis/programs/taiwan/timeline/sums/timeline\\_docs/CSI\\_19990709.htm](http://csis.org/files/media/isis/programs/taiwan/timeline/sums/timeline_docs/CSI_19990709.htm)

<sup>8</sup> <http://www.taiwandocuments.org/white.htm>

<sup>9</sup> <http://www.china-embassy.org/eng/zt/twwt/White%20Papers/t36704.htm>

<sup>10</sup> <http://fas.org/news/taiwan/2000/e-05-20-00-8.htm>

<sup>11</sup> <http://www.reuters.com/article/us-taiwan-election-ma-idUSTRE80D0ID20120114#zkske76UvhorWzS8.97>

was accepted by Hu Jintao under conditions that Taiwan admitted so-called “Consensus 1992”, which declared “One China and Taiwan is part of China”. Paradox is that this consensus not defines what government a central or a local is but it gives China guarantees of not holding independence referendum.

Henceforth, trade between China and Taiwan reinforced and tourist's flows from China sharply increased till 7 million people in terms of 2 years. It harms to ambition of U.S. to deter China with surroundings China by military base on big area.

Consequently, China and Taiwan agreed and signed the Economic Cooperation Framework Agreement (ECFA)<sup>13</sup>. This document comprises 5 chapters and 16 articles are aimed to boost trade with reducing tariffs and commercial barriers. It also directed to deepening cooperation and linking between two states.

Particularly, direct exchange Taiwanese dollar to Chinese yuan was invaded. In 2011 the program “Early Harvest” was signed to boost trade cooperation, core principles are reducing trade barriers on agricultural goods in terms of 3 years. As shown above trade relationship of two states made a leap to economic direction not an ideological.<sup>14</sup>

Good trade and economic achievements between Taiwan and China did not imply that differences are erased and their contradictions are remained the same. The problem with identities has deep roots 60 years of democratic developing in Taiwan on the one hand and 60 years of Communist party leading on the other hand is shown how many differences they have do.

As research conducted by Peter Hays Gries and Jenny Sue showed Taiwanese population is not trust China.

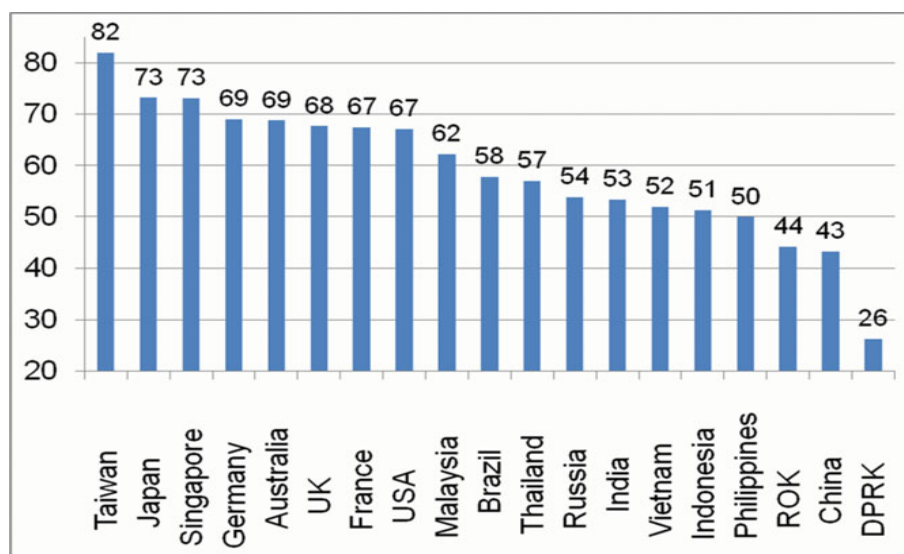


Figure 1. Taiwanese feelings towards 19 countries.<sup>15</sup>

<sup>12</sup> <http://thediplomat.com/2015/11/china-and-taiwan-leaders-emphasize-kinship-1992-consensus-in-historic-talks/>

<sup>13</sup> <http://www.ecfa.org.tw/EcfaAttachment/ECFADoc/ECFA.pdf>

<sup>14</sup> <http://books.sipri.org/files/misc/SIPRI-Hu%20Ding.pdf>

<sup>15</sup> Peter H.G. and Jenny S., 2013, Taiwanese Views of China and the World: Party Identification, Ethnicity, and Cross–Strait Relations

The figure 1 shows, that Taiwanese people are not trusting China. Moreover, China took one of the last places in this survey.

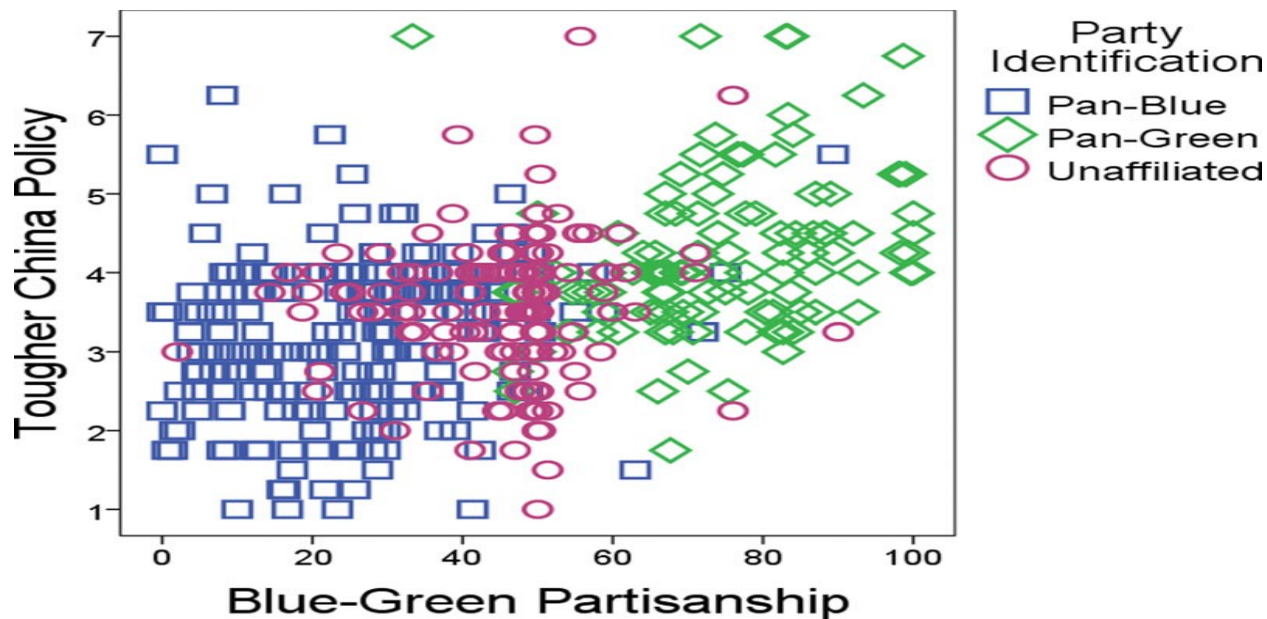


Figure 2. Partisanship and China policy preferences<sup>16</sup>

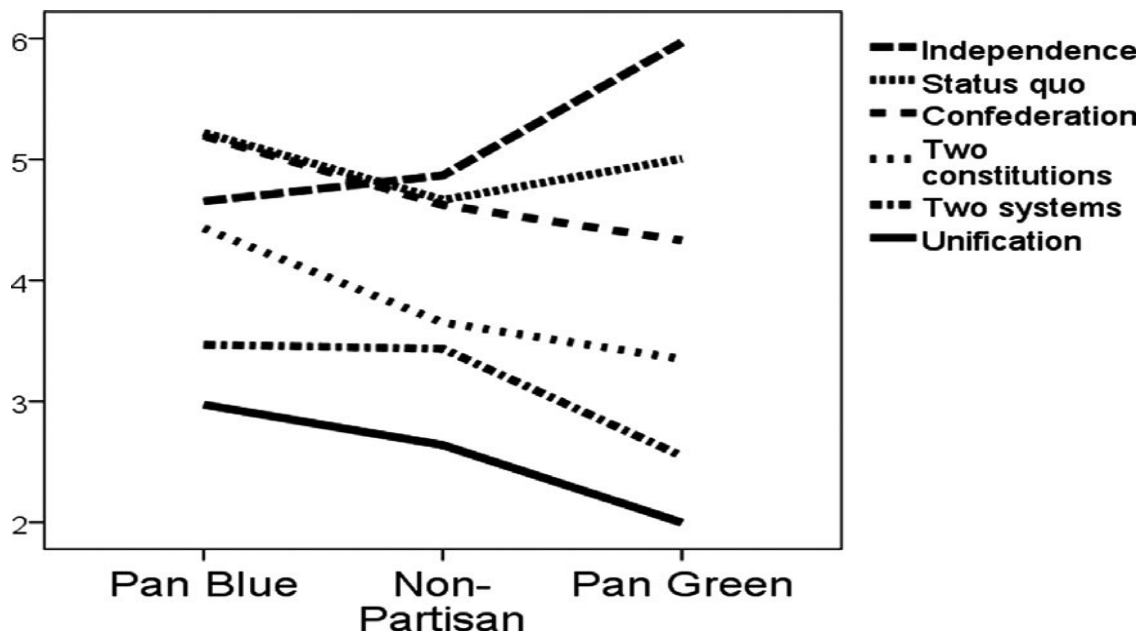


Figure 3. Party identification and support for specific cross–Strait policies<sup>17</sup>

<sup>16</sup> Taiwanese Views of China and the World Party Identification, Ethnicity, and Cross–Strait Relations

<sup>17</sup> Taiwanese Views of China and the World Party Identification, Ethnicity, and Cross–Strait Relations

Pan Blue and Pan Green are two coalitions created with different parties in Taiwan comprising main parties of Taiwan.

Figures 2 and 3 show attitude of Taiwanese people on situation, with independence and unity with China. The authors made a surveys the results of them is represented on a figures. Numbers in abscises show attitudes of people from 1 to 7. However they do not indicate political objective of parties. More detailed information give in article<sup>18</sup>.

“Hong Kong and Macao have already returned to de jure Chinese sovereignty, many Chinese perceive Taiwan as the one remaining legacy of the ‘Century of Humiliation’, an ongoing US and DPP insult to Chinese dignity. Herein lies the tragedy of cross–Strait relations today.”<sup>19</sup>

In spite of winning in 2012 election Ma Taiwanese people are not prepared or did not want to unify with China. Polls shows discretion to Ma’s Chinese policy from Taiwanese<sup>20</sup>. Polls show that 70 % disapproval Ma performance and only 15.4% people maintain “Consensus” 1992. Such low rating allows assessing complex situation on a cross-strait

There also problem with Hong-Kong, that Taiwan considered as “Hong Kong's today is Taiwan's tomorrow”<sup>21</sup>. How does “umbrella revolution” show in that day’s Chinese government in Hong – Kong challenging. Moreover, Hong-Kong today is played a big role in financial market and trade, and reducing control from this territory lead to a problem. Taiwanese people observed situation with Hong – Kong and raising discretion to China also rooted in this concept. Taiwanese worried about their safety and defense from China missiles they fear that China wants to apply missiles when situation go out of control.

It should be noted that, Taiwan and China attitudes could be explained with constructivism theory. Situation, when people from two sides have a lot in common separated not only with borders but also with political system and system of believes. Situation is complicated by U.S. influence that solves own objectives with China using this tension. Selling and sending big amount of arms to Taiwan threats China it leads to reinforcing to the one side and buying arms to another side, which remind more “zero game”.

**Figures are shown as attempt of using concepts trusting and values which was mentioned in lectures. How can we use different surveys in defining bilateral conflict?**

## Second argument solutions

Common objectives\*

PRC

Official position<sup>22</sup>

My summary: Taiwan is part of China and they suggested systems of "One China, Two Systems" which work in Hong Kong with recognition the Communist Party are only lawful representatives of China.

ROC

Official position<sup>23</sup>

<sup>18</sup> Taiwanese Views of China and the World Party Identification, Ethnicity, and Cross–Strait Relations

<sup>19</sup> Taiwanese Views of China and the World Party Identification, Ethnicity, and Cross–Strait Relations

<sup>20</sup> <http://www.taipeitimes.com/News/front/archives/2015/05/20/2003618696>

<sup>21</sup> <http://www.nationmultimedia.com/opinion/Bad-Chinese-Beijings-attitude-to-Hong-Kong-Taiwan--30247392.html>.

<sup>22</sup> <http://www.china.org.cn/english/taiwan/7956.htm>

Today in Taiwan work two big party both of them has his view on Taiwan issue.

b. Chinese nationalistic party (Kuomintang) declared about staying Taiwan in territory of China, but they consider themselves as only lawful representatives of China.

a. Democratic progressive party advocates independence of Taiwan Island from PRC.

\* May have been varied in time of publishing

### 2.1 Best alternative to a negotiation agreement.

The BATNA for each country is conserving conflict on undefined period of time, because today there is no chance to negotiate due to tough position of two states in this question. Why should it conserve? Today we have no opportunity to negotiate because they are very different states, merely in this decade was set up air connection between Taipei in Beijing, this process of integration moved very slowly and second should be abolition restrictions to free moving people, good, capital.

From PRC it is guarantee unarmed joining of Taiwan Island and peaceful negotiation process.

From ROC it is guarantee of refusing from implement a referendum of independence from China whatever reason.

In other words, it means that they should preserve “status quo” in relationship, and “Consensus 1992” is trial of reaching “status quo”, but it is not solution of the conflict, it gives both sides a long-term alternative to raising their economic and cultural convergence and interdependence.

### 2.2 Bargaining space

As shown most political programs in the PRC and the ROC, that Taiwan Island should be stay in composition of China. What extent of sovereignty and what government structure should Taiwan Island be use? It should be defined, because whatever parties has a power in his hands in territory of all China the Taiwan Island has big differences and it should be taken into account as it made with Hong Kong and Macao. In real situation it does not imply that should apply Hong- Kong and Macao models it could another sample of unification which will take into account special status of Taiwan during period of time.

**There are two way of solving problem it facilitating and communicating and mediation with muscles**

**First strategy** consist in persuasion two states in growing up communicating with two country as example, growing economic and social activities with each other with complete integration with abolition of all restrictions between two states. During this period lead to negotiation without any foreign countries as an internal process. As showed last communicating between two countries Taiwan and China have a lot of common, today, should be elaborated long – term cooperation and interaction models by signing treaties as signed before. For instance: Early harvest and Economic Cooperation Framework Agreement. Cultural exchanging also has big impact in facilitating and communicating.

**Second strategy** would be used mediator as UN or USA to affect states directly with sanctions or guarantees. Example: As UN, using sanctions to affect them for solving this issue, take promise for each country promise lead negotiation clearly without threats, without using armed forces and without referendum of independence. In this situation very important factor is guarantee not only mediator side but also guarantees of China, Taiwan and U.S. does not reinforcing arms race and gradually deterioration of arms.

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<sup>23</sup> <http://www.taiwan.gov.tw/ct.asp?xItem=13556&ctNode=1938&mp=999>

**Strengthens are:**

1. Avoiding of armed escalation.
2. Solving problems with "two China" and show all world how two different political system live together in one country.
3. Trade ties and cultural opening of two states.

**Weaknesses are:**

1. Big differences between countries.
2. Taken into account of position of the USA as main mediator of this conflict.
3. Absence of desire something guarantee for each other.
4. Discretion of people to each other on the two side cross-strait.

**Conclusion**

In real practice we have many conflicts which were conserved and stay unresolved today. My version is not only conservation conflict it's extended version integration of two states as a member of one country China. There are many negotiations process but the PRC could not guaranteed using armed forces and Taiwan carries out its independence project. Its main cornerstone of my given in essay solving techniques. Main point is guaranteed with both sides' conditions (above) and integration of Taiwan Island in composite in China with saving democratically rights and freedoms. To summarize, despite China and Taiwan trade ties reinforcing they have huge misunderstandings, threats and values to work with. Despite the reaching some achievements they should first able understand each other and then make some serious steps to solving of this issue. Unification of Taiwan with China can be only with the consent of Taiwanese people without armed force and other tools of pressure.

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**Optional**

1. History of cross-strait relationship could observe in this site.<sup>24</sup>
2. <http://thediplomat.com/2015/11/china-and-taiwan-leaders-emphasize-kinship-1992-consensus-in-historic-talks/>

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<sup>24</sup> <http://csis.org/files/media/csis/programs/taiwan/timeline/pt6.htm>

## 2.6 THE AGREEMENT OF THE US AND IRAN

JULIA GLADKA

### Introduction

Iran and the United States experienced a period of the most hostile relations in modern history. Relationship overwhelmed mistrust, misunderstanding, incorrect calculations, and errors. From Iran's perspective, the US represent the greatest threat to national security because after the 1979 revolution, Washington has consistently carried out a policy of coercion against Tehran. In addition, serious concerns of Iran relate to the destabilization of the region and the numerous armed conflicts raging in Yemen, Syria, Lebanon, and Iraq. The United States, as the only superpower country, actively involved in the affairs of the region, and Iran as a regional state has a chance to make a positive contribution to stability and security in partnership with other key players (Saudi Arabia, the Gulf Cooperation Council, Iraq, Egypt, and Turkey). The first step has been taken due to the substantial progress in negotiations on its nuclear program and the establishment of channels of communication between officials in the negotiating process. Measures are needed to establish trust between the key powers in the region, so that they can communicate, maintain peace, and stability.[1] Therefore, the main research question of paper is to find the resolution of long-term conflict over Iran's nuclear program, the lifting of international sanctions, and refocusing efforts on the socio-economic development.

The main objectives of the paper is to identify the reasons why Iran does not trust the US, and why the US does not trust Iran. In addition, the paper would assess the positive and negative aspects of the nuclear agreement between Obama's administration and Iran, the same as it would discuss the consequences of the nuclear agreement for the countries. To answer the main research question, the paper will end with the suggestions how to solve the occurred situation between the countries.

The solution of Iranian nuclear issue will be a success for Iran and the West, and will serve as the foundation for an expanded agenda of the Middle East zone free of weapons of mass destruction. The agreement with Tehran will remove concerns about the nature of Iran's nuclear program and at the same time can be recognized as a model for solving the problem of nuclear proliferation in the region in the future and further steps to ensure the region's fuel. Of course, the conflict between Iran and the West is not limited to the nuclear issue. The main reason for hostility - confidence, but we must understand that it is present on both sides.

### The reasons why Iran does not trust the US:

1. The West opposed the nationalization of the Iranian oil industry in the early 1950s. The US and Britain asked the UN Security Council to recognize the nationalization threat to international peace and security, which led to pressure on Iran sanctions.
2. Washington and London have organized a coup in Iran in 1950, overthrowing the democratically elected Prime Minister Mohammed Mossadegh, and the bringing to power of the dictator. Democracy in Iran has been eradicated for decades.
3. The US and the West fully supported the dictator - the Shah - a quarter century. The Iranian revolution of 1979 was the natural reaction to the policy of the West.

4. After the 1979 revolution, the main objective of the policy of the US has become a regime change by means of coercive measures - sanctions, isolation and support opposition groups. The approach began to be reviewed only under President Obama.
5. After the revolution, the West unilaterally refused to contractual obligations and left unfinished industrial projects for which Iran had to pay tens of billions of dollars
6. In 1980, Saddam Hussein invaded Iran to the disintegration of the country, which lasted 8 years, the war has claimed the lives of 300 thousand. Iranians, the damage amounted to a trillion dollars. The US and the West have supported the aggressor.
7. Saddam Hussein used chemical weapons and long-range missiles, technology and materials to Baghdad gave the US and Western countries.
8. In 1988, during the Iraqi invasion of Iran, the US began the largest naval operation since the Second World War and attacked Iranian oil platforms in the Persian Gulf.
9. In 1988, the US Navy shot down an Iranian civilian aircraft, killing 290 innocent people, including 66 children.
10. Under President Khatami of Iran among the first to condemn the September 11 attacks and cooperated with the US in the "war on terror", which led to the expulsion of "Taliban" and "Al Qaeda" in Afghanistan in 2001. In response, the US ranked Iran as the "axis of evil".
11. Even during Ahmadinejad's presidency, Iran was ready to solve many disputes with the West, particularly the US:
  - Iran has offered to invite representatives of the US in Afghanistan for talks on cooperation in that country;
  - Iran supported Russia's "step by step plan" nuclear dossier that would remove the main concerns about the origins of Iran's nuclear program;
  - Iran offers a full five-year monitoring of the IAEA to remove technical uncertainties;
  - Iran released American tourists;
  - Iran has offered to suspend the enrichment of uranium to 20%, limited to 5% enrichment in exchange for fuel rods for the Tehran research reactor.

However, the US and the West responded to these unprecedented initiative increased pressure, sanctions against the oil industry and the Central Bank, as well as the adoption of a UN resolution condemning Iran for terrorism and human rights violations.

1. The US continued a policy aimed at undermining legitimate role and interests of Iran in the Middle East. The policy consisted mainly to the militarization of the region through an unprecedented supply of American arms rich Gulf Arab countries, primarily - in Saudi Arabia.
2. Hostility between the US and Iran persists, and the American military presence in the region, centered around Iran, is still perceived in Tehran as the main threat to national security.

3. Carte Blanche received by Israel from the US, which allows you to Tel Aviv to ignore the legitimate demands of the Palestinians and the principles of international law, expanding illegal settlements and violating the rights of Palestinians in the West Bank and Gaza Strip.
4. The US policy to support dictatorships and corrupt regimes in the region, including the Shah of Iran, Ben Ali in Tunisia, Hosni Mubarak in Egypt and the Arab monarchies, while Washington calls itself a bulwark of democracy promotion and human rights in the region.
5. US double standards in its foreign policy, for example, Washington strengthens the strategic relationship with India, Pakistan and Israel have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to develop, test and develop nuclear arsenals.

Taking into account the above information, it is essential to discuss the positive and negative aspect of the Nuclear Agreement that the Obama's administration has presented.

### Pros:

No, the Nuclear Agreement between Obama's administration and Iran is a good thing because:

1. the signed nuclear deal has various restrictions that are both very clear and comprehensive;
2. the strategies put in place for monitoring the nuclear program operations are also pretty comprehensive;[2]
3. the signed deal has brought an opening that allows the International Atomic Energy Agency to investigate previous Iran's nuclear program;
4. the deal has a very elaborate mechanism for re-imposition of sanctions in case of any suspicious activities of Iran;[3]
5. the signed nuclear deal is a step of advancement given at least for now that there is an actual deal put in place rather than speculating.[4]

### Cons:

Yes, the Nuclear Agreement between Obama's administration and Iran is a bad thing because:

1. the nuclear deal gives Iran continued authority to supplement uranium and continue with its nuclear program;[5]
2. the nuclear deal interferes with the already available conventions that had put a ban on various weapon technologies, such as missile technology;
3. the nuclear deal provides a competitive advantage to Iran; the existing caveats (Fordow and Natanz) will make the nuclear facilities "untouchable" in case it ever comes to this;
4. the deal has various clauses that have clocks in them and will haunt us in the future if nothing is done about it now;[6]
5. the nuclear deal is most likely to complicate further an already complicated the Middle East's geopolitical situation;[7]

In the past, the program was dangerous one given that there were no set limits on the allowed level of Uranium enrichment. The deal has put the level of Uranium for use as a supplement at 3.67%. This value is acceptable since it is not enough to create a bomb, but at the same time it is still enough to prevent the requirement of heavy-water reactors. The suspension on the use of heavy-water reactors is a good thing, and it gives easy access to plutonium.[8] The agreement substantially decreased the number of available centrifuges, thus, reducing the material's amount that is possible to enrich.[9] Such scaling back is also a good solution since it limits Iran's ability to stockpile fissile products. Another reasonable restriction is the locking of centrifuge technology that drastically lowers the levels of production; preventing more effective enrichment means. These and other restrictions make the nuclear program acquire some time stop production of nuclear weapons.

Long ago, there was no way of monitoring Iran's nuclear program. The signed agreement has brought new insights that will make it possible to monitor the operations of the program. The monitoring of these operations will ensure that Iran's nuclear program operates within the rules of the agreement. In addition, it will start at the mining facilities and follow through up to the final process. As long as Iran has the right to refuse its program's inspection, the refusal will send a wrong signal. This refusal will automatically pass to an external panel that will have the final display about the inspection. The external panel has representatives of the P5 + 1 as well as a representative from the European Union. The panel will vote either in support of or against force inspection. The availability of an external oversight panel is, therefore, a good solution.

As long as the nuclear program will be monitored, it will not be enough if people forget about past activities of the program. For this reason, the Nuclear Agreement comes in handy since it mandates the IAEA to study and monitor past operations. The monitoring of the past activities will make it possible to have an idea concerning how far Iran had gone in terms of designing the weapons. The monitoring will also access how the program was being managed in the past to come up with new improvements in the current agreement. This authority to monitor past events will lead to the acquisition of information that was impossible to get in the past.[10] The acquisition of additional information will make it possible for people to stop hypothesizing or guessing.

People may think that the removal of the imposition of sanctions by the US, which came with the signing of the agreement, is a bad solution. However, the agreement still has clear set mechanisms for re-imposing of sanctions. This removal of sanctions was a genuine concern people started to wonder what would happen if the one does not honor the agreement in the long-run. This new mechanism of re-imposing sanctions is a well-thought and a clever one. The Iran Nuclear Agreement states there is suspicion of something going on, the US may re-institute the sanctions by taking the issue to the Security Council. The Security Council will then conduct a vote to support the continued lifting of sanctions or to oppose continued lifting of the sanctions. For instance, the power of veto of a permanent member was seen as a problem. However, the new agreement nullifies this veto power for use as a protection tool of Iran. The agreement is a good solution since it gives new insights that if any of the members of the P5+1 have concrete concerns the sanctions return immediately.

Another strong advantage that the deal provides is the fact that whether it good or bad, there is an actual deal. The existence of the deal prevents the numerous conflicts that might arise. Imagine what will happen if the people were to continue to guess and hypothesize the operations of the Iran nuclear program. The lack of concrete information and insights would have led to war in future. The deal has served the purpose of addressing the fears that other countries might have had about this program.[11] The deal may not be perfect, but at least people have where to start in regarding criticism. It is through criticisms that the provisions of the deal will strengthen in the future. The work may not end with the signing of the deal, as there is a need to make various improvements.

The first disadvantage of signing the deal is that the Nuclear Agreement gives Iran a continued authority of supplementing its nuclear program with Uranium. People have a fear for uranium given its property and use in making of bombs. Since Iran has the authority to use Uranium in Nuclear program now, what happens when one

day they resort to make a nuclear bomb with the same compound? This argument is what most conservatives have, and it is one that only time will tell about. Since the deal has been signed, people can only sit back and wait to see whether Iran will honor the deal or not.

The convention on weapons, especially nuclear weapons, is already set. People learned, the hard way, that the dangers of the use of nuclear weapons from the incidents of Hiroshima and Nagasaki. [12] People fear that it will be difficult to revive such a convention to expire in the coming five years. The deal ends by the prohibition on missile technology that has always been there. In addition, it has removed the sanctions that were in place to curtail down the ability of Iran to manufacture nuclear weapons.[13] This situation also brings new scenario where monitoring and inspections have very tiny margins for error. Most people, therefore, feel it was disadvantageous to sign the agreement in the first place.

The deal not only makes it possible for Iran to produce nuclear weapons, if they decide, but also gives them protection against attack. The existence of Fordow and Natanz in fissile material and the idea that they have hardened enrichment facilities will make it very difficult to bomb these nuclear facilities. As a result, it is feared that the rest of the world may remain helpless if Iran diverts into the production of nuclear weapons. Imagine the scenario where Iran is making a nuclear weapon, and there is nothing other countries will do about it or stop it.

The existence of various loopholes in the agreement is also one of the reasons why most people argue that the Nuclear Agreement was a bad solution.[14] The major loophole is that the deal itself has an expiry date. What happens after the nuclear deal expires? It will mean that Iran will be free to progress further and divert into anything it will desire. When the deal expires the rest of the world will stay locked out of the program, and they will go back into guessing and hypothesizing about the situation nobody wants. When the rest of the world stays locked out again, it will be difficult to assess whether Iran will be continuing producing nuclear energy for legitimate uses or will resort to making weapons. From this perspective, the Iran Nuclear Agreement is very ineffective.

In addition, the fact that this new agreement will further complicate the Middle East's geopolitical situation is another disadvantage.[15] The Middle East's geopolitical situation is very dynamic, and such situation can lead to lots of consequences, among which there are conflicts. The fact that nobody knows what the Iran nuclear deal will do is what makes people have fear. As long as countries such as Israel and Saudi Arabia may not take any action on their own, people should take care given that the deal has the capability of changing this situation. The deal has made it possible to countries such as China and Russia to sell weapons to Iran. At the same time, China can import large quantities of oil making the economy of Iran grow. This scenario will further change the dynamics of the Middle East when Iran decides to spend its money on defensive measures.

Whether the signing of the deal was a good decision or not is something people will just have to wait and decide after some time has passed.[16] The deal as it stands may be a good idea only if both parties honor it. However, as long as the deal has strong advantages, there are also some weak areas that need to be managed. It is true that the deal will provide the avenues for monitoring the operations of the nuclear program, but what happens when the deal finally expires nobody knows. The US may have the authority to monitor the operation now, but once the deal expires Iran will be free to do anything it desires with the program. Iran may decide to continue producing nuclear energy, or it may extend to the production of nuclear weapons.

The provision of new ways of instituting re-imposition of sanctions is a great thing; however, the removal of the sanctions is very risky.[17] The sanctions may be re-imposed in future in case of suspicion of any illegal activities but by then the damage will already have happened. In future, Iran may invest in a defensive measure that may be difficult to match, and it may divert into the production of nuclear weapons. Therefore, the deal is not a bad solution as, in fact, it is a foundation for improving the terms of operations of the nuclear program. At least for

now there is an avenue for basing an argument.[18] The only necessary thing to do now is strengthening the provisions of the deal to ensure full addressing of every aspect and area.

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# 3 CHALLENGES TO INTERNATIONAL ORGANIZATIONS

## 3.1 UN: WHY DOES IT FAIL AND WHAT CAN THE INTERNATIONAL COMMUNITY DO TO STRENGTHEN IT?

JONAS TEIXEIRA MARINHO

### 1 INTRODUCTION

The United Nations are the main deliberative international institution nowadays, but it fails frequently (even in crucial matters) and, therefore, scholars are beginning to question if the UN represents the best body to deal with international issues.

Founded just after World War II, the UN was created to prevent new wars and to ensure peace and security in a global level. In order to do so, four major organs were created: the General Assembly, the Security Council, the International Court of Justice and the General Secretariat.

Unfortunately, the only organ with binding power is the Security Council. As it is well known, the Security Council has the power to decide about military operations and peacekeeping missions, but permanent members are entitled to the right to veto, so some essential operations can't happen because they are against the interests of a single country<sup>1</sup>.

Global Governance has changed in the last decades, i.e. after the end of the Cold War, so it is essential that the UN is aware of the dynamics of modern international relations and tries to adapt in order to really represent what is happening in the world and to become a democratic forum of discussion of the major issues in the international arena.

It is time for UN reform. The current international reality demands a strong organization that is able to deal with arising issues, such as the proliferation of terrorism and the refugee crisis. A new world order, based on the rule of law, is in the horizon. In order to become reality, a major reform in the UN is necessary, with the end of the veto and the empowerment of the General Assembly.

### 2 JUS COGENS AND SOFT LAW

International law is one of the most important disciplines in Law nowadays. Important issues, such as environmental matters and human rights questions go beyond the national borders and affect all mankind. In order to seriously address these matters, a new vision of international society, or world society, is needed.

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<sup>1</sup> Herik, L. (2014a). The United Nations Security Council. Coursera: The Changing Global Order. Retrieved 7 December 2015, from <https://class.coursera.org/globalorder-003/lecture/49>

The United Nations has a key role in defending international law. A stark problem with international law is that there are many treaties and other sources<sup>2</sup>, and these sources aren't much known. The United Nations are trying to facilitate the access to these sources through the codification of international law.

For some jurists, there are doubts if international law is really a branch of Law or if it is a part of international relations. They have that mindset because the positivist view on Law states that there is no law if there is no sanction. In their point of view, international law lacks the hard power to enforce its norms.

It is possible to say that the Vienna Convention on the Law of Treaties gives an answer to that allegation, by including in its article 53 a superior category of international law. These norms are known as *jus cogens*. According to article 53, *jus cogens* is a "peremptory norm of general international law... accepted and recognized by the international community of states as a whole, as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character"<sup>3</sup>.

The issue that arises is to know which norms of international law have the status of *jus cogens* because it is really complicated to find out in some cases if a norm is recognized by the international community of states as a whole. A criterion that can be used is the recognition by courts that certain norms are *jus cogens*<sup>4</sup>. Some examples are the rules of humanitarian law and some rules of human rights law.

The UN charter is also considered to be a *jus cogens* norm because it was accepted by the states as a whole and it can't be derogated. The article 103 of the Charter clearly states that the obligations under the Charter prevail if there is a conflict with other international obligations assumed by the states. A treaty that is contrary to the UN charter is, therefore, considered void.

Despite having this character of a superior norm, the UN charter has been violated several times throughout the last decades. Unfortunately, when major powers are involved, there are no sanctions even if the international community recognizes the illegality of their actions.

Other category of international norms is known as soft law. They don't have the strength to enforce measures if there are breaches and they serve merely as recommendations. According to Christine

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<sup>2</sup> See article 38 of the Statute of the International Court of Justice.

<sup>3</sup> Vienna Convention on the Law of treaties, art. 53.

<sup>4</sup> Moeckli, Daniel et al (2010). **International Human Rights Law**.

Chinkin, there are several ways to define soft law norms<sup>5</sup>. One of them refers to norms that have been articulated in nonbinding form. Indeed, there are no sanctions if one breaches a soft law.

The General Assembly's resolutions are considered to be soft law, due to the fact that they are only recommendations and, unlike the Security Council's resolutions, they aren't binding. Some argue that General Assembly's recommendations can become grounds for a binding norm in the future, but we have to consider that the resolutions themselves aren't binding.

The General Assembly is a forum for advice and co-operation. Member states are all there, and their votes count the same. The organ, however, is powerless. As its norms are only soft law, they are not really taken into account by states while conducting international relations.

The nature of a norm is, therefore, essential to the understanding of its reach and how will states behave towards it. The lack of binding strength to the General Assembly's resolutions is one of the reasons that lead to the constant failures of the United Nations.

States must, therefore, consider the benefits of a strong General Assembly and reform the Charter in order to make the resolutions of the Assembly binding. That would ensure a democratic decision-making process and would make the UN more proactive and relevant in international affairs.

### 3 SECURITY COUNCIL AND DEMOCRATIC DEFICIT IN THE UN

The UN was created in the aftermath of World War II in order to maintain international peace and security. When the treaty of San Francisco was signed, in 1945, four major organs were created. Among them, there is the Security Council.

The Security Council was designed in a way to ensure that the winners of the war would conduct international relations henceforth. The other states had to accept that imposition from the great powers because there was no better alternative in that time. The League of Nations' failure was still very recent, and states were not willing to risk a third world war.

The Security Council was originally formed by the United States, United Kingdom, USSR and China. With the support of the UK, France became a permanent member of the Security Council. There are also ten non-permanent members that are elected by the general assembly for two-year terms.

The Security Council is responsible for maintaining world peace and international security. Its resolutions are binding (all member states must comply) and are even superior to national laws. It can also

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<sup>5</sup> Chinkin, C (2000). **Normative development in the International Legal System**. In: Commitment and Compliance: the role of nonbinding norms in the international legal system.



decide about the need of the use of force, i.e. military intervention, and about the peaceful settlement of controversies.

The permanent members of the Security Council are entitled to the right of veto. Some resolutions of the Security Council, therefore, can't go forward even if only one of its permanent members disagrees. The veto was used abusively in the Cold War. In the first two decades, the USSR vetoed more and, in the following decades, the US vetoed more<sup>6</sup>. Some important measures weren't taken because of the vetoes.

The right to veto is not explicit in the UN charter, but it is possible to find indirect reference about it on article 27 of the Charter. Article 27 states that decisions shall be made taking into account the concurring vote of permanent members. Many scholars believe that the basis for veto power is found on the referred article<sup>7</sup>.

The major problem about the veto is that it clearly disrespects the principle of sovereign equality to all member states of the United Nations, stated in Article 2 of the Charter. It isn't democratic to attribute excessive power to five states that weren't even elected to be there and that get to decide about the main topics in the global agenda in a permanent basis. Other huge problem is that it has caused ineffectiveness of the UN in important issues. Nowadays, the image of the UN as an important institution responsible for the maintenance of peace, security and the guard of international law is shaken due to the frequent inaction of the organization.

There are those who consider that it is time to a new form of Global Governance. Some, as Habermas<sup>8</sup>, argue that the creation of a world state, with a global constitution, is necessary. That view is naïve because it is already hard to make states co-operate among them. A global integration would be so much more difficult. Even in Europe, that has a very good integration system, the project of a constitution wasn't accepted.

A more practical approach, however, is the reform of the United Nations in order to become a more democratic institution that can reflect the reality of Global Governance nowadays. The latter appears to be the most reasonable and probable.

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<sup>6</sup> See Global Policy Forum (2008): Changing Patterns in the use of veto by the Security Council.

<sup>7</sup> Gareis, S (2012). **The United Nations**: an introduction.

<sup>8</sup> Habermas, J (2011). **On Europe's Constitution**.

#### 4 CASE STUDIES: IRAQ WAR AND SYRIA WAR

The United Nations has had a number of failures during its existence. For the purposes of this essay, I will consider briefly two recent wars that the UN was unable to avoid: Iraq and the current war in Syria.

The Iraq War happened in a short period of time after the events of 9/11. The United States really wanted to show the image of a strong nation that champions international law and that is against rogue states<sup>9</sup>. Iraq was considered a very dangerous state because, according to the US, it had weapons of mass destruction. Understanding that diplomacy had failed, the United States decided to go to war without the authorization of the Security Council.

In 2004, the former UN secretary-general Kofi Annan publicly recognized that the war was illegal, considering that the UN Charter doesn't allow pre-emptive attacks. He said that a commission should have been created to inspect and verify if the allegations about weapons of mass destruction were true. The UN role in global governance was harshly questioned because the United Nations did very little to avoid the conflict or to quickly end it.

A current failure of the UN is its inaction concerning Syrian War. Bashar al-Assad is a dictator who rules the country since 2000, when he replaced his father who had ruled for 30 years. After repressing a huge protest in Syria on March 2011, the government triggered the war.

There have been numerous violations of international human rights law and international humanitarian law in Syria. There is also an allegation by the American government that chemical weapons were used in some occasions in the Syrian War. The use of chemical weapons is strictly forbidden in any war.

The Syrian conflict has also engendered another crisis the UN was unable to deal with: the refugee crisis. Thousands were forced to leave their homes and find shelter. Many decided to remain in Syria, but in other cities. They are known as internally displaced. Others, however, opted to go abroad, such as to Turkey, Lebanon and European countries<sup>10</sup>. Most of them now face terrible situations in their route and have to walk for many kilometers.

The European Union has attempted to solve the problem, but the resistance from some Baltic states has stalemated the process. As the regional organization failed, the UN should have taken immediate action. That didn't happen and the global organization became even more frail.

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<sup>9</sup> About the concept of rogue states and its use by the United States, see Derrida, J.(2005) **(No) More Rogue States**.

<sup>10</sup> UNHCR's Global Trends Report: World at War (2014)



## 5 UN REFORM: THE ONLY VIABLE SOLUTION

It is difficult to find consensus on this topic<sup>11</sup>, but it should be addressed were the UN to become more relevant in international affairs. States contend on the new framework of the organization, specially in reference to the Security Council. The most powerful states don't want to lose some of their influence in the organization's decision-making process.

Anne-Marie, a researcher on the theme, claims that this reform must be dealt with in the framework of security, solidarity and sovereignty<sup>12</sup>. She refers back to Kofi Annan's report *In Larger Freedom*. In her opinion, the mechanism of collective security must be enhanced, states should adopt a more idealist<sup>13</sup> approach towards the organization and sovereignty must be relativized. In practice, however, states are more prone to defend realist<sup>14</sup> views and to be suspicious about the possibility of losing power.

Therefore, a viable UN reform must take into consideration the will of the 5 permanent members of the Security Council. There has been a stark debate on the Security Council, with many different proposals to reform it. One of the most known is the G4 proposal. The G4 is a group that encompasses Brazil, Germany, Japan and India and proposes that the Council should be "expanded to a total of 25 members, with 6 new permanent seats assigned to Africa (2), Asia (2), Western Europe (1), Latin America and the Caribbean (1) and 4 new non-permanent seats to Africa (1), Asia (1), Eastern Europe (1) and Latin America and the Caribbean (1)"<sup>15</sup>. That proposal, however, was not accepted in the 60th session of the General Assembly and it is not accepted by China, as India would become a permanent member.

The solution, therefore, is not related solely to the Security Council. The General Assembly should also be empowered. It is the most democratic organ in the UN system, as it is based on the equal sovereignty of states and all states have the same power in decision making. In order to do so, however, the UN Charter must be amended. The problem is that the Charter amendment requires the ratification of 2/3 of UN member states, including the permanent five (P5)<sup>16</sup>. The process of ratification varies in the

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<sup>11</sup> Hosli, M. (2014b). UNSC Reform: Part I. Coursera: The Changing Global Order. Retrieved 7 December 2015, from <https://class.coursera.org/globalorder-003/lecture/107>

<sup>12</sup> Slaughter, A.-M.. (2005). Security, Solidarity, and Sovereignty: The Grand Themes of UN Reform. *The American Journal of International Law*, 99(3), 619–631. <http://doi.org/10.2307/1602294>

<sup>13</sup> Hosli, M. (2014c). Theories in International Relations: Liberalism. Coursera: The Changing Global Order. Retrieved 7 December 2015, from <https://class.coursera.org/globalorder-001/lecture/17>

<sup>14</sup> Hosli, M. (2014d). Theories in International Relations: Realism. Coursera: The Changing Global Order. Retrieved 7 December 2015, from <https://class.coursera.org/globalorder-001/lecture/7>

<sup>15</sup> As stated in Brazil's Ministry of Foreign Affairs web page: <http://csnu.itamaraty.gov.br/en/brazil-and-unscc-reform>

<sup>16</sup> UN Charter, article 108.

constitutional orders and is very lengthy. Moreover, the P5 probably will not be willing to accept attributing more power to the General Assembly.

Even so, it is the best solution available. The international community should pressure the major powers to strengthen the organization by reducing its democratic deficit. A more representative UN would be more proactive and it is not necessarily against the interests of the major powers, as it can be more effective in the struggle against terrorism, for instance.

## 6 CONCLUSION

It is evident that the United Nations can no longer continue with its current structure. It is an organization with serious issues and highly undemocratic.

To summarize my perspective, it is my believe that the UN fails a lot because the Security Council is formed by some nations that can veto proposals, the General Assembly is powerless because their resolutions are only advises, there is a lack of sanctions to major powers that infringe international law and, in an overall analysis, the UN isn't democratic.

A reform is needed. There are many positions about this. If the Security Council should allow more permanent members or if the right of veto should be abolished are questions raised that need to be answered. A thing is certain: if the UN continues as it is today, it will collapse in a near future.

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## 3.2 WHAT CHALLENGES DOES THE INFLUX OF REFUGEES TO EUROPE IN RECENT YEARS POSE FOR THE UNHCR?

TYYNE PARAKHEN

### Introduction

This paper examines the challenges the United Nations High Commissioner for Refugees (UNHCR, an international organization) is confronted with in its work regarding the increased inflow of refugees to Europe in recent years. The three areas under analysis are, (a) the relationship between UNHCR and states (analyzed using the theories of realism and neo-liberal institutionalism, and looking at the UN Security Council), (b) the tension between hierarchies and networks (in view of non-state actors and empowered individuals), and (c) challenges posed by the mandate of UNHCR and the general UN framework in which it operates.

The refugee crisis has seen the arrival of over 750,000 people to Europe in 2015, the majority of whom are from Syria (BBC, 2015). As military activities in Syria continue to intensify and no political solution seems likely in the near future, the crisis is set to continue (UNHCR, 2015a). UNHCR is one of the major organizations involved with responding to the crisis not only in Europe, but also in all other affected countries. The mandate of UNHCR is determined by the 1950 UNHCR Statute (UNHCR, n.d.), and the organization's two-fold purpose can be summarized as ensuring international protection of refugees and finding a solution to their plight (Betts, Loescher, & Milner, 2012). The organization is governed by the UN General Assembly and the Economic and Social Council (UNHCR, n.d.). Although the influx of refugees to Europe poses many of the same challenges to UNHCR that other refugee crises around the world do, the European refugee crisis illustrates many of these challenges in a poignant way. It also brings up certain rather unique aspects in relation to the contribution of international organizations and the growing importance of non-state actors and individuals.

### The Relationship between States and UNHCR

The response to the influx of refugees to Europe illustrates the inherent challenges in the relationship between European states and UNHCR, which can be examined using the theories of realism and neo-liberal institutionalism. Realism assumes that the international system is an anarchic self-help system for states, with no central authority, characterized by the interaction between states (Hosli, 2015a). Institutionalism, on the other hand, claims that other actors, namely international institutions, are important in the international system too, and can affect state behavior and facilitate cooperation between states (Hosli, 2015b). Institutions can do this by changing incentives states may have for cheating, reducing transaction costs, issue linkage, and providing information on focal points for cooperation (Keohane & Martin, 1995).

When looking at state behavior during the current refugee crisis, one could easily conclude that the myriad unilateral actions by states, which have contradicted calls from UNHCR, align with realist thinking, whereby strong states will break international law when they choose to do so (Waltz, 2001). When faced with refugee flows crossing their own borders (a unique aspect of this refugee crisis), European states have taken radical steps to stem or control the flow of people. Examples of this include the wall built by Hungary and various Balkan states only allowing people with select nationalities to pass through – UNHCR has criticized both of these actions (Karas, 2015; Euronews, 2015). This clearly poses a challenge for UNHCR. The states in question would not even be considered to be among the “strong states” referred to by Waltz (2001), yet these states ignore UNHCR criticism, and in some cases also ignore their obligations under international refugee law.

Applying institutionalist thinking to the facts is somewhat difficult, as UNHCR is a rather toothless organization in terms of responding to actions by states. According to Article 1 of the 1950 UNHCR Statute, UNHCR is to fulfill its

mandate “by assisting Governments”. States therefore have the primary responsibility in the protection of refugees. The Statute also does not provide for any body to oversee states’ compliance, nor is there any way for UNHCR to officially sanction non-compliance. UNHCR’s ability to ensure compliance is therefore limited to diplomatic means, mainly used behind the scenes. (Betts, Loescher, & Milner, 2012) Many of the tools used by international organizations to prevent cheating, according to institutionalist theory, are therefore not available to UNHCR. It is easy to underestimate the importance of the other means institutionalist theory accords to institutions for affecting state behavior, including issue linking and provision of information, when evidence of states “cheating” is plain to see, and the institution, UNHCR, seems powerless to do anything about it. The underlying challenge lies in the fact that, as noted by Thakur (2010), “[t]he most pressing problems... are global in scope and require global solutions... [b]ut the policy authority and legal capacity for coercive mobilization of the required resources for tackling them remain vested in states” (p. 3). Although this poses a challenge for UNHCR in relation to the refugee crisis when faced with non-cooperative states, this equally shows why the solution to the crisis will remain elusive for states without the help of institutions such as UNHCR. The inflow of refugees is caused by a global crisis that will not be solved by states insulating themselves from the world, but rather requires a global response.

The stalemate in the UN Security Council poses another challenge in the management of the refugee crisis faced by Europe and UNHCR. The Security Council is the only UN body capable of imposing binding obligations on states, including ordering a ceasefire, imposing sanctions, or authorizing the use of force. The Security Council is an instrumental body in resolving any global crisis, particularly as it has widened its mandate by enlarging the concept of a “threat to peace” to include humanitarian crises, gross human right violations, and acts of international terrorism. (Van den Herik, 2015) The Security Council would therefore have authority based on the UN Charter and precedent for taking action on the Syrian conflict and finding a more comprehensive solution that would make it safer for Syrians to stay in their country. Unfortunately, due to the veto power of the five permanent members (Hosli, 2015c), China and Russia have blocked various resolutions on Syria (McGreal, 2015). The lack of concerted action on the part of the Security Council presents another challenge to UNHCR, as it leaves states to respond to the crisis through unilateral actions.

## **Networks and Hierarchies**

The tension between hierarchies and networks is another challenge faced by UNHCR in relation to the influx of refugees to Europe. Networks are more prevalent and powerful today than they have ever been, and pose a challenge to hierarchical structures, such as international organizations (Buckup & Mergenthaler, 2015a). According to Ferguson (2014), networks can be characterized as “spontaneously self-organizing, horizontal structures” (para 10), while hierarchies are “vertical organizations characterized by centralized and top-down command, control, and communication” (para 10), including international organizations such as UNHCR. The increasingly networked nature of the world today poses challenges to the conventional “club model of international governance” due to the empowerment of individuals through new technology and the emergence of non-state actors, such as terrorist organizations (Buckup & Mergenthaler, 2015b).

The effect of the Internet and social media in empowering individuals during the refugee crisis has been significant. New technologies now allow individuals to become networked across borders faster and more easily than ever before, but also allow any individual to quickly disseminate any information to a very large number of people (Ferguson, 2014). The spread of misinformation and even hate speech across social media poses a challenge for UNHCR. Particularly where no public information campaigns exist to counter this (Culik, 2015), public opinion can easily turn against refugees. Sadly, it seems that many politicians in Europe and around the world are ready to heed to the spread of fear rather than to counteract it. This in turn makes it ever more difficult for UNHCR to fulfill its mandate in cooperation with states. The same technology has, however, been used for the



contrary purpose as well, as many grassroots actors have organized themselves through social media to help refugees. Unfortunately, voices of intolerance and fear often seem to be heard the loudest.

Non-state actors, in the form of terrorist organizations such as IS, present another problem for UNHCR. The recent terrorist attacks in Paris understandably caused a wave of fear and panic to wash over Europe. Regrettably, the tragedy also prompted a large amount of xenophobic comments, and led some states to reconsider their refugee policies, both of which UNHCR criticized, warning that refugees should not become secondary victims of the events (UNHCR, 2015b). The challenge of making sure that refugee protection is not sacrificed in the fight against terrorism is an enormous one, and is again much linked to social media, which has great potential in exacerbating the problem. The fast-moving and innovative nature of networks challenges the rigid ways in which hierarchies operate, including international organizations.

## Operating within the UN System and the 1950 UNHCR Statute

Finally, UNHCR faces challenges related to operating within the UN system and in accordance with the mandate set out in the 1950 UNHCR Statute. As noted by Bruce Jenks, it can be difficult to operate in accordance with Moore's strategic triangle within the UN system, particularly in relation to the element of the authorizing environment (what can get done) (Jenks, 2015a). This also applies to UNHCR. Similarly to Jenks's example about UNICEF (Jenks, 2015b), the UN organs that govern UNHCR's work (UNHCR Executive Committee, General Assembly and ECOSOC) consist of country representatives who may well have a different opinion about the work being undertaken than the officials in national ministries. This makes it unclear whether the required political agreement exists to go ahead with different steps (Jenks, 2015b). Admittedly, in most crises UNHCR's actions may not raise much alarm, as European leaders may perceive these crises to take place farther away from their domestic politics. The current crisis, however, is much closer to home, and many leaders seem to be succumbing to domestic pressures, at times at the cost of international obligations.

There are two challenges posed by the 1950 UNHCR Statute with regards to the current refugee crisis. First, Article 2 states that "[t]he work of the High Commissioner shall be of an entirely non-political character". It has been recognized that since UNHCR must cooperate with states according to the Statute, the nature of its work is political and relies on the Commissioner's ability to influence state behavior, and that the organization has been at its most effective exactly when it has succeeded in doing so (Betts, Loescher, & Milner, 2012). Indeed, in light of the current refugee crisis in Europe, UNHCR's task in protecting refugees seems to be taking on an increasingly political character, as the organization is required to make frequent statements in response to states' actions in contravention to its aims. Though the protection of refugees was perhaps originally envisioned by the drafters of the Statute to be a purely humanitarian, uncontroversial task, the way refugee issues are in Europe linked with economic or terrorist fears, or simple xenophobia, makes it a task requiring vast political skill. The challenge for UNHCR lies in striking the right tone between seeking to accomplish its goals, yet remaining as "non-political" as possible.

The second challenge within the UNHCR Statute is found in Article 20, which holds that funding from the UN will only cover purely administrative costs, and all other funds must be obtained through voluntary contributions. This means that, due to lack of steady funding, it is difficult for UNHCR to budget for future programs, and money and time must be spent on fundraising and donor relations. The major donors consist of a handful of states, which, when giving funding, are able to attach conditions on the use of funds by the organization. This should incentivize states to provide funding. (Betts, Loescher, & Milner, 2012) This creates a situation where states could use donations to further their political aims. This situation seems especially dangerous when considering the controversial nature the current refugee crisis has taken on, notably in the field of national security and terrorism. It is conceivable that this will also affect UNHCR's ability to protect refugees.

## Conclusion

There are various possible ways to try to respond to these challenges, none of which is particularly simple. As to the relationship between states and UNHCR, it is to be hoped that states will come to the realization that only an international solution can truly help solve the current refugee crisis in Europe. Thakur (2010) suggests that multilateral organizations may need to move beyond their roots and become more agile, flexible and anticipatory in order to manage contemporary challenges. This suggestion would certainly also help address the tension between the hierarchical structure of UNHCR and the networked world that it operates in. This could take the shape of a more proactive approach towards the dissemination of information using the most popular platforms, in order to counteract the prevalent misinformation and negative messaging. Additionally, NGOs and other grassroots actors could be incorporated to further these activities.

Thakur (2010) has also noted, however, that “[t]here is a mutually undermining gap between legitimacy and efficiency” (p. 4). This idea applies to the UNHCR context, too. If the organization were to change its way of operating to become more effective in refugee protection, even in the dissemination of information as mentioned above, it would move farther away from its founding Statute and conventional operating principles, and could, as a consequence, become viewed as a less authoritative, less legitimate organization. This is something that will have to be calculated very carefully within UNHCR, because its reputation and the image the organization presents to the world are important in it being able to influence state behavior. The likelihood of resolving the stalemate in the Security Council also seems low, as reform of the veto power remains off the negotiating table (Dörfler & Hosli, 2013).

It has also been suggested that UNHCR should, rather than avoiding engaging in politics, become more politically proactive and enhance its way of operating to this end (Betts, Loescher, & Milner, 2012). It certainly seems that the current situation already calls for so much political maneuvering on the part of the organization, that being able to better operate in the political arena would be welcome. This would not only aid in the relationship between states and UNHCR, but also allow the organization to respond to networked challenges better. The drawback of lost legitimacy, as mentioned above, may be a threat, however. States are sure to be weary of a more aggressively political UNHCR, particularly when the current refugee crisis impinges on the domestic politics of many European countries. Similarly, as UNHCR depends on state donations for funding, it could risk losing funding with increased political activity.

No solution, therefore, comes without possible drawbacks. It does seem evident that UNHCR has to keep adapting to the changing world around it, and probably on numerous fronts. As the world grows more connected and smaller, more and more refugee crises are likely to reach the doorsteps of the northern donor countries. UNHCR will either grow and adapt, or risk losing relevance in the field of refugee protection.

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## 4 TRANSNATIONAL ISSUES

### 4.1 TRANSNATIONAL CAPITAL FLOWS AND THEIR EFFECTS ON SOCIAL AND ECONOMIC DEVELOPMENT

AIDA CARRAZCO

#### Introduction

In recent years, many experts in the field of transnational investments have expressed their concern about the harm the current international investment regime can cause to the public good. Although the relevant international organizations in the areas of trade and investment maintain a positive opinion about the multiple benefits generated by trade liberalization in economic development (in which foreign direct investments play a key role); the alarm continues, mainly in the areas of environmental sustainability and in the inclusion of local communities in social and economic development. “A global network of 80,000 MNEs and 800,000 affiliates has helped create millions of jobs, transferred technology, skills, and competition and contributed to fiscal standing of many economies” (Investment climate advisory services, World Bank Group, 2010). Therefore, the regulation of transnational flows is very important; to protect both the rights of the companies and the recipient countries and their inhabitants. The problem is that there are still a few countries in the global power, and at the top of the International Organizations, and there is a huge gap between the rich and the poor countries (Taking the concept of *Inequality* from the MOOC Configuring the World).

In this essay, I pretend to analyze the current international investment system and to evaluate if transnational flows (specifically Foreign Direct Investment), help economic and social development of the receptor countries. I would also try to answer what, International Organizations such as the World Bank or the World Trade Organization, can do to ensure that Foreign Direct Investment is good for the countries. I consider this transnational issue, a vital topic for development countries, which are big receptors of FDI, but still, do not know, most of the time, how to direct funds to achieve a sustainable development. It is certain that developing countries need investments, because they do not have the capacity of generating them by themselves, but they need to allocate funds in the right way to take advantage of them and make the country grow.

#### The International Investment System

The recent global financial difficulties questioned the development model that had prevailed since the late 80's with the ‘Washington Consensus<sup>1</sup>’ (Griffiths, 2014), a model that was vital for market liberalization,

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<sup>1</sup> Concept taken from MOOC The changing global order.

cases, most of them from South America, region that has characterized in the recent years for its search of an alternative for the *hegemony*<sup>3</sup> of the Northern countries (De Jong, Korteweg, Polchar, & Usanov, 2012). Primary sector is the one where most cases are presented, and the activities included in this sector are the ones that affect most the environment –mining, fishery, oil, gas, etcetera-. Seventy percent of the judges come from developed countries and Mexico is the only developing country with a high number of judges. Moreover, perhaps, the most choking fact is that 44% of the resolutions are in favor of investors (World Bank Secretariat, 2012). In general, WTO stays on the margin of investment disputes, although International Organizations are evaluating the possibility of giving WTO more power in this matter. Would this be good for developing countries if the WTO organizational chart shows more diversity and includes developing countries? As seen on the next chart, the General Council of the WTO shows diversity and greater participation of developing countries than in other international bodies.

Chairpersons of the General Council and bodies reporting to it

Council	Chairperson	Council	Chairperson
<a href="#">General Council</a>	Ambassador Fernando DE MATEO (Mexico)	<a href="#">Committee on Balance-of-Payments Restrictions</a>	Ambassador Bertrand de Crombrughe de PICQUENDAELE (Belgium)
<a href="#">Dispute Settlement Body</a>	Ambassador Harald NEPLE (Norway)	<a href="#">Committee on Regional Trade Agreements</a>	Ambassador Amr RAMADAN (Egypt)
<a href="#">Trade Policy Review Body</a>	Ambassador Atanas Atanassov PAPARIZOV (Bulgaria)	<a href="#">Committee on Budget, Finance and Administration</a>	Ambassador Daniel BLOCKERT (Sweden)
<a href="#">Council for Trade in Goods</a>	Ambassador Héctor CASANUEVA (Chile)	<a href="#">Working Group on Trade and Transfer of Technology</a>	Ambassador Luc-Joseph OKIO (Congo)
<a href="#">Council for Trade in Services</a>	Ambassador Martin EYJÓLFSSON (Iceland)	<a href="#">Working Group on Trade, Debt and Finance</a>	Ambassador Xavier CARIM (South Africa)
<a href="#">Council for Trade-Related Aspects of Intellectual Property Rights</a>	Ambassador Abdolazeez AL-OTAIBI (Saudi Arabia, Kingdom of)	<a href="#">Trade Negotiations Committee</a>	Director-General Roberto AZEVEDO (WTO)
<a href="#">Committee on Trade and Environment</a>	Ms. Irene B.K. YOUNG (Hong Kong, China)	<a href="#">Preparatory Committee on Trade Facilitation</a>	Ambassador Esteban B. CONEJOS (Philippines)
<a href="#">Committee on Trade and Development</a>	Ambassador Juan Esteban AGUIRRE MARTÍNEZ (Paraguay)		

The main instruments of International Investment Law are Bilateral and Multilateral Investment Treaties (BITs and MITs), which are agreements between States (Gracia-Bolivar, 2009). In general, these treaties look for incentives and protection for international investors, and for development for receptor countries. Currently there are more than 6,100 international investment treaties<sup>4</sup> –in 2009, as an example, 4 treaties were signed every week-, which shows that the system is very large and complex to be managed by the

<sup>3</sup> Concept taken from MOOC Changing Global Order, Week 2.

<sup>4</sup> 2012 data.



States themselves. In this situation, there is a big opportunity for the creation of a formal International Investment System. This new organization could help to avoid some of the failures that took place in the past, some of them noted next.

Let us take as a first example the case of Bolivia, known as the “Water War”. To be part of the neoliberal growth model, boosted by IFIs, the Bolivian government opened the country's doors to foreign investment and in 1999, leased out the service and distribution of water in the region of Cochabamba to a subsidiary of Bechtel, an American company. With this action, water service was privatized. Also, a law that treated water as a commodity was enacted, a situation that benefited even more the capitalist interests of the holding company and undermined the interests of the people, especially the peasants. All this created a social movement that forced the government to terminate the contract with Bechtel, but the company, making use of the international investment system, sued the Bolivian government for more than 50 million dollars, plus all future earnings that would be forgone. The case -which in my eyes is completely illogical- was removed from the international tribunals in 2006, thanks to strong global pressure, but it demonstrates the strong influence of transnational companies in the system (Kruse, 2010). Furthermore, in the absence of an international mobilization, they had not yielded positive results. Sadly, for mining efforts of international companies, Bolivia is wasting more water now: multinationals can now come back to Bolivia and exploit water with much more security than during the aftermath of the water war (Hennigan, 2014). In Ecuador, a similar situation occurred, but with an oil company: Occidental. The country was fighting against environmental damage caused by the multinational company, but Occidental sued the government and a World Bank tribunal decided that the country had to pay a thousand million dollars to the corporation (Reuters, 2015). This case allows recognizing the power of a MNE over a State and the lack of interest of IFIs about social and environmental issues in developing countries.

But not every case of FDI in developing countries can be considered as a failure. A positive example of FDI generating development is Costa Rica. In recent years, this country has become an appealing destination for FDI, in areas such as tourism and outsourcing –BPO and ITO-, creating social and economic development, improvements in the human development index and improved skills in the population. The reason for its success, in my opinion, is the public-private *partnerships*<sup>5</sup> created between the government, the citizens, the multinational enterprises and international organizations. Every stakeholder participated in the process and each is benefitting from the outcome (World Economic Forum, 2005). Another reason for success is that Costa Ricans care and take care of their natural resources, considering them as a source of income, but also as a precious gift that must be preserved.

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<sup>5</sup> Concept taken from the MOOC International Organizations Management, Lecture 2, Week 3

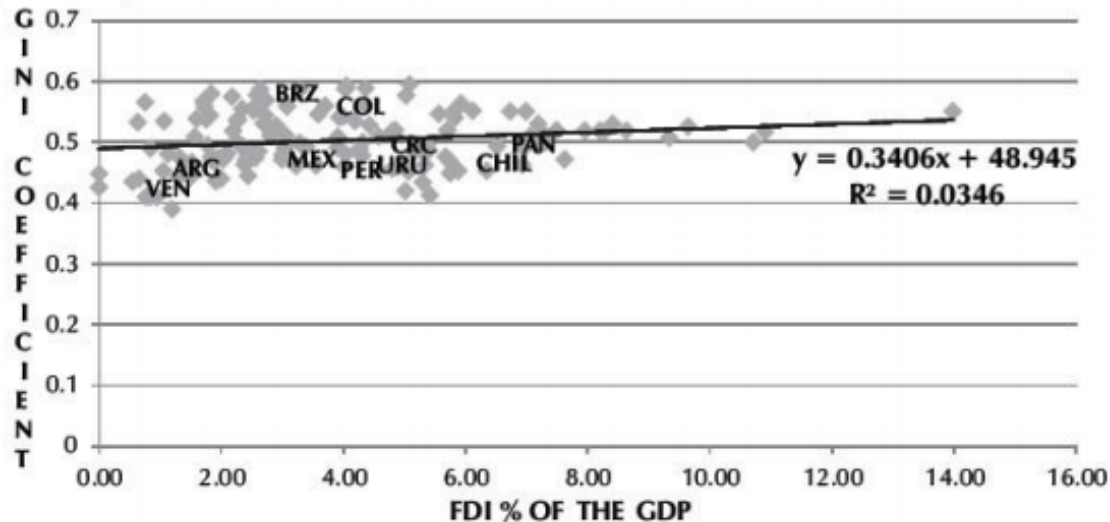
Another successful story is that from Colombia. The country is implementing policies for attracting FDI but, at the same time, is creating training programs for its business people, so they can be prepared for a more competitive business environment. Measures like these are mentioned by UNCTAD as of great relevance for the new phenomena and opportunities of globalization, to increase integration of developing countries to the new global order and to reinforce the productive skills and international competitiveness of FDI receptor countries (UNCTAD, 2011).

So, what is needed for FDI to achieve social and economic development, and not only growth? MIGA, the Multilateral Investment Guarantee Agency of the World Bank, institution that seeks to promote foreign investment in developing countries, has highlighted some social and environmental standards for an investment to actually promote development. The main standards are human rights protection, environmental impact, community development best practices, labor conditions, security and health issues (MIGA, 2012). Obviously, taking in consideration the cases mentioned before, or other examples such as labor conditions in Bangladesh or Africa, these standards are not taken into account by the investing Multinational Enterprises or are not enforced by national authorities. According to a study of *CEPAL*<sup>6</sup>, “as much as FDI flows a country receives the higher is the GINI<sup>7</sup> coefficient that country presents. This coefficient tells us that the difference between the riches and pores had increased even if the majority of the countries did experiment an increased flow of FDI (SCIELO, 2015)”. Therefore, FDI is generating growth, but not for all the people. The next graph shows the correlation between Foreign Direct Investment % of Gross Domestic Product and GINI Index, supporting the last argument.

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<sup>6</sup> Economic Commission for Latin America and the Caribbean or Comisión Económica para América Latina y el Caribe, one of the most important regional organism, part of the United Nations.

<sup>7</sup> GINI index is named after its developer, Corrado Gini and is a good measure for inequality in income distribution.

**Graph 2. FDI % of the GDP and the relation with the GINI coefficient 2000-2014**

Source: Own elaboration based on CEPALSTAT figures.

## Conclusion

Does FDI boosts economic and social development in developing countries? My answer is yes, but only if FDI means fair salaries, protection of the environment, training, technology transfer and equalitarian conditions for the investors and the destiny of the investment. To achieve these conditions, the international investment law, and its organizations, must be reinforced, and cooperation among States must be strengthened. Transparency and anti-corruption laws must be enhanced and applied in developing countries. The solution is not a unilateral or bilateral action, but a multilateral one. I suggest a Partnership between the Multinational Enterprise, the government getting the Foreign Direct Investment, International Organizations (in this case, the World Bank and the World Trade Organization) and the citizens. The role of each one is explained below:

- **Multinational Enterprises:** They send their investments to countries with better tax regimes, lower salaries and lower costs, but they still can try to create better life conditions for the people in those counties. A win-win action, where an improvement in the quality of life of the people would lead to better investment conditions and an improved business environment.
- **National Governments:** They should try to draw productive investments and to establish and enact strict laws to protect their people and their natural resources. How? Improving their business environment index (safety, anti-corruption policies, improved skills, governance, etcetera). They should also protect their domestic industries, not through protectionism, but through training, technology and increasing competitiveness. Developing countries governments



must cooperate among each other to have more weight in International Organizations; if they cannot do it by themselves, they can do it as a group (such as the BRICs).

- Citizens: They must oblige their governments to create laws in favor of good FDI flows. They should fight against corruption, the biggest problem in developing countries for having a real development and benefits for all.
- International Organizations: They need to have better representation from developing countries. WTO must have an active role in FDIs. MIGA should be reinforced to work in pro of investors and receptors, through training, better evaluation of investments and more control over corruption. Social responsibility is a concept that must be part of every FDI contract.

Obviously, these partnerships would generate benefits for all and, as said before, they would be a win-win solution. Their strengths are that, if all the stakeholders accept an FDI, there will be less problems in the future for the MNE, growth and development will be sure because of higher salaries and well evaluated productive projects, the environment will be protected and International Organizations will have more impact and recognition, by both the MNEs and the States. The weakness stays in how to convince all the players of taking part on the partnership. Sadly, still all of them look to achieve their individual goals and don't take into account the public good. This is an important task of the International Organizations.

Globalization presents many opportunities for developing countries, much of them related to foreign direct investment. However, it is the responsibility of each country to take advantage of them, as a tool for achieving growth and development. International organizations must be a link and a mediatory between companies and governments. Foreign Direct Investments can boost development if the stakeholders work together, following international rules, implementing productive projects in the right areas and working in an environment free of corruption.

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## 4.2 THE NEED FOR A TRANSNATIONAL CRITICAL AND STRATEGIC MINERALS ALLIANCE

ALAIR EMORY

### Introduction:

Much has been said at the recent 2015 Paris Climate Summit about the need to reach a global agreement to cut emission of heat-trapping gases in the world's atmosphere. Some have said that the age of fossil fuels is coming to an end and that bankers, inventors, and scientists will move away from extracting oil, gas and coal toward clean energy technology development. (1) However little has been covered in a broader sense about clean energy's uneasy reliance on critical and strategic minerals.

It is the premise of this essay that before a clean energy solution to global warming can be realized, a transnational alliance will need to be created that focuses on the social, economic and political issues associated with the utilization and continued availability of these critical and strategic resources.

The theme of "Complex Interdependence", coined in 1977 by Robert Keohane and Joseph Nye, is often used to describe the shift away from nation-state driven concepts and towards transnationalism. (2) "Transnational" can be defined as going beyond the concept of strict national borders to include more complex relationships as compared to "International", which means "between nations" and holds the nation-state as the key basis. (2)

In order to avoid a resource crisis, the time is now to start forging relationships that will take into account the complexity and interdependence associated with a clean energy future and the availability of key resources necessary to produce the next generation of energy devices. The premise presented is that creation of a transnational alliance would help pave the way for the transition from a carbon-based energy system to a wide-ranging clean energy model.

If appropriate steps are not taken, countries across the world face possible disruptive constraints on the supply of some resources that are not presently mined, refined, or traded in large quantities but are critical to the deployment of game-changing clean energy technologies. As can be seen in Table 1, this includes state-of-the-art wind mills, electric vehicles, and solar panels. Recent studies on strategic and critical minerals have urged that now is the time for governments to improve and expand activities related to analysis, education, research and development of collaborative, comprehensive mineral policies. (3)

### Background

Critical and strategic minerals are necessary across the spectrum of modern technology; from electronics and electrical systems applications to aerospace and defense and the conventional energy industry. Many of the uses overlap and converge in the field of clean or "green" energy. These resources are not evenly distributed around the globe. Over 50% of the world's mineral production originates from politically unstable areas (5). 80% of available new platinum is extracted from just two mines in South Africa and 92% of the niobium used in the production of superconducting magnets and highly heat-resisting super alloys is exported from Brazil while 97% of rare earth elements (REEs) have come from China. (5) This has resulted in an increased vulnerability to:

- Regulatory challenges,
- Reduced access to resources,
- Obstacles in trade and commerce, and

- Major price fluctuations.

Scientists have reported that a wide range of natural resources, such as: indium, gallium and germanium and other vital elements such as phosphorus and helium are under imminent threat of failing to meet future demand. (6) The threat of increasing global natural resource protectionism and lack of conservation is real and threatens the future of the evolving clean energy future and some would say; the future of the planet.

Figure 1 presents a 5 and 15 year criticality matrix that compares the supply risk for specific natural resources against their importance to clean energy. (6) Scientists have estimated that the production of neodymium alone will have to increase five-times to build enough magnets for the number of wind-turbines required for a fully-renewable future. Around one tonne of REE-based permanent magnets is needed to provide each MW of wind-turbine power. (6)

CLEAN ENERGY TECHNOLOGIES AND COMPONENTS					
	Solar Cells	Wind Turbines	Vehicles		Lighting
MATERIAL	<i>PV films</i>	<i>Magnets</i>	<i>Magnets</i>	<i>Batteries</i>	<i>Phosphors</i>
Rare Earth Elements	Lanthanum			•	•
	Cerium			•	•
	Praseodymium	•	•	•	
	Neodymium	•	•	•	
	Samarium	•	•		
	Europium				•
	Terbium				•
	Dysprosium	•	•		
	Yttrium				•
	Indium	•			
	Gallium	•			
	Tellurium	•			
	Cobalt			•	
	Lithium			•	

TABLE 1 CLEAN ENERGY TECHNOLOGIES AND STRATEGIC RESOURCE DEPENDENCE (4)

The magnets that drive a Toyota Prius hybrid's electric motor use around 1 kilogram of neodymium, while 10 - 15 kg of lanthanum, another strategic resource, is used in its battery (6). It is predicted that the demands for dysprosium will outpace supply within a decade. These are important to green energy production because adding dysprosium can result in magnets with only 1/10 the weight of similar conventional magnets. (6) Hafnium, another metal whose days are numbered, is an essential component of computer-chips and is also employed as a thermal-neutron absorber in nuclear control-rods, and supply is estimated to literally run-out within 10 years. (6) While there are many reports that cover projected shortages, it is important to also consider the problem from a political point-of-view and to consider the role that a transnational alliance could play.

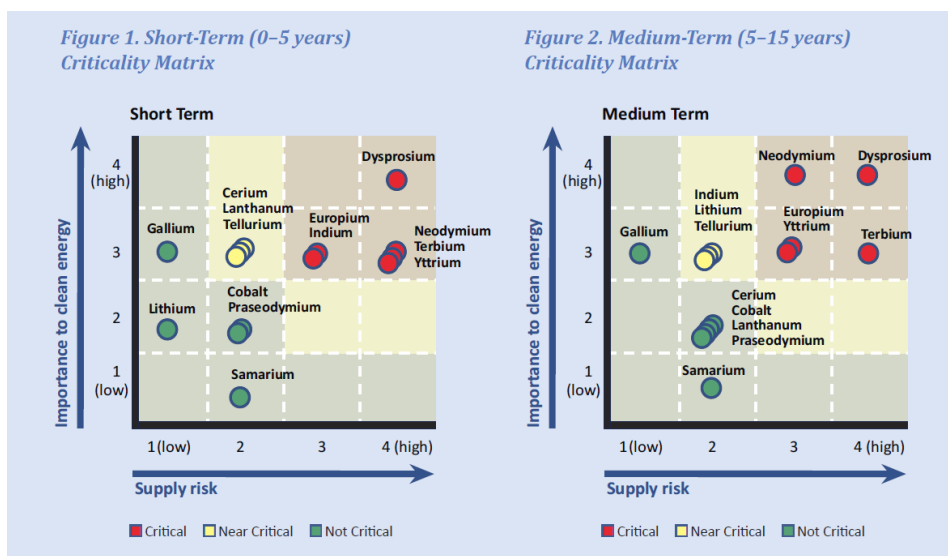


FIGURE 1 CLEAN ENERGY RESOURCE CRITICALITY MATRIX (4)

## Political Dimensions

When China, in 2009, put in place export controls regulating nine “raw materials”, the price of rare earth minerals soared by hundreds of percent. The United States, the European Union and Japan complained that the restrictions gave Chinese companies a competitive edge for products like electric vehicle batteries and wind turbines. (7) This was brought to the attention of the World Trade Organization’s (WTO) Dispute Settlement Body. (8) After negotiations were unsuccessful, a panel was set-up to explore whether the export restrictions were acceptable under China’s WTO obligations. (8) China claimed that they could violate WTO rules if they “related to the conservation of exhaustible natural resources (and) if such measures were made effective in conjunction with restrictions on domestic production or consumption.” (8) Ultimately, China lost the argument, even after an appeal.

While China lost that appeal they continue to place export quotas and taxes on a variety of other raw materials that include: bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc. The U.S. has been urged to continue to bring cases against China to the WTO (9) but, given the importance of the problem, having a transnational alliance present a unified position to the WTO would, in the long term, be much more effective.

### Politically Significant Regional Issues

The issue of climate change and what to do about it is a worldwide problem. However, it is uncertain whether policy analysts and climate change advocates understand how vulnerable their own clean energy targets are to possible resource “wars”. The following discussion spotlights some regional issues that provide support for the idea that now is the time to form a critical materials transnational alliance.

**South Africa:** Uncertain access to strategic minerals, particularly platinum group metals, chromium and manganese along with rare earth minerals, cobalt and uranium is a concern expressed by countries that depend on these resources for clean energy production. Due to inadequate infrastructure, supply shortages are anticipated. Continued politicization of the mining industry is occurring within the country. The challenge has been

deemed acute in the five Southern African countries of South Africa, the Democratic Republic of the Congo, Zambia, Zimbabwe and Namibia. Additionally, environmental sustainability of the mining activities is an issue. (10)

**Chile:** Chile's mining code defines lithium as a "strategic" mineral for which regular mining concessions cannot be awarded. The constitution allows private exploitation of strategic minerals under special contracts and this inconsistency in policy could support abuse and price extorting in the future. (3)

**European Union (EU):** Europe is heavily or fully-reliant on imports for many critical metals and minerals. This means that disruptions in availability and supply pose a significant risk. The EU has begun to address this issue by implementing the Raw Material Initiative (2008). A number of related measures have been launched since then, including the attempt to formulate a uniform minerals policy. Finland has expressed its strong support for the initiative (11) and the EU recently issued a report which identified 14 critical raw materials after evaluating 41 different minerals and metals. (5)

**Great Britain:** The United Kingdom is in a similar position to the EU and has been warned that if it does not secure supplies of strategic metals, it faces an uncertain economic future. Of particular concern are indium, used in touch screens and liquid crystal displays, and REEs, particularly neodymium and dysprosium. Platinum group metals are an issue too, used in catalytic converters and fuel cells (12).

**United States:** On July 20, 2011, the House Natural Resources Committee unanimously approved the "National Strategic and Critical Minerals Policy Act of 2011." According to the committee, "Strategic and critical minerals are vital to our everyday lives. They are essential components of renewable energy, national defense equipment, medical devices, electronics, agricultural production and common household items. It is imperative that we identify the roadblocks to meeting our national minerals needs." (13)

**Japan:** Expressing a sense of urgency, Japan has been working diligently to secure new non-Chinese supplies of REEs since a 2010 maritime incident with China and the potential for a Chinese supply embargo of REEs and other materials to them. Japan currently receives 82% of its REEs from China. (7)

## Social and/or Economic Issues

Well over half the world's population is now part of emerging economies, led by China and

India and followed by Africa and South America. (14) Their economies are expected to grow in the coming years, which should keep strategic and critical material resource prices under pressure even if new supply comes on-stream. (14) Resource struggles in Africa have been evolving recently. (14) In particular, Chinese companies have increased their presence throughout Africa and are reported to engage in practices that exclude Western companies from mineral resources access. (14) This rising struggle over resources comes at a time in which the United States is becoming increasingly concerned about access to and sustainability of strategic natural resources. (8) At issue is how the US and its allies can guarantee access to these resources until substitutes or new technologies make them less critical. In the not-to-distant future, a "worst-case scenario might see the United States resorting to coercive diplomacy in order to regain access to vital resources. The onset of "resource wars" has been predicted by a number of scholars and experts. (15) Given the rising level of Chinese demand for and control of resources, the probability of conflict is likely to rise. (13)

It has been argued that environmental stress and scarce resource conflicts comprise the greatest security threat since the end of the Cold War and that they can cause both interstate and intrastate dispute. (16) While none of these factors operate alone; all interact and reinforce each other in negative ways. Regions caught in the middle

run a higher risk of struggle, and the level of conflict will be directly related to a real or perceived decrease in access to critical materials necessary for a clean energy future. (16)

The interrelationship between resource scarcity, environmental degradation and conflict can be considered under “neo-Malthusian” theory. The neo-Malthusian position is generally applied to overpopulation and food supply; however this concept does lay a basis for a direct correlation between resource scarcity, environmental stress and conflict. (2) In the urgent rush to meet the challenge of climate change the potential for depletion of strategic mineral resources could become a primary driver of cultural, social, and political change.

In order to meet the ever evolving needs of the world’s population, efficient management and sustainable utilization of the world’s strategic mineral resources is necessary. This could be achieved by organizing a transnational alliance whose members support directives that supersede the special interests of nation states and which address the problem on a truly global scale.

## Conceptual/Theoretical Aspects

When challenged by the leading countries for its stance on minerals exporting, in its defense, China has pointed out that many countries have closed rare earth mining operations due to pollution concerns while their own country continues to supply the world and to deal with the enormous environmental challenges. (17) One such rare-earth operation is shown in Figure 2 and the primitive conditions that the workers face can clearly be seen. This leads to the moral question:

**Should those countries that will benefit from utilization of these critical and/or strategic minerals become involved in and responsible for the associated environmental and sustainability issues?**



Labourers work at a site of a rare earth metals mine at Nancheng county, Jiangxi province March 14, 2012.  
REUTERS/STRINGER

**FIGURE 2 WORKERS AT CHINESE RARE EARTH METALS OPERATION (17)**

When considering the critical and strategic minerals question from an international relations perspective, another theory that supports the concept of a solution to the problem of resource depletion through a coordinated transnational alliance, consider constructivism. This theory of knowledge argues that humans generate knowledge and meaning from interactions between their experiences and their ideas. In the international setting, it has been argued that even concepts such as “power politics” are socially constructed—that is, not given by nature and therefore, capable of transformation by human practice. (18)

## Support for the Concept

The Tropical Forest Alliance is an example of a global public-private-community partnership dedicated to collaborative action that has successfully focused attention on the problem of deforestation. (2) The success of this model lends support to the concept presented in this paper. That it is possible to develop a transnational alliance which promotes agreement about critical material resources and that increases participation beyond traditional

state actors to also include non-government organizations and businesses in which partners take voluntary actions, individually and in combination, to support a balanced approach to critical resource availability.

The Kyoto Protocol, another example of an alliance, should also be considered when looking at support for the development of the critical materials alliance discussed in this paper. The Kyoto Protocol has been called one of the most effective multilateral environment agreements to date based on its ambition for legally binding emissions cuts. (2) However, the effectiveness of the Kyoto Protocol in achieving its goals has been significantly reduced by limited participation and by its un-enforceability. The Kyoto Protocol, while ambitious, employed a hierarchical and state-centric approach. In order to develop a new transnational alliance as described in this paper, the approach will necessarily require a different level of network and decision that incorporates flexibility rather than the one-size-fits-all, top down decision-making processes that are common in hierarchical models. (2) However, this presents a challenge and potential weakness of the proposed approach as the member states could move the organizational concept to a rigid hierarchical model.

### Specific Recommendations

Specifically, it is recommended that:

- A Transnational Critical and Strategic Minerals Alliance should be convened.
- (Because China and the United States are the world's largest carbon emitters and are often at odds over mineral policy, it is suggested that they should lead out on this effort.)
- The Alliance should focus on developing cross-sector collaboration to improve critical resource mine development and reclamation.
- The entities involved should craft an agreement that increases participation beyond traditional state actors that includes NGO's and businesses.
- The Alliance should work directly with the WTO.

While it has been argued that the WTO represents a hierarchical, state-centric system that is led by governments who are not agile enough to respond to global interests and fast-changing business needs there is a specific feature of the WTO that is unique in the world of international organizations. (2) The **Dispute Settlement Mechanism**, which makes binding, enforceable decisions on member states, gives the WTO-backed agreements real power, which would be advantageous for a new alliance seeking to prevent conflict over access to critical resources.

### Proposed Approach

The following presents a list of actions items that the proposed Alliance could undertake:

- Promote good governance: transparency in relation to the extractive industries.
- Promote sustainable exploration and extraction.
- Support the merits of pursuing dispute settlement issues through the WTO.
- Engage, without reservation, in communication through annual meetings on policies that impact critical and strategic material resources.
- Foster an environment that supports effective and open exchange of views.
- Analyze the impact of emerging clean technologies on raw materials demand (create Alliance supported reference documents).



- Raise awareness of the economic impacts of export restrictions and the harm to clean energy.
- Consider investment strategies such that a more level playing field can be developed for foreign investors.
- Increase support for coherent policies that provide logical approaches to raw material supply, injurious dumping, and subsidies.
- Evaluate and establish policy actions that recycle raw materials or raw material contained in products more efficiently.
- Address illegal methods to import materials.
- Provide research on system operations – cradle to grave.
- Evaluate / support minimization of raw material consuming in end product through R&D.
- Support measures that evaluate the impacts on the environment and economic performance over the entire value chain.

## Conclusion

The supply chain for strategic and critical natural resources is complex and concentrates in areas of the globe that are unstable. The growth in world population, along with the emergence of new technologies will likely accelerate the consumption of key metals and minerals. This has led many to voice that critical resources “wars” are inevitable, especially in the face of global warming.

However, history has shown that it is possible to create successful transnational organizations. (2)

Because we live in an age of heightened interconnectivity between people through the internet and mobile communication devices and because the likelihood exists for reducing the economic and social significance of boundaries among nation states, it is the premise of this paper that the potential exists to create a transnational Alliance that can and will tackle the issues that surround critical/strategic resources availability and a clean energy future.

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## 4.3 DAESH ATTACKS IN EUROPE: A DEEP ANALYSIS

BEATRIZ GONZÁLEZ DEL VALLE

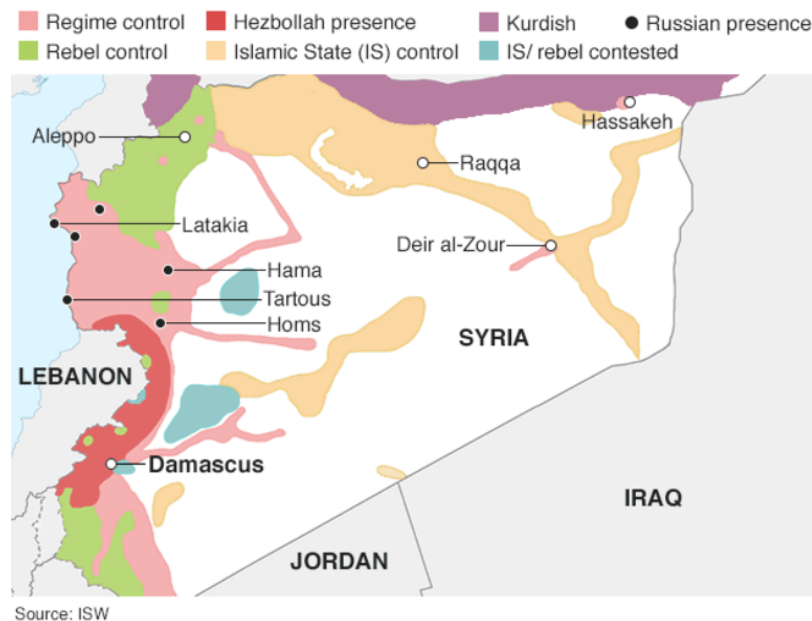
### Introduction

“La France est en guerre”, those were the very first words of François Hollande (President of France) after the terrorist attacks in Paris last November 13th. But why declare war on terrorism? War must be declared against a country, so can DAESH be considered a country? If almost all of the terrorists involved in the Paris carnage were born in France and Belgium, although the attacks were vindicated by DAESH, is it a true state? What can lead European citizens to kill their fellow citizens in name of another “country”?

My intention in this essay is to make a light in one of the most important challenges currently faced by the world, where developed countries must act with responsibility with a zero tolerance of terrorism, but avoiding xenophobia and trying to look inside and recognise their own problems. In that sense, this paper is going to be divided in three parts. First, I will focus in DAESH and the civil war in Syria. Second, the problem of radical Islamic terrorism in Europe will be analysed, with a special focus in France, from a political, economic and social perspective. Third, different solutions to this issue will be developed.

### DAESH and civil war in Syria

As we said previously, the first part of this essay is going to refer to DAESH and civil war in Syria, which are unfortunately closely linked. The Syrian civil war started as a consequence of the beginning of the Arab Spring that shook almost all MENA countries under dictatorships in 2011. Syria was not an exception and the rebels

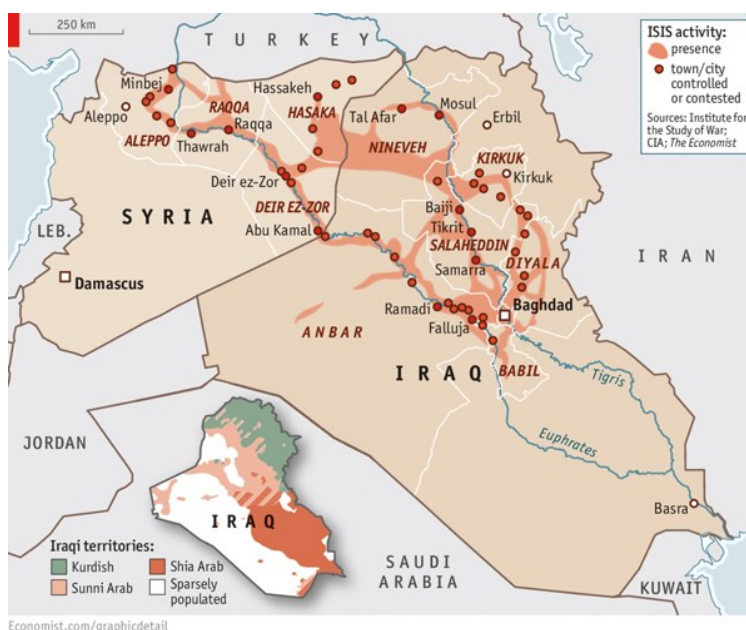


MAP 1 "CIVIL WAR IN SYRIA: PARTS IN CONFLICT"

started to fight against the President Al-Asad, who responded with great cruelty to the attacks.

But the conflict became a multi-part confrontation, as can be observed in the map. In that sense, it is important for this analysis to focus on the fact that it is a civil and political conflict where religion is important too. Although Al-Asad regime's tolerance with religious minorities was stated in the constitution<sup>1</sup>, the dictator came from the Shia minority, while the majority of Syrian population is Sunni (74% in 2006)<sup>2</sup>, as well as the defeated Saddam Hussein's party Baas in Iraq.

In this context of failed state under a civil war, in one hand; and religious vindications, in the other one, DAESH was born. Following the analysis of Andrés Ortega<sup>3</sup>, independent consultant and director of “Observatorio de las Ideas” in Spain, DAESH is a terrorist organization and rebel army. It is a rebel army that emerged from the marginalised Sunni majority in Syria and the post Hussein Iraq, against Shia minority. Its objective is conquering territories in Mesopotamia, where they already have a kind of structure as you can check in the map, and expand this caliphate to other Arabic places remembering the pan-Arabic movement in the 50s<sup>4</sup>, with a current connotation of extremism and religious fanaticism. This last issue is really attractive to jihadists coming from Europe, but we will back to this in the second part of the essay. We can conclude that DAESH aims to be a State (they name themselves Islamic State) but they are not a veritable one.



## MAP 2 "ISIS/DAESH PRESENCE"

DAESH is Sunni and jihadist, a double condition that attracts tribes and marginalised Sunnis in Iraq (do not forget that they separated from and currently criticise Al-Qaeda because they are not radical enough). At the same time, they want a State able to change the imposed borders established by the European colonialism in the Sykes-Picot Agreement, signed in May 1916, which divided the Middle East between France and the United

<sup>1</sup> Bureau of Democracy, Human Rights and Labor. U.S. Department of State, *International Religious Freedom Report 2006*: <http://www.state.gov/j/drl/rls/irf/2006/71432.htm>

<sup>2</sup> See previous reference and <http://www.bbc.com/news/world-middle-east-26116868>

<sup>3</sup> Andrés Ortega, *Estado Islámico: terrorismo e insurgencia*, Real Instituto Elcano, 2015: <http://www.blog.rielcano.org/el-espectador-global-estado-islamico-terrorismo-e-insurgencia/>

<sup>4</sup> Hermann Kinder and Werner Hilgemann, *Atlas Histórico Mundial*, 2006, Ed. Akal (in Spain).

Kingdom after the World War I and did not pay attention to the religious sensibilities and ethnical minorities divided by artificial borders.

## DAESH in an economic perspective

Taking into account this complex ethnic, political, and geographic background, it is necessary to analyse the current situation of DAESH from an economic perspective. In that point, it is important to reference Professor Richard Griffiths who made a link between economic development and failed states, and said, “after 9/11, failed states were labelled the most powerful threats to American security”<sup>5</sup>. If we apply this statement to the current situation, it is still available with, for sure, substantial changes: civil war in Syria is one of the most powerful threats to international security. Because Syria is now a failed state, it is “a challenge for its citizens, a challenge to the neighbours and a challenge to the international communities” (Prof. Griffiths dixit).

Syrian civil population feels threatened for a multilateral war (see map 1) that does not allow them to have a safe life, so they have to go abroad. But there are still a lot of citizens remaining inside the country, and sometimes they are in the cities and regions conquered by DAESH (see map 2). How can DAESH maintain its structures in those places? Military organisation, terror and money; all three issues create a kind of stability and governance, a “bad governance”<sup>6</sup>, making that some Sunni leaders support DAESH because they provide civil order and city services, despite the terror and Muslim radicalism they impose<sup>7</sup>.

In addition, DAESH needs a financial structure in order to maintain their institutions and functioning. Mariano Aguirre, director of the Norwegian Peace building Resource Centre, analyses the way of financing of this structure<sup>8</sup> and the main source of money is the control and trade of oil in Northern Iraq. It is estimated that DAESH receives about \$1 million per day selling each oil barrel by \$30 in the black market, while the international price was over \$100 until 2014. At the same time, the price of oil in Europe has been gradually reducing in the last years, as a consequence of the concurrence between both types of markets: currently we are assisting to the falling of the oil barrel due to multiple factors, illegal trade of petroleum being one of them. Other ways of financing are the creation of new taxes in controlled areas, selling archaeological pieces in the black market (for example, Palmira site has been partially plundered), road controls and kidnapping.

Aguirre and other analysts think that another important pillar of financing is the economic help to Sunnis in the area coming from Saudi Arabia and other countries from the Persian Gulf. So DAESH has grown thanks to a mix of “ingredients”: the condition of Syria as failed state, the financial help coming from abroad, the inexistence of international bans in DAESH business, and the support of radicalised jihadists coming from third countries, representing more psychological than real help. Regarding the last issue, this paper focuses on the reasons leading European citizens to radicalise, go to DAESH territory and back to Europe to commit terrorist attacks in name of this entity and a radical Islam refused by the majority of people that practise this religion.

<sup>5</sup> Richard Griffiths. *Configuring the World: a critical political economy. Lecture 6: Economic Development*: <https://class.coursera.org/configuringworld-001/lecture>

<sup>6</sup> Richard Griffiths. *Configuring the World: a critical political economy. Lecture 5: Governance*: <https://class.coursera.org/configuringworld-001/lecture>

<sup>7</sup> Andrés Ortega, *Estado Islámico: terrorismo e insurgencia*, Real Instituto Elcano, 2015: <http://www.blog.rielcano.org/el-espectador-global-estado-islamico-terrorismo-e-insurgencia/>

<sup>8</sup> Mariano Aguirre, *¿Cómo se financia el Estado Islámico?*, BBC Mundo: [http://www.bbc.com/mundo/noticias/2014/08/140825\\_estado\\_islamico\\_como\\_se\\_financia\\_ch](http://www.bbc.com/mundo/noticias/2014/08/140825_estado_islamico_como_se_financia_ch)



## Jihadist terrorism in Europe

At this point, I will address the second part of this essay concerning jihadist terrorism in Europe. Figures point that 6% of Europeans are Muslims, so only 3% of Muslims in the world are living in this continent<sup>9</sup>, and 1.25% live in Occidental Europe. However, following the reflexion of Fernando Reinares<sup>10</sup> (Professor at Universidad Rey Juan Carlos, Madrid, Spain) 1 in 5 radical jihadist travelling to DAESH, Al Nusra Front or similar jihadist organisations come from Occidental Europe, especially from Germany, France, United Kingdom, Belgium, Denmark, where immigrant Muslim population was settled a couple of generations ago; on the contrary, Mediterranean countries such as Spain or Italy, where there is just one generation of Muslims, do not suffer this problem with same intensity.

As a consequence, why are people raised and educated in those countries' values taking the decision to radicalise themselves and go to the "source of terrorists"? It is not an easy question, and it must be tackled from different perspectives in order to understand the nature of the problem.

From an economic point of view, Muslims immigrants in France or Belgium arrived in the 50-60s in a moment of economic growth, where workforce was highly needed; they were settled in neighbourhoods next to the factories, which were normally outside of the city and creating ghettos. When the crisis of factories arrived and they closed, people in those quarters were unemployed and marginalised from the rest of the city<sup>11</sup>; an example of this is the neighbourhood of Molenbeek in Brussels. France tried to solve the problem creating the "cités", a social lodging that did not solve the problem of marginalisation. Currently, the rates of unemployment use to be higher in Muslim communities than in the rest of the society: coming from marginalised areas is not a good "cover letter" and even a name can persuade employers to hire people.

Nevertheless, Prof. Griffiths taught us in the lectures that problems are interlinked, and there is a tight tie between economic problems and social issues. The lack of economic resources, high rates of unemployment, and the feeling that the State forgets you create a big dissatisfaction among this part of the population. As a consequence, there is a climate of tension that can explode in different ways, such the burned cars crisis that happened in France about ten years ago, just as a little example of the magnitude of the problem.

Young Muslim people react to this situation of discrimination and marginalisation in two main ways: they can set apart of their origins or they radicalise and vindicate their origins, even if they did not have a very religious education<sup>12</sup>. Even more, it has been observed that a high rate of radicalised jihadists have never read the Coram or received a real religious training after their transformation.

Also, economic issues, ethnical origin, social situation and religion make a mix that affects European Muslim of second and third generation. They live in the middle of two identities: they are European, but their roots are in their parents' country. A good example is the association of Muslim young women in France named "Ni putes ni soumises" (Neither Whores nor Doormats), that reflects the rough double world they face: if they act as French youth does, they are criticized by Muslims for their "liberal" behaviour; if they act as Muslim women they are object of critics by the other Frenchs.

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<sup>9</sup> Pew Research Centre, *The Future of the Global Muslim Population*, 2011.

<sup>10</sup> Fernando Reinares, *Fábricas de terroristas*, Real Instituto Elcano, 2015:

[http://www.realinstitutoelcano.org/wps/portal/web/rielcano\\_es/contenido?WCM\\_GLOBAL\\_CONTEXT=/elcano/elcano\\_es/zona\\_s\\_es/terrorismo+internacional/reinares-fabricas-de-terroristas](http://www.realinstitutoelcano.org/wps/portal/web/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zona_s_es/terrorismo+internacional/reinares-fabricas-de-terroristas)

<sup>11</sup> *Comment la Belgique est-elle devenue un sanctuaire pour djihadistes?*, Le Courrier International, November 2015 :

<http://www.courrierinternational.com/revue-de-presse/terrorisme-com>

<sup>12</sup> Jörn Thielmann, *Young, cool, and religious: Muslim youths and their cultures across Europe*, Vanguardia Dossier, July-September 2015.

Therefore, European Muslims, especially young people, have a deep identity crisis that can lead them to feel identified by the message of DAESH, which is self-named “Islamic State”. *Dabiq*, the propaganda arm of Islamic State, announce that: “the Caliphate revival provide each Muslim with a concrete identity in order to satisfy their natural desire of being part of something bigger.”<sup>13</sup> It is a very direct message for those with very hard living conditions and that live (and feel) marginalised in their routine life.

Political and social climate in Europe does not help to persuade this minority of people to join DAESH or similar organisations. Xenophobic political parties have been growing in France, Belgium, Germany or Netherlands. The populist and radical right wing party “Front National” led by Marine Le Pen is now the first political party in France after the last regional elections celebrated few weeks after of the terrorist attacks in Paris. This kind of ideology tends to develop a “black or white” analysis of the situation, where there is no option to mid-term theories and simplify a quite difficult social reality. In addition, in a context of economic crisis, Muslims can be the perfect scapegoat<sup>14</sup>.

Last but not least, in this part of the paper, it is important not to forget another problem that is facing Europe related with terrorism and Syria. The worsening of situation in Syria has provoked waves of refugees risking their life in the Mediterranean in order to arrive to a safer place in Europe. However, when they arrive to the European borders they find them closed. The European Union is tackling this crisis with a lack of coordination of the Member States that results in a growing migratory pressure behind the borders in winter. This problem has been getting worse after the Paris attacks, because a number of countries do not want to accept refugees under the fear that terrorist can enter inside their States. The issue is that these refugees are escaping from terrorists and war in Syria, and, as it has been examined in this second part of the essay, the terrorist problem is inside the European borders too.

This reflexion leads us to the third and last part of this paper, where we will shed some light over this difficult subject. Following the theory of Ulrich Beck and Anthony Giddens, we are living now in a world risk society<sup>15</sup> where globalisation has ended with the traditional concerns of National States issued from the Westphalia Peace in 17<sup>th</sup> Century; so Realism is no more a valid theory to understand current problems, including terrorism.

As Professor Madeleine Hosli explained, in Realism “the States are the main actors in world politics, they aim to increase their power and behave in rational ways.”<sup>16</sup> But current problems do not concern specific states, they are globalised and have common risks -terrorism, pollution, hackers or international crime- requiring common solutions.

The World Risk Society is better than Realism or other traditional theories in International Relations to look for solutions to the international terrorism problem. Solutions must be taken from local to global, because a local action can entrain international consequences.

Following this affirmation, European States must look inside their borders and identify the causes of radicalisation of their citizens. Although there are numerous programs to prevent radicalisation, we have seen along these pages that the problem is deeper than expected and needs a long term policy, able to create more integrated societies, where trust and social capital were key factors. Trust in a society is the percentage of people you can trust, if a high percentage of people only trust in few very close friends and family, it is a quite deficient

<sup>13</sup> Fernando Reinares, *Fábricas de terroristas*, Real Instituto Elcano, 2015:

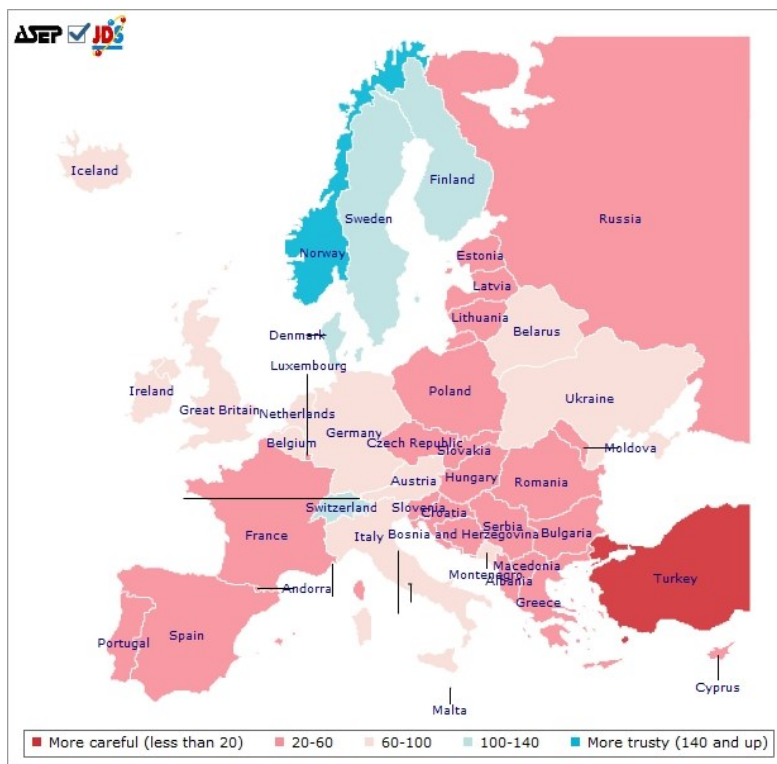
[http://www.realinstitutoelcano.org/wps/portal/web/riecano\\_es/contenido?WCM\\_GLOBAL\\_CONTEXT=/elcano/elcano\\_es/zonas\\_es/terrorismo+internacional/reinares-fabricas-de-terroristas](http://www.realinstitutoelcano.org/wps/portal/web/riecano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/reinares-fabricas-de-terroristas)

<sup>14</sup> Franck Fregosi, *L’Islam en Europe...au prisme des controverses et des peurs sociales*, Vanguardia Dossier, July-September 2015.

<sup>15</sup> Ulrich Beck, *Risk Society: Towards a New Modernity*, 1992.

<sup>16</sup> Madeleine Hosli, *The Changing Global Order*, Lecture 1.2 Theories of International Relations, Realism: <https://class.coursera.org/globalorder-001/lecture/7>

society<sup>17</sup>, and surveys show Occidental Europe has a medium-high rate of lack of trust, as you can see in map 3<sup>18</sup>. The objective would be making higher the rate of trust between unknown citizens, in order to eliminate a possible state of fear and terror. In a society where almost no one feel excluded is created, the risk of any way of radicalisation would be lower, although it will always exist.



MAP 3 TRUST LEVEL IN EUROPE

As a consequence, it is necessary a closer cooperation in justice and police in the European Union, reinforcing the competencies of Europol and Eurojust and creating a really interconnected database. Schengen is a priority in European internal borders, but the desirable coordination between the national services of intelligentsia would help to prevent terrorist attacks, and would help to control the movement of radicalised people.

From the international point of view, experts in terrorism point that military attacks in places conquered by DAESH will never end with this problem<sup>19</sup> - Taliban or Al-Qaeda have not been destroyed with this measure – but it sometimes seems like the only solution. However, one of the most effective measures is economic block. François Hollande along with other Presidents is trying to damage the economy of DAESH in order to worsen their financing of the terrorism in the field and abroad.

Nevertheless, although this essay has been focused in the risk and challenges of terrorism from a quite Eurocentric perspective, it is necessary to remember that the -no so well named- developed world is just suffering a very tiny part of the problem in comparison with the rest of the world. The Global Terrorism Index 2015<sup>20</sup> in map 4 shows

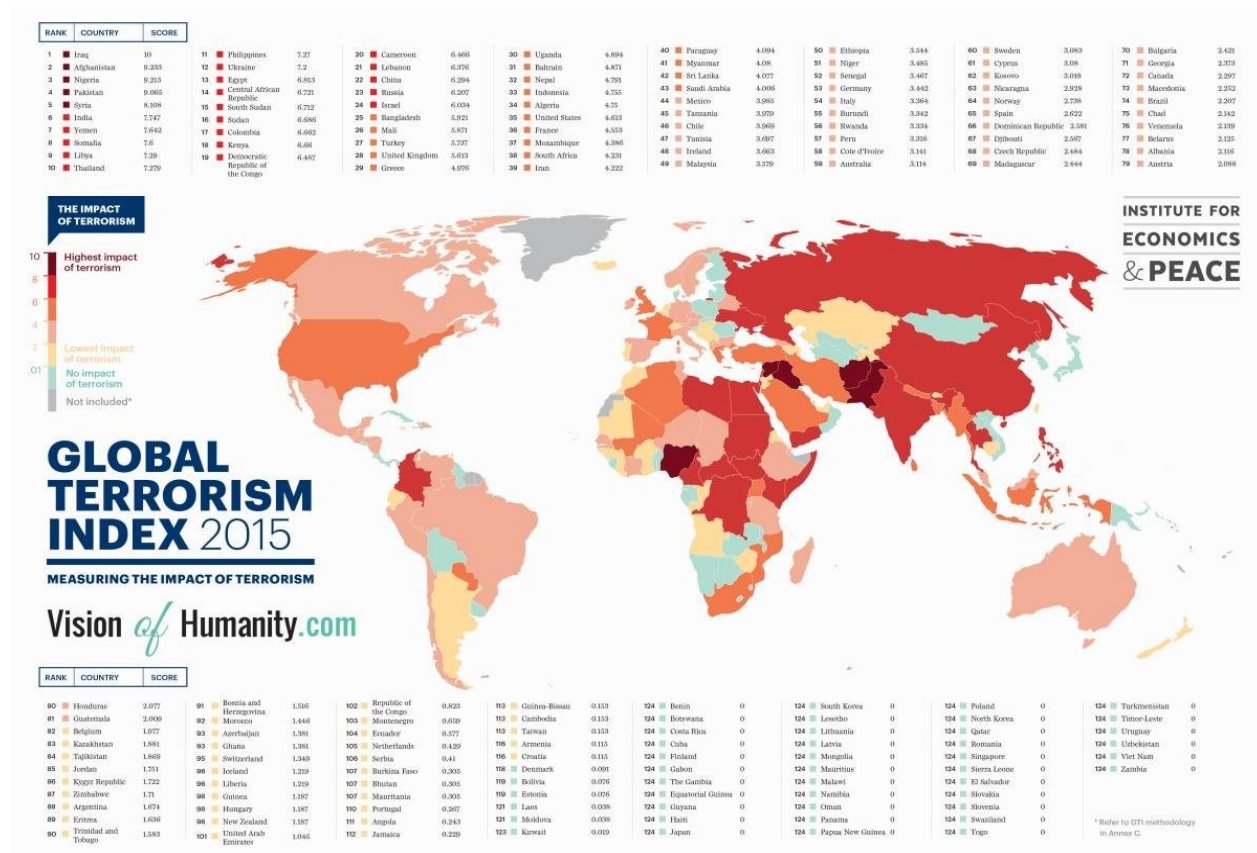
<sup>17</sup> Richard Griffith, *Configuring the world, Lecture 3.1: Trust and Social Capital*: <https://class.coursera.org/configuringworld-001/lecture/73>

<sup>18</sup> <http://www.jdsurvey.net/jds/jdsurveyMaps.jsp?Idioma=I&SeccionTexto=0404&NOID=104>

<sup>19</sup> Jesús A. Núñez, *Terrorismo y lenguaje, con París al fondo*, Real Instituto Elcano, 2015: <http://www.blog.rielcano.org/terrorismo-y-lenguaje-con-paris-al-fondo/>

<sup>20</sup> <http://www.businessinsider.com/global-terrorism-index-2015-2015-11>

that people in Nigeria, Af-Pak area, Iraq and Syria are daily coping with the fear of terrorist attacks very similar to the Paris one. And it is not a coincidence that those countries are the headquarters of Boko Haram, Al Qaeda and DAESH.



MAP 4 GLOBAL TERRORISM INDEX 2015

So, once Europe is unfortunately aware of the problem - although the continent has suffered international terrorist attacks in the past (Madrid, London...) - must humbly assume the importance of having a healthy society inside their borders to prevent more terrorist attacks, give shelter to people escaping from their countries because of the war and terrorism, and really help the international community to have a better world.

Unfortunately, terrorism will always exist, but solidarity and cohesion inside and outside any border of the world is the first step towards its mitigation.

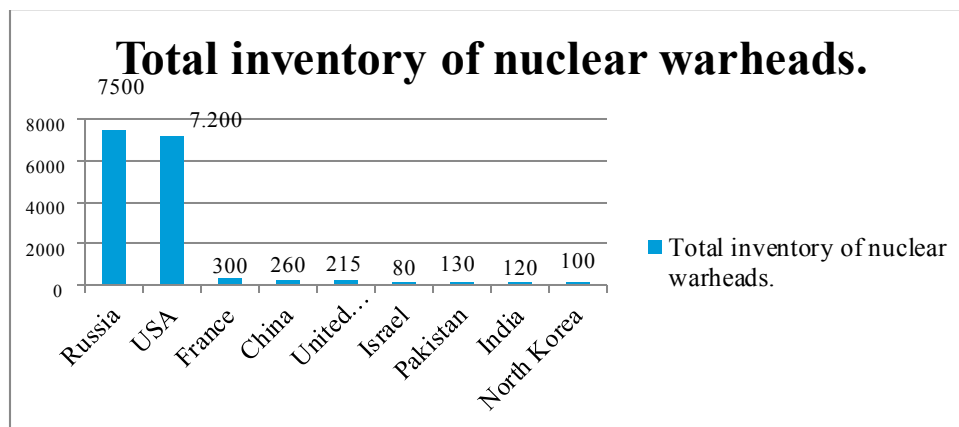
Dedicated to people who are coping with terrorism every day all over the world; especially to ETA and 11M victims in Spain.

## 4.4 WAR, CHILDREN, IT'S JUST A SHOT AWAY! – THE ROAD AHEAD FOR NUCLEAR WEAPONS

VARSHA YOGISH

### Introduction

On August 6, 2015, mourning at the 70<sup>th</sup> Anniversary of the tragic Hiroshima and Nagasaki bombings, the Prime Minister of Japan, Shinzo Abe vowed to advance toward realising a world free of nuclear weapons.<sup>1</sup> Scholars have written that, nuclear weapons have changed the character of warfare<sup>2</sup> as it would lead to universal death, sudden only for a minority, but for the majority a slow torture of disease and disintegration.<sup>3</sup> Incidents of nuclear energy accidents such as the Fukushima disaster (2011) and the Chernobyl disaster (1986) have reminded the world that security and safety can never be taken for granted, even in advanced industrial countries with considerable experience of using nuclear energy.<sup>4</sup> It is quite awful that the international community has failed to disarm itself from such weaponry, but has rather ensured its proliferation. It has been more than two decades after the Cold War ended, the world's combined inventory of nuclear warheads remains at an unacceptable high level: approximately 15,700 and counting.<sup>5</sup>



**Figure 1:** The figure entails the number of nuclear warheads in possession of the countries.

This paper is a discourse on the **transnational issue of nuclear weapon proliferation**. Such proliferation has gone unchecked primarily due to the incoherent international legal regime governing nuclear weapons. This paper shall hence attempt to analyse the **question of legality** of nuclear weapon proliferation, possession and stockpiling. The **objective** of this paper is to convince the international community to move towards nuclear disarmament by establishing a comprehensive legal regime to ensure restoration of peace. In pursuance of the same, the author seeks to divide the essay into three imperative parts.

<sup>1</sup> Text of Shinzo Abe's speech in Hiroshima on A-bomb anniversary, The Japan Times, August 6, 2015.

<sup>2</sup> Michael Horowitz, The Spread of Nuclear Weapons and International Conflict: Does Experience Matter? Journal of Conflict Resolution April 2009 vol. 53 no. 2 234-257. Available at: [http://belfercenter.hks.harvard.edu/files/uploads/Horowitz\\_The\\_Spread\\_of\\_Nuclear\\_Weapons.pdf](http://belfercenter.hks.harvard.edu/files/uploads/Horowitz_The_Spread_of_Nuclear_Weapons.pdf).

<sup>3</sup> Russel-Einstein Manifesto, July 9, 1955. Issued in London and signed by eleven prominent scientists.

<sup>4</sup> Alexander Bychko, Nuclear Power Today and Tomorrow, IAEA Bulletin 54-1-March 2013. Available at: <https://www.iaea.org/sites/default/files/publications/magazines/bulletin/bull54-1/54104710707.pdf>.

<sup>5</sup> Status of World Nuclear Forces 2015, they are estimates and further described in the [Nuclear Notebook](#) in the Bulletin of the Atomic Scientists. Available at : <http://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/>.



The first part shall deal with the transnational issue of nuclear proliferation and address the causes and problems associated to the same and emphasise on the need for nuclear disarmament. The second part shall deal with present legal regime governing nuclear weapons and subsequently analyse its position under Public International Law,(PIL) so as to indicate that nuclear non-proliferation has attained the scope of customary law. Consequently, the third part shall propose a solution to eliminate nuclear weapons. The author concludes by speculating the road ahead that does not seem bright enough for the progeny, as the nuclear weapon states continue to stockpile nuclear weapons under the garb of the policy of deterrence.

## Part I – Nuclear Proliferation – Reasons, Threats and Effects

National security model remains the leading **reason** for nuclear proliferation and is based in the long-standing international relation theory of realism.<sup>6</sup> **Realism** is a concept we studied in **Week 1 of ‘Changing Global Order’** that relies on an imperative assumption that states aim to maximise their own power in military terms and if another state becomes stronger than they are themselves, this poses a security challenge. Hence, nuclear weapons act as a security imperative in an anarchic system. Therefore, States want to possess nuclear weapons to ensure they are adequately equipped and are ahead of the other countries in a proxy arms race.

In addition to the security principle, considerations of prestige and technological advancement also goad nuclear proliferation. Nuclear weapons provide nations with an instrument of military power and hence the power of military coercion. **Military coercion** is a concept we studied in **Week 1 of ‘Changing Global Order’**, it is a strategy that can be used by nations to coerce and influence the opponent. The possession of nuclear weapons by the coercer shall ensure that the coerced will comply with the demands of the coercer due to the sheer lethality of such nuclear weapons. However, for such a strategy the coerced should not be in possession of nuclear weapons.

The fact that there has been no nuclear attack in the past 70 years, nuclear weapon optimists opine that reason for the same is the policy of nuclear deterrence. Nuclear deterrence means the party resorting to deterrence is intimating to the rest of the world that it means to use nuclear power against any State in the event of the first State being attacked.<sup>7</sup> Therefore, nuclear weapon states will not attack each other, as the attacked state can always retaliate, and considering the lethality of nuclear weapons it would lead to Mutually Assured Destruction (MAD).

However, though instances show that we have been cautious, but mainly luck has played our way. We had more than a few close calls, including: the Cuban Missile Crisis of 1962; the 1983 Soviet warning glitch which falsely showed five nuclear missiles launched against it by the US; the 1995 peaceful rocket launch from Norway that Russian early warning systems initially misinterpreted and set in motion Russian procedures for a nuclear response. These instances portray that we were almost on the brink of a catastrophic nuclear war.

The crucial **threat** that nuclear weapons bear in today’s world is the danger of nuclear terrorism. Unlike nations, terrorists are not concerned about the civilian population and they are not deterred by doctrine of mutually assured destruction. Sources opine that jihadi terrorists have been actively seeking warheads and fissile material to build a crude nuclear device. The existing nuclear war heads with nations might be susceptible to theft by such terrorists. Another issue with the stockpiled weaponry is that they are on high-trigger alert and ready to launch within hardly 15 minutes, considering an accidental trigger may endanger an entire city. Considering, states such as Iran and North Korea are going nuclear, it could dismantle the entire non-proliferation regime and encourage peaceful states to develop nuclear warheads for security purpose.

<sup>6</sup> Joseph Cirincione, The History and Future of Nuclear Weapons, p 51., Columbia University Press, 2007.

<sup>7</sup> Legality of the Threat or Use of Nuclear Weapons, 1996 I.C.J. 226, at 538 (Weeramantry, J., dissenting).

The **effects** of nuclear weapons are tragic, they have the power to cause death, destruction, imperil the entire eco-system, induce cancer, leukaemia and related afflictions, produce lethal levels of heat and blast, threaten all life on planet and irreversibly damage the rights of future generations. Over 320,000 people who survived the nuclear bombings in Hiroshima and Nagasaki were affected by radiation and continue to suffer from various malignant tumours caused by radiation, including leukaemia, thyroid cancer, breast cancer, lung cancer, gastric cancer, cataracts and a variety of other after-effects more than half a century later<sup>8</sup>. The catastrophic consequences of a nuclear weapon detonation and the risks associated with the existence of these weapons raise profound ethical questions and necessitates moral appraisal.<sup>9</sup>

## Part II – International legal regime governing nuclear weapons

It would be a paradox if international law, a system intended to promote world peace and order, should have a place within it for an entity that can cause total destruction of the world and humanity itself.<sup>10</sup> However, till date there has been no operational covenant explicitly banning the possession of nuclear weapons. The Nuclear Non-Proliferation Treaty (1970) is the only comprehensive document governing nuclear weaponry that aims to limit the spread of nuclear weapons, but stops well short of a complete ban.<sup>11</sup> Also, the infamous General Assembly Resolution 1653 (XVI) of 1961 declared the use of nuclear weapons in warfare to be illegal and urged states to adopt a treaty to this effect. However, lacking binding force, the UNGA Resolution remains only on paper.

To add to the woes of uncertainty the International Court of Justice (ICJ) issued an advisory opinion on the '*Legality of the Threat or Use of Nuclear Weapons*' in 1996. In what might seem a landmark political question before the ICJ, the Hon'ble Bench pronounced an ambiguous judgement that provided an escape-hatch to use nuclear weapons in the event of a threat to survival, but failed to answer the crucial question whether nuclear weapons were permitted in any circumstances.<sup>12</sup> The reason for such incoherence is because legality of nuclear weapons is a controversial and politically sensitive issue.<sup>13</sup>

Though there appears to be no conclusive treaty governing the elimination of nuclear weapons, the author proposes that the nuclear non-proliferation has become the norm and has attained the character of a customary principle in the eyes of PIL.

Customary principles of international law(CIL) are recognised as a source of international law as per Article 38(1)(b) of the ICJ Statute. Conventional wisdom views CIL as a unitary phenomenon that pervades international law and international relations.<sup>14</sup> CIL is worded as an evidence of a general practice accepted as law; hence it contains two imperative components. **An objective component** of 'state practice' and, **a subjective component** of '*opinio iuris sive necessitates*', an obligation to accept the same as law.<sup>15</sup> We shall examine these two components separately to arrive at the crystallisation of the said CIL.

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<sup>8</sup> Professor Joseph Rotblat, *Nuclear Radiation in Warfare*, London, Taylor and Francis for Stockholm International Peace Research Institute, 1981.

<sup>9</sup> Report and Summary of Findings of the Conference, Vienna Conference on the Humanitarian Impact of Nuclear Weapons 8<sup>th</sup> to 9<sup>th</sup> December, 2014.

<sup>10</sup> *Legality of the Threat or Use of Nuclear Weapons*, 1996 I.C.J. 226, at 451 (Weeramantry, J., dissenting).

<sup>11</sup> Jonathan Crowe, *Principles of International Humanitarian Law*, p 62., Edward Elgar Publishing, 2012.

<sup>12</sup> *Legality of the Threat or Use of Nuclear Weapons*, 1996 I.C.J. 226, at 445 (Koroma, J., dissenting).

<sup>13</sup> The effects of nuclear weapons under International Law, Article 36, Available at: <http://www.article36.org/wp-content/uploads/2014/12/Nuclear-weapons-under-international-lawbb5.12.14.pdf>.

<sup>14</sup> John M. Olin Law & Economics Working Paper No. 63, The Law School University of Chicago, Available at: <http://www.law.uchicago.edu/files/files/63.Goldsmith-Posner.pdf>.

<sup>15</sup> Available at: <https://ruwanthikagunaratne.wordpress.com/2011/04/21/lesson-2-2-customary-international-law-as-a-source-of-law/>.

Firstly, state practice, it is imperative that States whose interests are specially affected should be extensive and virtually uniform.<sup>16</sup> In light of this element, since the isolated incident of Hiroshima and Nagasaki bombings in 1945, no State has used nuclear weapons. Here, the testing, manufacturing and stockpiling of nuclear weapons are of little consideration. The reputational costs and damages cause by nuclear bombs deter the States from using them on others; therefore there is an absence of nuclear warfare. The closest instance of such nuclear warfare was the Cuban Missile Crisis (1962), but the subsequent negotiations of the Presidents of Russia and US led to a peaceful settlement. Hence, for the past 70 years, there has been inaction on the part of the States.

Secondly, *opinio juris*, the ICJ in the *Asylum Case*, observed that a state practice is to be coupled with a general recognition that a rule of law or an obligation is involved.<sup>17</sup> The ICJ has set a flexible view for determining the *opinio juris* by deducing it from a material act of the States.<sup>18</sup> Over the years, the threshold to affix *opinio juris* has lowered, for instance in the *Nicaragua case*, the ICJ relied on US being a party to a simple UNGA Resolution as implying an obligation, we shall proceed to tracing the *opinio juris* of the States with regard to prohibition of use of nuclear weapons.

The Preamble of the UN Charter aims to save the progeny from scourges of war and reaffirm faith in fundamental human rights. Since, its inception United Nations has sought to eliminate such weapons, the first resolution adopted by the UN General Assembly in 1946 established a Commission to deal with problems related to the discovery of atomic energy among others.<sup>19</sup> Subsequently, UNGA Resolutions 1653 of 1961, 33/71 B of 1978, 34/83 G of 1979, 35/152 D of 1980, 36/921 of 1981, 45/59 B of 1990 and 46/37 D 1991, declared that that use of nuclear weapons would be a violation of the UN Charter and a crime against humanity. Additionally, treaties, *inter alia*, *Treaty of Tlatelolco*, *Treaty of Rarotonga* and the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) have been ratified to ensure the recourse to nuclear weapons as illegal. In addition to the aforementioned UNGA Resolutions and Treaties, there exist UN Security Council Resolutions and conventions that aim to achieve nuclear disarmament.

Therefore, we see that there exists actual *state practice*, due to the absence of usage of any nuclear weaponry for 70 years and sufficient *opinio juris*, as in the States believe that they are *obligated* to not spread such weapons of mass destruction due to their lethality. Hence, nuclear non-proliferation has become a customary principle; therefore States must refrain from their stockpiling, possession and spread of nuclear weapons.

Additionally, mere possession and stockpiling of nuclear weapons in pursuance of the policy of deterrence would be violative of Article 2(4) of the UN Charter that prohibits the threat or use of force. In light of the policy of deterrence, the aforementioned ICJ Advisory Opinion observed that actual threat of nuclear weapons or the possession of them to discourage military aggression is unlawful if it is directed against the territorial integrity or political independence of a State, or against the Purposes of the United Nations.

Though international legal norms prohibit nuclear proliferation, over the years the States have failed to impose sanctions, as they accord utmost importance to nuclear weapons as a guarantor of security.

### Part III – Comprehensive Covenant as a solution.

<sup>16</sup> North Sea Continental Shelf (Federal Republic of Germany/Netherlands; Federal Republic of Germany/ Denmark), ICJ Reports 1969 p 3, 43.

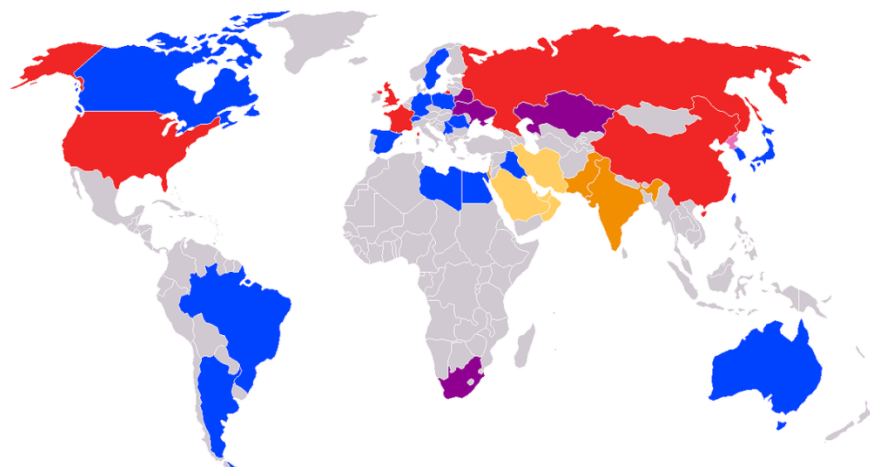
<sup>17</sup> *Asylum case*, (Colombia v. Peru) ICJ Reports, 1950, pp 226, 277.

<sup>18</sup> Malcolm N Shaw, *International Law* (Cambridge University Press, 6th ed, 2008) p. 87.

<sup>19</sup> Nuclear Weapons, United Nations Office for Disarmament Affairs. Available at:

<http://www.un.org/disarmament/WMD/Nuclear/>.

Instances of nuclear tests carried on by North Korea; Iran going nuclear post the recent US-Iran Nuclear Deal highlight the fact that the world is now on the precipice of a new and dangerous nuclear era.<sup>20</sup> Therefore, the international community is in dire need of a universal comprehensive compliance structure for states possession nuclear weapons. Two main problems with the existing NPT, is that firstly, that states possessing nuclear weapons are not a party to the treaty viz. India, Israel and Pakistan. Secondly, the differential treatment envisaged by the NPT by according nuclear weapon status to the Big Five countries is discriminatory. This Covenant that author proposes shall also do away with the much debated Article IV of the NPT, therefore there shall be no scope for peaceful use, as this Article has been subject to misuse and misinterpretation and is the cause for such widespread nuclear proliferation.



**Figure 2: World Map with nuclear weapons development status.**

- Five "nuclear weapons countries" from the NPT
- Other known nuclear powers
- Countries formerly possessing nuclear weapons
- Countries suspected of being in the process of developing nuclear weapons and/or nuclear programs
- Countries which at one point had nuclear weapons and/or nuclear weapons.

*Source: Wikipedia.*

The suggested International Covenant shall be universal, without a tier system whereby it shall aim to provide a scientific approach to nuclear disarmament and nuclear proliferation simultaneously by seeking to eliminate the nuclear fissile material. This shall include the end of producing enriched uranium and plutonium which shall imply to the elimination of national stockpiling.<sup>21</sup> The **strengths** of this International Covenant is that it shall deter the prospects of nuclear terrorism, restore peace to the civilization and shall comprehensively govern the nuclear weaponry regime with no scope for ambiguity.

However, it is highly unlikely that the States would propose such a treaty, therefore in order to **implement** the author's solution, advocacy groups shall be the best bet. Here, we need to recall the concept of **transnational advocacy groups** as learnt in **Week 8 of Configuring the World** that they are capable of acting as pressure groups by relying on citizens' support and ensuring change in the status quo. For instance, the success of Organization for the Prohibition of Chemical Weapons in curtailing spread of chemical weapons has been tremendous and internationally recognized. Similarly, International Campaign to Abolish Nuclear Weapons, Green Peace and similar groups can press for such a covenant to be ratified by the States.

Also, theoretically it is possible to suggest such a proposition to completely ban nuclear weapons, the immediate and glaring failure of this suggestion in any practical situation would quickly disabuse any believer about the

<sup>20</sup> George P. Shultz, Henry A. Kissinger and others, A World Free Of Nuclear Weapons, The Wall Street Journal January 4, 2007, Available at : [http://disarmament.nrpa.no/wp-content/uploads/2008/02/A\\_WORLD\\_FREE.pdf](http://disarmament.nrpa.no/wp-content/uploads/2008/02/A_WORLD_FREE.pdf).

<sup>21</sup> Alexander Glaser and Others, Unmaking the Bomb- A Fissile Material Approach to Nuclear Disarmament and Non-proliferation, MIT Press, 2014.

viability of such a notion on the international plane. There are three main **weaknesses** to the solution that has been proposed.

*Firstly*, achieving universality is very hard to ensure considering States shall be reluctant to sign a covenant that impinges on their sovereignty to possess nuclear weapons. This is the reason why the Comprehensive Test Ban Treaty is pending ratification and the recent 2015 NPT Review Conference was not a success. *Secondly*, adherence to the treaty can also not be ensured, due to the failure of imposition of sanctions by any international body. For instance, though chemical weapons have been banned, there was evidence that the Syrian military used chemical and toxic weapons in 2013, though investigations by the UN have confirmed such usage, there were no legit sanctions imposed on the Syrian military. *Thirdly*, the Covenant may hamper the generation of electricity by nuclear power plants, if a complete ban is placed, considering that such nuclear plants would be a good substitute for fossil fuels that are on the verge of extinction.

## Conclusion

Massive documentation of nuclear warfare details the sufferings caused by nuclear weapons - from the immediate charring and mutilation for miles from the site of the explosion, to the lingering after-effects - the cancers and the leukaemia that imperil human health, the genetic mutations that threaten human integrity, the environmental devastation which endangers the human habitat, the disruption of all organization, which undermines human society as a whole.<sup>22</sup> Thereby, it is important that these nuclear weapons are given a relook and completely eradicated from our society. The States must act on rational considerations and move beyond the security dilemma, paving way for a rational discourse encouraging an international community free from nuclear threats.

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# 5 OECD CHALLENGE

## 5.1 EVALUATING THE RELEVANCE OF GLOBAL WATER PARTNERSHIPS IN EFFECT OF GLOBAL WATER GOVERNANCE ADDRESSING THE ISSUE OF HOW EFFECTIVE ARE GWG ORGANIZATIONS/ORGANIZATIONAL NETWORKS IN TODAY'S 21ST CENTURY

DANIELLE K. COCHRANE

### BACKGROUND

*"Addressing the water crises has more to do with governance and making sustainable/equitable water management a global priority."*

*- Dr. Newsha Ajami, co-author of Global Water Governance in the 21<sup>st</sup> Century.*



Presently, it has been widely accepted that the essence of the current water-crisis is not much in resource-scarcity and poor-infrastructure, as in power, poverty and inequality [UNDP 2006], but in the lack of effective management and solid collaborative initiatives manifested by persons at the community-level, the Government and the relevant transnational/international bodies respectively. While it is understood that the problems associated with the availability,

management, and proper usage of water is not solely a national issue, but one that transcends all trans-national borders of demography, intellect and culture, and is rightfully recognized as a global phenomenon. The processes of globalization and transnational-activism have further triggered the emergence of transnational relations among variety of actors conceptualized as "Global Water Governance"<sup>1</sup>. The challenges/opportunities currently presented by water resource issues worldwide, call for each nation to review the state of their legal arrangements, public policies, leadership capabilities, and the stability of economic instruments for effecting proper water-governance. Thus the instrumentality of the paradigm of IWRM becomes visibly evident in this respect. The principles adopted by GWP for IWRM are ***social equity, economic efficiency and environmental sustainability***. These principles unite the fundamental aspects of effective water-management and water-governance. Because the GWP is a global network that executes its functions at all levels in response to the persistent/emerging water challenges, an assessment, rather, active implementation of established goals are needed to determine how

GWG efforts can be improved to address 21st century water challenges, and to leverage opportunities afforded by new thinking and innovative technologies. It is for this reason why there is an urgent need for effective management and enactment of GWG Organizations/Organizational Networks in fulfilling key strategic goals to effectuate *the strategy towards 2020*.<sup>ii</sup>

In this paper, the writer will assess briefly the issue of how effective are GWG Organizations/Organizational Networks in today's 21<sup>st</sup> century in tackling the present global water crisis by addressing four general (4) key deficiencies/challenges faced by aforementioned groups, and provide useful recommendations on how to improve effectiveness on both a macro/ micro level to substantially tackle the prevailing global water crisis. The writer hopes that by articulating the below four (4) challenges, clear direction is sought to functionally address and solve the global water crisis which has been transcending civilizations indefinitely; also that an avenue would be created for positive change in same groups' international perception, as well as their functionality and dynamic impact in today's society. Recommendations are included to provide realistic/ workable solutions that are imminent in eliminating global water scarcity, and in part institutionalize normative mechanisms that stabilize water regulation, distribution, quality and quantity for all persons, regardless of one's socio-economic status, geo-political position, cultural affinity, or any other distinguishing identifiers that divide people in any way, shape/form. Water is essential for life and its relevance in the world should be prescribed as a human right and not merely a false panacea of international recognition to the global water crisis.

**Assessment- How Effective are GWG Organizations/Organizational Networks in tackling the global water crisis?**



Notably, the writer has taken the perspective as viewing GWG Organizations/Organizational Networks as one embodiment of PPP<sup>iii</sup>, given the intricate arrangements between the varying governments and private-sector entities in providing public infrastructure, community facilities, best practices, and other related goods and services, to combat the global water crisis through sharing responsibility, investment, risks, and rewards between all relevant actors. Like other organizational structures, there are visible risks/drivers (i.e. advantages/disadvantages) to the nature, scope/effect of GWG





implementing coherent action is hampered by differing agendas amongst organizations/agencies, thus dismantling the process of building trust.<sup>viii</sup> The lack of clear leadership manifests in several ways, including: mismanagement of scarce funds/resources, increased political/social risks, institutional failure and rigidity, confusion over the demarcation of responsibilities among actors, inadequate coordination mechanisms, jurisdictional gaps/overlaps, and the failure to match needs, responsibilities, authorities and capacities for action. Particularly, bilateral funding-agencies are likely to focus efforts on personal priorities, though efforts usually aligned to the common global agenda (Millennium Development Goals).<sup>ix</sup>

**Recommendations:** -- *A) Promote greater collaboration to build understanding/coordinate action.* To effectively address the interlinked nature of the many problems, it is critical that water-related action not be led from a silo, but rather through the active integration of varying international organizations, agencies, programs, other related groups that are directly/indirectly involved in supporting the mission of combatting the water crisis, the Government and other national/regional bodies, including donors/ multi-national agencies. Active co-ordination, despite sectoral differences<sup>x</sup> contextually will result in the building of effective networks<sup>xi</sup>, creating impactful spaces for open dialogue, and focusing on solid, holistic and sustainable approaches to the management/execution of concrete visions/objectives collectively approved in tackling the global water crisis.<sup>xii</sup>

*2) The role/responsibilities of the Government/Non-Government process is unclear, undermined, and effects counter-productivity.* The rise of government/non-governmental processes requires clear guidance as to how new initiatives should interact with existing government-led processes. With the ever-expansive range of new actors with personal sources of authority (inclusive same actors from private, non-governmental, academic, and media sectors), comes revolutionary independence/creative innovation to bring forth new thinking/innovation to confront the present global water crisis. With the trend towards distributed governance, the role of the State is changing, as civil society, communities, local government and the private sector take on more responsibilities. Consequently, the development of many concerns, particularly related to issues of legitimacy, accountability, and the assessment of fostering positive relationships with existing public governance structures, becomes more apparent. The idea that these new initiatives may be undermining government-led efforts, operating outside of local priorities or that some privately led initiatives are engaging in policy-capture, is daunting. Though this concept is subject for debate, it is clear that these actors will continue to play an important role in global water-governance in the future.

**Recommendations:** -- *A) Develop guidelines/principles to help govern non-governmental processes.* The distinguishing characteristic between governmental/non-governmental organizations is that one operates by the powers of the Government whereas the other operates independently. There is no argument that both bodies are not designed to holistically eliminate the global water crisis and that each is continually working to make same, a reality. The true test of mantle for both bodies is

acknowledging the existing processes used to effectuate same results. Understanding that both these processes can potentially undermine one another, some organizations, such as the UN CEO Water Mandate, have developed guidelines/principles to govern how the private-sector engages in water policy-development. Such a step is exemplary for future partnership-initiatives between both bodies being complementary instead of juxtaposing. With the dawn of globalization and modernization, the dual dynamics of the roles/responsibilities of both bodies are ever-evolving, almost catalyzing as a single fusion of central functions for a mega-organism of varying bio-activities. It is important that the functions of each body are clear to leverage each actor's unique capabilities.

Table 1: different types of governance arrangements, forms and examples

Type of governance arrangement	Examples	
<b>A. Public organizations</b>	State owned enterprises	Ten regionally operating water companies in the Netherlands
<b>B. Public-Public Partnerships</b>	Alliance consisting of various government organizations	Waternet in Amsterdam, in the Netherlands
<b>C. Public-Private Partnerships</b>	Concession contract between municipalities and companies	Several municipalities in France
	Concession contracts between municipalities and companies complemented by regulatory agencies	Thames PAM Jaya (TPJ) and PAM Lyonnaise Jaya (PALYJA), the municipality of Jakarta and the Jakarta Water Supply regulatory Body (JWSRB) in Indonesia
	DBFO- contract between a consortium of private companies and a public regional water board	Delfluent in the Netherlands
	BOT-contract between a private company and the government	The Yuvacik Reservoir in Izmit in Turkey and the Turkish government
<b>D. Private companies</b>	Business enterprises	Ten regionally operating companies in the United Kingdom
<b>E. Civil Society-Public Partnerships</b>	Private initiative supported by the (local) government	Orangi project in Pakistan
<b>F. Civil Society-Private Partnerships</b>	Alliance between NGO and private company	Water filters Delhi India
<b>G. Civil Society organizations</b>	Self-governed common-pool resources	Lombok Indonesia

- 3) ***GWG Organizations/Organizational Networks lack secure sustainable economic instruments/financing that could effectively complement a stronger mandate for coordinating intergovernmental organizations.*** Financing is among the high-priority issues in regular dialogue concerning revolutionary solutions, yet progress is minimal/mediocre, almost ambitiously unrealistic.<sup>xiii</sup> In many countries, water-management/water-services continue to be funded through central sources/funding and is usually insufficient; and water-related infrastructures, dilapidated. . Where charges are collected periodically for water- usage, monies are generated into a general purse, for which water-providers were paid on a priority-basis, instead of being retained by organizations responsible for managing water sources.<sup>xiv</sup> Additionally, the wide-spread effects of rampant corruption, poor water-charge collections, and the perception versus reality of the use/reliability of water services, are oftentimes linked to unconvincing, even undercurrent strategic-political motives; usually to the detriment of individuals/communities who are in dire need of water.<sup>xv</sup>



**Table 1.1** Indicative annual investment in water services for developing countries

	Annual costs	
	Today	2002–2025 (billions of US\$)
Drinking water	13	13+
Sanitation and hygiene	1	17
Municipal wastewater treatment	14	70
Industrial effluent	7	30
Agriculture	32.5	40
Environmental protection	7.5	10
Total	75	180

Source: GWP, "Towards Water Security: a Framework for Action", and John Briscoe, "The financing of hydropower, irrigation, and water supply infrastructure in developing countries," in *Water Resources Development*, (Vol. 15, no. 4, 1999). Figures include 15% allowance for O&M.

Note: Operating and maintenance. Investment in hydropower (about \$15 billion) is not separately identified. Because larger schemes are usually multipurpose, some of this cost would be included in the Agriculture and Environmental Protection categories, and the remainder would be attributed to the power sector.

**Recommendations:** - *A) Creating/Implementing practical accountable/transparent financial programs through the collaboration of the Government and other active bodies within GWG Organization/Organizational Networks.* This requires the Government, the UN-Water<sup>xvi</sup> (internationally recognized as the main 'saving grace' of the global water crisis), and other inter-governmental mechanisms (inclusive donor/multi-national agencies) to fulfill pledges, legitimize global-recognized laws/sanctions on those acting against the best interest of promoting sustainable water resource management<sup>xvii</sup>, as well as openly

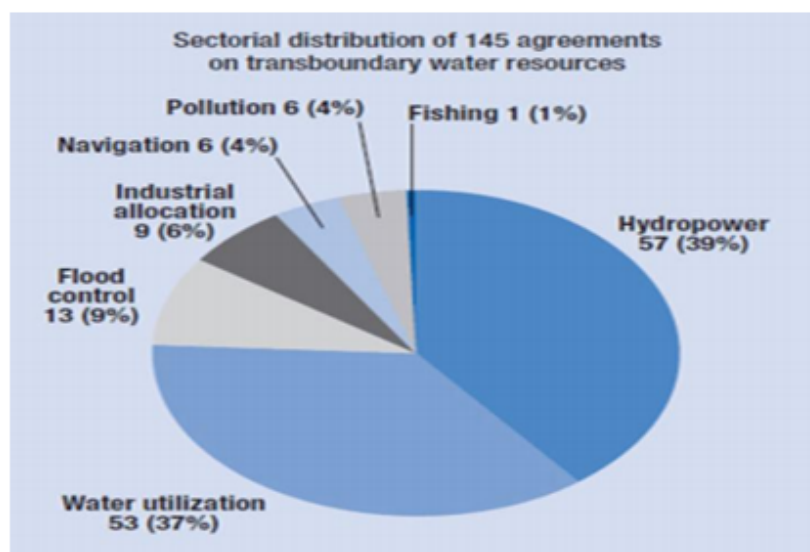
encourage dialogue within public/international spaces to educate/dissipate relevant information on objectives and correct uses of funding, to substantially diagnose/implement preventative measures, and encourage healthy active dialogue for organizations to broadcast challenges/ short-comings so that aid is possible/properly utilized.

#### Box 2.1 Where the funds for water come from

- **Water users**, such as households, farmers and businesses. Household, particularly in rural areas and in poorer urban districts, invest their cash, labor and materials in wells, pipes, basic sanitation and other facilities. Farmers invest large sums in tubewells, pumps and surface irrigation systems, either on their own or as members of associations and user groups. In some regions, farmers with surplus water from their own sources invest in distribution systems to dispose of their surplus to others. Industrial and commercial firms often develop their own water supplies and effluent treatment facilities. Some large firms even supply the general population. Users also cross-subsidise each other through paying different tariffs.
- **Informal suppliers**. In cities where growth has outstripped the public network, local entrepreneurs, often acting outside the law, fill the vacuum by selling water in bulk from tankers—or in containers and bottles.
- **Public water authorities and utilities**, which fund recurrent spending and some new investment from revenues provided by user charges (gross operating cash flow), loans and sometimes public subsidies.
- **Private companies**, either local or foreign, providing funds from sources similar to public utilities, plus equity injection.
- **Non-governmental organisations and local communities**, raising funds from: voluntary private contributions or grants from international agencies.
- **Local banks and other financial institutions**, offering short-term or medium-term loans at market rates.
- **International banks and export credit agencies**, providing larger volumes of finance than local sources, against corporate guarantees or project cash flow.
- **International aid from multilateral and bilateral sources**, available as loans on concessional terms or grants.
- **Multilateral Financial Institutions**: Loans on near-market terms.
- **Environmental and water funds**
- **National central and local governments**, providing subsidies, guarantees of loans, and proceeds of bond issues.

- 4) ***Failure to Adopt Legal Comprehensive (Macro) Agreements on Transboundary Water-Courses.*** Approximately 40% of the world's population relies on natural shared water sources.<sup>xviii</sup> About 148 countries include territory within one or more trans-boundary river basins. Almost 450 agreements on international waters were signed between 1820 and 2007. Since transboundary watersheds traverse political and jurisdictional lines, heterogeneous, sometimes conflicting national laws/regulatory frame-works make management a major challenge, particularly when no single national-government has authority over another. Hence, trans-boundary water-management requires the creation of international guidelines/specific agreements between riparian states. Furthermore, financial/political constraints make the adoption/implementation of legal mechanisms difficult, despite the international acknowledgement of the value of transboundary watershed treaties being demonstrated.<sup>xix</sup> To have several separate regulatory bodies would make fair/transparent, effective enforcement, complicated/counter-productive. Overlapping functions leads to un-impactful, limited and temporary outcomes.<sup>xx</sup>

***Recommendations: - A) Adequately enforce compatible international laws/agreements at all levels, periodically monitor/assess performance mechanisms, and summon sanctions for non-compliance whenever reasonably necessary to cater to changing needs.***



There is a consensus among experts that international watercourse agreements need to be concrete, establishing measures to enforce treaties and incorporate detailed conflict- resolution mechanisms in case disputes erupt; however unpredictable. Over the years, there have been several breakthroughs made in establishing neutrally-complementary laws that support harmonious relationships amongst nations.

The *Helsinki Rules* were the first attempt by any international association to codify the entire law of international water-courses. These rules have heavily influenced state-practice as well as efforts of other international associations in examining the law of internationally-shared fresh waters. Similarly, the 1997 *United Nations Convention on Non-Navigational Uses of International Watercourses* is another key legal instrument that promotes "equitable and reasonable use" of trans-boundary



waters and *"the obligation not to cause significant harm"* to neighbours. However, the existence of these/similar laws are inadequate and only serve their purpose when being strictly enforced, although outcomes are usually significantly compromised through changing basin-dynamics/societal values, diplomatic protocol<sup>xxi</sup>, geo-politics<sup>xxii</sup>, and customary agreements. Better cooperation also entails identifying clear/flexible water-allocations/water-quality standards, respecting hydrological events, changing basin dynamics/societal values.

## **CONCLUSION**



There is growing recognition that the complexity of water-related challenges transcend national/regional boundaries and cannot be adequately 'solved' by one single policy/practice, but through the *effective collaborative effort* from all relevant stake-holders at all levels. It is only through operative knowledge-management, capacity-development, central acknowledgement of clear (complementary) agenda, and perpetuation of building trust, that we, as members of the global community, can see/feel change regarding effects of the global water crisis. The above four (4) challenges/recommendations presented are simple

representations of the plethora of global, regional/national issues facing the world. Though same will not produce immediate results singlehandedly, they provide positive directives in an effort to promote robust/ sustainable approaches to global water governance in the 21st century.

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<sup>i</sup> Global Water Governance (GWG) is ***"a process which promotes the coordinated development/ management of water, land and related resources to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems."*** <http://www.sswm.info/category/concept/iwrm> The Global Water Partnerships was founded in 1996 by the **World Bank**, the **United Nations Development Programme (UNDP)**, and the **Swedish International Development Cooperation Agency (SIDA)**, and that it is the partnership of these groups under the GWP, that has created, internationally acknowledged, and aspire to effectively implement the **Integrated Water Resources Management (IWRM) Program**.

<sup>ii</sup> The GWP has identified three (3) strategic goals that are formulated to fully administer effective water resource-management/governance in their vision of a water-secure world. They are :- 1) Advancing effective governance, based on comprehensive/mutually-supportive policies, institutions, partnerships, processes, and information-sharing; 2) Developing the capacity to share knowledge and fostering a dynamic communications culture; and, 3) enhancing the viability/effectiveness of GWP's Network by strengthening partnerships and Partner organizations to catalyze change, enhance learning, and improve financial sustainability.

<sup>iii</sup> "PPP's" stand for **Public-Private Partnerships**.

iv According to illustration on The Trend Towards Public-Private Partnerships mentioned in Week 3-Lecture 2- Why & How do international organizations collaborate with business, government, & civil society?

### Trend Towards Public-Private Partnerships

<u>Drivers</u>	<u>Risks</u>
❖ Complexity of sectoral challenges	❖ Potential of conflicts of interest and asymmetric power relations
❖ Restricted Resources and Power of International Organizations	❖ Undermining International Organization's interest.
❖ Globalization Process	❖ Exclusiveness
❖ Rising Power of Companies and Civil Society	❖ Weak accountability and Governance Structure

Sources: Andonova; 2006, Bendell et al; 2010, McQuad; 2000, Rosenau; 1999, Schwab; 2008, Utting; 2000, Utting & Zammit; 2006.

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v Effective governance of water resources /water-service delivery will require the combined commitment of government/non-government groups. With this, the State would need to implement the notion of distributed governance of water as an institutional response to changed/external environment. Poor water-governance constitutes a barrier to development, and cripples the poor through economic /non-economic channels, making them more vulnerable to adapt to changes. Structural reforms are needed to turn poor water -governance into more effective water- governance and include measures such as creating accountability in the use of public funds meant for water resources and delivery- development, building national capacity for better policy- formulation, enforcement mechanisms. It also includes converting decision-making / implementation into more inclusive processes where civil society/ private sector have clear roles and shared responsibilities on the basis of "PPP's". <http://wedc.lboro.ac.uk/resources/conference/29/Adeyemo.pdf>

vi Namely the United Nations system, multilateral- lending institutions, and regional basin-organizations.

vii These international organizations include :- the United Nations (UN) Water , Alternative World Water Forum, BPD ( Building Partnerships for Development in Water and Sanitation) Water and Sanitation, European Water Partnership, and Global Water Challenge (GWG).

viii According to illustration on Building Trust Theory mentioned in same aforementioned Week 3-Lecture 2.





<sup>ix</sup> E.g. the German development agency (GIZ) has spent considerable resources on addressing the food-water-energy nexus, climate change, and access to water and sanitation. The US Agency for International Development (USAID), furthermore, is focused on biodiversity, food security, climate change, and water access and sanitation.

<sup>x</sup> According to illustration on Sectoral Differences mentioned in same Week 3-Lecture 2.

Sectoral Differences

	<u>International Organization</u>	<u>Business</u>	<u>Civil Society</u>
<u>Core Interest</u>	Political	Economic	Social
<u>Primary Control</u>	Members	Owner	Communities
<u>Core Competency</u>	❖ Awareness ❖ Defining Standards ❖ Creating Rules	❖ Production & marketing of Goods and Services	❖ Mobilization of Communities
<u>Primary Weakness</u>	Rigidity	Monopoly	Fragmentation

Sources: Googins & Rochlin, 2000; Waddell, 2000.

<sup>xi</sup> That will not only assemble skills/knowledge from different disciplines into IWRM, build a critical mass of competence for action (both in capacity development and water management) and respond to the imminent demand for alleviation in providing workable solutions.

<sup>xii</sup> This calls for institutional frameworks to be decentralized premised on geo-political scales/socio-economic levels. The subsidiary principle regarding GWG (that water should be managed at the lowest appropriate level) could provide convincing evidence to substantiate the demolition of a stratified governance- structure.

<sup>xiii</sup> Funding commitments made by major economies at the 2002 Johannesburg Summit and among the G8 countries have presently not materialized. Furthermore, audits conducted by the World Health Organization (2012) finds that overall funding for the water sector is low – and is skewed toward capital expenditures for drinking water systems in urban areas being sole priority, excluding other arguably equally- important areas of water-resource management such as expenditures for sanitation, operation and maintenance costs.

<sup>xiv</sup> As a result, opportunities are lost to redefine relations between different players - water managers, service providers, water users - and to align financial mechanisms with new distributed forms of governance with larger ownership.

<sup>xv</sup> Water projects have been undertaken for politically-strategic reasons. Bulky capital outlays are made to grow the economy, provide employment, or any other politically-expedient reason with little attention given to cost of exploitation.

<sup>xvi</sup> The main purpose of UN-Water is to complement/ add value to existing programmes/projects by facilitating synergies and joint efforts, so as to maximize system-wide coordination as well as effectuate support provided to Member States in their efforts towards achieving the time-bound goals, targets and actions related to its scope of work as agreed by the international community, particularly those contained in the Millennium Development Goals/ the Johannesburg Plan of Implementation (World Summit on Sustainable Development).

<sup>xvii</sup> E.g. using funds to promote/perpetuate corrupt/unethical practices, and to galvanize self-interest.

<sup>xviii</sup> Natural water sources include; rivers, lakes, groundwater aquifers and fresh-water sources.

<sup>xix</sup> In 1997, the UN General Assembly adopted the Convention on the Law of the Non-navigational Uses of International Watercourses. This UN Convention set forth principles for equitable and reasonable utilization of international watercourses and for equitable participation. Unfortunately, it has not yet obtained the necessary number of signatures to enable enforcement, notwithstanding over a decade after its adoption by the majority of the General Assembly of the United Nations. Legal agreements on water-sharing have been negotiated even as cross- conflicts have pre-dominantly persisted. Cambodia, Laos, Thailand and Vietnam, have been able to co-operate since 1957 within the framework of the Mekong River Commission, despite experiencing technical difficulties throughout the Vietnam War. Similarly, a framework for the Nile River Basin was agreed in February 1999 in order to fight poverty and spur economic development in the region by promoting equitable use / benefits from common water resources.

<sup>xx</sup> This leads to non-transparent assessment of quality services, fractional and sporadic fulfillments which are short-lived.

<sup>xxi</sup> As is seen in the case of *The Gabčíkovo Dam Project*.



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## 5.2 LEARNING FROM CURRENT REFUGEE MOVEMENT IN ORDER TO PREVENT FUTURE CRISES

ETHAN MARTIN

### Introduction

Currently, one can't help but to be inundated by tales, reports, and analyses of the ongoing Syrian civil war and the refugee crisis in Europe. So far this year, nearly 950,000 people have crossed – or died trying to cross – the Mediterranean Sea into Europe, and half of these people came from Syria (UNHCR, 2015). The Syrian civil war and the Mediterranean refugee situation are closely linked together, have a large impact on a global scale, and are testing the policies, governance, and populations of all states and agencies involved. This paper asks the questions: what can we learn from broad trends of refugee movement, and how can we apply those lessons to mitigate future crises?

### The Present State of Refugee Movement

The movement of large numbers of people, whether by choice or by necessity, from one place to another is a recurring theme throughout history and prehistory: the spreading of early humans across the globe, religious stories of relocation in Exodus and other holy books, and more recent events such as the Indochina refugee crisis beginning in the mid-seventies. This is a continually occurring process. In addition to the headline-grabbing examples of events in the middle-east and Europe at the moment, immigration also continues to be a major topic in the lead up to next-year's presidential election in the United States.

That the migration of people across the globe is a given, individual countries and international organizations such as the United Nations (UN), the Organization for Economic Cooperation and Development (OECD), and the European Union (EU) need to continually rethink the way they deal with people leaving, passing through, and entering their territory. Being prepared to deal with humans on the move is not just a concern of rich countries and wealthy regions either. In the years 2000 – 2013, 57% of migrants moved along a “South-South” axis (Khawwaja, 2014). This reference to a “South-South” axis doesn't simply refer to geography or cardinal direction; it essentially refers to poorer or less-developed countries. Different definitions exist, but determinants of a country's “North” or “South” status are often criteria such as OECD membership, average income levels, gross national income, or human development index rating (Khawwaja, 2014). In fact, when looking at statistics that detail where refugees settle, nearly half (44%) settle in fragile, poorly governed states despite the fact that most refugees (77%) come from fragile states themselves (Hoeffler, 2013). Clearly then, the movement of people is a great concern for all countries, rich or poor – designations which, as demonstrated in the MOOC The Changing Global Order, are continually shifting.

Presently, much of the debate around the influx of refugees (and migrants) across the Mediterranean has been focused on alleviating immediate problems. The main themes of policy debate are: saving the lives of those at risk, making it easier for people to find safe ways into Europe, and exploring ideas on mixed migration (Wolff, 2015), defined therein as *“both forced migration and economic migration which follow similar migratory routes.”*

Such debates, though supremely important and time-sensitive, do not necessarily determine how countries and international organizations will deal with similar situations in the future. As Alexander Betts, Director of the Refugee Studies Center at Oxford, has written, *“There is a tendency in refugee policy to assume that the latest ‘crisis’ is unprecedented and forget the past”* (Betts, 2015). In order to avoid a scramble to react to a future crisis of refugees and migrants, it will behoove countries and organizations to prepare for and set in place policies as soon as possible.

Most refugees come from poor, unstable, conflict-ridden countries. Ninety percent of the people who crossed the Mediterranean in hopes of safety and a better life come from states that are wracked with conflict and poverty: Syria (50%), Afghanistan (20%), Iraq (7%), Eritrea (4%), Nigeria and Somalia (both 2%), and Sudan, Gambia, and Mali (all 1%) (UNHCR, 2015). Having reached rich EU countries that belong to the OECD, they have achieved what most refugees do not. Refugees from fragile states only wind up in the OECD 6% of the time (Hoeffler, 2013). This number has surely risen in the time since her paper was published due to a swell in refugee numbers in 2014 and 2015, but it can't be expected to have risen too high, based on another finding of hers: 98% of all refugees go to and settle in neighboring countries (Hoeffler, 2013). This happens so often because the financial cost of traveling long distances to richer countries is too great, and because existing social and cultural networks of earlier refugees often already exist in the destination country, providing a cultural and social network (Hoeffler 2013). This diaspora of populations complicates the concept of certain peoples residing strictly in certain states, a concept discussed in the Configuring the World MOOC.

With so many desperate people fleeing from one problematic country to another (slightly less) problematic country, one can't help but wonder how permanent their situation will turn out to be. It's reasonable to think that, if the original situation in a refugee's home country doesn't improve to the point that he or she would consider going back, conditions in a refugee's new host country (especially if he or she has wound up in another unstable or fragile state) could force him or her to flee elsewhere once again. Consider the 1.2–1.5 million Iraqi refugees that arrived in Syria between 2003 and 2007 (Kelley, 2015) that are now seeing refuge elsewhere, in Turkey and the EU.

## Dealing With Refugees in the Future

How, then, to anticipate or prepare for large movements of desperate people in the future? This question relates directly to the MOOC International Organization Management. As mentioned above, conversations about saving lives, making travel routes safer, and accommodating mixed migration is a start. These debates tie into the difficulties of state policy. Different countries and organizations have conflicting and, as will be shown later in the paper, often outdated concepts of refugees, and how to treat them. In her paper, *Migration and Refugee Governance in the Mediterranean* (2015), Wolff explores how international organizations can influence EU policies on migration. In nineteen pages she references more than 35 different agencies, councils, unions, conventions, and dialogues that all have some role in trying to govern and define policies on migrants and refugees. Surely, these are but a selection of all the organizations and concerned parties. With such a numerous array of actors, it's no wonder that this crisis has developed faster than the EU and other organizations can react or respond.

Other obstacles that need to be overcome in order to adjust to future crises with agility are political and cultural challenges within countries of transit or destination. Cultivating a welcoming atmosphere in host countries is important in order to secure citizen buy-in for accepting refugees. Countries such as Jordan have welcomed numbers of people that are proportionally very high to its population, creating tensions between native and refugee populations (Wolff, 2015). Nationalism has also been rising throughout Europe in response to the continuing influx of migrants and refugees. Despite this, in rich countries in particular, overcoming resistance to new arrivals is important from a high-level economic perspective since only four OECD countries (Iceland, Israel, New Zealand, and Turkey) have a fertility rate high enough to maintain stable populations (Hoeffler, 2013). This means that foreigners looking to reside in a host country are able to offset the effects of aging populations and help maintain economic growth. In fact, remittances sent to poorer, less-developed home countries of migrants and refugees can play a large role in reducing poverty, improving health, and aiding development in those countries (Khawiwada, 2014). In the long run, this individual assistance could alleviate many conditions that lead to

emigration and flight in the first place, since difference in income is an important factor that inspires people to move from one country to another (Khatiwada, 2014).

Something else to consider is that the distance that refugees can travel in order to seek settlement is very closely linked to the amount of financial resources they have, and that they are willing (if able) to travel further if there are greater economic opportunities in their destination country than in closer countries (Hoeffler, 2013).

Furthermore, this tendency:

*“suggests that increasing the income levels in fragile states is likely to increase migration to OECD countries and decrease migration to neighbouring fragile states. It also suggests that democratisation in fragile states is unlikely to reduce emigration. The factors explaining the movements of refugees are similar. Refugees leave countries of low income and go to countries with higher incomes.”* (Hoeffler, 2013)

Essentially, if rich countries can contribute to the economic improvement of poor and fragile countries, an immediate effect may be to enable people from those countries to travel further distances, to richer countries, meaning that the figure showing that refugees only end up in OECD countries 6% of the time would increase. For potential receiving countries, this can be beneficial or detrimental, depending on labor and market conditions. Besides the opportunity to address aging populations as mentioned above, new arrivals can contribute to economic growth and fulfill skill shortages. However they can also increase competition for low-skilled jobs and add to wage deflation (Khatiwada, 2014).

### The Climate Factor: A Syrian Case Study

Taking into account all the present considerations and challenges to dealing with the movement and settlement of refugees, establishing comprehensive and effective norms can seem daunting. However, there is no better time than the present to start addressing these challenges since the number of refugees in the world may very well rise dramatically due, not necessarily to increasing conflict (though this is certainly a possibility), but to extreme climate events linked to climate change. Based on a “*plausible range of emission scenario*”, between 50 and 200 million people may be displaced or immediately affected by climate change by 2080 (Williams, 2008).

The ongoing civil war in Syria, for example, was precipitated by the country’s worst drought in recorded history (Kelley, 2015). As United States Secretary of State John Kerry put it:

*“It’s not a coincidence that immediately prior to the civil war in Syria, the country experienced its worst drought on record. As many as 1.5 million people migrated from Syria’s farms to its cities, intensifying the political unrest that was just beginning to roil and boil in the region.”* (Miller, 2015)

This statement echoes a very similar conclusion reached in a study focusing on connections between climate change, food security, and refugees:

*“The drought led to crop failure and worsened rural poverty, which helped drive mass migration from rural to urban areas. The authors describe how this process put pressures on Syria’s big cities, which were already experiencing rapid population growth rates and an influx of over one 1.5 million Iraqi refugees. The Syrian government’s failure to address the overcrowding, unemployment, lack of infrastructure and other troublesome elements fueled the fire of unrest among the population.”* (Campbell, 2015)

Certainly, the drought in Syria cannot be entirely blamed for the unrest, uprising, and war that followed it, but it did help a bad situation turn worse. The former president of Syria implemented many agricultural policies throughout the last three decades of the last century that were short-sighted and aimed mainly at increasing his support in rural communities (Kelley, 2015). The result of this was that the country’s already-tenuous water resources were exploited beyond the point of sustainability, setting the stage for disaster when drought arrived in

2003. Until then, agriculture made up a quarter of Syria's gross domestic product, but by 2008 its share had fallen to 17% and many farmers lost their livestock. For the first time in two decades, Syria couldn't produce enough of their own wheat and had to import. (Kelley, 2015).

## Anticipating Climate Refugees

This case of Syria is a good example of how richer countries and organizations like the EU or OECD could use aid, expertise, technology, or other assistance to help people on the verge of crisis in the future. As one researcher concluded, *"We have here pointed to a connected path running from human interference with climate to severe drought to agricultural collapse and mass human migration"* (Kelley, 2015).

The aim here is to point towards two things: 1) the importance of anticipating natural disasters catalyzed by climate change so that steps can be taken to mitigate them and alleviate the intensity of consequences further down the line, and 2) to shed light on the importance of recognizing when people are forced to flee from environmental circumstances beyond their control, turning them into what has been described as climate change refugees.

The second point here can be expected to become a subject of great debate. The Internal Displacement Monitoring Centre reports that an average of 26 million people a year have been internally displaced by natural disasters since 2008 (Campbell, 2015). Internally displaced persons aren't refugees since they haven't crossed any international borders, but they may be at a high risk of becoming refugees. Furthermore, on a larger scale, more than one billion people have been affected by drought. Not all of these people were displaced but as the effects of climate change increase, more and more of them can be expected to relocate either within their own country or outside of it.

All of this brings up the question of how to classify and treat those forced from their homes by disasters caused by climate change. Although terms like "environmental refugee" and "climate refugee" have been used to describe people forced from their homes due to untenable environmental changes such as drought, desertification, rising sea levels, et cetera, they don't qualify for the same legal protection as political refugees set forth by the United Nations High Commissioner for Refugees (Farbotko, 2012).

One reason these so-called climate refugees don't have the same protections that other refugees have is due to the wording of the UN Convention and Protocol Relating to the Status of Refugees, which requires a *"well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion"* (UNHCR, 2010). Although the United Nations High Commissioner for Refugees (UNHCR) recognizes the growing number of people displaced by environmental crises and has been involved in environmental issues in some ways, it still *"maintains there are significant and fundamental differences between traditional refugees accorded status under the Refugee Convention and those now more commonly referred to as environmental refugees"* (Williams, 2008).

## Challenges and Opportunities on the Path Forward

Future difficulties concerning refugees will be plentiful: how refugees are created, how situations can be mitigated both prior to and during a crisis, and how refugees are classified, with many fleeing environmental situations that don't fall neatly into currently existing definitions. For example, states can be reluctant to acknowledge severe situations that are affecting external and/or internal populations (Williams, 2008); a confusion of organizations, unions, agencies and states can muddle responsibilities (Wolff, 2015) and bog down meaningful action, and present conventions and policies often fall short of addressing the increasing need for climate refugees to be recognized and protected (Williams, 2008).



However, there are concrete steps that can and should be taken by actors at all levels. International organizations have been spurring important debates that are affecting policies and procedures relating to immigration and refugee transit (Wolff, 2015). This needs to continue so that laws and conventions can be modernized and made relevant to current situations in the Mediterranean, Northern Africa, the Middle East, and elsewhere around the world. Reaching agreements between disparate actors is not easy, but it's not impossible. It's been demonstrated that regional agreements in Africa and Central America have been effective at gaining commitment from member states in order to recognize climate refugees (Williams, 2008). Fostering regional agreements can have a great impact since so many refugees flee to and settle in neighboring countries, and they can provide a framework for more comprehensive and modern international compacts.

As demonstrated by the case study of the Syrian drought, encouraging, or even assisting, states to responsibly manage natural and environmental resources could pay off greatly in the future. Thus, *"We must tackle vulnerability to the coming climatic extremes in a two-pronged fashion: by minimizing negative impacts on rural economies, while enhancing the absorptive capacity of cities"* (Campbell, 2015). This advice will reduce the number of people forced from their homes in coming years and thus avoid stress being put on other countries, whether they be neighbors or richer countries farther off. Influential organizations that work with developing countries, such as the OECD, are well-positioned and already involved in promoting the development of at-risk countries.

## Conclusion

It would be naive to think that the creation and movement of refugees can be prevented or "solved" entirely. Debates need to continue on all levels. Still, recognizing the benefit of refugees and other migrant populations is a start, and crucial for economies. This is why influential organizations such as the EU and the OECD should do what they can to foster a warm political and cultural atmosphere in their member states and in non-member states that look toward them for leadership. These organizations are also in a prime position to encourage other states to responsibly manage resources to mitigate future uprisings and conflicts. Understanding how and why refugees move from one country to another provides valuable lessons about how to approach future crises, and these lessons should not go overlooked.

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## 5.3 EXTRACTION OF NATURAL RESOURCES AND THE AFFECTATION FOR THE POPULATIONS

JUAN CARLOS ARTEAGA ESPAÑA

### Introduction

In the consumerism world in which we live in, the quest and exploitation of natural resources to feed our system has become increasingly imperative. This "need" has created models of exploitation and extraction that have been developed for centuries without any respect, neither for the environment nor for communities living in resource-rich areas. Even today, this model is still maintained in spite of the existence of international human rights laws; studies showing the environmental impact of the use of certain natural resources at the zenith of their extinction; overwhelming analysis showing the vulnerability to which communities are subjected, or even threatening life on earth. This model is not only maintained, but gaining more strength in the struggle of the world powers to control natural resource-rich areas.

The problem that will be developed below can be defined by the following question: Is this world wide system based on extraction of natural resources having a negative effect on the population? The aim of this work is to show how our current global model based on unlimited extractivism and the absolute dependence on natural resources is destroying the environment, causing damage to the population and threatening life on earth.

The discussion of the problem will begin with a brief historical approach to acknowledge how this extractive model has been implemented from the colonial era. Next, the main characters who have been and are involved in creating this problem will be presented, as well as some cases of impact generated by the extractive model in communities. There will be a discussion of how the actions of international organizations regard this issue, and whether they are helping in generating solutions. Finally, possible solutions will be addressed, as well as the key players who can implement this change.

### The extraction of natural resources and the consequences for the population

Living by a model based on massive exploitation of natural resources is the nature of this problem. Despite the negative consequences caused to the environment and to human health, this model has had impulse and continues to be reinforced within the geo-political global dynamics. As in many other global issues, the developing countries or people with higher levels of poverty, suffer the most consequences. These people are located in places that generally do not have an adequate health care system to rely on (mainly because of a precarious health system context, and among other things, because of the "Resource Curse"<sup>1</sup>, which increases morbidity and mortality of those affected by extractive industries).

Briefly, here are some history facts that will demonstrate how this extractive model has been established. Since the sixteenth century, the colonization of the Americas was marked by the subjugation of its people by force of arms, imposition of cultural ideologies (Boccarda, 2002), and plundering of natural resources. The extraction of precious metals like gold and silver was one of the main objectives in the European expansionism at that time. On the other hand, the exploitation of slave labor was another feature of European extractive imperialism (Veltmeyer, 2013).

A second imperialist expansion (Amin, 2001) happened in the nineteenth century, within an established capitalist model and during the Industrial Revolution. Europeans imposed on Africa to find and seize new raw materials and

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<sup>1</sup> AUTY, Richard, (2002). Sustaining Development in Mineral Economies: The Resource Curse Thesis. Routledge.

new markets. In this century, due to population growth and the increase of energy consumption in Europe, exploitation of non-renewable resources like oil, natural gas, copper and coal, among others, became the main targets operating throughout Europe (so called first-world countries) (Veltmeyer, 2013).

The world was shocked during a period of economic, military, social and historical turmoil. The twentieth century began with the First World War (1914-1918), followed by the "Great Depression" (1929), which showed the crisis of capitalism worldwide and led to World War II (1939-1945). After this period, the world powers focused on the economic development generated through the exploitation of the abundant low-wage labor, yet providing certain social guarantees (fruit of requests generated in the social struggles of the nineteenth century).

Among the 80's and 90's, the world enters the dynamics of globalization. As Professor Richard Thomas mentioned in the sixth (Globalization) course section "Configuring the World: A Critical Political Economy Approach" (Part of the Challenges in Global Affairs Specialization), the world becomes more "independent" from nations, which diminish their role in the world, while forces of (private) markets gain more power, according to the hyper globalist positioning. During this period of the last century, the extractivism returns and increases its strength internationally, within a globalized capitalist economic model and monopolized by global private mega-corporations. These corporations manage to align or to acquire benefits with major international financial platforms (Veltmeyer, 2013). Thus, the World Bank, the International Monetary Fund (IMF), the European Investment Bank (EIB), regional development banks, credit agencies for export (ECA) and even international cooperation organizations (such as USAID), have encouraged and promoted extraction of natural resources in developing countries since then<sup>2</sup> (Fresnillo, Collazo, 2008).

### **Creating the problem and the consequences**

As Professor Richard mentioned in the seventh paragraph (International Institutions) course "Configuring the World: A Critical Political Economy Approach" (Part of the Challenges in Global Affairs Specialization), the global economy is controlled and regulated by a "network of international organizations", which may control the behavior of governments. International economic organizations like the World Bank (WB) and International Monetary Fund (IMF) have been involved in creating the problem, forcing states to accept multinational private companies for the exploitation of their natural resources without measuring the consequences this could potentially generate. Thus, each exporting country has had a very limited role in the exploitation of their own natural resources, transferring management to private companies and establishing flexible labor and environmental regulations to attract attention of foreign multinationals (Gudynas, 2010). Large multinational corporations expand due to the delivery of exploitation licenses without much government control; the elimination or reduction of environmental and social regulations to encourage their intervention, and also thanks to the promotional packages endorsed by international organizations on "exploited" countries (Fresnillo, Collazo, 2008).

What has brought the model of exploitation of natural resources to country's populations with highest amount of natural resources? According to the position of international organizations (WB-IMF-Etc.), the exploitation of natural resources bring benefits to the economic development of nations and therefore benefits to their communities. Contrary to the expectations, in the case of oil extraction for example, due to the increase of imports and expenditures, the increase of external debt -which was allowed with guarantee on oil wells- and the falling of oil prices since 1985. This induced some countries to increase their loans and remain in higher deficit. Resource-rich countries present what has been called "the resource curse" (Auty, 2002). This consists in scientific data showing that even after decades of exploitation of natural resources and despite the constant argument -which

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<sup>2</sup> In 1979 the World Bank published a report entitled "A program to accelerate the exploitation of oil in developing countries". This was the beginning of the Program for Promotion of Petroleum Exploration (PEPP) (Fresnillo, Collazo, 2008).

pro-exploitation elite proliferate- about the positive impacts these processes bring in the reduction of poverty, development and people's welfare, its negative effects are increasingly evidently.

*"The exploitation of oil, gas and natural resources have been linked to processes of corruption, conflict, environmental degradation, human rights violation and impoverishment" (Fresnillo, Collazo, 2008, p. 53).*

Going deeper we can highlight health conditions (category which is slightly addressed in this issue) caused by the exploitation of natural resources. For example, in 2006 more than 400 people died in Nigeria from explosions of two pipelines carrying oil (Global Health Watch 2, 2008). In 2001, in the town of Ogbodo, there was an oil spill without a prompt response which affected at least 15 kilometers of land along the Calabar River. This caused great impact on water resources and biodiversity of the area. In turn, generated health issues on the population, increasing the incidence of respiratory and gastrointestinal diseases, as well as increasing levels of distress, mental anxiety and depression (ERA / FOEN, 2005). Africa, in general, has a legacy of environmental impacts from gold mining; with the largest coalfields of gold and uranium in the world, this area produces about 6 billion tons of toxic materials left as waste after mineral extraction (Global Health Watch, 2014). This waste generates a neurotoxic and teratogenic risk for humans (Lebel et al, 1997; Malm et al, 1997; WHO, 1990). We can continue mentioning many diseases caused by the extraction of natural resources such as poisoning caused by contact or ingestion of contaminated water, agricultural products, and animals; neurotoxic symptoms and neurological diseases; respiratory diseases; different types of cancer; birth, mutagenic and reproductive system defects; skin and circulatory system diseases; damage to the kidneys or liver; impaired vision and hearing; along with mental health issues in the population are consequences that have been associated with extractive industries (Arteaga, 2015) as well as harmful effects that directly affect the environment, which will not be discussed in this paper.

### **What about the paper of the International Organizations?**

How do international organizations operate today when public knowledge of these harmful consequences affects humans and their environment? Regulators in the global economy (like the World Bank and IMF) continue within a neoliberal model, offering advantages to multi-national private entities to intervene in nations with little control and few benefits, in terms of guarantees for the population, generated by extraction of raw materials exploited. They continue claiming that economic benefits of natural resource extraction are above its consequences, and that they may be alleviated with technological tools. The problem is that the consequences fall mainly on the most vulnerable population groups (indigenous and farmers), while economic benefits are mainly in hands of multi-national private companies, often without having to respond or pay for social costs and/or environmental impacts that have generated through the extraction process.

Other international organizations such as WHO (World Health Organization), responsible for directing and coordinating health action within the United Nations, in occasions had indicated environmental and health issues related to the extractive industry. However, because there is no binding nature between WHO and members of the UN, these reports pass as just another within countless paperwork from every country. Finally, there are NGOs that usually attend people affected by environmental or health problems in countries with precarious government systems. These organizations, as we saw in the module Week 5 (Marketing & Fundraising), within the course "International Organizations Management" (Part of the Challenges in Global Affairs Specialization) need to show what they do to get partners/donors, to provide economic resources to function. In many cases, donors could be the same aggressor, compromising the ethical component of the NGOs. Many studies have been written questioning conflicts of interest against real independence which may have a NGO that receives funds from a large oil or mining company (See Calain, 2012a; Calain, 2012b). These major donors would not allow the NGOs they support to intervene and denounce the consequences generated in the population by their extractive sector.



Who and what could solve this problem related to the extractive of natural resources model we have for centuries which affects our planet and the communities that inhabit? How existing international organizations could help in finding a solution? This is a problem closely related to the way of life we have. We are running into a hyper-consumerist model, without considering that many of the resources on which we depend are nonrenewable. Through the processing, we are causing greater damage to the environment and therefore we are putting at risk our lives and the lives of future generations. For these reasons, we all are (every human being) the ones who can generate changes in our lifestyle, to be able to change the extractive model. Let's consider an example: over 70% of the gold extracted is used as ornamentation for humans (including gold jewelry and accessories). The question we should ask ourselves is: do we really need this activity, this process and in this case in particular, this product?

It is not enough to affect the personal or local level, it is also necessary that countries and international organizations commit today. To change the current life model (based on aggressive resource extraction), it is necessary for countries to commit themselves in a socio-ecological aspect; seeking new forms of trade relations among them which do not go on the line of abuse one another; developing small agro-ecological production for the nation. Also imposing actual rules (and not through fallacies such as self-regulation through corporate social responsibility or environmental impact assessments) to those who want to exploit natural resources, beyond from what we really need. A new social, economic and political model that will establish a process "from the basis" rooted on a participatory democratic system (Petras, Veltmeyer, 2014). A first step towards this change could occur in the climate summit (COP21), held the last December in Paris, where they seek countries to make a real commitment to halt global warming through the use of new energies, among other things.

International Organizations could perform an outstanding role. Organizations like IMF and World Bank have *social and ecological debts* which they have to recognize and pay back the entire planet. Due to their international policies, together with multi-national corporations and developed countries, they are the main ones responsible for global climate change. These changes have been caused by emissions of greenhouse gases, a result of the use of fossil fuels (Fresnillo, Collazo, 2008). The economic policies from IMF and World Bank should not pass over health and welfare of people. This is why organizations like WHO should be constituted as the maximum (functional) representative of world's health, with real binding character on countries members of the UN. WHO could have real possibilities of generating regulatory laws to prevent and treat the effects of both, health and what might generate health problems.

Finally, it is imperative for Civilian International Organizations and non-profit organizations (NGOs) to have clear ethical guidelines in their internal fundraising policies, thus always working independently of private interests which may affect the communities they claim they want to help. Organizations such as Doctors without Borders, which in its fundraising policies do not accept funds from companies involved in extraction of natural resources, weapons or drugs, ensure the freedom and independence when it comes to work and witness what happens to victims in places where they work.

## Conclusions

There is no doubt about the enormous negative consequences on communities and on the environment due to massive extraction of natural resources. But, why is this problem so hard to solve? As mentioned above, solving the problem would involve changing the model of global life: stop relying on fossil fuels and deploy renewable energy, avoid the consumption of minerals that are not needed (such as gold or precious stones). International organisms as World Bank and the International Monetary Fund need to leave the capitalist approach and think in new models of commercial relations between countries, not including the sale and exploitation of the land of the most vulnerable countries. WHO should become the maximum binding authority who can force and monitor compliance with environmental standards to protect health of the world's population. The main strength of this

change would be to enter a new age in world's history, less consumerist and more cohesive. This would impact violence and the welfare of all human beings. It is clear that this solution has more weaknesses strengths: Would the people with the power be able to quit the lifestyle they have been carrying? Would the governments of countries allow that international agencies like WHO have the power to influence local policies? Would human beings be able to change, voluntarily, their way of life? These questions point to the complications of a possible solution.

Below, a Naomi Klein quote (Author of the book: This Change Everything), that explains the complexity of the changes that is necessary in our world. This in relation to current terrorist attacks in Paris and the Climate summit (cop21):

*"A climate summit taking place against the backdrop of climate-fuelled violence and migration can only be relevant if its central goal is the creation of conditions for lasting peace. That would mean making legally enforceable commitments to leave the vast majority of known fossil-fuel reserves in the ground. It would also mean delivering real financing to developing countries to cope with the impacts of climate change, and recognizing the full rights of climate migrants to move to safer ground. A strong climate-peace agreement would also include a program to plant vast numbers of native-species trees in the Middle East and the Mediterranean, to draw down atmospheric CO<sub>2</sub>, reduce desertification, and promote cooler and moister climates. Tree planting alone is not enough to lower CO<sub>2</sub> to safe levels, but it could help people stay on their land and protect sustainable livelihoods".<sup>3</sup>*

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## 5.4 CAN THE EUROZONE BE SALVAGED? A CLOSER LOOK AT THE DEBT CRISIS IN GREECE AND HOW TO AVERT FRACTURING OF THE EURO

JULIE PAPANICOLAOU

### **Introduction**

The Eurozone debt crisis, and specifically whether Greece was about to default on its payments, was the focal point of media attention in July, 2015. The threat of the Eurozone unravelling was very real then with global fiscal implications, and this threat was compounded by a new, leftist government which had freshly taken the reins in Greece, and whose activist rhetoric did not really align with the mainstream political compass of the EU. The fact that the newly elected Greek party, Syriza<sup>1</sup>, had adopted the “no more austerity” platform as a central tenet of their pre-election campaign, made it extremely difficult for them to suddenly accept a new memorandum which would inevitably be attached to a third bailout. In August however, amid the economic mayhem created by capital controls, bank and stock market closure, and fears of a complete financial collapse, the crucial deal with Europe was signed, giving Greece an 86 billion Euro life-line. <sup>(European Commission, 2015)</sup> With the immediate danger of a default having been averted, media focus soon shifted elsewhere, but the Greek menace to the Eurozone did not.

In this paper I will analyze the political and economic instability that plagues Greece, I will show why the proposed measures for economic reform are unlikely to succeed, I will point out where the institutions have failed, and I will present a different approach which could mitigate the fiscal strains on Greece and help pull the European Union out of its protracted recession.

### **The European dream of integration and the resulting Economic and Monetary Union**

European integration was a priority objective for Europeans after the Second World War in an effort to finally bring peace to the war-torn continent. A key component of this integration was free-trade among European countries, seen as imperative to reconstruct the economy. The Maastricht Treaty, a true milestone in this endeavor, was signed in 1992 and outlined:

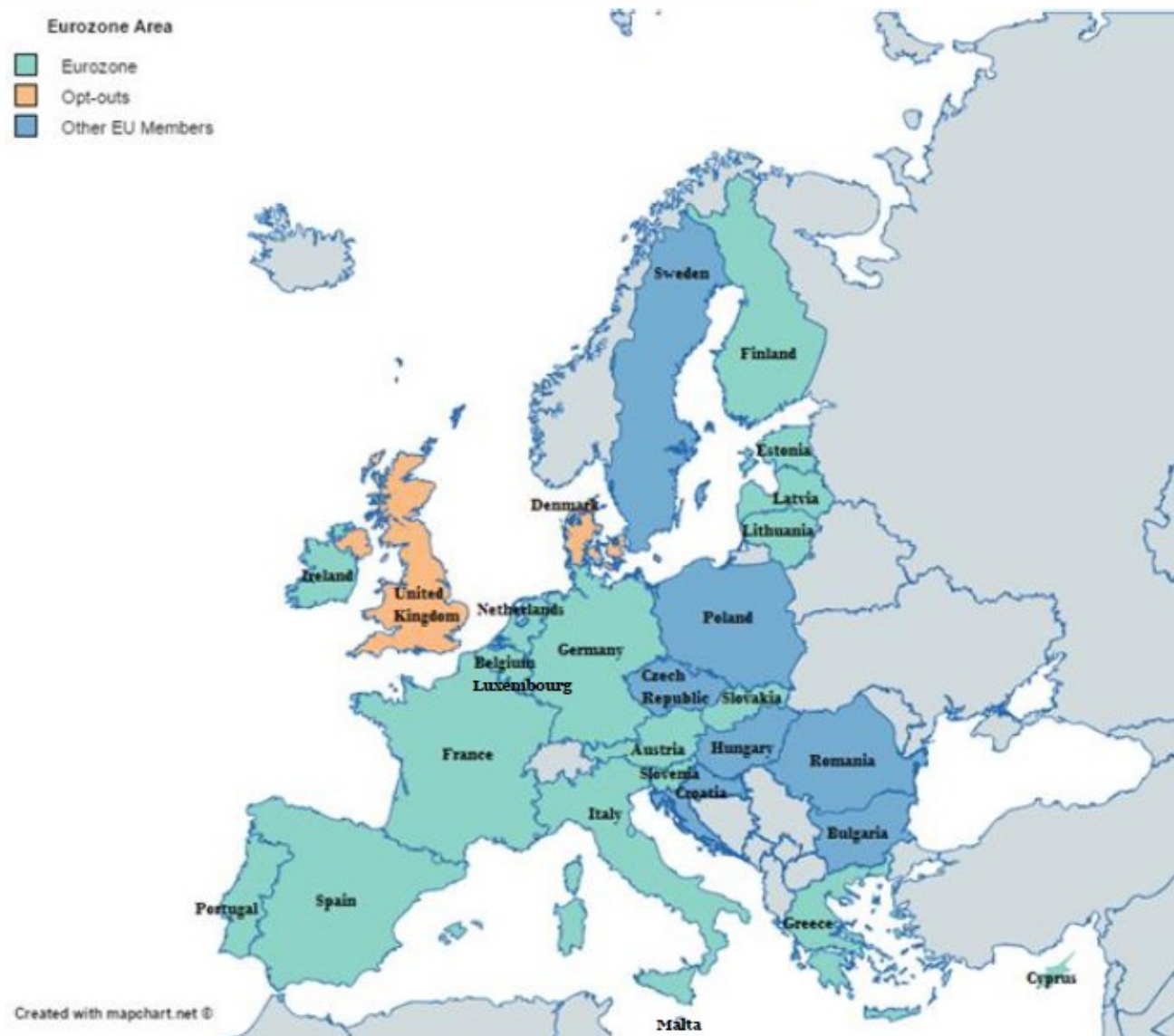
- economic integration in the form of the Economic and Monetary Union
- political unity through a common foreign and security policy (CFSP)
- the concept of European citizenship

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<sup>1</sup> Syriza, a Greek acronym for “Coalition of the Radical Left”, was the largest party in the January, 2015 elections. They formed a coalition government with right wing “Independent Greeks”.

Thus the European Union was officially created. The treaty also provided the framework for the future establishment of the European Central Bank. (EUR-Lex, 2010)

Visual of Eurozone, EU States who have opted out of the Euro, and EU States not yet in the Euro (European Central Bank, 2015)



After ratification, there was a great deal of work for the member states to get their finances in order in preparation for the single currency. This was a formidable project as the different EU countries were at different developmental stages in their respective economies. Once in the Eurozone, exchange rates would be irrevocably fixed, and member states would not be able to devalue as a corrective fiscal measure. Thus, the economic policies of each individual state had to be comprehensively adjusted in order for them to meet the five clearly stipulated convergence criteria which were required to join the Euro. Firstly, they had to get their inflation down to about 3% (at a time when Greece's inflation stood in the double digit figures (Inflation.eu, 2015)), they had to limit their deficits and government debt, and ensure exchange rate stability as well as



convergence durability. <sup>(European Commission, 2015)</sup> Also, once in the Eurozone, these criteria had to be maintained permanently, and to this end, the Stability and Growth Pact (SGP) was established. <sup>(European Commission, 2015)</sup>

**Launch of the Euro. Was accession control into the Eurozone stringent enough?** <sup>(European Commission publication, 2014)</sup>



The Euro was launched in 1999 as an electronic currency for accounting purposes, but cash Euro, in the form of banknotes and coins, was only introduced on January 1<sup>st</sup>, 2001. Greece hadn't met the convergence criteria for the electronic launch, but miraculously got its finances in order just in time for the cash launch. Greece was accepted into the Euro family without a thorough cross-check on the balance sheets submitted. A subsequent audit<sup>2</sup> (conducted four years later) with the help of Eurostat in 2004, revealed the extent of misrepresentations of Greek government deficit, which far from being in compliance with the Maastricht requirement, was actually more than double the permissible limit. <sup>(OECD, 2005)</sup>

What appears incongruous is that although the institutions did their due diligence to explore all possible contingencies and hazards of transitioning into a single currency, then established counter measures in the form of carefully calculated convergence criteria as a protective umbrella for added economic security, however, when it came to the crunch, they did not follow through with proper verification checks to ensure that those pre-requisites had been officially met.

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<sup>2</sup> "New Democracy" had just been elected as the new government in 2004. They were eager to expose the previous "Pasok" government as untrustworthy, so they requested an audit of the budgets and statistics submitted be conducted by Eurostat.

Let us examine the process for joining the Eurozone:

- First, the applicant Member State will have compiled and submitted a detailed government finance report and full record of their fiscal statistics.
- It is then the responsibility of the European Central Bank (ECB) to assess the data received, and to disclose their conclusions in a report to the Council of Ministers.
- A parallel report for the Council of Ministers is also prepared by the European Commission.
- Once both reports have been received, the European Commission prepares a proposal for the applicant Member State.
- The European Parliament is also consulted.
- The Head of State/Government Council meets to examine the proposal
- The final decision based on the convergence report, for if and when to allow the applicant State to formally join the single currency, rests with the EU's Economic and Financial Affairs Council (ECOFIN) by majority vote, once they are satisfied that the necessary criteria have indeed been met. <sup>(European Central Bank, 2000)</sup>

It is clear that this whole assessment process relies on the quality and integrity of the statistics submitted by the applicant Member State, and therein lies the obvious flaw. The EU might call on its Member States to ensure that statistics compiled are of the highest integrity, but that does not guarantee the dependability of those statistics. An independent body surely should have been mandated to verify the substance of statistics at such decisive moments. Of course, questionable statistics in political science is not a new phenomenon, but when political decisions are based on data and science, those facts and figures need to be accurate. <sup>(Coursera, 2015)</sup>

Legislation to bolster Eurostat's authority over the compilation of EU government statistics was only passed in the summer of 2010, after more inaccurate Greek statistics had to be once again revised. <sup>(Parliament UK, 2011)</sup>

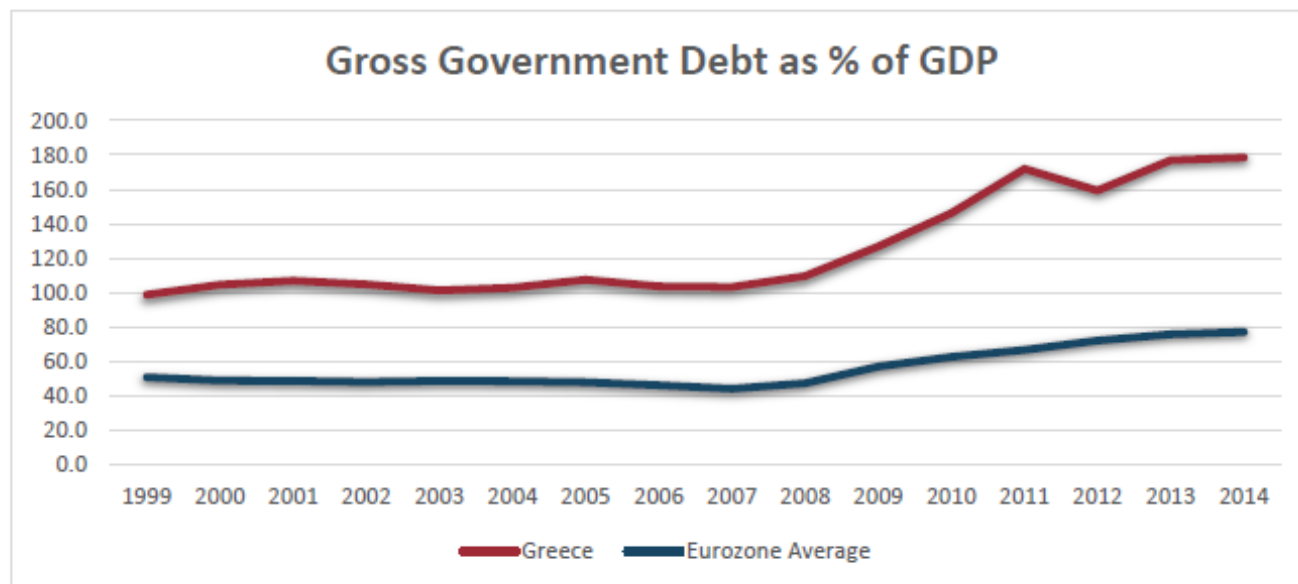
### **The impact of the global financial crisis on Europe**

Although the global economic crisis started in the United States, Europe was ultimately one of the worst affected regions, exposing flaws in the single currency system that were being discounted until that point. Firstly, right from the outset, many member states were clearly deviating from the fiscal provisions in the Maastricht Treaty, which were in place to safeguard the Economic Monetary Union, and which specify that deficits should not exceed 3% of each respective member state's GDP or that government debt should not exceed 60% of GDP. Violators were not only the usual suspects in the South. In fact, as early as 2002, Europe's economic anchors, Germany and France, were breaching the deficit ceiling annually. When the Security and Growth Pact kicked in to reinforce the treaty stipulations, the ECOFIN Council decided to ignore the recommended action against the two states, not only setting a dangerous precedent but also brazenly undermining the SGP. <sup>(Annett A. and Jaeger A., 2004)</sup>

Since the big economies were themselves exceeding deficit limits, they would have been hard-pressed to justify penalties against other habitual transgressors. Subsequently, countries such as Greece, which were not sufficiently disciplined to maintain sound fiscal management, and who received no disciplinary measures to encourage greater thrift, had very little incentive to stay within any kind of economic boundaries. Add to this the fact that 2004 was the year that Athens hosted the Olympic Games, giving Greece another justification for budgetary excesses. In fact by 2008, Greek deficit on its current accounts averaged 9% of GDP per year, when the average for the rest of the Eurozone was 1%. <sup>(Karasavoglou A. and Polychronidou P., 2008)</sup>

Only in 2010-2011 was the “six-pack” (and more recently the two-pack <sup>(European Commission press release, 2013)</sup>) introduced to strengthen the corrective arm of the Security and Growth Pact. This was through the establishment of six legislative motions which would endorse new administrative mechanisms and improved fiscal surveillance capabilities. <sup>(European Commission press release, 2011)</sup> It was a more progressive approach to fiscal consolidation than the knee-jerk reactions that the EU Institutions had displayed until that time. Even so, the austerity package of administrative and fiscal reforms that was agreed upon for Greece in 2010 was a classic case of too little too late. Greece’s economy was in bad shape even before joining the monetary union, and corresponding indicators were repeatedly either ignored by the competent EU authorities (European Commission, ECOFIN Council and ECB) or even misdiagnosed altogether. <sup>(De Grauwe P. and Ji Y., 2013)</sup>

The graph below gives an overview of Greek government debt over the last 15 years, and its complete derailment with the onset of the global economic crisis, to the level of complete unsustainability. The statistics also show that Greek government debt was never within the threshold of the Maastricht Treaty (60% of GDP) to begin with. By comparison, I have provided the mean government debt of the rest of the Eurozone during the same time span. <sup>(Eurostat, 2015)</sup>



### **Why is austerity not the right solution for Greece?**



Fiscal austerity should only be implemented as a short-term corrective measure to realign fiscal spending with the economy's actual output or GDP. Clearly governments cannot continue spending beyond their means, and reduced government spending together with targeted administrative reforms could streamline an inflated public sector and help restore the economy by putting it on a more sustainable path. Fiscal consolidation however is not a panacea, and cannot be indiscriminately applied on all economies across the board successfully. The substance of the economy, the timing and the type of measures proposed, all need to be carefully considered on a case by case basis. <sup>(Monastiriotes V., 2014)</sup>

The Greek economy is an interesting case in point. It had never entered the Eurozone on a clean slate so it was never a sound economy to begin with. Unsustainable debt is just a symptom of a far larger and more complex problem than the simple diagnosis of "excessive government spending". In fact, the entire structure of Greek public finances needs to be completely overhauled. A few core problems worth mentioning are <sup>(Horton M. and El-Ganainy A., 2012)</sup>,

- Deep-rooted tax evasion stemming from a substandard taxation system which is chaotically complex with tax laws which are constantly changing and intrinsically unfair, hence hindering compliance.
- A pension and social security system which is completely outdated and no longer viable. Greek demographic statistics show that the population is aging, and project that the considerably higher health care costs together with the current pension system is not a sustainable burden for the ever-shrinking workforce.
- A bloated and highly inefficient public service which puts an added strain on the ailing economy.

The effect of fiscal consolidation on such a weak economy has been devastating. Firstly increased taxation disproportionately burdens the tax-paying citizens. Those who evade taxes, continue to do so unabated. As government spending diminishes and economic stagnation sets in, corporate profits dwindle leading to lower salaries and incomes which results in the vicious cycle of a decline in tax revenue. As the economy contracts, unemployment rises (Greek unemployment has reached an unprecedented 27% <sup>(OECD Employment Outlook, 2014)</sup>), resulting in increased social spending on unemployment benefits and a further reduction in revenue, spending power and so forth. All in all, Greek GDP has contracted by 25% thanks to fiscal austerity <sup>(Trading Economics, 2015)</sup>, and the Greek economy is in even greater distress now than ever. Austerity is not working.

### **How can Greece be salvaged?**

The status quo in Greece is untenable. After the third bail-out package received in August 2015, the country is battling an ever increasing debt, with a shrinking economy, and a very limited industrial sector for any kind of recovery on that front, as well as a migrant crisis within its borders.

Greece desperately needs to undertake deep administrative and structural reforms. It needs to completely remodel its taxation system and revisit the sustainability of its social security and welfare policies. It also has to modernise and restructure its public sector. These changes need to be made by the Greek government,

with guidance and pressure from the institutions who are monitoring progress and fiscal developments in Greece, i.e. The European Commission, the IMF and the European Central Bank.

But reforms alone are not enough. Greece is in critical need of cash flow to jumpstart its economy. The bail-out package is not intended to bolster the Greek markets, but to allow an insolvent state to pay back its creditors. Instead, Greece needs to moderate austerity. It should lighten the tax-burden on the law-abiding citizens who are being asphyxiated by having to carry the tax load for everyone. Corruption, tax evasion and the shadow economy need to be the government's focal points, because that is where the Greek economy is losing much of its income. Loss of tax revenue due to tax evasion is at 25% of GDP while the shadow economy stands at around an estimated 27.5% of GDP. <sup>(McGlinchy A., 2012)</sup>

Greek deposit outflows (amounts being withdrawn from Euro accounts) were a huge source of concern for the Greek government. Tens of billions of Euros were withdrawn from Greek bank accounts, reflecting a general malaise about developments. Actually, right before capital controls were imposed, one billion Euros was withdrawn in a single day. <sup>(Giakoumis M., 2015)</sup> Much of that money made its way to Swiss bank accounts. It is reported that 120% of Greek GDP sits in Greek owned Swiss bank accounts. <sup>(Cavero G. and Martin Cortés I., 2013)</sup>

Astronomical amounts of money are being exchanged under the radar, in the form of undeclared revenue, products of tax evasion and/or corruption. This was facilitated through a banking system allowing the free flow of currency. Capital controls have since clamped down such accessibility, but they are not a permanent solution and of course cannot tackle corruption or tax evasion. Only a complete reconstruction of the banking system could combat illegal cash-based transactions. And this is precisely my proposal.

Europe in the 21<sup>st</sup> century does not need cash. We have the technology, the knowhow and the ability to live in a cashless society. Most people already do. Most transactions are done electronically, be it through internet banking, credit card, debit card or cash card. One simple step further is to abolish cash altogether. The Euro could become the first "cashless currency".

This project would need to be undertaken by the ECB in close collaboration with the Central Banks of each Member State. They would have to set a deadline by which all Euro notes and coins be returned to the banks and deposited into accounts. Subsequent to this date, the paper currency would, for all intents and purposes, cease to exist and have no cash value. The function of the individual banks wouldn't change with regards to their customer care responsibilities. They would be bound by all contractual obligations in place, such as securing customer deposits, providing regular bank statements, and keeping customers informed of any bank charges. The only change would be their inability to cash out. No cash, no cash based transactions!

The cash card or debit card is such a normal part of everyday life, so taking it one step further to having no cash at all should not add any real complications. Only Eurozone countries which are more cash-based would have some adjustments to make in terms of acquainting the entire population with the use of cash cards. Experience in Greece shows that this is feasible. No sooner were capital controls imposed than people changed their habits. Payment methods are dictated by available resources. Hence even the smallest retailer, in the most remote part of Greece had to get credit card machines to stay in business.



The advantage of a cashless society is that there is a record of all transactions. The shadow economy would take a hard knock. No more money under the table. No more undisclosed income. Member States such as Greece, who are crippled by corruption and tax evasion, could mandate that detailed bank statements showing transactions be submitted along with the filing of annual income taxes.

As with any major change, there would be teething problems for sure, but nothing that the European Institutions would not be able to resolve. They would have to become innovative, perhaps grab the opportunity to form a PPP with private sector companies which specialise in digital technologies. This way they would have quick solutions at hand to remedy any unforeseen digital concerns (like when the internet or banking systems may be down). <sup>(Coursera, 2014)</sup>

Of course, other currencies would be around, so a very valid question might be: what's stopping illegal cash transactions from being carried out in USD? For a start, banks in the Eurozone would not be able to cash out in any currency. They would only be able to receive dollars for deposit purposes. Anyone wanting to go outside the Eurozone to get dollars or another currency could certainly do so, but such an activity would become extremely costly, and not something which could be repeated regularly. Also, another currency would be very difficult to re-use within the Eurozone.

As for tourists to the Eurozone, they would have to get a Euro cash card, the same way they used to get travellers cheques in the past. This is where the World Bank could also play a part in the global coordination of the new "electronic" Euro.

## **Overview**

A monetary union without greater political and economic integration will always create disparities and imbalances. The key though is working together for a common solution, for the common good of this Union. Greece has significant fiscal issues to overcome, but only through European solidarity can these be tackled. Europe cannot afford another unstable or rogue state within its borders. States in distress should be helped, not alienated. There is always a way to find a resolution, as long as we don't let go of that dream of European unification and integration.

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## 5.5 TACKLING THE GENDER WAGE GAP

LAURA SCHWEIGER

The gender wage gap is a global problem that urgently requires tackling in countries across the world. Despite increasing efforts by a variety of actors to reduce this gap, women from a variety of cultural backgrounds, education levels and professional fields continue to earn less than men. (See Appendix A for breakdown of earnings for U.S. women vs men at various education levels as an example.) This paper will explore the various causes of the gender wage gap, and point to key actions required to reduce wage inequality for women. Ultimately, this paper will conclude that only a three-pronged approach involving international organizations, national governments and the private sector can further reduce and ultimately eliminate the gender wage gap.

### Gender Wage Gap Overview

The gender wage gap is hardly a phenomenon limited to certain, poorer parts of the world. Rather, it is a persistent problem in both developing and more prosperous countries. According to a report by the World Bank, “recent empirical studies from 61 countries indicate that the gender wage gap is still large, amounting to 23 percent in developed countries and 27 percent in developing economies. (Oostendorp 141) Looking at the wage gap in countries in more detail, a PEW Research Centre study examining all 26 OECD countries determined that South Korea was found to be the most unequal with a pay gap of 37.5 percent between men and women. New Zealand was determined to be the most equal country with a gap of 4.2 percent. This number is well below the OECD average of 14 percent (OECD). (See Appendix B for full gender wage gap data for OECD countries.)

One particularly interesting finding when examining the gender wage gap in a range of countries across the world is the shifting nature in terms of where along the earnings spectrum the gap is widest. According to a study by the International Labour Organization, “in Europe in 2010, the bottom 10 per cent of women earned about 100 euros per month less than the bottom 10 per cent of men. Conversely, the top 10 per cent of high-earning women earned close to 700 euros per month less than the top 10 per cent of men.” (O’Reilly, Smith, Deakin and Burchell 4). Indeed, “while the gender pay gap at a lower earnings level has narrowed, it has widened at the top for European countries (O’Reilly, Smith, Deakin and Burchell 4.)

Regardless of this widening at the top in several advanced economies, it must be noted that significant progress to reduce the gender gap has been achieved in the past, primarily over a 30-year period. Work by economists Doris Weichselbaumer and Rudolf Winter-Ebmer suggests “that international raw gender differentials have declined significantly from about 65 percent in the 1960s to 30 percent in the 1990s over the 60 countries they consider.” (O’Reilly, Smith, Deakin and Burchell 3).



This marked progress in closing the gender wage gap largely throughout the 1970s and 1980s is predominantly attributed to greater educational attainment by women and more formal participation in the labour market during this time period. (O'Reilly, Smith, Deakin and Burchell 3).

It would be erroneous however to view this reduction in the gender wage gap solely as a great triumph by women to catch up to their male counterparts and see a significant rise in their incomes to more closely match those earned by men. Rather, "about 40 percent of the progress made in closing the wage gap since 1979 was due to men's wages declining in an era of increasing inequality." (Davis and Gould 8). In other words, tough economic conditions have helped close the gender wage gap by lowering men's incomes.

This fact underlines the difficult nature of truly ensuring that women earn higher incomes. Perhaps more troublesome is the fact that, with the exception of the above-mentioned period of progress, even the most developed, richest countries are demonstrating that the gender wage gap remains stubbornly resistant to further reduction.

According to a report by the Institute for Women's Policy Research, if the current rate of progress continues in the United States, the country will only manage to close the income divide between men and women in the year 2058 - an alarming 43 years from now. (Institute for Women's Policy Research)

Canada is another example of stalling progress (or even regression) when it comes to eliminating the gender wage gap. The country is "well above the OECD average" when it comes to the extent of its gender wage gap, and the United Nations's measure shows Canada slid 11 spots between 1995 and 2013. (OECD)

Before moving into a discussion of the causes of the gender wage gap, it is worth understanding why closing it is so critical in creating and sustaining prosperous societies around the globe. Indeed, the earning potential of women carries massive economic benefits, as suggested by a McKinsey calculation that "full gender equality could boost global GDP by 28 trillion by 2025 - an amount equivalent to the size of the Chinese and U.S. economies combined." (McKinsey 8)

### Factors Influencing The Gender Wage Gap

When considering factors that influence the gender wage gap, economists typically focus on discussions around women's qualifications, namely the level of education they have attained and their labour market experience. (Blau and Kahn 845).

To be sure, there are numerous factors hiding behind the ability of women to gain an education and experience in the labour market. These factors can be bucketed into four categories: economic, sociological, organizational and institutional. (O'Reilly, Smith, Deakin and Burchell 5)

Indeed, in countries with poor economic performance, it can be difficult for women (and men for that matter) to acquire an education that will bring them a promising income.

The sociological landscape in a given country can also dictate whether women (both as girls and young adults) are able to enter educational institutions and well-paying jobs. In some countries, “the undervaluation of women’s work and norms reinforcing women’s position as economic dependents” dramatically reduces the chances for women to unlock their earning potential. Aspects such as “unequal division of unpaid labour in the home” lead women into segregated scenarios where they are unable to successfully meet the working schedules of jobs in the labour market and do not have access to promotions. (O’Reilly, Smith, Deakin and Burchell 3 )

Institutional factors also play a role in the extent of a country’s gender wage gap. These include the presence or absence of “nationally agreed wage settings, collective bargaining power and unionization.” (Lin 12)

Finally, the nature of companies and corporations in a given country can impact the earning potential of women based on their employment policies and potential gender biases / discrimination.

Yet a large part of the gender wage gap remains unexplained. Indeed, “only one-fifth of the gender wage gap [examined in the World Bank report] can be explained by differences in worker and job characteristics.” (International Labour Organization 45) (See Appendix C for breakdown of explained versus unexplained gender wage gap in select countries.)

A report by Canadian economists at a major financial institution has concluded that the “unexplained” factors for the gender wage gap (i.e. reasons other than the above-discussed factors) is related to women’s role as mothers. “The more children a woman has, the wider the ‘unexplained’ part of the gap becomes. The ‘unexplained’ part is not related to less experience due to time off for maternity leaves, difference in age, education and occupation.” (Caranci 4)

## **Tackling The Gender Wage Gap**

This paper suggests that further reducing and ultimately eliminating the gender wage gap requires a concerted, accelerated effort by international organizations, national governments and the private sector to work together, reinforcing each other’s mandates to do so and holding each other accountable for taking actions that will yield progress.

To begin with a discussion of the role of international organizations in reducing the gender wage gap, let us consider the United Nations’ Millennium Development Goals. As this paper has demonstrated, access to education and an overall environment where women are afforded human rights equal to those of men is critical in getting more women both into the labour market and higher earning jobs. The United Nations’s third Millennium Development Goal, “Promote Gender Equality and Empower Women” directly addresses this need. (United

Nations) International organizations however often come up against resistance when implementing such development programs.

As we have discussed in the Governance lecture of the course Configuring The World: A Critical Political Economy Approach, corrupt and unjust governments can play a detrimental role in the well-being of their country's citizens. Human rights, including those of women, are often ignored or violated.

Indeed, astonished by corruption levels, former director of the World Bank Daniel Kaufman pioneered work on measuring corruption levels in countries, establishing the Worldwide Governance Indicators (WGIs). Important to note is that the WGIs do not measure human rights, but rather as Professor Richard Griffiths emphasizes, they focus on economic and property rights. (Griffiths 4.4 Rule of Law & Growth)

For development programs to be most successful, national governments in countries receiving aid must comply not only with the behaviours that would earn them a strong rating as measured by the WGIs, but also demonstrate a commitment to reinforcing the human rights that the development programs for improving the status of women (as housed under the Millennium Development Goals) aim to provide.

Transnational advocacy groups also have a role to play in eliminating the gender wage gap by promoting awareness and knowledge around the issue to advocate for change. As discussed in our lecture, Sub-State Actors: Transnational Advocacy Groups, the success of these groups in advancing their mandates relies heavily on citizen support, particularly support local in the area in question. (Griffiths)

As this paper has demonstrated, one of the factors responsible for the gender wage gap is cultural norms. If the majority of a society believes the role of women resides more in the home or that their labour is not worthy of the same remuneration that men would receive for the same job, then transnational advocacy groups will lack the local support they require to make a positive breakthrough in reducing the gender wage gap.

This is where governments and the private sector must play a leading role in helping to shift societal norms to open up more economic potential for women. Governments can take action by introducing gender discrimination laws that companies must follow and face stiff legal penalties in the event that they break these laws. Private companies can alter their recruitment practices and introduce quotas to ensure more women enter the workforce (via their company doors). Furthermore, they can commit to acting as sponsors to women by offering special training programs to help ensure that women have equal access to skills and qualifications that will earn them higher salaries.

In efforts to reduce the gender wage gap in countries across the world, it is also worth considering the theory presented by Robert Ruggie on countries which are real aid givers. As discussed in our The Real Aid Givers lecture, only four countries (Sweden, the Netherlands, Norway and Denmark) have reached the aid target of 0.7

percent of a given country's total gross national income as set by the United Nations. In other words, these countries are the "real aid givers." Robert Ruggie suggests these nations are so generous in their foreign policy to help other nations because their domestic policy is equally generous towards its own citizens. According to Ruggie, a nation's foreign policy reflects its domestic policy and a reverse causation (i.e. that a nation's domestic policy reflects its foreign policy) also exists. (Griffiths)

It could be argued therefore that if more prosperous countries are not committed to taking enough actions to close their own gender wage gap and boost the position of women on their economic value chain, they might be less likely to contribute aid or advocacy in boosting the economic role of women in other nations. Therefore, in order for international organizations like the United Nations to receive the support they require from member countries to help close the gender wage gap across the globe, it is key that these member countries view closing the gender wage gap as an issue they are committed to solving on their own soil.

Closing the gender wage gap does not just require greater accountability from national governments to uphold their commitment to supporting the work of international organizations in this area.

The private sector too must be held accountable by national governments for the actions it must take to close the gender wage gap. One requirement governments can make from corporations operating within their borders is obligatory disclosure of the salaries it pays its male and female employees and the gap between them. The United Kingdom is just one nation that has recently upped its requirements that corporations report this information, as Prime Minister David Cameron has called for companies with more than 250 workers to disclose their pay gap starting in 2016. (Mason and Treanor) As governments receive more data on the extent of gender wage gap in their country, they can begin to implement new laws and policies as needed to help further reduce it.

As this paper has discussed, a significant portion of the gender wage gap can be explained by whether a woman has children or not. Indeed, some economists believe it is such a significant factor in women's economic achievement that they refer to the discrepancy between men and women's earnings as "the motherhood wage gap." (Caranci 4) It is therefore critical that governments require companies to implement and follow policies that will provide working mothers with the protection and support they require to maintain their economic earning power while raising children.

Measures could include implementing or improving "job-protected parental leave of adequate duration and with income-related pay funded by social insurance or public funds," accessible and affordable childcare, flexible working arrangements, and anti-discriminations policies when it comes to hiring and promotion policies for employees who are mothers. (International Labour Organization 47)

When considering how international organizations, governments and the private sector can work together to reduce the gender wage gap, it is also worthwhile to consider how these parties can help boost wages in general. As previously stated in this paper, up to 40 percent of the narrowing of the gender wage gap achieved in a 30-year period from the 1960s to the 1990s was on account of men's stagnating or lowering wages. Alyssa Davis and Elise Gould argue that, "gender wage parity does not improve women's economic prospects to the greatest possible extent if wages for men and women remain equal but stagnant in the future. (Davis and Gould10 1)

Work by international organizations to deliver aid programs in developing economies, and government action to introduce infrastructure and trade policies as well as create jobs and a healthy environment for corporations to do business therefore remain key.

## Conclusion

The gender wage gap is a highly complex issue impacting women, their countries and indeed the global economy. Despite several measures taken in previous decades, progress in closing the gap has been slow, stalling or even regressing in countries around the world. As this paper has demonstrated, factors influencing the continued gender wage gap are found in all parts of a given society, from its culture and norms, its governmental laws for its citizens and the way in which businesses operate within these nations. To further reduce and ultimately eliminate the gender wage gap, international organizations, governments and the private sector must leave no stone unturned as they work together. Their efforts must consist of shifting persisting perceptions of the role of women in many societies, creating opportunity for women to earn meaningful wages through development support, and ensuring fair access to higher wages and promotions through policies and laws that protect women in the workforce.

## Appendix A

See Figure D: <http://www.epi.org/publication/closing-the-pay-gap-and-beyond/>

## Appendix B

See Gender Wage Gap data for OECD countries: <http://www.oecd.org/gender/data/genderwagegap.htm>

## Appendix C

See Figure 36, page 48: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_324678.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_324678.pdf)



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O'Reilly, Jacqueline; Smith, Mark; Deakin Simon and Brendan Burchell. 2015. "Equal Pay as Moving Target: International Perspectives On Forty-Years Of Addressing The Gender Pay Gap." *Cambridge Journal of Economics*. 2015. 39 (2). Web. <http://cje.oxfordjournals.org/content/39/2/299>. (accessed November 30, 2015).

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## 5.6 WHY ARE GLOBAL PROBLEMS SO HARD TO SOLVE? THE PROBLEM OF GLOBAL WARMING

SONIA CUESTA DE ANDRÉS

### Introduction

International cooperation is evidently a complex concept. Why should different countries with different histories, cultures, economies, geographical areas, populations, interests, etc. collaborate for a common good when it means compromising on their specific goals? Imagining a world where countries leave aside their own self-interest to play a role in a plan for the greater good is an attractive vision, and one that many politicians, academics and others have worked towards, but it nevertheless does not cease to be utopian. Global problems are so hard to solve precisely because of their very nature: in today's globalised world, transnational issues often require immediate and decisive action, but aligning the interests of countries as different as Bolivia and Iceland, for example, is no mean feat, and cannot be done without much previous preparation, mediation and groundwork. In the case of the environment and global warming, which is the proposed research question for this essay, the issue becomes even more complex.

### what makes a problem global?

What is the difference between an issue that plagues the European Union, and one that preoccupies several continents? A global problem could be defined as a problem that involves the entire world, and not just several different countries. It is a problem that is not just 'important', but crucial in determining the future of our planet. It is global because it affects all of the people on Earth, regardless of nationality, economic status, race or culture. Climate change is thus, according to this definition, one of the biggest global problems that haunt us today. According to a Eurobarometer report published on the 7<sup>th</sup> of October 2011, global warming is the second biggest problem in the world right now, according to the EU, only after poverty, hunger and lack of drinking water. 20% of Europe stated that climate change is the world's biggest problem, and it was given an average grade of 7.4 out of 10 on a risk scale, with Sweden and Luxembourg being the most concerned about it.<sup>1</sup> The UN declared its importance by including it in the eight millennium goals, to be reached by 2015, stating that we have to ensure environmental sustainability.<sup>2</sup> The OECD report on Climate Change Mitigation stated that if current trends continue, there is a high probability of significantly greater temperature rises, increasing the risk of severe and irreversible impacts on ecosystems, significant disruptions to agricultural systems and impacts on human health in this century and beyond.<sup>3</sup> Scientists such as Rockström have deemed it to be 'the most substantial threat facing all humanity'.<sup>4</sup> It is obvious that most citizens and policy-makers have recognised the importance of addressing climate change, and it is also clear that it is a problem that is not going to be solved if not through international cooperation, so then why are there no concrete solutions? As a global problem, it is already extremely complicated to address, but its very nature exacerbates this difficulty, creating the most complex problem that our century will have to face.

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<sup>1</sup> Jardine, Nick. "The 10 Biggest Problems In The World According To The EU." *Business Insider*. Business Insider, Inc, 7 Oct. 2011. Web. 10 Dec. 2015.

<sup>2</sup> "United Nations Millennium Development Goals." *UN News Center*. UN. Web. 10 Dec. 2015.

<sup>3</sup> OECD (2015), 'Preface', in *Climate Change Mitigation: Policies and Progress*, OECD Publishing, Paris.

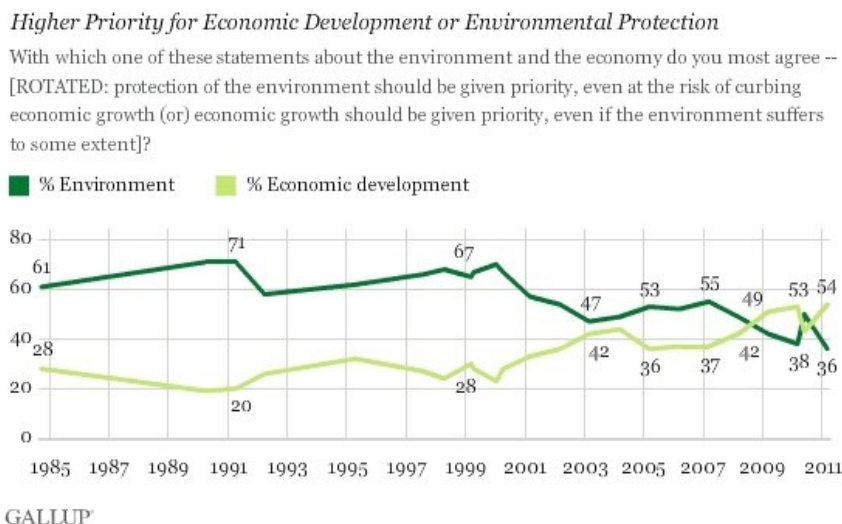
<sup>4</sup> Turin, D. R. (2014). "Environmental Problems and American Politics: Why is Protecting the Environment so Difficult?" *Student Pulse*, 6(11).

The difficulty of dealing with climate change lies in great part in the fact that the environment, which is what we need to protect in order to curb climate change, suffers from the so-called *tragedy of the commons*, a term coined by Garrett Hardin in 1968:

“Each pursuing his own best interest.... Ruin is the destination toward which all men rush”.

That is to say, everyone benefits from the use of the common resources that the environment provides us with: water, air, light, forests, etc., but it is difficult to establish who is responsible for caring for it, since no one, so to speak, ‘owns’ the environment. Benefitting from these resources incurs minimum costs and effort for most of us, but protecting them is a much more difficult task. We are all therefore involved in creating the problem, but according to Mancur Olson’s theory, larger groups make it even worse, because of the complex nature of group interests. Olson found that group size was very important in determining how effective policies relating to collective goods can be. According to him, small groups have more chances of being successful because the “personal gain [of each group member] from having the collective good exceeds the total cost of providing some amount of that collective good”.<sup>5</sup> However, the issue with global problems is that in large groups it becomes easier to free-ride, thus destroying the incentive that any one country would have to make a change, because it can see that countries around it are not making the same sacrifices. Therefore, when there are many countries involved, as is inevitable with global problems, the solution becomes more difficult to find.

An added complication is the fact that, although it is a minority, there are still people who refuse to see climate change as anthropogenic, and thus believe no action should be taken because the environment will regulate itself. As Kraft writes in *Environmental policy and politics*, William Ruckelshaus described the ‘difficulty of converting scientific findings into political action is a function of the uncertainty of the science and the pain generated by the action.’<sup>6</sup> To further complicate things, the fact that curbing climate change requires much short-term and long-term effort without seeing any short-term gains puts many politicians and policy-makers off, especially in times of economic crisis, such as the ones we have been facing for the past seven years. The following graph shows how the American public valued the importance of the environment over the economy in past years, and the shift in the tendency after the economic crisis of 2008:



<sup>5</sup> Olson, Mancur. (1965). *The logic of collective action; public goods and the theory of groups*. Cambridge, Mass.: Harvard University Press. p.64.

<sup>6</sup> Kraft, M. E. (2007). *Environmental policy and politics* (4th ed.). New York: Pearson/Longman. p.19.

This is further exemplified in what D. R. Turin states in his report on environmental problems and American politics, explaining that 'tackling environmental problems today is more difficult because the nature of the "problems" has changed: where such problems were once primarily scientific and technocratic in nature, they are now almost exclusively problems of politics.'<sup>7</sup> As was explained in the opening paragraphs, this is precisely one of the greatest complexities in solving global problems. An article entitled Why is it so hard to stop climate change?, which appeared on The Guardian in November of 2011 stated, 'getting 194 nations to agree on anything, let alone a re-tooling of the global energy system that drives economies, is fiendish. Yet without an international deal that sets targets for all, no one nation can be certain that others will pull their weight.'<sup>8</sup> Clearly this then takes us on to the issue of trust, and the pointlessness of having one nation go to extreme effort to try to put a stop to climate change while its neighbour is squandering resources carelessly. International cooperation is based partly on past deals and interactions with previous countries, and lays a great deal of importance on personal relations between representatives of different countries as well as Credible Commitment, i.e. 'I will believe what you say when I see it'. To summarise, Underal very clearly sums up that environmental problems are hard to solve to the extent that they (i) are 'long term policy problems with time lags between policy measures ... and effects', (ii) 'are embedded in very complex systems' clouded by uncertainties, and (iii) 'involve global collective goods' not subject to single best effort solutions.<sup>9</sup>

It is therefore essential that countries come to an agreement on how to regulate the commons, establishing who has access, how much access and how this access should be distributed amongst the different members, enabling a discussion on how to incorporate individual interests with collective needs in such a way that will prevent an environmental disaster without disrupting our current way of living extremely, which would meet with too much opposition. This process of deciding how to allocate resources is what Hardin called 'mutual coercion mutually agreed upon'<sup>10</sup> and it is precisely what the international community needs to spur on an agreement on climate change. As Robert V. Percival defends in *Environmental Legislation and the Problem of Collective Action*: 'free rider problems can be overcome particularly when public support for an issue reaches a critical mass that convinces diffuse interests that they have a genuine possibility of success in the legislative process'.<sup>11</sup> In line with this, the high ambition coalition, which represents more than 100 countries and is acting as a group in the Paris talks, is pushing for a legally binding deal on climate change that sets clear long-term objectives that concur with scientists' opinions and that will include a mechanism to ensure that it is possible to review how countries are doing and whether they are fulfilling their promises every five years, thus creating accountability and transparency, which in turn will lead to trust.

International Organisations can therefore help find a solution for this very complex global problem. The UN, for example, is currently organising the Paris Climate Talks, providing a forum for all member countries to come and discuss climate change, and hopefully set a legally binding agreement that they will all have to follow, therefore eradicating the free-rider problem to a great extent. Of course this will not be easy: to prevent a rise in global temperatures that exceeds 2 degrees Celsius will require much sacrifice and strong leadership, pairing ambitious national targets with strengthened policies in each country in order to be able to implement the changes as

<sup>7</sup> Turin, D. R. (2014). "Environmental Problems and American Politics: Why is Protecting the Environment so Difficult?" *Student Pulse*, 6(11).

<sup>8</sup> Carrington, Damian. "Why Is It so Hard to Stop Climate Change?" *The Guardian*. The Guardian, 9 Nov. 2011. Web. 10 Dec. 2015.

<sup>9</sup> Betsill, Michele Merrill. *Advances in International Environmental Politics*. 2nd ed. Palgrave Macmillan, 2014. Print.

<sup>10</sup> Hardin, Garrett. (1968). The tragedy of the commons. The population problem has no technical solution; it requires a fundamental extension in morality. *Science (New York, N.Y.)*, 162(3859), p.1247.

<sup>11</sup> Percival, Robert V. "Environmental Legislation and the Problem of Collective Action." *Duke University*. Duke University. Web. 11 Dec. 2015.



efficiently as possible and thus reduce emissions. The OECD report on Climate Change Mitigation states clearly that 'in order to build trust, it is essential to transparently track the progress being made towards global and national climate objectives, increase the understanding of national policy contexts and learn the lessons from national experiences.'<sup>12</sup> This in itself raises complicated issues, since recently most of the BRICS, a very important block of countries within the UN, has voiced its distrust of a study conducted by the OECD on climate. China, Brazil, South Africa and India have all rejected this study, stating that the methodology used in determining the data presented was biased. On the 8th of December 2015, an article in *The Guardian* quoted: 'South Africa said that the OECD figures, which have become the rich countries' negotiating stance, should have been calculated in consultation with developing countries. "The reality is that parties here were not part of pulling together. Double accounting can not be accounted for. They should clearly say what they have provided, to whom and what is being counted," said Izabella Teixeira, Brazil's environment minister.'<sup>13</sup> Although the OECD is an international organisation, developing countries are wary of its intentions and do not feel represented by it, judging its reports and studies. This is emblematic of the main issue with global problems; they create a split that creates opposing factions, such as East against West, North against South, developed against developing, etc. Most countries are sceptical when it comes to global issues because they cannot be assured of the true intentions of their neighbours, as it has been proven time and time again that powerful countries sometimes manipulate transnational problems to satisfy their own hidden agenda, as was evidenced by the Iraq war. It is because of this that international organisations have a duty to be partial and objective, leaving aside their bias and working towards the greater good. International organisations, as any other political body, have weaknesses that should be taken into account: beginning from the assertion that organizations exist to pursue common interests, Olson identifies a central paradox in this pursuit: although the collective benefit in the provision of some common good might outweigh its collective cost, for the rational individual focused on maximizing his own interests the costs of participating in the organization often outweigh the individual benefits.<sup>14</sup> International organisations thus have to prove their value, and although the UN did not succeed in its efforts to reach a climate change agreement in Copenhagen, the Paris talks seem more promising, and this forum is the best opportunity the world has to combat the impending problem that is climate change.

## Conclusion

Global problems are hard to solve because it is a very difficult task to align the interests of a wide range of countries, and even more difficult to get them to agree and carry out a designed set of tasks to deal with the problem effectively. Trust is essential in this, but it is a very elusive ingredient that can only be gained if every country follows through on its promises. As Jeremy Corbyn puts it, however, 'governments should not be the only actors on the stage; they cannot achieve this world alone. All of us must remake the material world, together. We must be confident in the technology we have and the technology we can invent. We must be organised, harnessing the extraordinary powers of connectivity humanity has developed for itself.'<sup>15</sup> Finally, in order to reach the public international organisations will have to make use of strategies such as those discussed by Claudia Gonzalez and Cassandra Quintanilla in their overview of Marketing for International Organizations (choosing donors, marketing, PR, social media and working with the private sector to create a strategic marketing plan), thus ensuring that everyone in society, from the most important politician to a normal member of society will work hand in hand to solve this global problem, as, in the end, it concerns each and every one of us.

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<sup>12</sup> OECD (2015), 'Preface', in *Climate Change Mitigation: Policies and Progress*, OECD Publishing, Paris.

<sup>13</sup> Vidal, John, Suzanne Goldenberg, and Lenore Taylor. "More Countries Reject OECD Study on Climate." *The Guardian*. The Guardian, 8 Dec. 2015. Web. 11 Dec. 2015.

<sup>14</sup> Turin, D. R. (2014). "Environmental Problems and American Politics: Why is Protecting the Environment so Difficult?" *Student Pulse*, 6(11).

<sup>15</sup> Corbyn, Jeremy. "Power to the People Can Tackle Climate Change | The Times." *The Times*. 9 Dec. 2015. Web. 11 Dec. 2015.

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