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# European Security in Uncertain Times

*Slovakia, Gazprom, EU Sanctions*

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# Iran

## The Other Islamic State

*Mitchell Belfer*

Many in the US are jostling to enter Iran's marketplace as though acquiescence to international demands for nuclear transparency equated to political and economic reform. It did not. The Islamic Republic of Iran remains an Islamic state and a danger to regional stability. Caution is enjoined in any transaction with the country.

*Ayatollah* means the 'sign of God,' *Hezbollah* the 'party of God,' and *Hokumat-e eslami* means 'Islamic government.' These are not rhetorical devices in the parlance of ISIS and neither are they features of Saudi Arabia's political landscape. These are examples of the pillars the Islamic Republic of Iran is built on and no amount of engagement or rehabilitation, investment or peace declarations can change the fact that Iran is, fundamentally, an Islamic state. Its goals are no less zealous, no less lofty than ISIS; seeking to usurp the Sunni sect as the custodians of Islam's holiest shrines and construct an idealised political entity with a system that reflects the values, legitimacy and power of Iran as the vanguard Shia-theocracy. Where ISIS has its *caliphate*, Iran has its *imamate* and while they may conflict over doctrine and influence both are revolutionary states that marry radical Islam to state structures.

Yet many in the US and Europe are ready to gloss over Iran's pragmatic fundamentalism – which has ensured that the Arabian Gulf and wider Middle East remains in a state of international and sectarian conflict – for reasons that are elusive, but somehow gravitate around



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energy security and the war against ISIS. With a clipboard of (ostensibly) shared interests, Iran is being rehabilitated. Unfortunately, there is no harmony of interests and Iranian rhetoric does not match its intentions. Instead, Iran is seeking strategic hegemony; it wants unfettered access to the Mediterranean Sea, dominance over the Arabian Gulf and Yemen and raw territorial gains in Iraq and Syria. To do so, Iran has had to limit the US and Europe's presence in the region, which after failing to do so by force has managed through diplomacy. So, with a reduced Western presence Iran can start focusing on consolidating its other goals—with more money (thanks to sanctions relief) and an invigorated Revolutionary Guard Corp.

Hindsight, they say, is 20/20. In this case, so is foresight. Iran is an Islamic state and is driven by a logic that solders Shia fundamentalism to geopolitics. Cracking the code of Iranian thinking means looking beyond Iran's smoke-screens; President Rouhani, Foreign Minister Zarif and Iran's Majlis (parliament), and peering into the closed-circuit paradigm of Ayatollah Khamenei, the Guardianship Council and the Revolutionary Guards. These are the country's real powerbrokers. That they have endorsed the nuclear deal has nothing to do with re-joining the international community and everything to do with increasing Iran's ability to achieve its other goals. Less sanctions means more money and more money means more weapons, more clandestine operations, more instability and greater projection. Iran does not have an open economic system; its ports and infrastructure are controlled by the Revolutionary Guards who are subordinate to the Ayatollah. There should be no ambiguity as to who will gain most with the coming economic surge and what they will do with their newfound wealth.

Take out the crystal ball for 2016 and the wars in Syria and Iraq end with Assad in place in the former and Shia militias in the latter. Iran's naval presence in Syria will heighten tensions with Israel, Turkey and Egypt and the next round of Israel-Hezbollah violence only needs a trigger. Europe's migration crisis will peak as Syria's Alawites and Iraqi Shia take out their frustrations over ISIS on what's left of those countries' civilian populations. Bahrain, Kuwait and Saudi Arabia will probably see a return of sectarian violence as Iran supplies embedded terror cells with money bags, weapons and inciting clerics. Yemen will keep inching towards national destruction. All this as Western money pours into the coffers of an Islamic Republic that is not in the throes of reform, but is hunkering down for the long-game.

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But there is some good news, however cryptic it may sound. The Iranian economic floodgates will, eventually, slam shut. We have seen it all before. In the 1990's, a different moderate President, Khatami, also promised a new and fresh Iran. He was silenced, shackled and suppressed by the Ayatollah and his at-the-ready foot-soldiers. Now as then a lot of Americans and Europeans are going to lose a lot of money on this next Iran rehabilitation project. Court cases will abound, and pressure will be mounted on congresses and parliaments as Iran retracts back into its revolutionary shell and nationalises everything in its path. Those that risked and lost because they trusted the Islamic Republic will cry foul—they always do.

But the saga of Iran is not, and must not, be about the short-term financial gains for a privileged few. It is about the original Islamic state and its regional designs. It is about tying sanctions relief to Iranian behaviour: its ballistic missile programme, its exportation of terrorism, continued occupation of Abu Musa, Upper and Lower Tunb, its instigation in Bahrain and, crucially, its callous stifling of its own people. Sanctions relief for the Islamic Republic is a regional, not a national issue!

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# How Criminals Infiltrate Public Procurement

## Organised Crime and Corruption in Legal Markets and Public Sectors

*Caterina Mazza*

Criminal infiltration in the legal economy – particularly public procurement and corruption – are among the most pronounced challenges facing European States. This work analyses the strategies and methods used by organised criminal groups to tamper with the procedures for the execution of public contracts – with special attention to corruption forms – covering an issue that never been systematically examined. Before presenting the results of this study, the borders of the analysed issue and the general phenomenon of criminal infiltration in the legal market will be considered.

*Keywords: Organised Crime, Corruption, Public Works, Public Contracts Criminal Infiltration in the Legal Economy*

### Introduction

Some academics and EU institutions highlight the important link between corruption and organised crime, which often coexist and interact when advantageous.<sup>1</sup> Although they are two individual phenomena, they are characterised by actual interrelations, especially in reference to the public procurement sector.<sup>2</sup> This connection is little-explored by scholars and political advisers, although it is important to understand the reality of the facts and to identify an effective counter-strat-



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egy. In fact, it can be considered a bridge that produces opportunities for various actors. For example, organised crime groups can utilise corrupt methods in order to expand their relational networks, even outside their own criminal group, increasing human resources in various economic sectors, both legal and illegal. At the same time, corruption can be used to maintain a system of power or relations. Hence, the connection between corruption and organised crime is functional in creating a grey zone which constitutes an illegal-legal continuum.

*How Criminals Infiltrate Public Procurement*

Organised crime and corruption – as highlighted by several reports and analyses – are among the most acute challenges facing Europe which affect all EU Member States (EUMS).<sup>3</sup> Despite a lack of statistics and data on corruption and organised crime-related offences in relation to public procurements, the importance of these phenomena can be understood using estimations and various indicators.<sup>4</sup> Consider, for instance, people’s perceptions, as shown by a 2014 Eurobarometer survey: 76% of European citizens surveyed believed corruption to be widespread in their country, while 26% said they were personally affected by corruption in their daily life. 73% of European respondents believed that bribery and the use of connections is often the easiest way to obtain certain public services. Mistrust in public institutions appears to be widespread. According to the same survey, the public offices and sectors most distrusted are: political parties; politicians at national, regional and local levels; and officials who award public tenders or issue building permits.<sup>5</sup>

One of the legal sectors mainly engaged is the execution of public contracts, public works of construction in particular. As a result, criminal infiltration in public procurements merits attention. In particular, it is worth analysing the strategies and methods used by organised criminal groups for influencing the allocation of public funds and for infiltrating public works. In fact, systematic studies on this phenomenon don’t exist. Nevertheless, it is possible to gain an overview of the topic by exploring the literature and reports of national and international institutions. Such documents contain interesting – albeit scattered – information on the matter.

Before presenting the main results of the present study, it is important to identify the characteristics and the borders of the phenomenon, and to have a general overview on the topic of criminal infiltration in the legal economy.

## The Borders of the Issue

It is important to clarify the meaning of organised crime as referred to in this work. In fact, among scholars, a standardised definition of organised crime is elusive. This is due to various reasons: (a) several disciplines (such as law and criminal justice, criminology, international relations, sociology, etc.) deal with organised crime and discuss its definition according to their own specific interests and focus; (b) organised crime is conceptualised around the world in different ways, using various cultural points of reference; (c) organised crime is a label that identifies and includes a whole range of different crimes and groups; and (d) the legal-illegal nexus as a characterising element of organised crime has been under-studied. Although many scholars have studied illegal activities carried out by organised criminal groups, the issue of criminal infiltration of legal markets has been little-explored.<sup>6</sup>

Nevertheless, it is worth identifying the borders of the concept of organised crime, in order to gain a common theoretical point of reference and understanding. In this research, organised crime is defined ‘as a structured and permanent group of individuals who use violence [typically, but not exclusively] to gain profit through criminal activities.’<sup>7</sup> Criminal organisations usually achieve their proper aims using various strategies: for instance, controlling or conquering portions of political power; managing illegal markets or exploiting sections of the legal economy; and/or calling off the civil relationships of solidarity. Although general, this conceptual definition allows us to distinguish organised crime from other groups that use violence, in and of itself, as a source of revenue (such as military companies) or as a means to gain power (such as terrorist groups).

Then, too, it is important to specify the substantial differences existing among various type of criminal organisations (such as street gangs, mafia and so on), each one characterised by a specific level of criminal specialisation. In this perspective, organised crime can be thought of as a broader category (*genus*) consisting of various types of groups (*species*) which peculiarity depend on historical and socio-political context. This conceptual representation includes several kinds of criminal groups which can be laid out on a *continuum*, starting from “organised crime” thought of as a combination of individuals who commit a series of felonies; then proceeding on to “crime syndicates” as well-structured groups which aim to profit economically; and at the end of this

climax, mafia groups that are the most specialised criminal organisations which seek also political control of the territory.<sup>8</sup>

Although so different, mafias and criminal groups often closely cooperate or even work in partnership which weakens the distinction among them.<sup>9</sup>

All such criminal groups are engaged, to some degree, in various types of illegal activities, among which include the exploitation of legal economy especially in the public works sector. With particular reference to criminal infiltration in public works, various criminal groups also cooperate with different actors part of the legal world. The creation of alliances and/or collusive relations or connivances with entrepreneurs, politicians, public administrators, makes criminals increasingly able to infiltrate public sector. Moreover, the involvement of professionals, specialised in economic and financial sectors who provide consulting services to criminals, play a key role for favouring criminal exploitation of legal business. As a result, the relational networks among members of both legal and illegal world are fundamental to endorse the phenomenon. It is not a chance that several scholars underline that various types of criminal groups can be thought of as systems based on relational networks.<sup>10</sup>

The strength of various criminal and mafia groups are mainly derived from their capacity for creating complex relational networks which involve figures both in the criminal world and in the legal sphere (such as politicians, entrepreneurs and so on). These networks, created for gaining advantages, increase chances to illicit profits because they guarantee political protection, economic resources, opportunities for infiltrating in new market sectors and a wide range for illegal activities.

The network structure of the various criminal groups allows them to always create new alliances and to increase the complexity of partnerships. The complexity of the criminal systems that are based on relational networks has increased over time with changes in the 1990s, especially with the process of globalisation and the rise and spread of businesses across borders. Adapting to the global dimension of the economic environment, organised crime has become more flexible and less hierarchical. The individual mafias and criminals are thus adapted to operate in vast and articulated agreements and criminal networks that link their interests to the economic activities of the diverse powerful elite. In this situation, the criminal groups tend to operate as a

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business operating within a cluster. In this perspective, the criminal clusters develop systematic relationships with other actors in the same field of activities and agreements. In this sense, criminal groups are linked both to other criminal clusters that have representatives from legal and legitimate institutions.<sup>11</sup> The more frequent interaction between criminals and politicians and public institutions, creates a “gray zone” in which legal and illegal are increasingly intertwined and difficult to distinguish. We are witnessing a merging of networks, relationships and diverse areas.<sup>12</sup> This, in addition to being the strength of the criminal groups, leads to the spread of the so-called “Mafia methods” as a type of behaviour based on occult links and the pursuit of individual interests. Such misconduct can be taken even by those who do not belong directly to the criminal groups as a daily mode of action.<sup>13</sup> The elements just highlighted allow to identify the borders of the issue and to better understand the phenomenon analysed.

### **An Overview of Criminal Infiltration in Legal Business**

To introduce the phenomenon of criminal infiltration in public procurement it is important to give an overview of the economic and financial investments of organised crime groups in legal business. The proceeds of illegal activities (including sexual exploitation, trafficking of weapons or drugs, forgery, trafficking of garbage, extortion, usury and so on) are usually reinvested in various sectors of the legal economy. To understand the size of this phenomenon, Italy is a paradigmatic example: illegal proceeds amount around to €25.7 billion (equivalent to 1.7% Italy’s GDP).<sup>14</sup> However only between 32% and 51% of this amount of money (i.e. from a minimum of 8.3 to a maximum of €13 billion) comes from organised crime and mafia groups activities.<sup>15</sup>

As a matter of fact, organised crime infiltration in legal economy is only one aspect of the economic criminality. Various modalities and reasons why several criminal groups infiltrate into legal economy are intertwined with other organisational prerogatives of the modern economic crimes: 1. the so-called white collars criminals who take advantages of business opportunities for money or power. They associate with each other for committing economic crimes or for providing illegal services to organised crime; 2. legal companies that illegally operate for achieving legal objectives.

1. Often businessmen join with other professionals for establishing criminal organisations which, unlike traditional criminal groups, rarely use violence and intimidation. Such new organisations usually tend to utilise corrupt methods, abuse of power and clientelism. Moreover, such organisations considerably and strategically use new technologies for carrying out illegal activities. Frequently, white-collar criminals delegate their illegal activities to traditional organised crime and mafia associations. In this way, they intertwine different interests and skills.<sup>16</sup>
2. Several national and international legal cases have highlighted that often legal companies utilise illicit tools and illegal associative forms in order to increase business competition and profits. False invoicing, trust companies, or even false accounting, are used to accumulate capital out of the institutional control useful, for example, to corrupt and gain economic benefits.

The mix among criminal infiltration in legal economy and other actualisations of economical criminality is present in all European countries.<sup>17</sup> The mingling of different worlds (entrepreneurial, business, political and institutional, criminal, etc.) and various interests raise an important question: what are the favouring factors for economic crimes, in general and especially for implementing criminal infiltration into legal business?

A key role is played by professionals specialised in economic and financial sectors who provide consulting services to organised crime. As well as technical skills, these experts provide criminals their experience in cross-border money transactions and in diversifying investments.<sup>18</sup> The skills required of various types of professionals differ depending on the illegal activities to be pursued. Sometimes, skills in the use of computer technology are needed. In other situations, the knowledge of legislations (administrative, European, of taxation, of banking, etc.) and to tamper with the rules, is a must. With others, a depth of knowledge in financial sectors is crucial.

The relational nexus among various professions and different types of organisations (including traditional criminal groups, white collars, and other legitimate economical actors) can be implemented in the form of complicity, cooperation or real conspiracy. These links, usually based on short, medium and long term agreements, can result in complex and composed scenarios. The intensification of relational

networks between several economic subjects and criminals lead to the establishment of a context favourable for committing economic crimes.<sup>19</sup>

It is worthwhile introducing the meaning of criminal enterprise and identifying the aspects which distinguish and favour such enterprises in respect of legal companies. Criminal organisations use often techniques in company management and operate establishing entrepreneurial activities. Since the 1970s and 1980s, organisational criminals have increasingly become businessmen establishing relationships of collusion and connivance with legal companies.<sup>20</sup>

Three specific profitable elements distinguish criminal enterprises from the legal ones: the discouragement of competition using intimidation (which sometimes leads to criminal monopoly of particular economical sectors); the wage compression usually implemented by way of the tax evasion for social security and the no payment of overtime; the sizable financial liquidity originating from illegal activities.<sup>21</sup> However, it is important to underline that illegal activities are only one of many funding sources for criminal groups. In fact, they can have special access to the legal banking system (constituted by local and national lending institutions) compared to those of legal entrepreneurs.<sup>22</sup>

Such advantages are useful indicators to identify the essential aspects of criminal enterprises. Nevertheless, it is almost impossible to characterise a typology of illegal companies. Each illicit enterprise works and operates in an particular way for facing the specific market conditions created by illegality. As a result, illegal businesses differ from each other.<sup>23</sup> They have variable structures and establish unstable relations with each other based on short term objectives.

The development of criminal business has not followed the licit economic growth. But, it has taken place when illegal enterprises have begun to substitute legal companies in some economic sectors.<sup>24</sup> This process of growth is accompanied by another important aspect: the *de facto* acquisition of legal companies (or parts of them) by criminal enterprises. Some studies have shown that criminal groups can gradually become the owners of legal companies or control their activities, forcing them to accept their protection in exchange of money. The methods used to get control of legal companies are various (including extortion, usury, recapitalisation of firms, liquidation of business, etc.). The main forms of control are mainly two: participation (when criminal groups controls, for short time, the legal company operations in

reference to an unique and specific economical sector); sharing (when criminals directly acquire the ownership of legal firm and manage its corporation stocks). This form of control is a long-lasting relation and concerns all business activities of the licit company. In the first case, the legal business remains relatively autonomous while committing illegal activities. On the contrary in the second case, the company changes its nature and becomes property of the organised crime.<sup>25</sup>

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### *Investment Sectors of Criminal Organisations*

The investment sector, ranging from the real estate business to various types of goods and services, is chosen according to the objectives and cultural motivations of each criminal group, as well as to the opportunities offered by the market and by the circumstantial context.

According to several authors, criminal infiltration into legal economy is such a widespread phenomenon what is very difficult to identify where criminal investments occur.<sup>26</sup> Nevertheless, some scholars have highlighted that criminals' investments in companies may be explained by five aims:

1. concealment of criminal activities (mainly money laundering);
2. control of the territory;
3. social consensus;
4. profit (and/or income) maximisation;
5. cultural/personal reasons (i.e. criminals invest in certain business because it is close to their culture, education background, family tradition, *status* and prestige).<sup>27</sup>

Criminal groups focus their activities in business which let them issuing false invoices and/or falsify accounting, hiding their proceeds and concealing incoming and outgoing illicit flows. Concealment of criminal activities can also take different forms. As well as money laundering, it can include the transport and trade of illegal goods hidden among legal products. Such illicit operations need cooperation and involvement of legal enterprises. Another channel in concealing illegal profits is cross-border money transactions which requires a high level of competencies.<sup>28</sup>

Control of territory and social consensus are very close aims pursued by organised criminal groups. They endorse organised criminals to be socially accepted in a specific territory. Criminal groups are thus able to control particular sectors of the local economy and/or man-

age the subcontracts of local public works, maintaining relations with suppliers, contractors, public administrators and/or politicians. The criminal infiltration into the legal economy also allows criminals to be accepted by the lower citizenship groups. In fact, operating as economic actors, mafia and criminal associations create jobs and new opportunities of life. In this way, criminals may recruit partners from among various groups of society that are not fully integrated, such as ethnic minorities.<sup>29</sup>

Furthermore, scholars have different theories with regards to the economical objectives pursued by organised crime which are mainly profit (and/or income) maximisation. On one hand, some authors affirm that, although important, profit does not play a key role for decisions making in criminal and mafia groups. It is simply one aspect of the criminal groups interests, but not the most essential. They argue that criminal groups are aimed more at a long term revenue and not to a mere short term profit.<sup>30</sup>

On the other hand, other thinkers assert that organised criminals focus their attention primarily on sectors with a high and immediate return on investments and with a risk minimisation.<sup>31</sup> As such, the economic field where organised crime operates is not so important in respect to the opportunities for money laundering and profits that a certain business is allowed to realise. It is not by chance that criminal and mafia groups have increasingly diversified areas of investments and overtaken the entrepreneurial monoculture typical of criminal organisations. The latter, until the 1960s and 1970s, was almost exclusively concentrated in real estate and public works. These areas, although still preferred by criminal groups, were gradually joined with other economic fields, especially in public services (mainly healthcare, private clinics, the treatment of urban and toxic waste). As such, various criminal groups gradually inserted themselves in each field of economic and financial activity.<sup>32</sup> Organised criminals select economic sectors for their activities on the basis of both their specific aims and the attractive opportunities offered.

Independently of the investment sector, criminal infiltration into the legal economy produces significant economic and social costs due to the alteration of the competitive rules of the market and placing illegal proceeds into legal business.<sup>33</sup>

## Criminal Infiltration in Public Procurement: Methods and Strategies

Criminal groups are engaged, to some degree, in different types of illegal activities, among which the exploitation of the legal economy opportunities is growing in importance. In particular, the opportunities given by in the public works sector represent a new area of investment for criminal groups. Although systematic analyses on this specific area do not exist, the reasons for choosing this sector, the main strategies and methods used by criminal groups can be figure out by the analysis of the literature and the reports of national and international institutions.

*How Criminals Infiltrate Public Procurement*

*Reasons of public procurements choice*—Various reasons exist why criminal groups and the mafia choose the public works sector in particular the public procurements. The first reason is economic: the expense for public contracts is a great part of the territorial economy especially where the private sector is under developed. The second is linked to the investigative judicial penal sector: the investigations of criminal activity within public contracts are difficult to carry out and very costly in term of procedure and personnel. Crimes committed in the public sector are harder to detect and to prove compared to other ones like, for example, drug trafficking, etc. The third reason is linked to the weaknesses and inefficiencies of the public administration. Especially in certain Countries, like Italy, the public contract sector during the years has revealed its vulnerability to corruption and collusion episodes.<sup>34</sup> And finally, criminal infiltration has strategic importance as a means of territorial control in the penetration of social, economic and institutional structures of the territory. In fact, certain businesses and sectors (such as restaurants, supplies, construction) can be used both for maximising physical control on the territory and for strengthening the relationships with politicians and public administrators.<sup>35</sup>

*Channels for exercising influence and for infiltrating public contracts*—Analysing the literature and various institutional reports, it is possible to hypothesise that organised criminal groups mainly use two channels for infiltrating public works and public contracts: (a) *direct infiltration* in the public process of bidding through the direct control of private companies i.e. through the use of name and/or members of criminal family; (b) *indirect actions* where the organised crime acts

as mediator among companies, politicians and public administration using relational networking, persuasion, or even intimidation. This is the case of agreements between the criminal exponents and the entrepreneurs, political, institutional and public representatives in order to assure their desired motive.

These channels are context specific. Organised criminal groups behaviour changes according to the characteristics of their own structure and abilities, the features of the market and the opportunity of the moment. The choice of such channels depend, not only on the objectives of criminal groups, and on the context, but also on the phase of the public procurement process in which criminals want to infiltrate.

In fact, the public procurement process can be divided into three main phases summarised in the following table.<sup>36</sup>

<i>Phases of public procurement and work execution</i>	<i>Steps of the public procurement process</i>	<i>Activities of the companies</i>
1. Pre- tender stage	Allocation of public funds	lobbying
	Choice of the tender procedure	-
	Writing of public bidding and tender specifications	-
	Publication of the tender documents	-
2. Tender stage	Designation of the evaluation board	-
	Selection procedure	Submission of application
	Provisional award	-
	Final award	-
	Signature of the contract	-
3. Post-award stage	Start of the work	Employment of manpower; acquisition of everything is needed to realise the work (materials, services, etc.) awarding subcontracts
	Control and work in progress inspection; audit	
	Public work conclusion	-
	Testing	-
	End of the administrative procedure	-

The first two stages are part of the procedures aimed at the definition of public funds available and the selection of firms. These phases give opportunities to criminals for influencing the allocation of public money process.

The third stage is linked to the post bidding moment when the public work has already been awarded. This phase is particularly attractive for criminal groups in so far allows to control the building site for gaining several advantages. The post bidding protection on site can be agreed upon by both sides or forcefully reckoned where payment is based on a percentage of the total public work fee.<sup>37</sup>

South Italy is a good example where infiltration frequently occurs in the post bidding phase. The mafia clans/families oblige through intimidation and/or agreement entrepreneurs to pay bribes in exchange for protection of building site, force sub-contract and/or control material acquisition and human resources. The major sectors in the post bidding phase infiltration are linked to infrastructures (Viability, Transport, Waste, Environmental Defence).<sup>38</sup>

*Methods used by organised criminal groups*—The practices utilised to tamper with the procedures for the execution of public contracts are various.

*First* are Collusion/Partnership relations. These practices move from relatively simple agreement between two or more participants in the public bidding to more complex methods (e.g. the creation of networks to control the allocation of public funds, which involve politicians and high-level public officers who return favours to the organised crime in exchanges for votes, protection, etc.). One of the most sophisticated methods is the partnership between criminals and legal market entrepreneurs. It is called “metodo del tavolino” where companies linked to criminal and mafia groups participate in the bidding process for allocating public procurements using falsifications. This method is most frequently used when the public procurement procedure considers the lowest bid auction system as a selection criterion. In this case the contracting authority is usually accomplice.

Another kind of scheme to infiltrate bidding procedures is the “Cartel agreement.” It consists in the networking of companies which take part together in the same bidding process, harmonising illegally their bids, in order to allocate the public contract to one of them.

These more complex agreements can be made with the mediation and coordination of organised crime groups. These pacts work where

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mafia and criminal groups are more entrenched and infiltrated in various sectors of society. They are typical of south Italy during the nineties, and during the following years, with particular reference to infrastructure biddings.<sup>39</sup>

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The mentioned cases are based on collusive relations which can take place among bidders (as in the case of Cartel agreement), not necessarily linked to criminal groups, or among bidders and politicians and/or public officials (that can include criminals), or among all subjects involved in a public procurement (including the contracting authority).

*Second* is Corruption. Corruption is used in public procurement in order to obtain the award of a contract in each kind of bidding procedure (from the close procedure to the competitive dialogue) and in each of its phase (starting from the allocation of funds and the preparation of the tender to the final award). Bribes are mainly used to influence the discretionary decisions, to obtain classified information and acquire political and institutional protection.<sup>40</sup>

Influencing the allocation of funds or the posting of a public work, increase the chance of a specific company to obtain the work, because the corrupt public official will use his/her power to help the bidder in exchange for a bribe. Then, too, private corrupt entrepreneurs can increase their own chances of success simply through the fore-knowledge of administrative practices and timing or institutional decisions or the bids of other competitors. The trading of technical or commercial information on bids can take place directly between a private entrepreneur and a public official or with the mediation of intermediaries.<sup>41</sup>

The third means or resource (i.e. political and institutional protection) is a complex kind of corruption. The uncertainty of the outcome of biddings or of the corruptive relationships with public administrators, can be diminished by the protection of politicians or public administrators or powerful persons. These power figures can have long-term control on the decisional centres or can have long-lasting influence on individual administrative agents.<sup>42</sup>

Between the third type of corrupt methods and the collusive practices there is a thin difference. The two are very similar, but the corruption aimed at political and institutional protection takes place in a discontinuing way and only when advantageous. In this case the exchange of bribes and favours is simultaneous. So, all subjects part of this relation are satisfied in the same moment. Instead, the collusion

among criminals and public servants is usually part of long-term and continuative relations. The advantages are differently received by each actor during the time.

Along with corruption are fraudulent practices, such as misrepresentation or omission of facts or documents for influencing a selection process or the execution of a contract. It is important to say that corrupt forms are not used exclusively by criminal groups, but they can be utilised by entrepreneurs without links with organised crime.

*Third* is Coercion. It includes practices as extortions, intimidations, threats, blackmails. Organised crime uses such methods when it is necessary in order to force entrepreneurs, businessmen, public administrators to be compliant or collaborative in achieving the goals of the criminal group within itself influencing their participation in the procurement process or affecting the execution of a contract.<sup>43</sup>

The various methods just pointed out are usually utilised together in a combined and/or simultaneous way. Often the crimes are melded and used one to affect on another (e.g. public bidding infiltration is used, not only for getting power or money, but also for money laundering). The operational methods, as the channels for infiltrating public procurement, are chosen considering two important elements:

1. the reasons why a criminal group determines to illegally compete in a public bidding (e.g. if an organised criminal group aims for territorial control and/or to infiltrate the socio-political context, the methods more often used are collusive practices and/or the creation - or exploitation - of relational networks among politicians, entrepreneurs, public officials and so on. In such cases, the infiltration channel is on the level of indirect actions of mediation);
2. the context where organised crime acts. Criminal groups always interact with their environment and use local opportunities. Where a criminal organisation is well-entrenched, the methods frequently used are collusive practices. On the contrary, where an organised crime organisation is less entrenched, coercive methods, such as extortion and intimidation, are more frequent.<sup>44</sup>

The mixture of various elements brings different levels of criminal infiltration into the public sector. According to Buscaglia e van Dijk, five infiltrating levels can be identified: corruption and abuse of authority; gradual control of the public contracting agencies management; affecting State's policies.<sup>45</sup>

Finally, it is worth questioning difference between national and transnational public procurements exists. As evidence has shown, the domestic and cross-border public procurement are basically different only for the jurisdictional conflicts which characterise the second ones and which give numerous opportunities to organised criminals. The dissimilarities among national legislations, as well as the problematic investigative and judicial cooperation among States, give considerable advantages to criminals for minimising risks of their identification, arrest and conviction. The elements potentially increasing risks of criminal infiltration into transnational public works are various: problems of international collaboration among polices and judiciary authorities; lack of information exchanges; incrimination procedures too long and slow; training courses for police agents too expensive.<sup>46</sup> In this perspective, several criminal and mafia organisations have a transnational nature. They operate in various countries acquiring the ability to adapt in new contexts and to tamper with laws.

## Conclusion

Examining the phenomenon of criminal infiltration in legal economy and specifically in public procurement, two essential aspects came to light. The former is that these crimes cause seriously damages. In fact, such crimes threaten the fair competition among companies, increase the costs of public works, affects national GDP and compromise economic investments in the country. The latter is linked to the favouring factors of economic crimes. Among them, the involvement of professionals in economic and financial sectors who provide consulting services to criminals, plays a key role. Moreover, alliances and/or collusive relations or connivances with entrepreneurs, politicians, public administrators, make criminals more and more able to infiltrate public sector. As a result, the relational networks among different actors part of both legal and illegal world are fundamental basis of the phenomenon.

The two aspects just mentioned are recurring elements which characterise the criminal infiltration in public procurement issue everywhere it takes place. Then, too, the analysis of secondary sources considered allowed us to identify other important aspects of the issue, including the reasons why the organised crime to choose the area of public contracts, the main channels of influence into public

procurement and the methods used. The reasons are mainly linked to economic interests, to penal sectors of judicial investigation, to the weaknesses and inefficiencies of the public administration and to the strategic importance of the public procurement in themselves. As well as the specific reasons that make public procurement a profitable sector for illegal activities, the channels (direct and/or indirect) and the methods (collusive practices/partnership relations, corruption and fraudulent practices, coercive practices) for allocating public funds are chosen by various organised crime groups in relations to their specific aims and abilities, and the opportunities of the moment and of the context.

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# The “Black Widow” Media Discourse

## “Desperation, Irrationality and Vendetta” in Dagestan

*Kateřina Kruliřov*

This work examines how the media representation of the female self-martyrs of Dagestan and Chechnya, often dubbed “Black Widows”, portrays them as irrational, hysterical and/or desperate. The replication of the “Chechen Black Widow” narrative, applied to any female self-martyr striking on Russian soil, is clearly visible in both British and Russian media. This not only denies political agency to female attackers of Dagestani origin, but also attempts to dehumanise and demonize the entire group. By linking the bombers to unspecified “outside forces” and “Islamist” terrorism, any measures taken to suppress them, however harsh, are then justified to the public.

*Keywords: Black Widow, desperation, agency, female self-martyr, gender Chechnya, Dagestan*

### Introduction

The phenomenon of female violence in global politics has long been neglected by both academics and policy-makers.<sup>1</sup> In many respects, this has been due to the overwhelming male predominance, throughout history, in war-making and waging. However, recent decades have witnessed a shift in the gender ratio in perpetrators of both “legitimate” and “illegitimate” political violence. Although men still commit the



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majority of violent political acts, female violence is disproportionately reported on, and sensationalised, in the mainstream media. Therefore, critical analysis of the existing discourse on female violence in global politics warrants more intellectual inquiry.

This work focuses particularly on one of the “most shocking” violent acts – suicide bombing – and the international press attention surrounding it. The phenomenon of female self-martyrdom is not only a fairly recent manifestation of female violence in global politics; it is also one that is attracting an increasing amount of attention in both academia and the press. This paper seeks to analyse and critically review the representation of female self-martyrs in the media by tracing the gendered discourse of the so-called “Black Widow” self-martyr operating on Russian territory.

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The denial of political agency and rationality behind a female’s decision to partake in a self-martyr mission, based strictly on gender-specific assumed characteristics, appears to be the uniting theme for coverage of female self-martyrs — irrespective of their nationality, age, previous political involvement, education, religious beliefs, location, etc.<sup>2</sup> In the words of Toles-Patkin:

media coverage, particularly in the West, appears to actively search for alternate explanations behind women’s participation in terror in a way that does not seem paralleled in the coverage of male suicide bombers, whose official ideological statements appear to be taken at face value.<sup>3</sup>

The general coverage of female self-martyrs is believed to objectify women in a sexist fashion and represent their choices to engage in this type of violent political act as dependent on their gendered private sphere.<sup>4</sup> Female self-martyrs operating in Russian territory are perhaps the ones most affected by this discourse, as their motivation to commit these acts is often blamed on desperation caused by the loss of a beloved male relative and no hope of a happy future – as such future is strictly dictated by patriarchal Islamic code of gendered conduct. The “Black Widow” discourse then not only subordinates female self-martyrs and the “other” femininities and masculinities in general, but also justifies political measures aimed at “combating Islamist terror” on Russian territory as well, since it clearly makes link to tactics used by terrorist groups in the Middle East and their influence on Chechen and Dagestani rebels.

This work aims to destabilise the dominant gendered discourse about the motivation of female self-martyrs (both specific individuals and Chechen and Dagestani female martyrs taken collectively) based on irrationality, desperation or coercion. Media coverage tends to deny these women the intellectual capacity and sanity to conduct rational political action based on their own informed decisions. Importantly, this analysis does not seek to uncover the actual motivation of individual female self-martyrs, as this has been done by many other studies.<sup>5</sup> The complexity of motivational factors that make up one's decision to engage in suicide terrorism has been established by an extensive body of research aimed at the psychology of individual self-martyrs, determining their motivations to be an intersection of both political and private push factors, irrespective of their gender.<sup>6</sup> Given the lack of any testimony from the self-martyrs examined in this paper, precise motivation is never to be established and is only a matter of speculation.

This work argues that female self-martyrs are political actors possessing independent agency. Although the possibility of having been coerced in one way or another into the act may hold ground in some cases, it is wrong to automatically assume so when analysing individual female self-martyrs. Female terrorists, like male ones, are products of specific political realities as well as personal traumas, injustices and societal pressure based on cultural norms; it is precisely the combination of these factors that forms their decision to engage in suicide missions. From this perspective, the existing media "bracketing" of male self-martyrs as political/nationalist/religious agents, who *choose* to partake their mission for *rational* reasons starkly contrasts with the narrative of female self-martyrs, who are largely believed to be driven into self-martyr missions by *emotions* or *manipulated* by male agents.

This study argues that the concept of the "Black Widow" is a *myth*, a narrative successfully constructed by the Russian government and media during the Chechen wars, and replicated further to be applied to any female self-martyr regardless of her family background. This narrative not only denies agency to individual female self-martyrs, but also demonises all Dagestani and Chechen suicide bombers, both male and female. The discourse on medieval vendetta, coercion and/or desperation, combined with the media's preoccupation with the psychology of individual female self-martyrs, is argued to be part of a governmental attempt to discredit the entire Chechen and Dagestani

struggle against harsh Russian measures on the ground by linking it to the “global war on terror” and Al-Qaeda.<sup>7</sup> The fact that the “Black Widow” narrative has been replicated by the Western media in a more or less similar fashion for almost two decades, shows that the narrative holds firm ground and is being significantly challenged by neither journalists nor policy-makers.

*The “Black  
Widow”  
Media  
Discourse*

## Methodology

Methodologically, this research follows the trajectory of previous feminist critical studies conducted on similar topics and consciously has gender and gendered narratives in the foreground of its analysis.<sup>8</sup> Gender is studied through an explicitly feminist outlook and uses gendered lenses in the meaning explained by Steans as follows:

to look at the world through gendered lenses is to focus on gender as a particular kind of power relation, or to trace out the ways in which gender is central to understanding international processes.<sup>9</sup>

From this perspective, the process of gendered “stereotyping” of the individual self-martyrs studied by this paper represents a vital link for understanding the role gender plays in the field of terrorism studies. Notions of political agency and choice are essential to this research, and the concept of a self-martyr having the freedom and capacity to make a rational political decision is applied to both of the sexes via an in-depth study of narratives about female self-martyrs’ motivations. The link to male members of the group is also highlighted—a discursive strategy by which differently valued masculinities are constructed and reconstructed. The discursive and performative elements of gender dichotomies are further exacerbated by the continual religious and racial “othering” of Chechen and Dagestani collectivities, as well as in respect to treatment of women in general.

The gendered lenses are applied to newspaper articles and commentaries that reported on and analysed actual and potential female self-martyrs in Russian and Dagestani territories in the period of 2010-2014. There exists a variety of gender-focused academic literature on Chechen female terrorists and self-martyrs until 2004, after which Chechen separatists largely abandoned suicide missions. From 2010 onwards, self-martyr missions perpetrated by females of largely Dag-

estani origin and background started to appear in media headlines all over the world. However, not much academic interest was paid to the subject.

The psychological autopsy of the attackers includes both actual female self-martyrs as well as potential ones striking against Russian/Dagestani civilians or authorities. Three high-profile attacks – the bombings of two metro stations in Moscow in 2010, an attack on a Dagestani Muslim cleric in 2012 and the bombing of a bus in the city of Volgograd in 2013, provide detailed media accounts of each individual attacker’s motivation and background. Additionally, one of the attackers who bombed Volgograd train station in December 2013 was initially identified as female by the Russian authorities. Finally, shortly before the start of the Sochi Olympics in 2014, Russian authorities conducted a “womanhunt” for potential “Black Widows,” who they suspected of plotting to attack during the Olympic Games.

One must bear in mind that all media aim to be profitable and must sell the news to the public in the most effective way; thus they may distort a storyline to make it appear more attractive. However, as media largely shape the popular interpretation and understanding of events, four Western and four Russian media outlets who have covered stories on “Black Widows” will be examined here. The online reporting of *The Independent* and *The Guardian*, together with the more tabloid-focused *The Daily Mail* and *The Mirror* were selected to represent the “Western” narrative of the attackers’ motivation and background; these will be compared and contrasted with the online Russian reporting (in English) of *Pravda*, *Russian Television (RT)*, *The St. Petersburg Times* and *The Moscow Times*. These media outlets were selected on the basis of their interest in the incidents, their general popularity, their online availability and, in the case of Russian media, their availability in the English language. The effort to spread the “Black Widow” narrative beyond the Russian speaking population clearly demonstrates Russia’s intention to control the narrative beyond its borders.

Using the keywords “black widow,” “female suicide bomber,” “Russia” and “Dagestan” produced 136 articles, the majority of them via the Nexis database, Google and some via individual news outlets’ archives. The majority of reporting focuses on episodic coverage of an event – it studies the attack itself and the individual attacker’s personal motivation, without discussing the larger socio-political or economic envi-

ronment. Some of the longer commentaries, however, focus on history of the “Black Widows” and the political and economic situation in the area.

The analysis of the articles focuses on textual mechanisms and discursive practices that undermine female rationality, agency, and capacity to make informed rational decisions. Sjoberg and Gentry discuss the complexity of choice in feminist understanding of representation of female political violence.<sup>10</sup> Similar to their discussion on the complexities of political violence, this work does not argue that actors responsible for often extreme acts of violence by choice are fully responsible for their behaviour in each and every instance; nor that the choice to engage in violent politics is made having complete knowledge of the extent of such violence and its consequences. The structure and agency debate is not the primary concern of this chapter, however, the feminist take on independent choice is essential will be discussed.

The complexity of women’s decision-making has been often ridiculed by the media, lawyers, and even women themselves. According to Hirschmann, the feminist discussion on the possibility of consent ‘interrogates the assumption that all responsibilities are assumed freely.’<sup>11</sup> This feminist conception sees behaviour as an often involuntary and complex response to manifold events, which is frequently not freely chosen by the agent/subject.<sup>12</sup> Hirschman further argues that ‘choices and the selves that made them are constructed by context, discourse and language; such context make meaning, self-hood, and choices possible.’<sup>13</sup> Thus, ‘a fully consistent consent theory would have to include (perhaps paradoxically) the recognition that not all obligations are self-assumed.’<sup>14</sup> Sjoberg and Gentry have chosen to work with the relational autonomy concept, which ‘takes the interdependence of all choice as a starting point.’<sup>15</sup> Here, agency clearly cannot be separated from context. Butler adds that ‘politics and power exist already at the level at which the subject and its agency are articulated and made possible: therefore, agency can be presumed only at the cost of refusing to inquire into its construction.’<sup>16</sup> Åhäll analyses the discursive construction of agency through discussing the ‘ways in which subjects are positioned with agency in various discursive practices, and, more importantly, the meanings attached to such representation of agency.’<sup>17</sup>

Women were, in the majority of cases, not defined as devoted self-martyrs, but as manipulated apolitical agents. The emphasis on

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vulnerability, manipulation and naivety – and a woman’s lack of future choices after becoming the widow of a militant – dominates the representation of female’s choice to become a self-martyr. In general, the reporting finds traumatised and despairing women being manipulated, ordered or driven into the brutal arms of Chechen resistance. Whereas the British media sees women as victimised subjects of patriarchal violence, the Russian discourse often combines victimisation with a combination of radical feminism and mental illness – women are either suffering inferiority complexes and are trying to prove their value; are bored housewives looking for an adventure; are mentally retarded; or are crazed by grief and bent on irrational revenge. Although there seems to be substantial confusion about Islamic family law, the often repeated argument is that women decide to blow themselves up as they cannot re-marry after being widowed, or in other abstract cases, after being raped or otherwise dishonoured. This argument remains unchallenged despite the fact that some of the self-martyrs have been married more than once (and some never).

The prospect of losing the chance to marry and bear children thus remains the dominant driving force in becoming a martyr. Here, the loss of a potential of motherhood is explained as transforming into a twisted version of the stereotypical ideal. Instead of living happily in the private zone of the family, she is driven towards revenge on other civilians. If a woman is not known to be married, the media considers the possibility of a secret marriage. In cases where a woman’s husband is still alive, a yet-unknown fatal disease, combined with abstract revenge for all male militants killed, explains her motivation. Factors such as political determination, religious and revolutionary zeal, rational adoption of suicide bombing tactics and involvement of females as more effective agents, are more often than not dismissed by the reporting, which yet again defines women solely by their private sphere. Such reasoning, coupled with detailed description of attackers’ physical beauty – which somehow does not fit with becoming a self-martyr – only shows that the female terrorist is still perceived as an irrational dependent agent driven by emotions, hysteria, or manipulated by evil males. Such discourse is further manipulated by Russian propaganda, which delegitimises the struggle of Dagestan’s population as Islamic terror supported by and directed from groups like Al-Qaeda, thus linking it to the global war on terror in order to justify any means in fighting it.

## Theoretical Conceptualisation of Violent Femininities and Masculinities Women in International Politics

A large portion of the feminist academic literature that discusses the essentialist discourse on violent females, highlights continuous public/private sphere distinction and applies gender stereotypes to global politics debates, violent females being no exception. Despite the general academic agreement that (the contested concepts of)<sup>18</sup> terror and terrorism rests largely on political motivation, women are consistently depicted as “apolitical” or “non-actors” forced into violence through personal circumstances, largely in a way that contrasts their naturally peaceful character.<sup>19</sup> The idealised representation of females as nonviolent can be traced back to the long history of defined gendered roles in war narrative. Elshtain identifies this image as the ‘Beautiful and Just Warrior,’ arguing that it strongly permeates popular thinking about women, men and armed conflicts across cultures and time periods.<sup>20</sup> Elshtain discusses the development of the Beautiful Soul myth and concludes that women have been historically cast as society’s beautiful souls and thus ‘served as the collective projection of pure, self-sacrificing, otherworldly and pacific Other.’<sup>21</sup> The femininity represented in the Beautiful Soul narrative is frugal and delicate, naïve about the reality of war-fighting and state conduct. As Hegel notes ‘to preserve purity of its heart, the Beautiful Soul must flee from contact with the actual world.’<sup>22</sup> In matters of war and peace, the female beautiful soul is strictly bound to her private non-violent sphere, and ‘cannot put end a stop to suffering, cannot effectively fight the mortal wounding of sons, brothers, husbands, fathers.’<sup>23</sup> The notion of maternal acting and thinking is once again highlighted, as the Beautiful Soul’s identity is crucially tied to bearing and rearing children on the home front.<sup>24</sup> The main role for women is to mother soldiers at home and on the battlefield, to provide love and to nurture, and, most importantly, to act as a symbol of the good and pure that requires the evil of fighting to save it.<sup>25</sup> In this reading, women are ‘the object of the fighting and just purpose of war.’<sup>26</sup>

Many of the expected female gender qualities in both the private and the public sphere are derived from the motherhood ideal. Motherhood, in its pure and uncorrupted version, prescribes women to be non-violent, innocent and peace-loving creatures. The biological logic of the creation of life, and its nurturing, denies women the capacity to commit violent crimes. However, the same biological instinct, if un-

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fulfilled, reverses the motherhood ideal into Gentry's *twisted* maternalism, an extremely violent antidote to the nurturing mother role. In this respect, women are believed to act violently from their maternal imperative, which presumes every female to fulfil her socio-biological role as mother.<sup>27</sup> Gentry further argues that 'whether or not politically active women are mothers or claim their motherhood, a motherhood ideal is applied to them anyway.' Female domesticity, maternal instinct and the belief that women only fulfil their lives through successful motherhood binds women to think and act differently than men. Consequently, violent political action is often explained through the unsuccessful realisation of motherhood, whatever the reason for such failure might be.

Åhäll describes the 'Myth of Motherhood' as being commonly used in writing women's heroism in national discourse.<sup>28</sup> Central to female heroism is her role as a mother. In nationalist discourse, she identifies the "'Patriotic Mother," the ever-ready womb for war, who performs her duty by 'producing' children [soldiers] of the nation: the more she produces, the more significant her heroism;' and the "'Spartan Mother" ... who raises her son as a warrior ready to die for the nation.'<sup>29</sup> She further argues that motherhood as such is not natural, but a social and cultural construction, despite being depicted as natural, or 'something that we do not question.'<sup>30</sup> She defines motherhood not in an actual representation of the term – pregnant women or mothers – but rather as the 'capacity of female bodies to give life.'<sup>31</sup> This creates a tension between female bodies' capacity to give life and the same bodies' capacity to take life. From this perspective, killing becomes the most "unnatural" feminine behaviour, as it is juxtaposed with the "natural" motherhood capacity.<sup>32</sup> Åhäll builds on her conceptualisation of the Myth of Motherhood meta-discourse and identifies two constructions of female agency in political violence in relation to heroism and monstrosity: the Vacant Womb and the Deviant Womb. For the purposes of this project, the discussion on the Deviant Womb is essential, as it clearly demonstrates how female agency is seen as monstrous when notions of 'natural' femininity are significantly challenged. Here, the subject becomes an object and is subsequently portrayed as woman-as-monster. Åhäll argues that representations of female agency in political violence 'serve the purpose of "othering" the subject.'<sup>33</sup> Importantly, childless women are often deemed deviant, possessing inappropriate

femininity. Åhäll concludes that motherhood is 'everywhere' in representations of female agency in political violence and that it is therefore useful to think of motherhood as a myth.<sup>34</sup>

Sjoberg and Gentry categorise narratives explaining female proscribed violence as fitting one or more of the following classifications: monster, mother, and/or whore, all of which deny violent females agency as well as womanhood.<sup>35</sup> An important distinction is drawn between women who engage in state-sponsored or "legitimate" violence and those who perpetuate "proscribed" violence, that is 'denounced, condemned, or prohibited by the laws of states or the laws between states.'<sup>36</sup> Women actively engaged in proscribed violence not only transgress their humanity, but also their ideal-typical femininity – one that is non-violent and nurturing. This strict interpretation of gender stereotypes is dubbed by Sjoberg and Gentry as *a double transgression* – 'a violent woman has committed two crimes: her violence, and defying gender stereotypes that deem her incapable of that violence.'<sup>37</sup> The strategy of denying "normal" womanhood to violent women then becomes necessary to allow the rest of the "good" women to represent the universal non/aggressive feminine collectivity. The denial of womanhood is explained rather as the ideal (nonviolent) womanhood gone awry, resulting in the portrayal of violent women as the unfortunate result of either faulty biology or faulty construction. The authors describe the need of the 'violent women narrative' to draw a thick line between 'bad women' or 'femininity taken into irrational extreme' and the *rest of women*, who remain pure and innocent.<sup>38</sup> The argument of flawed femininity and denial of agency and rationality unites all narratives about female violence, both in public and private spaces.

The eroticisation of female agents of violence is applied to Chechen self-martyrs. Studies of female 'monsters' highlight both the historical fascination with violent women and the fear of them.<sup>39</sup> Creed points out that all societies have a conception of a feminine monster, or 'what it is about woman that is shocking, terrifying, horrific and abject.'<sup>40</sup> Åhäll argues that representations of female agency in political violence, when told as monstrous stories, largely serve the purpose of 'othering' the subject; it could therefore be argued that the subject becomes an 'object' and its actions are thus constructed as deviant since they are a result of unnatural gender behaviour.<sup>41</sup> The horror of the violence that the 'Black Widow' imposes on her victims makes her automatical-

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ly deviant. Combined with numerous accounts of Chechen women's exotic beauty, the image of the beautiful monster, a romantic lost-love avenger, is easily created.

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### The "Black Widow" Self-Martyr

Despite the fact that all of the female self-martyrs studied in this paper were of Dagestani or Russian origin, the media often repeated the wording "Chechen Black Widow." The rather derogatory term "Black Widow" has been commonly used to refer to Chechen females who become self-martyrs solely for the purpose of avenging their husbands' deaths by Russian forces. There is no academic agreement whether the term originates in the colour of the mourning clothing that the Chechen widows wear after their husbands' deaths or whether it can be linked to Black Widow Spider, whose females sometimes kill and eat their male counterparts. Sjoberg and Gentry argue that the Black Widow Spider 'epithet automatically sends the signal that the Chechen women are poisonous and violent toward a certain population – here, the Russians.'<sup>42</sup> Importantly, Chechen women and men do not describe female self-martyrs as "Black Widows," but use the term *shakhidki*, which translates to a female version of "martyr."

Whether originating from the colour of mourning dress or from the poisonous spider, dubbing female self-martyrs "Black Widows" invokes an exotically dangerous, deadly poisonous and thus fascinating creature. Sjoberg and Gentry trace the creation of the narrative of the "Black Widow" terrorist to the beginning of the second Russo-Chechen war in the late 1990s and argue that this narrative was necessary in order to silence the Russo-Chechen female-led opposition to a conflict that had claimed a large number of civilian casualties. This later 'provided support for the use of force generally in Chechnya and specifically against Chechen women.'<sup>43</sup> Stack argues that Chechen women were portrayed largely as victims of the conflict until The Dubrovka Theatre hostage-taking, after which the Western press informed its readers about the 'vicious, sympathetic, strong, fanatical, foolish and weak' female terrorists.<sup>44</sup>

The notion of widowhood – closely connected to the motherhood ideal – becomes the uniting theme for all the female terrorists and self-martyrs since the first female Chechen self-martyrs, Khaya Barayeva and Luisa Magomadova, drove an explosive-laden truck into

Russian base on the Chechen territory.<sup>45</sup> Speckhard and Akhmedova argue that between 2001 and 2005, forty-seven out of 110 attackers were female.<sup>46</sup> During the high profile sieges of the Moscow Theatre in October 2002, and the Beslan School in 2004, female terrorists were present and vividly reported on. These terrorists were described by witnesses as both terrifying and empathetic, asking about people’s families and bringing food and medicine in.<sup>47</sup>

The existing narratives on *shakhidki* indeed highlight the relationship between the loss of a loved one – usually husband, brother or son – and the repeated humiliation of one’s family by the Russian authorities. In fact, even when such a connection cannot be clearly proven, the “Black Widow” framework is still used by the media. Importantly, academic analyses of female self-martyrs often consider the loss of a loved one or humiliation by security forces as the universal motivation for a female’s decision to become a terrorist – a move Gentry describes as ‘old habits die hard – academics, bureaucratic policy-makers and the media still love to rely upon narratives to describe women’s “deviousness.”’<sup>48</sup> The idea of deviousness unites all literature on violent women, be it critical or uncritical.

Indeed, Gentry argues that women become self-martyrs ‘to avenge a personal loss, to redeem the family name, to escape a life of sheltered monotony and achieve fame, or to equalize the patriarchal societies in which they live.’<sup>49</sup> She continues to bracket the Chechen “Black Widow” operatives as avengers, arguing that ‘many were the sisters, mothers, or wives of Chechen men killed in battles with federal troops.’<sup>50</sup> Similarly, Pape links female self-martyrs’ motivations to trauma, a lack of mental capability or limited “marriageability” after instances of sexual violence or extramarital relations.<sup>51</sup> The stigmatisation of victims of sexual violence and the value of the procreative (in)capacity are central to Pape, who argues that ‘acting as a human bomb is an understood and accepted offering for a woman who will never be a mother.’<sup>52</sup>

Radical feminism and the desire to challenge a strictly patriarchal society by drastic methods – or the way out of a predestined life expected by her society – is another often cited motivation for becoming a female martyr. Despite the supposed drive for gender equality, female terrorists continue to be, according to many academics, controlled by the men in charge.<sup>53</sup> Bloom repeats the argument that the stigmatisation caused by rape and sexual abuse is a highly effective tool of coercion into a suicide mission by a terrorist organisation. The

idea that women become terrorists ‘for the sake of love,’ or are raped, drugged, blackmailed or brainwashed into this activity is frequently cited as a primary motivational factor by analysts.<sup>54</sup> Female self-martyrs are categorically denied political agency and rationality by being confined to the private sphere of woman as mother, sister, wife, lover, or raped/brainwashed/drugged victim.

Stack groups media descriptions into two categories: the ‘somewhat sympathetic “Black Widow,” a female self-martyr who is forced into terrorism as a result of the deaths of the men in her life’; and ‘the “zombie,” a woman drugged, raped or tricked into terrorism by Chechen men.’<sup>55</sup> The zombification of Chechen women is highlighted by Sjoberg and Gentry, who analyse the narrative of the process of so-called *zombirovaniye*, when use of drugs, hypnosis, or blackmail (via videotapes of rape of themselves or their relatives), turns simple village girls into brainwashed terrorist slaves.<sup>56</sup> Existing ethnographic research, however, finds no ground to this argument. Speckhard and Akhmedova offer convincing analysis that directly contradicts the zombification discourse, arguing that:

while some, mainly Russian journalists have written that Russian women are kidnapped, raped, and/or drugged to encourage them to take part in terror activities, we have found no evidence for this. On the contrary, we find strong evidence of self-recruitment and strong willingness to martyr oneself on behalf of one’s country and independence from Russia, to enact social justice (in their perspective) for wrongs done to them, and to avenge for the loss of loved ones in their families.<sup>57</sup>

If women are not turned into zombies, they are categorised as crazed by grief caused by the loss of a loved one—always a *male* relative. Sjoberg and Gentry study the vengeful mother narrative and argue the story implies that women are seeking revenge in the form of suicide bombing, primarily because they lost their primary purpose in life in the moment when their husbands, brothers or fathers were killed.<sup>58</sup> The focus on the anger and desperation caused by such loss is deeply personal, as is the desire for revenge. These stories are accompanied by the often-incorrect characterisation of family relations governed by “Islamic laws.” Sjoberg and Gentry sum up the vengeful mother narrative as women ‘who use their capacity for motherhood to kill after their motherhood has been killed.’<sup>59</sup>

The vengeful mother narrative of the “Black Widow” is often closely tied to the childbearing (in)capacity of female self-martyrs, who tend to strap – most probably for tactical reasons – the explosives around their waist and thus appear pregnant. Media tend to assume – in a very constructivist fashion that the medium is the message – that this “statement” only reinforces personal motivation, the loss of willingness to live when unable to reproduce and nurture.<sup>60</sup>

The dichotomous relationship between mothering and killing remains central to the media as well as a large portion of the existing academic analysis. Bloom, in her description of the development of female terrorism throughout the history, concludes that ‘the “*exploding womb*” has replaced the “*revolutionary womb*”: instead of producing young extremists, women instead turn to suicide bombing.’<sup>61</sup>

The discourse on desperation, not only of the attackers, but of the entire society in question, unites the Chechen and Dagestani struggle. Gentry and Whitworth analyse how framing the Chechen nation as desperate, serves to subordinate the Chechen nation’s resistance to Russian normalising attempts through employing the neo-Orientalist frame.<sup>62</sup> They argue that the Western view of the “Orient” is applied to all areas associated with Islam and its gendered dynamics. In the Chechen case, ‘desperation is tied to the gendered terms of “hysteria” and “irrationality,”’ clearly demonstrating how female violence mirrors the desperation of the entire society.<sup>63</sup> The legitimacy and credibility of the Chechen cause are then undermined, framed as an attempt by radical Islamic forces to destabilise society by using illegitimate violence. The intersection of gender and religion in this neo-Orientalist frame are closely tied.

Religion and religious extremism are indeed two of the most frequently cited factors that limit the availability of choices for women. The stereotypical – often West-imagined – rules of gendered conduct under Islamic laws and traditions frame the portrayal of Dagestani self-martyrs in all the cases studied by this paper. The media-highlighted Islamisation of the Caucasus is clearly demonstrated when describing female self-martyrs as veiled, wearing headscarves and black robes. They are also pictured as strikingly beautiful, looking innocent and caring about their looks. This idea of violent female beauty appears to further objectify and romanticise the attacker, thus depoliticising the action.

Chechen and Dagestani female self-martyrs are depicted in the same fashion as violent women elsewhere: driven by emotions, trauma, love, loss or the desire for vengeance; raped; drugged; manipulated—‘pawns in a male war or a tool or weapon for men to employ.’<sup>64</sup> This image is dichotomous to the representation of the male self-martyr as a rational political actor. The emphasis on the age and looks of the individual attackers objectifies their bodies. The psychological autopsy that focuses on their marital status, family background and religious roots, omits the possibility of independent thinking, revolutionary zeal, or religious conviction. The discourse of desperation based on personal loss virtually locks these women back into the private sphere and portrays them as either deranged by grief or manipulated by powerful men’s political campaigns.

Analysis is centred around the media discussions of ideal womanhood and the myth of motherhood as described by Åhäll.<sup>65</sup> Bearing in mind that majority of the headlines already describe the self-martyr as a female suicide bomber or Black Widow, the sex of the attacker is highlighted from the very beginning. The gendered discourse then continues, consciously highlighting the stereotypically feminine characteristics of the attackers. The psychological autopsy focuses on marital status, family relations, looks, hobbies and other elements of the private sphere—failing to take into account possible political motivation, revolutionary zeal or tactical calculation. They are portrayed as desperate (house)wives determined to join their husbands in heaven, or forced to blow themselves up by the evil male relatives. The portrayal of self-martyrs as abnormal, crazed, devious, manipulated, or bent on irrational revenge is then largely dependent on the denial of ideal motherhood and modern – i.e. non-Islamic – womanhood.

## Attackers and Attacks

Before analysing individual psychological autopsies, the general portrayal of female self-martyrs in the North Caucasus region and the depiction of the struggle between the region and Russia needs to be studied, as it often precludes the depiction of the attack and attacker in the media. A substantial number of articles and commentaries link the current attacks to the high profile sieges of the Moscow Theatre and Beslan School. *The Independent* argues that ‘the exploitation of vulnerable women by terrorists came to international attention with the Nord Ost Theatre siege in 2002, when women wearing explosive

belts were among the hostage takers.<sup>66</sup> Similarly, *The Guardian* cites the example of the 2003 rock concert attacker who lost her nerve and surrendered, who told authorities that one of her fellow attackers was widowed and the other ‘ordered to go by her husband’ and ‘as for her, she had lost her husband and her child was taken from her.’<sup>67</sup> After trying to ‘steal’ her child back, she was left in ‘debt and disgrace’ and ‘becoming a suicide bomber was the only way she could see of redeeming both.’<sup>68</sup>

*The Guardian* describes “Black Widows” as a ‘fearsome legion of female killers’<sup>69</sup> or ‘suicide squads made up of women who have lost male relatives’ and that this loss ‘pushes these women to commit suicide bombings or mass hostage takings.’<sup>70</sup> It claims that

they gained notoriety when images of Chechen women dressed in black chadors, their waists and chests adorned with bombs, flooded Russian television screens during the three-day Moscow theatre hostage crisis in October 2002 that left 129 people dead.<sup>71</sup>

Young women are ‘often raped, widowed and deeply traumatised in depths of despair.’<sup>72</sup> The Islamists ‘try to convince them that bombing will reunite them with their dead relatives.’<sup>73</sup> *The Guardian* further condemns the situation ‘where the only support available for despairing young women is the brutal arm of Chechen resistance.’<sup>74</sup>

The tabloids tend to victimise the attackers and portray them as products of patriarchal violence. In Islamic society, *The Daily Mail* argues, ‘women are not allowed to marry if they were raped or otherwise shamed and are told by Islamists that they will gain absolution by blowing themselves up;’ and claims that “Black Widows” are ‘avenging deaths of fathers, brothers and husbands by Russian troops in Chechnya or tortured in Kremlin’s concentration camps.’<sup>75</sup> These women are ‘crazed by grief and loss’ and ‘bent on revenge,’ which is their only remaining desire.<sup>76</sup> Tabloids tend to emphasise the young age of the attackers as well as their beauty, hidden by black headscarves and black mourning clothes covering their bodies ‘from head to toe.’<sup>77</sup> In its coverage of the Moscow metro bombing of 2010, *The Daily Mail* speculated that one of the attackers was ‘mentally retarded.’<sup>78</sup> *The St. Petersburg Times* reports that “Black Widows” suffer from an ‘inferiority complex’ and that ‘by committing terrorist acts they try to prove their value.’<sup>79</sup>

Russian media cite rape and disgrace to be the main coercive tactic used by rebels to turn Chechen and Dagestani women into self-martyrs. *RT* quotes a Russian expert who concludes that ‘such women are

psychologically shattered, broken...they are prepared to become gun fodder.<sup>80</sup> *The Moscow Times* points to the systematic outside coordination of these actions and claims that 'female bombers are not fully in control of their own actions.'<sup>81</sup> The vast majority of female self-martyrs are the 'common-law wives of fighters' who have 'little chance of reintegrating into society after their husbands are killed' as their return to their families would only 'jeopardise the relatives' who would become 'targets for security crackdowns.'<sup>82</sup> The description of the self-martyrs by survivors and witnesses of the attacks often repeats similar phrases: she did act 'not normal'<sup>83</sup> or 'looked like on drugs, barely blinked' and was 'scary.'<sup>84</sup> In the majority of cases, Islamic clothing is highlighted together with the appearance of pregnancy. Female self-martyrs are often namelessly depicted as 'widows of (neutralised) militants' or 'girls.'<sup>85</sup>

### *Moscow Metro Bombings 2010*

The March 2010 bombings of the Moscow metro were executed by two female self-martyrs: Dzhannet Abdurakhmanova and Maryam Sharipova. Both women were quickly dubbed Chechen or Chechnya's Black Widows, despite coming from Dagestan. The depth of their psychological autopsies, however, varies tremendously. Dzhannet Abdurakhmanova seems to "fit" the "Black Widow" stereotype perfectly, her motivation quickly ruled to be revenge for the death of her husband. The case of Maryam Sharipova, on the other hand, has required much more media investigation to enable readers to make sense of her decision to blow herself up.

Dzhannet Abdurakhmanova is largely defined in terms of her age and described as by both British and Russian media as the 'teenage Black Widow,' or as a '17 year old widow of Muslim insurgent leader from Caucasus'<sup>86</sup> or '17-year-old widow of Islamic militant.'<sup>87</sup> The Guardian describes her looks as 'too gamine to be a genuine terrorist' having 'porcelain features' and a 'doll-like face.'<sup>88</sup> The Daily Mail describes the attacker as 'baby-faced.'<sup>89</sup>

Maryam Sharipova, the second attacker, received significantly more attention by the media, as Sharipova's personal history did not point to her turn to terrorism based on personal loss or absolute desperation. Luke Harding asks 'what would motivate a young, successful and well-educated woman to kill herself?'<sup>90</sup> Upon visiting her parents, Har-

ding describes Sharipova as indeed having very little in common with Chechen self-martyrs - she was educated, web-savvy and middle-class, invalidating the common perception of female self-martyrs as belonging to lower economic classes. Her father describes her as self-disciplined and mature child and devoted student of mathematics and later psychology before becoming an IT teacher in a local school.

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Harding describes Sharipova's room in the following fashion:

She decorated the walls a tasteful magenta. Her possessions are still there: L'Oral moisturisers; a bedside table and mirror. The books are in Arabic. More surprising is the heap of women's fashion magazines - Health and Beauty, Good Advice and Glamour.<sup>91</sup>

Harding goes on by reporting that 'in the week before her death, Maryam ordered a new dress, bought an expensive mop to do household chores and told relatives she had plans to cultivate the vegetable patch.'<sup>92</sup> Maryam's friend says that 'she (Maryam) really loved herself. She was always doing manicures and pedicures...We talked about *women's problems*.'<sup>93</sup>

Sharipova's father refuses to believe that his daughter voluntarily blew herself up and claims, similarly to her friend, that his daughter must have been kidnapped. Harding offers an alternative scenario—that she was secretly married to a top terrorist leader. He quotes an unnamed source that confirms that secret marriages are not uncommon in Dagestan. In addition, the source feels the need to emphasise female attackers' interest in fashion and beauty products, asserting that 'these women are very feminine...For their husbands they want to be really attractive...They wear sexy underwear.'<sup>94</sup> *The Independent* highlights that Sharipova had a psychology degree and cites her father who refuses to believe that anyone could have psychologically conditioned her.<sup>95</sup> Her possible marriage to a militant fighter, who is believed to be still alive, is also mentioned. Harding, however, concludes that Sharipova's motivation was a combination of radical Salafism or Wahhabism and the repression against her brothers by Russian forces — a consequence of the rebel effort to establish 'pan-Caucasian Islamic state in the Northern Caucasus, and to create sort of Taliban Afghanistan.'<sup>96</sup>

Russian media largely replicate Harding's portrayal of Sharipova as a responsible and career-focused young woman and a good student while attending university. She was said to be a 'modest teacher', 'quiet and reserved' and an 'ardent Muslim.'<sup>97</sup> *RT* concludes that Muslims are

more vulnerable to extremism and links attacks to the influence from abroad.<sup>98</sup> It also links the funding of terrorism in the Caucasus to “outside” powers and likens the strategy of the two bombers to Al-Qaeda. *The Moscow Times* cite Sharipova’s father who refuses to accept that his daughter acted of her own will and remains ‘convinced that very specific people stole her who are trying to destroy Russian state.’<sup>99</sup> Russian *Pravda* further highlights that both metro attackers were escorted to Moscow by male organisers.<sup>100</sup> *RT* blames Sharipova’s husband for the attack, saying that ‘her husband found another woman and decided to get rid of Maryam’ and forced her to become a self-martyr.<sup>101</sup> Furthermore, the older and ‘more experienced’ Sharipova is said to have convinced the younger Abdurakhmanova to ‘bring it to the end’ as she was very nervous before entering the metro.<sup>102</sup> *The Guardian* also highlights the fact that the attackers were accompanied by two Russian women, as they otherwise might have gotten lost this being was their first time on the metro.<sup>103</sup>

### *Dagestan Bombing*

The attack that happened August 2012, during which Dagestani Muslim spiritual leader and 6 other people were killed, did not receive considerable media attention by *The Guardian* or *The Independent*, but was extensively reported on by Russian media and tabloids. The attacker, Aminat Kurbanova, was an ethnic Russian ‘actress and dancer,’ who converted to Islam after her marriage and became part of the radical Islamist insurgency.<sup>104</sup> Kurbanova has reportedly been married twice; her first husband was killed in an anti-terrorism operation, while her second died handling a self-made bomb.<sup>105</sup> *RT*, however, links Kurbanova to four husbands inside different groups.<sup>106</sup> Kurbanova allegedly entered a cleric’s house accompanied by children and pretended to be pregnant.<sup>107</sup>

### *Volgograd Bus and Train Station Bombings*

Three years after the Moscow metro bombings, the Russian city of Volgograd was hit by another series of attacks, one in October 2013 and two in December. The first attack was perpetrated by Naida Asiyalova, whose psychological autopsy was extensively analysed by the media.. One of the December attackers was originally identified as being fe-

male by Russian authorities, although this information was later refuted.

The story of Naida Asiyalova, the Volgograd bus attacker, as presented in the media reveals conflicting accounts of her decision to blow herself up in a bus full of students. Asiyalova, 30 years old, was allegedly married to 21-year-old Russian native Dimitry Sokolov, who helped her to plan the bombing and fitted her suicide vest.<sup>108</sup> The love story of Asiyalova and her partner/husband Sokolov is central to the reporting. Asiyalova met Sokolov while studying in Moscow and recruited him into becoming a rebel and expert in explosives.<sup>109</sup> The nine-year age difference between the lovers is often highlighted, together with the fact that Sokolov left his home and his parents in a Moscow suburb and ran away with Asiyalova. Young Sokolov was clearly recruited by Asiyalova and converted to radical Islam following her example.<sup>110</sup>

Asiyalova was believed to be suffering from a serious ‘bone-eating’ disease, that ‘caused her jawbone to recede’ and consequently had to take ‘tranquilisers and pain killers.’<sup>111</sup> *The Moscow Times* cites Asiyalova’s mother, who denies that her daughter suffered from such an illness, and claims that she only ‘had some stomach problems after taking diet pills.’<sup>112</sup> *Pravda* believes that Asiyalova’s motivation was revenge – a ‘medieval vendetta for loved ones killed in conflict’ and highlights that she ‘did not care about the victims.’<sup>113</sup>

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### *Volgograd Bombings*

In December 2013, the city of Volgograd was hit again by self-martyrs. One of the attackers was originally reported by Russian intelligence to be Oksana Aslanova, allegedly a friend of the October attacker Naida Asiyalova. According to *Pravda*, Aslanova was ‘married to one of the rebel leaders who was killed in special operations’ and after his death ‘married another man, who is also a member of illegal armed groups.’<sup>114</sup> Similarly, *The Daily Mail* links Aslanova’s action to her previous marriages with ‘separatist Muslim gang leaders’ who were killed by Russian forces.<sup>115</sup>

### *Pre-Sochi “Womanhunt”*

Just prior to the Winter Olympic Games in Sochi in 2014, world media reported about potential female self-martyrs threatening to attack

the venue of the games. One of the alleged attackers was identified as Ruzana Ibragimova, a '22-year-old Black Widow of a militant killed by security forces.'<sup>116</sup> According to *The Daily Mail*, Ibragimova planned to avenge the death of her husband along with other female terrorists, reportedly all "Black Widows".<sup>117</sup> *The Independent* further reported that Russian authorities were taking saliva samples from conservative Muslim women in the Northern Caucasus to 'identify the women if they later blow themselves up.'<sup>118</sup>

### Widowhood, Desperation, Vendetta and Irrationality

The cases of female self-martyrs presented above share a similar gendered portrayal in both British and Russian media. The most striking feature of the reporting is the total dismissal of possible political motivation of any of the individual attackers. Despite religion often being commented on as one of the possible motivational factors, the main focus remains to be on the attackers' personal lives and family histories. Here, a disregard for a larger context of the historical conflict between Chechnya and Russia, the economic situation and sociocultural factors is clearly due to gendered distinction between agents. Whereas Chechen men are the primary agents involved in the fight for independence, Chechen women are driven into suicide missions purely to avenge their killed heroes.

All of the attackers are automatically referred to as "Black Widows" in the majority of the articles or commentaries. Even when women are not married, they are still assumed to be motivated by the desire to avenge the deaths of their male relatives, or to act as vectors of violent revenge for male rebels/insurgents who have been targeted by the Russian authorities. Marriage or widowhood, and the loss of a happy home and future prospects, is highlighted in the reporting. Female self-martyrs appear to have one unifying motivation for blowing themselves up and in the process killing civilians – men. Be it brothers or husbands, loss of a male relative or - in cases where all men in the family are alive – manipulation by a radical husband or brother forms the central reasoning for female violence.

Loss of a husband or brother drives women to commit acts that would be unthinkable under "normal" circumstances. Women are depicted as driven into desperation and craziness as the loss of the loved one hampers all their hopes for a happy future. This makes women "vulnerable" to Islamist radicalisation and naïve about the promises of

reunion with their lost love one(s) after martyrdom is concluded. Widowed women and “girls” are crazed by loss and grief and firmly bent on revenge. When such an element is missing, women are reported to be “forced” into blowing themselves up, “abducted,” “stolen” or “ordered” to commit the bombing by male relatives/insurgents.

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The story of a crazed avenger or a pawn in a man’s game is clearly visible in all the above-analysed cases. Dzhannet Abdurakhmanova, only 17 years old and already a widow, fits the “Black Widow” profile perfectly, as she is portrayed as a beautiful young girl who lost her husband at a very early age and has nothing to live for anymore. The other Moscow metro attacker, Maryam Sharipova, on the other hand, required much more journalistic exploration to enable readers to make sense of her act. Eventually, secret marriage to a top terrorist leader, or abduction, are concluded to be the most probable motivations for the modest schoolteacher to commit the attack. One Russian media outlet concluded that Sharipova was forced to blow herself up by her husband who had decided to get rid of her after finding another woman. Naida Asiyalova, the Volgograd bus attacker from 2013, also represents a rather “difficult” case, as her political agency is undeniable; she was reported to have recruited her young Russian husband — along with others — into the terrorist organisation where he became an expert in explosives. In addition, her husband was still alive and well at the time of her attack. The story was then focused on Asiyalova’s serious (perhaps terminal) bone-eating disease that was perhaps a trigger for her radicalisation. Asiyalova’s story became the tale of a dying femme fatale deciding to “use” a young Russian man to avenge all the killed Dagestani fighters and to emasculate the Russian state. Aminat Kurbanova’s story did not generate a lot of media attention in the West except for in the tabloids, which traced her radicalisation to the loss of her first husband and his brother; later her second husband died after being shot by the police, and Aminat apparently wished to die with them. Similarly, all the potential attackers who were threatening the Sochi Olympics, led by Ruzana Ibragimova, were widows of dead militants. Revenge for the death of specific male relatives is thus the uniting motivation for all the attackers in question. Occasionally, women have been portrayed as executing a rather general revenge for militants killed shortly before their suicide bombings.

All the attackers are further defined in terms of their looks, age or occupation. Comments about wearing a hijab or a headscarf are present in all the media; some further describe the quality of their skin or

hair and their facial features. The comments such as “too gamine to be a genuine terrorist” or “baby-faced” with porcelain features are especially striking. The description of their hair and skin often accompany multiple pictures of the attackers, often with their husbands or male relatives. In some cases, women are shown posing with machine guns alongside their partners, evoking the stereotype of exotic and dangerous housewife turned fearsome killer.

Russian masculinity — militarised, ordered and rational — is also starkly contrasted with the Caucasian masculinity, depicted as manipulating and cruel. Women and girls are said to be “used” as bombers by the rebels, who target vulnerable desperate females. Those “Islamists” promise the girls and women that they will meet their loved ones in heaven. The stark difference between the masculinities is most often represented through the personalities of presidents Putin and Medvedev and the Chechen leader Doku Umarov, the feared Chechen jihadist leader. Putin and Medvedev are portrayed as speaking in firm and fearless tones about destroying the terrorist “beasts” who are hiding deep in the forests of the Caucasus region. “Their” women are often portrayed as victims of male violence. Where Western media acknowledge Russian repression, poverty and corruption may play a role in these women’s radicalisation, Russian media remain convinced that Chechen rebels manipulate or threaten women into becoming self-martyrs. The discourse of Russian masculinity, as represented by the personality of president Putin, was most visible in the reporting on the 2013 attacks and the threats to the Olympic Games in Sochi, when self-martyrs allegedly wished to undermine Putin’s promise of high security during the games.

Dagestani femininity is portrayed similarly to Chechen femininity; collectively these females are depicted as irrational, desperate and/or easily manipulated. This desperation is so deeply rooted in a society that has been fighting with the Russians for decades, that all Chechen and Dagestani women are now seen as potential attackers – simply on the basis of the assumption that majority of them are said to have lost a family member or to have been repressed harshly by authorities. The delusional belief that self-martyrdom will unite these women with their husbands or brothers in heaven, combined with no purpose to live, makes Caucasian women especially feared. In their desperate rage to kill Russian men as payback, they often kill or injure other women and children, whom the Russian heroic masculinity is determined

to protect by deploying muscular solutions to its “troubled” region. The argument that female self-martyrs might be products of political realities rather than personalised irrationality is not popular in media accounts of the attacks. Irrational personal desperation, coupled with radical Salafism or Wahhabism, deny any agency to the female self-martyrs studied and portray them either as victims of their emotions or pawns in a male competition for power. Russian sources insist on connections of the rebels to the Middle East and Al-Qaeda. President Putin indeed likes to hint this, as cited in numerous media accounts of his speeches.

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The rhetoric of the “Black Widow” is firmly established to automatically categorise every female self-martyr on Russian territory as a threat to the Russian state. The “Caucasophobia” is then significantly gendered, as every Muslim woman of the North Caucasus region is profiled and categorised as a potential suicide attacker and treated accordingly, as was reported before the 2014 Winter Olympic Games. That these “Black Widows” therefore might attack anytime, anywhere then requires hard and muscled military measures. These women are no longer portrayed as civilians, but rather killer squads determined to die avenging the “wrongs” done to their families. Those “village girls” are obeying the male rebel leaders – wild runaway bandits hiding in the woods, who rationally and coldly use them to inflict trauma on Russian civilians in order to achieve the political aims of the separate Caucasus emirate, an imaginary state likened to the Taliban’s vision of an ideal Islamic society.

## Conclusion

Discourse on the “Black Widow” romanticises the idea of the irrational female avenger driven by love. Such women lose the will to live after their lover/husband is killed by the authorities and are keen on a bloody and dramatic revenge. All the “Black Widow” wants is to join her husband in heaven and to kill as many Russian civilians as possible during the process. Any political agency is denied or marginalised, and the stereotype of a domesticized beautiful soul, deprived of a protector and crazed by grief, is reproduced. Alternatively, the image of an innocent, naïve and inexperienced village girl, who might be easily seduced and later used by evil jihadists, or else abducted and forced to commit terrorist action against her will, replicates the beautiful soul narrative

as portrayed by Elshtain. Although Western media are careful to distinguish terrorism originating in the North Caucasus from the groups in the Middle East in terms of religious goals, Russian media highlight Islamisation and the influence of outside powers such as Al-Qaeda, in order to take focus away from the nationalist struggle and to legitimise its harsh counterterrorism policies in the region. The protector discourse is largely personified via the heroic masculinity of Russian presidents Putin and Medvedev, in stark contrast to the dangerous — but at the same time cowardly — jihadists hiding in the woods and mountains throughout the Northern Caucasus, whose goal, at any cost, is the destruction of the Russian state.



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## Notes

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# What is the Threat Perception of the Slovak Republic?

*Samuel Goda and Jaroslav Ušiak*

The main aim of this article is to outline how the understanding and perception of security threats and challenges has evolved since the Slovak Republic's independence. The work reflects on the evolution of the security environment and emerging threats and challenges identified in the official documents of the Slovak Republic. It subsequently compares these results with the perceptions of national experts dealing with security issues. What we found in the official documents was mostly summaries (varying in quality and scope of analysis) of the various identified threats and challenges. As a result of our interviews with experts, and the subsequent comparison of these with the official documents, we are led to the conclusion that the official documents are not entirely in-line with the opinions of the experts. However, this mutual comparison also revealed that in many cases, the official documents do not reflect all potential threats and challenges. We emphasise that since challenges do exist, the failure of the official security documents to reflect certain threats and challenges could negatively affect the future security environment of the Slovak Republic.

*Keywords: Security, Slovak Republic, Security Experts, Security Strategy Threats, Challenges*

## Introduction

In terms of the methodology of this work, it is important to remember that it is impossible to investigate and explain “security” outside the

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context of “insecurity.” In other words, it is methodologically necessary (at least approximately, in the abstract) to set some boundaries within which we may say that a particular aspect of a community is (for the most part) “secure” and when it is becoming “insecure.” Such a boundary might be a state border—e.g. the borders of the EU, NATO or OSCE; the border of geopolitical interests; the critical line of the superpower balance; the boundaries between civilizations or religions, or between areas of economic growth or demography; or, of course, the boundary between security and insecurity itself.

The main aims of this study are to outline how the Slovak Republic’s security environment has evolved, to identify emerging security threats and challenges and to compare these with the perceptions of experts in the field. This process will lead us to the identification of blind spots in the security documents of the Slovak Republic.

The study is structured into a methodological introduction and two main parts. The methodological introduction is connected with the terminological apparatus used in the study, with a particular focus on threat identification. In the first part, using a method of content analysis, we will examine official government documents such as Security and Defence Strategies, the White Book, and the Strategic Defence Evaluation. This policy analysis will focus on threat perception, both before and after the accession of the Slovak Republic to the EU and NATO—with particular focus on current developments since the latter. In the second part we will analyse interviews with experts, emphasising their professional views on threats. Interviewees include officials from the Ministry of Defence, the Ministry of Interior and the Office of the Security Council of the Slovak Republic; experts from Slovak NGOs that focus on security issues, such as the Slovak Atlantic Commission and the Slovak Foreign Policy Association; academics from leading Slovak educational institutions – the Faculty of Political Science and International Relations, Matej Bel University in Banská Bystrica – who deal with security issues; the Police Force Academy in Bratislava; and an expert from the private service sector. Finally, we will use a method of comparison that will allow us to contrast how contemporary and future security threats and challenges are understood in official documents, as opposed to how they are understood by security policy experts.

## Methodological Terms: Security vs. Insecurity

For the purpose of this study, it is crucial to divide the security of the state into specific areas. Therefore, we considered a social constructivist approach – that of the Copenhagen School in particular – to be the most suitable for security analysis. The main idea behind this approach is the division of security into horizontal and vertical levels, which then leads to a further division into sectors and analysis levels. Its primary feature is that reflection on these various divisions is based upon social construction, which, according to the Copenhagen School, is the speech act, through which we enter into a discourse-based process of constructing security/insecurity. The speech act indicates what can be regarded as a real threat, as opposed to only an intentionally created and subjectively perceived reality. With this in mind, we wish to draw attention to the widening and deepening of the security agenda, and to the process of threat identification. In this context, it is necessary to define certain terms such as security, security environment of the state, and thus emerging threats, risks and challenges.

In contemporary scholarly debate, there is no commonly acknowledged general definition or explanation regarding the term “security.”<sup>1</sup> Almost all experts have their own methodological and terminological understanding and explanation of this term. In our understanding, security is a complex term that is subject to analysis at various levels (individual, group, local, state, regional and global) in which several differentiated, flexible, internal and external societal factors (military, economic, intra-state and internationally political, legal, environmental, energetic, cyber) have the ability to bring about temporal (relative) stability at the causal level, and through which it is possible to eliminate all types of crisis, risk, threat and war. In our study, however, we focus on the security of the state as such—a historical term signifying the system of arrangements, valid at a particular time, to protect a territory and its population, interests and values. This includes the interconnection of all political, police, intelligence, military and legislative tools in a particular state,<sup>2</sup> which are part of the strategic culture of the state and her form, which evolves based on geopolitical changes in the external environment as well as on internal factors (change of identity, change of political system, etc.).

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In this study, therefore, the term “insecurity” will be understood as an aggregate of threats and risks. If we do not know what *insecure* means to us – which threats and risks jeopardise us – then consequently we cannot know what *secure* is—i.e. how to ensure our own security. Only when subjective or objective threats and risks exist, is the need to ensure one’s security actual and legitimate.<sup>3</sup> Throughout the entire development of nature and society, there has been no momentum generated without the existence and influence of various threats and risks. The research of threat and risk therefore represents the deepest roots, the most effective research area, regarding the issue of security. Simply put, the security environment of a state can be understood as a set of external and internal factors, as well as those geopolitical, historical, cultural, political and economic activities of the state, which affect its security.<sup>4</sup> It is a geographically and politically determined space that can have several vertical analytical levels—global, regional, local, and sub-local security environments.

The issue of terminology and perception regarding security threats, challenges, vulnerabilities and risks is very broad. The on-going Western debate on the ‘reconceptualisation of security’ provides us with an interesting perspective on security as an aspect closely related to individual and social values. In the view of Wendt, who advocates the constructivist approach, security is ‘what actors make of it.’<sup>5</sup> Indeed, the concept of security as divided into sectors, as elaborated by Buzan – military, political, economic, societal and environmental – is very useful.<sup>6</sup>

The term “threat,” as such, is directly or indirectly connected with events that may have a societal, natural or technical character, and bring about a violation of the balanced societal system. The terms “threat” and “risk” may differ only quantitatively, and are used here as synonyms. We may categorise threats according to several criteria, one of which is the division into symmetric and asymmetric.<sup>7</sup> The term risk may have several variants—in technological processes threat is understood as activated risk,<sup>8</sup> while in societal processes risk is understood as primary, a part of the security environment which could bring about a security threat.<sup>9</sup> In general, we understand risk as a measure or rate that can be expressed in qualitative and quantitative ways and has an impact on the increase or decrease of the threat potential.

This perspective on the researched problems of security revealed other potential threats and risks at all analytical levels (the widening and deepening of the security concept) connected to individual sectors and individual participants, thus creating space for new approaches to the research of security, especially for states. It is important to bear in mind that there are also specific limitations in the process of researching the field of security, limitations that are directly connected with the abovementioned term “speech act.” This basically irrational term is a paradox of the Copenhagen School. On one hand, from the perspective of social constructivism, it offers a widening and deepening of security, while on the other hand, a speech act as a social construction can modify all perspectives, based on which the actor is the subject and initiator of the speech act (in our case individual vs. state). The range of securitisation/de-securitisation then depends on individual perspective, with the ranking of threats varying significantly, possibly even contradictorily.

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### Official Documents Analysis

Since gaining independence (1993), the Slovak Republic has undergone several interesting instances of turmoil closely related to its foreign and security policies. Various concepts of the role and position of the new state towards regional powers and the new international and geopolitical reality have been publically debated, which, instead of producing a national clarity have rather led to confusion and uncertainty in Slovak foreign and its security policies. Therefore, when analysing these dynamics of Slovakia, it is common to divide them into “pre-1998” and “post-1998” periods—a distinction based on the year of adoption of the central security and defence documents. Most important, however, has been the impact of membership in NATO and the EU, which are very closely tied to the foreign and security policy directions of the Slovak Republic. In the following analysis, we will proceed chronologically, beginning in 1994 and ending in 2015. Our content analysis of the chosen documents will focus on the structural dimension (a hierarchical definition of threats which were actual during the research timeframe and how their actuality was reflected in the documents), the “meaning” dimension (their reflection in particular docu-

ments from the point of view of depth of analysis), and the contextual dimension (from the threats definition point of view in the context of the various analytical levels).

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## The Evolution of Security Documents in the Slovak Republic

### *Defence Doctrine (1994)*

The Defence Doctrine of 1994 is the first official document that focused on the military and security aspects of the state's functioning.<sup>10</sup> This document is deeply coloured by its lack of proper terminology and structure. The defence strategy had only a very general character with few clear directions. Being a first attempt to summarise the security direction of the Slovak Republic, it lacks clear reflection on the new international situation and is focused primarily on Central Europe. This may be the result of a lack of experience on the part of those in charge of producing the document. The most important statement in the doctrine is that expressing the clear will to acquire NATO membership in order to obtain international guarantees of security. Yet the doctrine lacked a clear indication of emerging threats to the new state. To a limited extent, we can say that this doctrine names only such causes for concern as the: proliferation of weapons of mass destruction, terrorism and other threats to human rights and security.<sup>11</sup>

The document may be understood as an attempt to define the defence aims and goals of the Slovak Republic. For our purpose, however, it lacks any clear identification of potential risks and threats. The Defence Doctrine served as a first step towards another document that was adopted in 1996.

### *The Fundamental Aims and Principles of the National Security of the Slovak Republic (1996)*

This is a more clearly structured and defined policy paper than its successor.<sup>12</sup> Despite this however, when the content is thoroughly analysed it is clear that little progress has been made since the Defence Doctrine of 1994.

The text stresses the importance of national sovereignty in ensuring national security. Moreover, a nationalistic tone is clearly evident. For our purposes however the document offers better material than the previous one, although it still lacks an exhaustive summary of threats and related issues. Threats and risks are not referred to using these specific terms, it is nonetheless evident from the text when a particular aspect is understood as such.<sup>13</sup> Therefore, in this text, we understand the external threats to the Slovak Republic to be:

1. the absence of international security guarantees,
2. the slowing or incompleteness of integration goals,
3. the unilateral assertions of state power in the Central European region,
4. the potential failure of political and economic transition (from communism) in the countries of Central and Eastern Europe,
5. the instability and low transparency of political, economic, and security development in the regions of direct or indirect interest to the Slovak Republic,
6. the internationalisation of potential armed conflict close to the borders of the Slovak Republic, and its protraction without a perspective for solution,
7. the interruption of raw energy source transfer due to a potential increase in political tensions and armed conflicts in crisis regions,
8. manifestations of nationalism, chauvinism, religious fundamentalism, racism, anti-Semitism and intolerance,
9. massive migration flows related to disproportional economic development
10. the endangerment of fundamental human rights and freedoms
11. the growth of international and national terrorism and organised crime
12. the unchecked proliferation of weapons of mass-destruction
13. the uncontrolled transfer of conventional arms and battle techniques to crisis regions
14. the increase of armament activities in Central Europe.<sup>14</sup>

While there was progress in defining threats and risks to the Slovak Republic, these were not specifically identified. Yet this document attempted to reflect the emerging situation in Europe regarding conflicts in the Balkans and the post-Soviet space—points omitted from earlier versions.

### *Security Strategy (2001)*

The 1998 elections brought a significant change in Slovak internal politics, a change that was also reflected in Slovak foreign and security policy, with consequences for transatlantic relations. The new government's efforts for change culminated in 2001 with the release of the Security Strategy. As compared to earlier official documents, we note a qualitative progress with regard to terminology and structure. Its risk and threat analysis begins by setting out that—despite the fact that the end of the Cold War reduced the risk of global war—the possibility of a large-scale armed conflict cannot be ruled out, due to the armament efforts of several non-democratic States. Trans-national threats and risks are summarised as:

1. Regional conflicts in crisis regions could possibly escalate into larger, protracted conflicts. Conflicts rooted in extremist nationalism, religion or ideology tend to have a long-term character.
2. Uncontrolled immigration is an increasing threat for the Slovak Republic. While it is clear that the Slovak Republic is not a main destination for migrants, uncontrolled immigration from crisis regions may nonetheless present a serious threat to European nations, including the Slovak Republic.
3. International organised terrorism is one of the most important emerging threats to Slovakia's vital interests. The scope and danger of international terrorism appears to be increasing.
4. The compromise or absolute failure of state information systems as a consequence of cyber-terrorism or cybercrime is an emerging threat.
5. Excessive dependence on basic energy sources (and their transport) from unstable regions may negatively affect not only economic prosperity and stability, but the whole security system.
6. Negative demographic growth, represented by a decrease in the active population relative to the retired and economically passive population, negatively affects the sustainability of the social system.
7. Environmental degradation and food security are serious threats that cross the borders of particular states.<sup>15</sup>

The methodology and terminology of this 2001 Security Strategy is found to be at a qualitatively higher level. Regarding the content and context of the document we note one unfortunate coincidence. The

2001 Security Strategy was approved by the National Council on 27 March 2001. A tragic milestone of international terrorism occurred on 11 September the same year undermining both the focus and spirit of the new document. It is also worth mentioning the attempt to mirror this national security strategy to the EU's, as a part of the latter's integration efforts.

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## Security Documents of the Slovak Republic

### *Security Strategy (2005)*

A revision of the 2001 Security Strategy came in 2005 with the release of the new 2005 Security Strategy which reflected changes to the global security environment and Slovakia's new national realities that came with accession to the EU and NATO.<sup>16</sup> The main challenges identified were related to deepening instability and the unpredictability of global affairs due to the rise in failed states and non-state actors married to globalisation, intra-state conflicts, and a global system of politico-economic integration.

The 2005 document highlighted the following as key challenges:

1. The proliferation of conventional arms and weapons of mass destruction, and their delivery systems, possibly falling into the possession of terrorist groups and failed states,
2. The possibility of terrorist attacks on the civil population and critical infrastructure of the Slovak Republic,
3. The unwillingness or inability of failed states to ensure their own security, thus contributing to regional instability and creating a base for the activities of terrorist and criminal groups,
4. Protracted regional conflicts that could jeopardise not only regional stability, but also the whole Euro-Atlantic space; such conflicts would be accompanied by extremism, terrorism, poverty, migration, and border violations, and (among other things) erode the power of governments,
5. Organised crime, which takes advantage of technological progress and communication methods and affects all spheres of public life; it focuses on the illegal production and distribution of drugs, human trafficking, prostitution, cybercrime, financial crimes, etc.,

6. The unprecedented development of technologies, the speed of information transfer and its global reach—in other words, the shift from a post-industrial to an information society,
7. Uncontrolled and illegal migration, together with populism and the absence of an EU integration capacity, which could create the conditions for rising intolerance,
8. A possible increase in negative activities of the intelligence services of other non-member states, with the accession of the Slovak Republic to NATO and the EU,
9. Unpreparedness of states for the challenges of increasing globalisation,
10. The rising influence of non-state actors, accompanied by a corresponding decrease in the state's monopoly on the use of force and assuring security,
11. Unbalanced economic growth throughout the world, which can lead to radicalism, extremism, religious fundamentalism, authoritarianism, etc.,
12. The high dependency on energy resources, raw materials and non-renewable resources and the exploitation of non-renewable resources, which could cause substantial irreversible damage to the natural environment.<sup>17</sup>

It is clear from the overarching issues that are identified and prioritised that the 2005 Security Strategy deals with the complex security environment facing the Slovak Republic. Interestingly, individual threats and risks are described with a greater sense of their complexity and interdependence, rather than as isolated problems—which, in the view of these researchers, is a positive development.

### The White Book on Defence of the Slovak Republic (2013)

The most recent document dealing with security issues of the Slovak Republic is the White Book on the Defence of the Slovak Republic, which is the main outcome of the ongoing Strategic Defence Evaluation process.<sup>18</sup> In this broad study on security and defence issues we can find a chapter dedicated to threats and risks which focus on:

1. Rising military expenditures and capabilities in countries outside the Euro-Atlantic area together with the decrease in military expenditures within EU and NATO countries,
2. Eroding respect for international law,
3. The emergence and protraction of new conflicts with escalating

potential – re: the Balkans, Eastern Europe, North Africa, the Middle East, the Caucasus and Central Asia – with the potential to cause humanitarian crises and mass illegal immigration, and endanger energy supplies,

4. The locating of missile complexes near NATO member states,
5. Terrorist activities using Slovak territory for transit and logistical support,
6. Deepening problems within the EU economic and monetary structures causing protectionism, nationalistic tendencies, social tension and mass protests,
7. Cyber-attacks against political, financial, commercial and economic institutions within reach of the security interests of the Slovak Republic,
8. Organised crime, mostly connected with arms and explosives trafficking, smuggling across borders, corruption and money laundering,
9. Mostly unpredictable natural and man-made disasters, caused not only within the Slovak Republic, but also in neighbouring countries.<sup>19</sup>

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This document acts as the primary source of Slovakia's security policy. Our analysis provided useful information about the risks and threats to the Slovak Republic from the official point of view. Against the background of the Slovak Republic as a relatively new independent state, it was interesting to analyse the changes in security direction, as well as emerging threats. On the other hand, the official line did not provide us with an in-depth understanding or explanation of current or future threats. It is evident that the official security documents more or less copy the security thinking of the EU and NATO, primarily because these two institutions provide the core international security guarantees and the Slovak Republic is trying to fulfil its commitments to them. Among the most important points to be noted about these documents, is the absence of any hierarchical ordering of the threats, along with relatively loose terminology. Threats are generally described, but lack a ranking from most to least serious.<sup>20</sup>

## Informal Interviews Analysis

In the following section, we will present the results of interviews conducted with experts on security from several institutions. As set out in the introduction, we attempt to include a variety of opinions, per-

spectives and visions. For this purpose, we have chosen experts from the governmental level (the Ministry of Defence, Ministry of Interior, Security Council of the Slovak Republic and Government Office of the Slovak Republic), the non-governmental level (the Slovak Foreign Policy Association and Slovak Atlantic Commission), and academic institutions (the Faculty of Political Science and International Relations at Matej Bel University, and the Police Force Academy in Bratislava), as well as one private company, LYNX, that deals with, among other things, IT security. All interviews were conducted during January 2014. Due to new developments in international security, an additional round of consultations was conducted in September/October 2015, with particular focus on the case of illegal immigration. In some cases, interviewees expressed reconsideration of their former opinions. All interviewees are experts in the areas of national and international security, with at least 10 years of experience. Although some are currently working in academia, 74% have worked previously for either an NGO, the government or the private sector. Hence, their professional backgrounds are cross-cutting and dynamic.

The results of the interviews are presented in two ways—in table format and in a subsequent discussion. In the simple table, we systematically present the answers of interviewees to a set of questions. The classification or ranked order of threats is based on interviewees' answers. The more often a particular threat has been identified by an expert, the higher on the list it appears.

### *Informal Interviews with the Experts*

Our main aim was to learn how each interviewee perceives present and future threats to the Slovak Republic—their causes (i.e. their origins), targets (at what they are aiming), instruments for confronting them (D—diplomatic, P—political, E—economic, CS—civil society, Pol.—police, M—Military, I—Secret Service), at what level they should be confronted (U—unilateral, B—bilateral, MR—multilateral regional, MG—multilateral global) and any potential space for the involvement of international organizations (NATO, EU, OSCE, UN). The main questions asked were as follows: Could you please identify and name current and future security threats to the Slovak Republic? Are these threats caused primarily by states (or groups of states), non-state actors or domestic actors? Who or what are likely to be the main targets of these threats? Which of

the following instruments do you believe should be used primarily to deal with these threats? Which of the following policy approaches do you believe are best suited to deal with them? Do you see any space for positive OSCE (or other IO) engagement?

The number of experts who identified a particular threat has been converted into a percentage value (indicating its frequency in their responses), the aim of which is to assign a relevance to each particular threat. The threats listed in **bold** font are identified as current while those in normal font are identified as future. Most of the threats will be discussed individually in the subsequent section, with further detailed information as to how they are perceived by the interviewees.

*Continues on  
pp. 74-75*

*Table 1. Experts' Opinions*

<i>Threats</i>	<i>Origins</i>	<i>Targets</i>	<i>How to address?</i>	<i>Policy level</i>	<i>OSCE engagement?</i>
Economic instability (11) 74%	State, Non-State, Economic subjects	Complex	D,P,E,Pol.,I	Complex	EU
Illegal immigration (11) 74%	State, Non-State, economic	State infra/structure, Soc. Vulnerable	D,P,E,cs	Complex	OSCE, EU, CPC, HCNM
Cyber attacks (9) 60%	State, Non-State	State infra/structure, Individuals, population	Complex	Complex	OSCE, EU, NATO, UN/ Resiliency of cyber space
Social clashes (7) 47%	Domestic, Intl. economic companies	State infra/structure, Population, Soc. Vulnerable	P,E,cs	U, MR	No, EU
Ethno-political conflict and Roma minority (6) 40%	Ethnic groups, minorities, State	Soc. vulnerable, State infra/structures, Minorities	D,P,E,cs,Pol.	U, MR	OSCE HCNM, EU
Organized crime (5) 33%	S., Non-State, Domestic	State infra/structure, Individuals	P,D, Pol., I	Complex	OSCE, EU
Terrorism (4) 27%	Non-State, Individuals,	State infra/structure	Complex	Complex	OSCE, EU, NATO, UN

Energy security (4) 27%	State, Non-State, Domestic	State infra/structure, Population	D,P,E,I	Complex	EU, OSCE – policy coordination, Code of conduct, CBMS
Failed or fragile States (4) 27%	State, Non-State (insurgents)	State, State infra/structure, Population	Complex	Complex	OSCE – transfer of know-how
Espionage (economic) (3) 20%	State, Non-State	State, State infra/structure, Population	D,P,E,Pol.,I	Complex	NATO, EU, OSCE – CBMS, Lessons learned
Privatization of violence (2) 13%	State, Non-State, Technological progress	State infra/structure, Population	Complex	Complex	Arms control regime in this area, but also UN
Income inequality (2) 13%	State, Non-State, Global markets	State infra/structure, Soc. vulnerable, Minorities,	D,P,E,cs	U, MG	EU more, OSCE – 2nd and 3rd D
High economic openness	Domestic, Global markets	State infra/structure, Population, Soc. Vulnerable	D,P,E	U, MR	EU
Dis-integration of inter-generational solidarity	Domestic	Complex	Education, E	U	No
Eroding influence of international law	State	State	D,P,E	MR, MG	UN, OSCE – promotion of international law
Climate changes (4)	State, Non-State	Complex	Complex	Complex	UN, OSCE within 2nd dimension perhaps
Conflict on the EU periphery (3)	Intensification of protracted conflicts, Geopolitical conflicts, State, Non-State	Complex	Complex	MR, MG	OSCE – conflict prevention, monitoring
Unbalanced demographic development (3)	Domestic	Complex	P,E, Education, cs	complex	more EU
The position of China (3)	State	Complex	P,E,D	MR, MG	UN, EU, NATO

EU vs. Russia – securitization of relations (3)	State	Complex	P,E,D,cs	MR,MG	OSCE – promotion of dialogue, platform for dialogue
Big economic turbulence (3)	State, Global markets, Economic subjects	Complex	P,E,D	U,MR,MG	OSCE within 2nd dimension
Strategic import of raw materials (2)	State, Non-State	Complex	P,E,D	B,MR,MG	OSCE as policy coordinator
Islamization of Europe (2)	Related with bad demography in Europe, bad social situation in Islamic countries and immigration	Population	P,D, Education, cs	MR	Platform for religious dialogue perhaps
Existence of the State – Slovak Republic as such	Based on existence of NATO and EU as such	Complex	Complex	U,B,MR	No/ or maybe regional CBMS
Democracy as such	General social disappointment	State, Population	P,E,D,cs	U,B,MR	No
Militarization of Kalinin-grad	Consequence of worsened USA – RF relations	Complex	Complex	MR	YES – mediator and communication channel
Interstate conflict (related with failed states)	Periphery of the EU, Central Asia	Complex	Complex	MR	OSCE – CSBMS, Non-proliferation, Disarmament, HCNM, Missions
Potable water	Pollution, especially pressing for SR	Population	E,P,D,cs	Complex	All IOS, OSCE, FAO
Food security	State, Non-State, domestic	Population	E,P,D	Complex	FAO
Changing global alliances	State, Non-State	State	Complex	Complex	OSCE – mostly relations EU-USA-RF
High raw material consumption	State, Non-State, Private economic subjects	Complex	E,P,D,cs, education	Complex	OSCE as norms setter, regulator

## The Most Important Threats Facing the Slovak Republic

In 2013 and early 2014, the security environment of the Slovak Republic was determined by the general stability in the Euro-Atlantic area, especially within Central Europe. In 2014/2015 this changed significantly. Geographically, the nearest area of security instability has been the Western Balkans (Kosovo and Bosnia and Herzegovina), where the threat of organised crime (drugs, illegal migration, arms) and religious extremism runs high. The situations in Afghanistan, the Korean peninsula, the Middle East, North Africa and, in particular, Syria, have negatively impacted the security situation in Europe. Slovakia, however, has not been directly threatened either by the migration flow or other threats. There is also the rising threat of individual terrorism and the “homecoming” of EU citizens who have fought in jihad zones. Despite the effective multilateral involvement of Slovakia in the War on Terror, the openness of its economy and its high dependence on external sources – energy in particular – has negatively affected the security environment. The implementation of the North Stream gas pipeline and the potential implementation of a gas pipeline through Turkey may bring about a decrease in the transit of Russian gas through the Družba pipeline, which is permanently threatened by the more or less latent dispute between Russia and Ukraine over the price of gas and its transit.

*Economic instability*—has been mentioned several times as a primary cause of other threats such as social clashes, moral degradation, a worsened social situation, ethno-political conflict, the rise of radical political forces, etc. Economic instability is understood mostly in terms of the rising debt in EU countries, fiscal and monetary dependency, the role of China in global monetary affairs, a potentially unstable eurozone, etc.

*The openness of the Slovak economy*—and its dependence on external markets represents another point of view on economic threats. Transnational private economic institutions such as banks and corporations have an immense influence on the national economy, in particular in the financial, automotive and energy sectors. The leading role in this area should be given to the EU or OECD, according to the experts.

*The number of immigrants*—to the Slovak Republic does not represent a significant quantity as compared to the number of immigrants to the states south of the EU, to Russia or to the US. It is hard even to compare such numbers. On the other hand, immigration arising

from conflict zones in North Africa, the Middle East, the Balkans and the Caucasus does represent a threat to Slovakia. Also, it is important to distinguish between immigration from non-EU countries to the EU, and immigration within the EU. Both could have a negative impact on the economic situation of the “native” inhabitants. Moreover, the patience of several EU countries experiencing large-scale immigration is on the extreme edge, and ideas of monoculturalism are being revived. However, measures to confront this threat should be undertaken at the national level, or (if multilaterally) on the EU platform.

*Cyber-threats* are a very interesting phenomenon. Some interviewees identified them as new threat and others as old, while yet others understand it only as a new “modus operandi” of older illegal activities (organised crime, espionage, etc.). Closely related to cybersecurity is the threat of the **privatization of violence**. Experts understand the privatization of violence in terms of the relatively easy availability of several types of arms—the term ‘arms’ being expanded from its conventional meaning to include such things as a computer virus or simple USB key, which are easily available and have the potential to destroy both the software and hardware of the targeted victim.

*Social clashes and ethno-political conflict*—are closely related to the worsened economic situation and other negative trends of social life: the degradation of traditional values, lack of a vision for the future, disintegration of intergenerational solidarity, decreasing trust in traditional political elites and the party system, etc.<sup>21</sup> According to some experts, this situation has the potential to evolve into clashes between the Slovak ethnic majority and the Hungarian minority. Other interviewees, however, do not consider clashes with the Hungarian minority to be a threat, or even a potential scenario. However, failed integration of the Roma minority does represent a threat, according to the majority of interviewees. The situation within the Roma community is not sustainable. Many Roma have been living in incredibly poor conditions for several generations, leading to the vicious cycle of social exclusion, crime and poverty. This issue must be addressed, not only as a threat to the security of the state, but also from a humanitarian and human rights perspective.

*Organised crime and failing states*—are serious threats to the Slovak Republic, according to several experts. With regard to this threat, it is important—though complicated—to distinguish between internal (domestic) and external (transnational/international) origins. In terms

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of domestic features of organised crime, corruption has been identified as the most challenging problem. Money laundering and the legalisation of illegal wealth is another feature of domestic organised crime—when former “gangsters” become respected businessmen, for example. Transnational organised crime in Slovakia is closely connected with drug trafficking and production. The Slovak market is still not considered highly profitable in terms of drug consumption (although the number of drug addicts has increased); Slovakia serves primarily as transit country in the drug trade. There are a number of foreign organized crime groups operating in Slovakia, mostly from the Balkans and the Caucasus, especially from zones of protracted conflict and failed (or failing) states in the OSCE area.

*Terrorism*—represents a specific type of threat. Neither in the past nor the present has there been any information about a possible terrorist attack within Slovak territory. However, Slovakia is seen as relevant for other terrorist activities. According to several experts, Slovakia is a place of rest for ‘sleeping terrorist agents.’ The network of connections between terrorist groups and individuals in Slovakia is vague, but still solid enough to provide help with logistics operations for terrorist organisations, logistics operations being understood as activities such as money laundering, safe house promotion, document falsification, etc. In any case, the threat of terrorism should be addressed by all relevant security organisations.

*Energy security*—is a long-term interest of the Slovak Republic at the international level. The Slovak Republic is absolutely dependent on the import of raw materials (mainly iron ore and uranium) and energy sources (oil and gas). The diversification of energy sources is one of the most important tasks for the national economy. However, this process is complicated due to a number of factors (infrastructure, geopolitics, it’s costly in terms of both time and money, etc.), and therefore may be considered a challenge for the future. It is no secret that the main causes of concern related to energy security lie outside the country. The conflict between Russia and Ukraine over the price of gas and oil (not to mention other political and economic issues) represents a persistent threat to the Slovak Republic. In 2009, the escalation of this conflict finally resulted in an energy crisis. Moreover, this same conflict is renewed every year and serves as a factor of instability in the broader region of Central and Southeast Europe.

## Current Challenges for Slovakia

The situation in Ukraine has always been watched carefully by Slovakia as they are direct neighbours. On the Slovak side of the Schengen border with Ukraine, no paramilitary incidents have been reported and the situation appears normal. What is important, according to Slovak officials, is that in the case of a sudden flow of immigration Slovakia is immediately ready to accept 1,000 persons, and, if the situation worsens, it might accept as many as 10,000. In the event of critical escalation of the conflict, Slovakia is ready, in cooperation with Poland and Hungary, to increase these numbers significantly.<sup>22</sup> What is interesting is that Slovakia's position on potential immigration from Afghanistan, Syria, Iraq or Libya is very different. During the spring of 2015, in very mixed messages, the Slovak government grudgingly offered some 500 places for immigrants from these countries. Nonetheless, it has not been officially declared (at least not explicitly) that the situation in Ukraine represents a threat to the Slovak Republic.

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Experts, on the other hand, do consider the current situation in Ukraine to be a direct threat to the Slovak Republic, both in the mid-term and the long-term. In their view, scenarios of potential escalation of the conflict in Ukraine may negatively affect Slovakia across several dimensions.

In terms of the military dimension, probably nobody, or only a small number of experts, expected such a development as the Ukrainian conflict when protests began a few years ago. Given this situation, there is need for review of the Slovak Republic's current defence and security strategy regarding the possibility of armed conflict in its immediate neighbourhood. In the event of further escalation of the conflict, military expenditures will certainly rise in order to secure the borders and provide intra-state security. Experts also accept the possibility of greater military cooperation within the V4, the EU and/or NATO. In our opinion, at the EU level, in the context of the CFSP and CSDP debate, Slovakia should be more active in the event of escalation. In the worst case scenario, a new iron curtain could be drawn, which would have direct geopolitical consequences not only for Slovakia but for the whole OSCE region. In such a case, however, Slovakia would reaffirm its position within the EU and NATO.

From a societal standpoint, in the event that humanitarian assistance to migrants and asylum seekers is needed, the eastern part of

Slovakia may be placed under pressure. Numerous housing structures for immigrants are located in this region. The diffusion or mixture of extremist ideas from Ukraine, represented by the Right Sector, with those of extremist groups in Slovakia could be very dangerous. Also, in this regard, the penetration of extremists and terrorists (not necessarily from Ukraine) into groups of legitimate asylum seekers or immigrants represents a threat. According to the experts, the number of asylum seekers entering Slovakia could be as high as 100,000 (requiring from the government a very different attitude than its one regarding asylum seekers from the Middle East).

In the event of further escalation of the conflict, the mutual economic exchange between Slovakia, Ukraine and Russia will be negatively affected. In both the mid-term and the long-term, this situation would not be sustainable and would result in disaster for the Slovak economy. For example, the import of iron and coal from Ukraine is crucial for the metallurgic sector in Slovakia. Automobile export (KIA) from Slovakia to Russia would also be negatively affected. It is important to underline that, according to several Slovak experts, the effort to deepen economic relations between the EU and Ukraine (AA and DCF-TA) has been a top priority for Slovak foreign policy. For Slovakia, the energy sector—the import of gas and oil from Russia via Ukraine, and avoiding a potential interruption of this flow—is crucial. Currently, the threat of an interruption in oil supplies import is even more significant. In terms of an interruption of the gas import, the diversification of gas supplies via the reverse flow offers a solution in the short-term.

In conclusion, all of these aspects must be considered as a whole rather than separately, given their deep interconnection. Without a doubt, the economic aspect is the most vulnerable. If Slovakia were to be cut off from the oil and gas stream for a long period, it would have catastrophic effects on the national economy. Moreover, in the case of a further rise in unemployment, protests could occur and a “snowball effect” could begin.

During a follow-up round of consultations with the experts, all of them agreed that illegal (and to some extent legal) migration from North and Sub-Saharan Africa, the Middle East and other conflict areas poses a direct threat to both the EU and Slovakia. It is difficult to place their understanding of the security dynamics of migration since more than 70% stated that, because of the highly dynamic nature of

such problems, the situation changes quickly and hence particular issues may cross these boundaries. For example, what was considered only a political issue a few weeks ago may today be regarded more as a security issue.

From the security point of view, however, uncontrolled waves of migration crossing Schengen borders is very dangerous, as it makes the registration and careful control of these masses impossible. This opens the door for radical Islamist forces to enter the EU, which could lead to the involvement of the military if EU member states were to agree to launch a military operation in conflict-affected countries, or a maritime operation in the Mediterranean against human traffickers. In geopolitical terms, active Russian and Western military engagement in Syria has the potential to influence the future character of the conflict, although it is uncertain in just what way.

The economic side of migration is also very important. Migration flows generate enormous profit for the human trafficking business on both sides of the Mediterranean,<sup>23</sup> not to mention the issue of the uncontrolled flow of weapons in areas of open conflict. Another dimension of economic pressure is the situation within those European countries directly affected by this immigration, where the costs related to incoming migrants can reach considerable sums.

What is more, this crisis has exposed a weak spot in the EU and its coherence; thus, from our perspective, immigration is a politico-social issue. At the EU level, there is a deep divide between countries that have a positive attitude toward accepting immigrants on their territory (without any particular reference to a quota system) and countries with a negative attitude. This leads to open disagreement, quarrelling, media-blaming, and bloc-creation within the EU. In other situations, this would simply be accepted as a natural scenario— however, this is not such a situation. In Slovakia's case, the system of redistribution of immigrants proposed by the EU Commission and approved by qualified majority vote of Ministers of Interior on 22 September 2015 could lead to infringement.<sup>24</sup> Last but not least, as a side-effect, this crisis has created an unprecedented popular polarization within many EU member states. Slovakia is a case in point. This topic is being politicised in the context of the upcoming 2016 parliamentary elections. However, this trend is visible across the whole EU, offering a platform for radical (left or right wing) parties not only to make anti-immigrant and an-

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ti-EU statements, but also to defend their nationalistic and even racial supremacist positions. Public discourse is accompanied by fear, lack of information (or misinformation) and anger. Such emotionally driven behaviour on the part of potential voters could easily be subjected to dangerous political manipulations.

## Conclusion

When discussing the security environment of the Slovak Republic and the perception of threats, it is necessary to underline three main features. The Slovak Republic is:

1. A small state
2. Not directly subjected to most trans-national military threats

Table 2.

<i>Current Threats</i>	<i>Interview results</i>	<i>Official document analysis</i>
Economic instability	Yes	Yes
Immigration	Yes	Yes
Cyber security	Yes	Yes
Social clashes and ethno-political conflict	Yes	Yes
Organized crime and failing States	Yes	Yes
Terrorism	Yes	Yes
Energy security	Yes	Yes
Failed or fragile States	Yes	Yes
Espionage (economic)	Yes	No
Privatization of violence	Yes	No
Income inequality	Yes	No
High economic openness	Yes	No
Dis-integration of inter-generational solidarity	Yes	No
Eroding influence of international law	Yes	No

3. Currently dependent on international guarantees based on membership in NATO and the EU (regarding the security structure of the state).

*Table 3.*

<i>Future Threats</i>	<i>Interview results</i>	<i>Official document analysis</i>
Climate change	Yes	Yes
Conflict on the EU periphery	Yes	Yes
Unbalanced demographic development	Yes	No
The position of China	Yes	No
EU vs. Russia – securitization of relations	Yes	No
Big economic turbulence	Yes	No
Strategic import of raw materials	Yes	No
'Islamization' of Europe	Yes	No
Existence of the State – the Slovak Republic as such	Yes	No
Democracy as such	Yes	No
Militarization of Kaliningrad	Yes	No
Interstate conflict (related to failed states)	Yes	Yes
Potable water	Yes	Yes
Food security	Yes	Yes
Changing global alliances	Yes	No
High raw material consumption	Yes	No

All other assumptions must be based on these three basic features. The following table compares our analysis of official documents with the results of our unofficial interviews. Our aim is to determine wheth-

er the most ranked threats, according to the interviewees, match with those identified in any of the primary official documents.

Our analysis of the official documents provided us with useful information on the risks and threats facing the Slovak Republic from the official point of view. Against the background of the Slovak Republic as a relatively new independent state, it was interesting to analyse the changes in security direction and also the emerging threats. On the other hand, the official line did not provide us with an in-depth understanding of current and future threats. It is evident that the official security documents generally follow the security thinking of the EU and NATO, primarily because these two institutions provide the core international security guarantees and the Slovak Republic tries to fulfil its commitments to them. One of the most important points to be noted about these documents is the absence of any hierarchical ordering of threats. Threats are generally described, but lack a ranking from most to least serious.

The interviews with experts provided us with some very interesting results. There were a number of discrepancies between the responses of experts, mostly concerning the following two questions: 'Is threat 'X' understood as current or future?' and 'Is threat 'X' more national or transnational?' From our perspective, a consensus could be formed regarding the first question— in other words, threat 'X' is current with the probability that it will intensify in the future. With regards to the second question, the dividing line between national and international threats is loose to nonexistent. In almost every case, the responses of interviewees were more specific than the official documents. Interviewees gave their own explanations and perceptions of particular threats based on their professional experience.

Based on this analysis and comparison we may conclude that the current identification of security threats and challenges in the official security documents reflects the most important issues for the security environment of the Slovak Republic. However, the aim of such documents is not only to offer an analysis of the current state of affairs, but also to prepare the country for the threats and challenges of the future. Our comparison of these documents with the perceptions of interviewed experts has shown that, in many cases, the official analysis does not properly reflect future threats and challenges. Such a situation – for a small state like Slovakia – may bring with it requirements for its resolution which are unpredictable, while on the other hand

prevention and response preparation are likely to be incomparably more effective.

The contemporary debate over the need to implement a security strategy in Slovakia is very intense. The initial plan assumed that the Strategic Defence Evaluation process in 2010 would lead to the implementation of the White Book on the Defence of the Slovak Republic, the Defence Strategy of the Slovak Republic, and the Security Strategy of Slovak Republic. However, reality provided us with a different scenario—the release of the White Book alone took almost three years. Therefore, the release of a new and up-to-date defence and security strategy seems to be beyond the current horizon, despite the on-going efforts within the Ministry of Foreign and European Affairs on behalf of this issue. Moreover, this process has been unexpectedly interrupted by the Ukraine crisis and has not been a factor in the Strategic Defence proposals.

On the other hand, both the crisis in the Ukraine and the migration crisis should provide the needed impetus to complete and implement new security documents and strategies. Our perception of the threats facing us should be considered anew, assessed thoroughly and, ideally, be properly ranked.



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## Notes

- 1 See: Lucia Husenicová (2011), *Liberalizmus ako teória medzinárodných vzťahov*. Banská Bystrica: Univerzita Mateja Bela, pp. 112-115.
- 2 See: Rob B. J. Walker (1993), *Inside/Outside: International Relations as Political Theory*. Cambridge: Cambridge University Press.
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- 5 Alexander Wendt (1992), 'Anarchy Is What States Make of It: The Social Construction of Power Politics.' *International Organization*, 46:2, pp. 391-425.
- 6 See: Barry Buzan and Ole Wæver and Japp de Wilde (1998), *Security: A New Framework for Analysis*. London: Lynne Rienner Publishers.
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- 8 See: Lubomír Čech (2008), 'Contribution of Slovak Republic in to Functioning of International Crisis Management.' In *Politické vedy*. 9:3-4, pp. 163-172.
- 9 Jana Lasicová and Jaroslav Ušiak (2012), *Bezpečnosť ako kategória*. Bratislava: VEDA, pp. 10-34.
- 10 In Slovak - Obranná doktrína 1994.
- 11 'Obranná doktrína Slovenskej republiky' (1994), p. 5.
- 12 In Slovak - Základné ciele a zásady národnej bezpečnosti Slovenskej republiky 1996.
- 13 In the text they are characterized as 'factors with influence on the national interest' and are divided into internal and external factors, but not as positive or negative. However, it is clearly visible which are positive and which negative, even without this explicit division.
- 14 'Základné ciele a zásady národnej bezpečnosti Slovenskej republiky' (1996), pp. 5-7.
- 15 'Bezpečnostná stratégia Slovenskej republiky' (2001), pp. 6-7.
- 16 Josef Ahrhám and Milan Vošta (2011), 'Ekonomický rast a konvergence rozšírené Evropské unie.' In *Acta Oeconomica Pragensia*. 21:5, pp. 3-16.
- 17 'Bezpečnostná stratégia Slovenskej republiky' (2005), pp 4-7.
- 18 In Slovak - Biela kniha o obrane Slovenskej republiky 2013.
- 19 'Biela kniha o obrane Slovenskej republiky' (2013), pp. 24-26.
- 20 However, this situation is common in the official documents of other countries, e.g. Germany.
- 21 According to the theory of security studies and also the responses of interviewees, it is not straightforward to draw a dividing line between transnational and national (external and internal) threats and challenges. Social

- challenges and ethno-political conflicts are some of those cases.
- 22 Úrad vlády Slovenskej republiky. 'Záznam z 59. zasadnutia Bezpečnostnej rady SR z 21. januára 2014.' (2014), Accessed September 30, 2015. <http://www.vlada.gov.sk/zaznam-z-59-zasadnutia-bezpecnostnej-rady-sr-z-21-januara-2014/>.
  - 23 Ján Lidák (2014), 'International Migration, Europe and Migration from Africa.' In *Asian and African Studies*, 23:2, pp. 226-254.
  - 24 SITA (2015), 'Fico: Diktát odmietame, kvóty nebude Slovensko rešpektovať' Accessed October 10, 2015. <http://spravy.pravda.sk/domace/clanok/368428-fico-povinne-kvoty-slovensko-nebude-respektovat/?sc=art-368486>.

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# The Limits, Dilemmas and Challenges of European Security in Uncertain Times

*Miloš Balabán*

This article assesses the current state of European security, and its future, against the backdrop of several key processes: the rising political and economic power of non-Western actors; economic problems in America and Europe; and the dynamic of changing security environment and threats, especially in Europe's backyard. It also analyses the consequences of the long-term decline in EU members' defence spending, which undermines Europe's military capabilities and makes the continent ever more dependent on the US. The work goes on to ask to what extent the Ukrainian conflict and Russia's involvement in it may change the approach of NATO's European members to collective defence. According to some polls, we can see – despite conclusions reached at NATO's Welsh summit in September 2014 – different levels of support for NATO in member states, which highlight current tensions and suggest possible future difficulties for the coalition. Nevertheless, this work concludes that given the strength of the existing political, economic and security ties between Europe and the United States, including the current prospect of a transatlantic free trade zone, it is very likely that the two partners will increasingly divide security responsibilities. However, this supposed trend toward a conscious complementarity of roles cannot, at present, fully manifest itself, as the conflicts in Europe's neighbourhood (North and sub-Saharan Africa, the Sahel, the Middle East) tend both to flare up suddenly and escalate quickly, forcing both actors to adopt improvised, ad hoc solutions.



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## European Security and Defence 25 Years Since the Cold War: A New Strategic Context

*European  
Security in  
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With the approaching end of *Pax-Americana* we are witnessing the end of a centuries-long Anglo-Saxon economic and ideological hegemony. This is characterised by two main factors. The first is the rise of non-Western actors – especially China with its global ambitions – and a host of ever stronger and more emancipated regional actors such as India, Brazil, Russia and Turkey. At the beginning of the new millennium, the Euro-Atlantic democracies, together with Japan, controlled 75% of global wealth. Today it is less than 50%, and the share continues to fall.

The growing economic and political problems of Western democracies represent the second major factor, notwithstanding the West's still-impressive wealth, economic and political clout, cultural influence and, last but not least, military power. The fall of Lehman Brothers in September 2008 marked not just the beginning of the deepest economic crisis since the 1930s, but also put a symbolic end to the unipolar moment—the period in which, following the breakup of the USSR, the United States was the world's only true superpower. The course of us foreign policy is now largely determined by problems at home, described by Miller, as 'the six deadly D's of debt, deficit, dysfunctional politics, dependence on hydrocarbons, a deteriorating educational system and decaying infrastructure.'<sup>1</sup>

The retarding economic and socio-political factors influence both domestic and foreign policy, as the us struggles to reconcile conflicting commitments; trying both to maintain global clout and to reduce the cost of its global alliances and partnerships. In *Strategic Choices and Management Review*, an internal evaluation document of the us Defence Department published by (former) Defence Secretary Chuck Hagel in July 2013, envisaged defence budget cuts totalling \$500 billion USD. Fiscal austerity on this scale could effectively limit the us' ability to engage in military conflicts and exert power overseas.<sup>2</sup>

The global security situation, however, may force the us to reconsider its austerity plans. As new potential conflict areas emerge in both the Middle East (the Islamic State) and in Ukraine, whose attempt

at geopolitical reorientation has provoked a strong Russian reaction – including direct Russian military incursions – the US is forced to respond. Meanwhile, its main geopolitical focus for the coming decades is shifting toward the Asia Pacific, a region characterised by the political, economic and military rise of China—the US’s ever important economic partner,<sup>3</sup> and its principal geopolitical rival. This shift may also necessitate a new emphasis on military containment, with the US deploying more forces (especially naval forces) to the Pacific, Southeast and East Asia.<sup>4</sup>

Europe is focused on internal problems.<sup>5</sup> It has managed to avert the collapse of the euro and maintain the economic stability of the euro zone, but the cost of the necessary interventions has been massive. The eurozone crisis has also laid bare the tensions and differences between member states, and has exposed millions of Europeans to welfare insecurity. Levels of social cohesion are declining. Citizens have less faith in European institutions and the European integration model, while the popularity of populist and extremist movements is on the rise. This trend was in evidence, for example, during the European Parliament elections in May 2014.

Fifteen years since NATO’s first out-of-area operation in former Yugoslavia, the limits of liberal interventionism are becoming apparent: in light of considerable human, but also material, losses, the political and military outcomes of NATO and US interventions in Afghanistan, Iraq and Libya cannot be seen as successful.<sup>6</sup> Bilmes carried out a detailed analysis of the wars in Iraq and Afghanistan, concluding that they will eventually cost the US between \$4 and \$6 trillion USD. The US has already spent \$2 trillion USD; further funds will be needed in the long run for veterans’ care.<sup>7</sup> Paradoxically perhaps, the mission in Afghanistan may have been one of the linchpins that maintained basic cohesion at a time when tensions within NATO – due to the imbalance between the respective US and European contributions – began to grow. Europe’s position was summed up succinctly by the US (former) Secretary Gates, who remarked that the continent was in the process of ‘demilitarisation.’<sup>8</sup>

Gates’ assessment effectively indicates that NATO or, more precisely, the US, regard Europe as a free-rider in defence matters. But despite the host of problems connected with military spending cuts, the state of European security should be viewed in a broader context. Even though

Europe is not a state, its significant economic potential makes it a global power. Thanks to its global clout, it has the potential to carry out well what should be its key defence and security mission: responding more independently to the growing instability in its immediate neighbourhood, as the US gradually abandons its role of a key guarantor of European security. It is therefore crucial not only to analyse the main deficits of European defence and security policy, but also to outline the possible directions of its future development. The simultaneous outbreak of several crises close to European borders shows that Europe's defence capabilities *must* improve and expand, however complicated, both politically and financially, this task may be for Europe's national governments.

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## European Defence Deficits

The long-term decline of defence spending in European countries is evident in the statistics. According to data published by the European Defence Agency, EU member states have, between 2006 and 2011, lowered their military budgets by an average of 10%, and in 2012-2017 by a further 3%.<sup>9</sup> The problem is that the comparison is being made with the pre-crisis period, which was itself marked by a significant lowering of military budgets and the drawing of the peace dividend. This reaction to the end of the Cold War and the subsequent security realities shows clearly in the time period encompassing the 1990s and more than one decade of this century. In 1990-1994, the average ratio of defence spending to GDP among NATO's European members was 2.7 per cent. In 2013 it was just 1.6 per cent. The disparity between Europe and the United States is also clear: US military spending in 2013 was at 4.3 per cent GDP.<sup>10</sup> Europe has thus been scaling down its military capabilities for more than two decades. The pre-crisis attempts at reform and modernization of European armies have been effectively nullified by defence spending cuts, which were, moreover, largely uncoordinated and implemented on a purely national basis. True, there have been talks over national military budgets in the framework of NATO's Defence Planning Process. DPP requires that member states report all cuts in a Defence Planning Questionnaire, and these are subsequently subject to discussion before the approval of the respective national chapter. However, no national chapter has ever been denied endorsement

because of budget reductions. The member states have thus shown remarkable “solidarity,” each of them well aware that budget cuts may be needed in the future.

Another sore point is the actual breakdown of the “slimmed-down” military budgets. In his “Report on the impact of the financial crisis on the defence sector in the EU Member States,” European MP Krzysztof Lisek points to the fact that merely 1 per cent of the aggregate EU defence expenditure is allocated to R&T, while 50 per cent goes to cover personnel costs.<sup>11</sup> Moreover, in many European countries, the latter percentage is even significantly higher. NATO also requires its members’ armies to earmark 20 per cent of the military budget for new weapons and technology. However, only four members (France, the United States, Turkey and the United Kingdom) complied with this requirement in 2013.<sup>12</sup>

After analysing the development trajectories of EU military budgets, Claudia Major and Christian Mölling of Berlin’s SWP think-tank conclude that the total sum allocated for EU-28 defence – now almost 200 billion EUR – may fall as low as 147 billion EUR by 2020. The two researchers remark that if this trend continues, Europe may easily end up with “bonsai armies,” nice to look at on a national day parade, but otherwise of little use.<sup>13</sup>

For fiscal reasons, European governments are less and less willing to deploy European troops in international operations. According to EDA data, the number of troops deployed in NATO, EU, UN and national operations in 2012 was 49,550 (of the total of 1,453,000, i.e. 3.4 per cent), while four years earlier, in 2008, it was 80,177 (of the total of 1,808,707, i.e. 4.5 per cent).<sup>14</sup> As the ISAF mission in Afghanistan is drawing to a close these numbers are likely to fall still further.

Of all European countries, only France and the United Kingdom do not shy away from a more massive deployment of troops in international operations, with possible support from a handful of other allies. This was evident, for example, during the 2011 operation against the Gaddafi regime in Libya: Apart from the two aforementioned leaders, only four European NATO members — Belgium, the Netherlands, Norway and Spain — participated, together with Sweden. Germany refused to take part, having previously abstained during the Security Council vote on the UN resolution authorizing the use of military force (the other two abstaining countries were Russia and China).

But the outcomes of the Libyan operation have not been persuasive: After the toppling of Gaddafi, Libya has effectively become a failed state. This may have contributed to the major political defeat of Prime Minister David Cameron in August 2013, when he lost the Commons vote on taking action against Syria, after its government used chemical weapons against insurgents.

The sending of European troops on international missions is sometimes also torpedoed by political indecision and a lack of coordination between the Union's own institutions and member states. EU Battle-groups (EU BG) are the most visible example. In 2003, France led the first EU military intervention – Operation Artemis in DRC – which provided inspiration for EU BG. However, since their formation, EU BG have never been deployed, although an opportunity arose with the military intervention in Mali in January 2013. The current situation regarding EU BG has been summed up very frankly by the Czech Army's Chief of Staff, Gen. Petr Pavel. At a Prague conference held on 28 April 2014 ("The European Union, the Czech Republic and Slovakia: a common security future"), he said that the Visegrad Four BG, which is currently being formed and should be deployable in 2016, will cost several million Czech crowns without the slightest military effect.<sup>15</sup>

In such a "strategic cacophony" it is naturally difficult to succeed with proposals for integration and rationalization of EU members' defence resources and capabilities. These proposals are based specifically on the "pooling and sharing" concept, which includes, for example, joint purchases and operation of military technology, joint logistic support during operations, etc.<sup>16</sup>

But there are a number of obstacles that make pooling and sharing difficult to implement. The concept may be advantageous for smaller countries or countries badly hit by the economic crisis. On the other hand, the same may not be true for large member states with higher defence budgets. Larger states might perceive the concept as circumscribing their own military capability. However, differences may arise even among large states, a recent case in point being the UK's 2012 cancellation of a plan to adapt its aircraft carrier for landings by French planes after such adjustment proved too costly.

Another obstacle is the tendency of European countries to protect their own national defence industries, which makes them reluctant to create a joint platform for armaments cooperation and necessary

standardization. For example, Germany, for its own financial reasons, refused to support the merger of two European arms giants, BAE and EADS. There is also no single consolidated competitive defence market in Europe. National protectionism thus contributes to the pitiful state of Europe's defence capabilities.

Still, there has been a step forward in the sharing of defence capabilities among NATO's European members, namely the Framework Nations concept, introduced by Germany in September 2013. Its aim is to make better use of the potential of both large and small European countries through coordinating the implementation of defence planning goals, and to create several formations with a balanced, well-coordinated array of capabilities. Framework Nations may thus prove to be one of the tools that will help Europe remain a relevant military partner to the United States.<sup>17</sup>

Achieving this goal, however, depends on Europe's ability to cover its due share of NATO's total armaments expenditures. The statistics do not present Europe in a favourable light: In 2011 the United States earmarked 731 billion for defence — a share of 75 per cent and a 15 per cent increase compared to 1990. European politicians, diplomats and soldiers acknowledge that the imbalance between us and European expenditure is unsustainable in the long run, but even if Europe were just to return to its 1990 defence spending levels, European NATO members would have to raise their defence budgets by approximately 150 billion USD. To what extent such a plan is viable, both politically and economically, remains to be seen.

### Will the Recent Strategic Shock Galvanise Europe?

The Russo-Ukrainian conflict that has suddenly escalated close to NATO and EU borders may, however, prove to be the game changer that will persuade European politicians to alter their attitude to defence funding. The two countries and their governments have fundamentally different visions of Ukraine's geopolitical orientation, and Russia has clearly opted for a hard-line policy, even resorting to threats of military intervention to defend its geopolitical interests in the post-Soviet space.

Russia's reaction to political changes in Ukraine therefore came as something of a strategic shock, which revealed the military vulnerability of NATO's European members. As the Polish ex-minister of foreign

affairs, Radoslaw Sikorski, has aptly said, “[t]he first thing we should do is to take stock of where we are in terms of security in Europe and abandon post-modernist illusions that conflict is unthinkable”.<sup>18</sup>

In the last two decades, the European members of NATO have engaged mostly in out-of-area operations: not traditional large-scale wars, but limited conflicts in which NATO was clearly dominant and effectively dictated development. Territorial defence has been neglected and the result is the current state of NATO’s European wing: a fragmented array of uncoordinated forces, and inflexible decision-making.

As it reacts to the Ukrainian conflict and Russian policy, the Alliance will face three urgent tasks: 1) It must halt the decline in defence spending in its European member states and launch a reverse trend; 2) It must convince the United States that NATO structures – and the European space – are still relevant to American interests; 3) It must show the “new” NATO members (i.e. those who joined after 1999) that it still represents a real guarantee of their security. Since the NATO summit in Wales in early September 2014, the Alliance has clearly been refocusing its original basic aim: the provision of collective security.

One of the principal aims declared by NATO’s Welsh summit was to ensure a continual increase in defence spending. The summit adopted a binding position on this subject that has been incorporated in the Wales Declaration on the Transatlantic Bond. Defence spending at 2 per cent GDP has been confirmed as the primary prerequisite for the continuing military viability of the Alliance. However, reaching this spending target does not automatically guarantee deployability, sustainability and interoperability of the NATO forces, which are the key criteria for effectiveness. Still, the declaration clearly defined three steps toward achieving the required spending level: The states with defence spending below the binding target must halt any further decline, must increase defence spending in real terms as GDP grows and must reach the required 2 per cent level within one decade. Attached to this is a further requirement, namely to increase investments in new equipment to 20 or more per cent of the total defence budget within the same time frame.<sup>19</sup>

The deployability of forces is the main focus of the Readiness Action Plan (RAP), which is based on three interlocking components: 1) Strengthening NATO’s rapid reaction potential, i.e. forces capable of being deployed within days; 2) Setting up an allied command focused exclusively on the collective defence of NATO eastern territory;

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3) Maintaining NATO presence in its eastern front on a rotational basis, with the aim of organizing joint exercises and creating conditions for a rapid transfer of reinforcements if necessary.<sup>20</sup>

The first component includes enhancing the responsiveness of the NATO Response Force (NRF) by developing force packages capable of rapid deployment. This should include a Very High Readiness Joint Task Force (VJTF), able to deploy within a few days, particularly to respond to challenges that arise at the periphery of NATO's territory (Wales Summit Declaration, 2014).<sup>21</sup>

The third component, in its final form, is the result of a compromise. Poland and the Baltic states in particular have demanded the establishment of permanent military bases; these suggestions, however, have been rejected by Germany, Italy and France. For example, German Chancellor Angela Merkel said during her Latvian visit on 18 August 2014 that the Baltic states must, first of all, build an effective system of defence infrastructure that will permit them to respond immediately to any Russian military activity. Germany considers this a better solution than having long-term preventive military presence in the region.

Particularly in the case of Germany, this reserved stance — maintained in spite of Russia's increased military activity to the north and northwest — is motivated by fear that permanent NATO bases on the territory of the Alliance's eastern members might be considered a breach of the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation. In this 1997 document, NATO declared that 'in the current and foreseeable security environment' it will carry out its mission without resorting to "additional permanent stationing of substantial combat forces."<sup>22</sup>

NATO, especially its European members, will also have to respond to the new method of warfare used by Russia in the Ukrainian conflict, both in the Crimea and in eastern and southeastern Ukraine. This method, based on asymmetrical tactics difficult to foresee, has become known as hybrid warfare.<sup>23</sup> It is possible that this style of warfare will also be used by other "anti-west" actors in the future.

Despite negative changes in the Eastern European security environment, it is still possible that many European NATO members will remain unwilling to take on greater collective security commitments. After the protracted economic crisis, Europe is now experiencing stagnation rather than dynamic growth, and economic realities indicate

that some countries will be hard-pressed — or altogether unable — to meet the two-per-cent target in defence spending, even within a decade.

The willingness to increase defence spending is a function of geographical proximity to Russia. Countries such as Poland and the Baltic states feel immediately threatened, and are therefore more willing to raise their budgets. For south-European EU members, the Russian threat is not imminent and any increase in defence spending is very difficult, given their major fiscal problems. However, even with the rest of NATO's European members, including the largest such as France, the United Kingdom and Germany, the readiness to upgrade defence may be dampened by other concerns, chiefly the need to maintain welfare standards and to increase social security expenditure due to an aging population.

The attitude of the three above-mentioned countries is indeed crucial, as Europe can hardly become a stronger military actor without their full commitment to the task. Until now, there has been a division of roles: Germany has been the Union's "economic driver," while France and the United Kingdom have acted as military leaders. This model is now becoming untenable. Europe's military future may be influenced by the Ukrainian conflict, but also by other factors. Both military leaders are currently somewhat preoccupied: France is waging two wars in Africa, while the UK has its hands tied by national debates over its future EU status (or even its EU membership as such). This should give more scope to Germany, which is currently, both politically and economically, the strongest European country.

Some signs of such a shift may be found in a speech given by German President Joachim Gauck at the Munich Security Conference in February 2014: "We need NATO. And it is precisely at times when the United States cannot keep on providing more and more that Germany and its European partners must assume greater responsibility for their own security," said Gauck.<sup>24</sup> These words are certainly true for Germany, considering that its 2013 defence spending was at 1.3 per cent GDP, while France's was at 1.9 per cent and United Kingdom's at 2.3 per cent.

However, a greater security engagement of Germany at the European and global level may be difficult to achieve, not least due to the ambivalent attitude of both the German public and a significant portion of the political elite. The tragic experience of two world wars, both

of which were instigated by Germany and both of which proved catastrophic for the country, inclines most of its elite toward pacifism and makes them oppose greater German engagement in armed conflicts worldwide.

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But reluctance to engage in armed conflicts is becoming visible even in the United States. In January 2014, in a House of Commons lecture for the Henry Jackson Society, Professor Charles Kupchan of Georgetown University said that, in the eyes of most Americans, America had expended too much blood and too many resources in Afghanistan and Iraq and it had all been a big waste of time. Kupchan, who is a leading US foreign policy expert and a former member of President Clinton's National Security Council, added that in times of economic downturn, Americans see military expenditure as coming at the expense of their livelihood.<sup>25</sup>

However, these attitudes may change when US citizens are confronted with threats substantially compromising their security. According to a February 2015 Gallup poll, for the past decade Americans have been more likely to say the US Government spends too much on defence rather than too little, but today, a slim margin separates these views. While the 32 per cent of Americans saying the country is spending too much is about average for recent years, the 34 per cent saying "too little" is the highest since 2001.<sup>26</sup>

On a positive note, NATO members overall have a favourable view of the alliance. According to Pew Research Centre polling in NATO countries (April/May 2015) a median of 62% per cent express a positive perception of the organisation. But this generally upbeat attitude masks national differences that highlight current tensions and possible future difficulties for the coalition. For example, the greatest change in support for NATO has been in Germany, where favourability of the alliance has fallen 18 points since 2009, from 73 per cent to 55 per cent. On the other hand, 74 per cent of Poles hold a favourable opinion of NATO and the security reassurance that membership in it provides. Polish support for the alliance is up 10 percentage points from 2013. Six-in-ten or more French (64 per cent), Italians (64 per cent) and British (60 per cent) also hold a favourable view of NATO. However, roughly a third of the French (34 per cent) and about a quarter of Italians (26 per cent) express an unfavourable attitude toward NATO. NATO has a perception problem in the US, as well: Only 49% of Americans express a favourable opinion of the security organisation. This is unchanged from 2013, but down from 54 per cent in 2010 and 2011. Meanwhile, the proportion of

Americans who say they have an unfavourable view of NATO has grown from 21% in 2010 to 31% in 2015.<sup>27</sup>

Nevertheless, the transatlantic security cooperation remains a firm basis for facing all future threats or conflicts jointly.

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### Potential Division of Roles in the Transatlantic Partnership

The United States still regards Europe as its closest ally and the same is true vice versa. The alliance is cemented by shared values, by historical and security ties between the two sides of the Atlantic and, most importantly, by strong economic ties. The data speak clearly: Bilateral EU-US trade reached 515,568 billion EUR in 2014. The US and EU together represent 60 per cent of global GDP, 33 per cent of world trade in goods and 42 per cent of world trade in services. Moreover, negotiations are under way to strengthen these economic ties still further. An EU-US free trade zone, one of the envisaged components of the Transatlantic Trade and Investment Partnership (TTIP), would create a trade bloc representing almost half of the global economic output and remove the existing trade barriers between the two transatlantic actors. The strategic importance of TTIP can be inferred by its nickname, “economic NATO.”<sup>28</sup> TTIP is not universally welcomed in Europe and some point to the political, economic and welfare risks associated with its prospective creation<sup>29</sup>. However, it may provide the necessary impetus for a closer political alliance between Europe and the US that would transcend economic cooperation and create opportunities for greater transatlantic strategic convergence.

The crucial question is what form this strategic convergence may take in the security realm. The security analyst Daniel Keohane envisages a mutually advantageous transatlantic cooperation on three levels: 1) NATO should continue to guarantee territorial defence; 2) the EU should take the lead in operations in its neighbourhood where the US has no interest; and 3) NATO would only act outside Europe if the United States wished to be involved. This suggests that the EU could consider stepping up its involvement in three areas: 1) protecting trade routes and access to resources; 2) responding to crises in its neighbourhood; and 3) focusing on external aspects of internal security, such as organized crime and terrorism.<sup>30</sup>

Implementing this vision, however, is difficult at present. Although the conflicts in Europe's neighbourhood stem from long-term social, economic and ethno-religious problems, they tend to flare up sud-

denly and escalate quickly, forcing both actors to adopt improvised, ad hoc solutions.

One such reaction was seen in 2013 in Mali, where the danger of a radical Islamist takeover prompted French intervention and the subsequent deployment of the European Training Mission in Mali (EUTM). The chief task of the EUTM is to provide aid in the training and modernization of the country's army, which is important for maintaining its territorial integrity.

But in the context of the whole Sahel region, comprising nine North African states,<sup>31</sup> Mali is just the tip of an iceberg of problems. According to a 2013 report by the Foreign Affairs, Defence and Armed Forces Committee of the French Senate, the Sahel currently has a population of 81 million, and this number is projected to grow to 120 million in just 13 years. This naturally generates, and will continue to generate, enormous welfare, healthcare, public health, nutritional and educational challenges that make the whole area a breeding ground of Islamic terrorist groups, infiltrating into the everyday life of local societies. The report calls the situation a potential direct security threat on Europe's doorstep.<sup>32</sup> Therefore, if there is a sudden, dramatic deterioration of the security situation, the EU may be forced to consider another intervention.

One of the most serious threats is illegal migration, which directly affects the security of several southern EU countries, Greece and Italy in particular. The migration waves hitting Europe, especially in 2015, originate mostly in armed conflict zones in Northern Africa, the Middle East and Afghanistan. According to Frontex Agency, more than 540 000 migrants arrived on the Greek islands in the first ten months of 2015, 13 times (!) more than in the same period of 2014. Syrians continued to account for the largest number of arrivals, although the share of Afghan nationals has risen significantly. Despite the worsening weather conditions in October, more than 150, 000 people made the journey from Turkey to Greece last month compared to fewer than 8,500 in October 2014. As a direct knock-on effect, in the January-October period some 500,000 illegal border crossings were detected on the EU's external borders in the Western Balkans, mainly on Hungary's and Croatia's borders with Serbia. Most of the migrants detected in the region had arrived earlier on one of the Greek islands in the Aegean Sea and then left the EU to travel through the Former Yugoslav Republic of Macedonia and Serbia. After Hungary constructed a fence

on its border with Serbia and tightened border controls in September, the migrants have begun crossing Croatia's border with Serbia in record numbers. In contrast to the record numbers in Greece and the Western Balkans, the Central Mediterranean route saw the number of people crossing from Libya to Italy drop by half in October, to 8,500, compared to the same month of 2014. This was in large part due to a shortage of boats available to smugglers, bringing the figure for the first ten months down to 140,000 versus nearly 155,000 in the same period of 2014.

Overall, the number of detections of illegal border crossings at the EU's external borders between January and October 2015 stood at an unprecedented 1.2 million, four times (!) the 282,000 recorded in all of last year.<sup>33</sup>

On 15 December 2015, under pressure of the migration crisis, the European Commission presented proposals to create a new European security structure: a permanent 1,500-person European Border and Coast Guard (EBCG). The EC's ambitious proposals stem from the fact that the excessive migration pressures have meant that some states such as Greece have not been able to effectively control their borders, constituting in this case the southern, external border of Schengen.<sup>34</sup>

The rise in illegal migration from the armed conflict zones is also due to the ill-chosen strategic approaches of the US, NATO and the EU, especially in Syria and Iraq. In Syria, the West was unable to provide sufficient support to moderate Syrian oppositionists in the early months of the civil war, despite warnings that the vacuum would foster extremist movements – the jihadists' so-called Islamic State (IS). At the same time, in Iraq, Prime Minister Nuri al Maliki's Shi'a-dominated government (supported by the US) alienated Sunnis and heightened sectarian tensions, generating sympathy for IS narrative.<sup>35</sup> The IS has since occupied parts of the Syrian and Iraqi territory, instituted a rigid Islamic regime and is now engaged in an armed conflict with the forces of the Iraqi army and the Kurdish Peshmerga. However, the US-trained and US-armed Iraqi army has crumbled under jihadist attacks, which make the Kurdish fighters the only fully combat-ready component of the anti-IS resistance.

The fight against the Islamic State is led by the "coalition of the willing" including, apart from the US, several NATO members and the Arab countries of the Gulf. A new actor in the conflict is Russia, since late September 2015, following a formal request by Asad's Syrian gov-

ernment asking for military help against rebel and jihadist groups (not only IS, but also the groups al Nusra Front and Army of Conquest). However, the coalition and Russia are only containing the IS with air strikes. Ground operation is not on the West's agenda, no doubt due to the meagre public support it would likely get after the failures in Iraq and Afghanistan. Still, the conflict with the Islamic State may contribute to a disintegration of the political and territorial status quo in the Middle East, which could ultimately threaten European interests.

Even now, however, the escalation of instability in the Middle East is becoming a serious threat to EU internal security. Radical Islamists from Europe are becoming involved in the Iraqi and Syrian conflicts, and are not only becoming more radicalised in the process, but also gaining new combat experience, which they can put to use in planning terrorist acts at home, as evidenced by the terrorist attacks in Paris in January and November 2015 and in Brussels in March 2016. The extent of the problem is best illustrated by figures: Some 5,000 combatants of the Islamic State are from Western Europe, e.g. around 760 from the UK and Germany and 1,700 from France.<sup>36</sup> Eliminating such a threat requires truly efficient work and cooperation of the intelligence services and the police.

The Syrian and Iraqi experience has led some to question the quality and competence of political decision-making in matters of military engagement. In a lecture on the Iraqi and Afghan wars given in London's Royal United Services Institute, Admiral Mike Mullen, the former Chairman of the US Joint Chiefs of Staff, defined war as a continuation of politics and stressed politicians' responsibility for it, while acknowledging that their decisions on Iraq and Afghanistan have often been disastrous. There are several lessons to be learned. Firstly, when the decision to enter a war is taken, the mission should have limited objectives. There should also be a clear understanding of what the ending should look like, what is to be achieved (i.e. at least an outline of a strategy) and what role the military should play in the process. At the start, a military operation must always have a clear time frame: an idea of how long the deployment should last, not in terms of years, but in months. Understanding local culture and traditions is also crucial. How little the West knows about the countries in which it intervenes usually only becomes apparent when the fighting is in full swing – which can be a fatal mistake. Last but not least, western

countries should not be too cavalier with other nations' sovereignty, as this is a very sensitive subject, especially in Muslim countries. In this context, Admiral Mullen was very critical about drone attacks in Pakistan. Technologies for targeted killing at a distance have desensitized us to the use of force. This, in turn, leads to the killing of innocent civilians along with terrorists, a serious mistake through which the West makes new enemies. The situation in the combat zone must always be assessed by those who have "boots on the ground".<sup>37</sup>

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Admiral Mullen's conclusions represent an important template for political and military decision-making when it comes to potential future military/humanitarian operations in the unstable regions of Europe's neighbourhood, especially in Africa and the Middle East. It is important that politicians make maximum use of diplomatic and intelligence services, consult with domestic experts on the political, social and economic evolution of the relevant countries or regions, and check the quality and reliability of the information they receive. It is also becoming clear that countries that lie in a conflict-ridden zone, are suffering from instability, or have already become failed states, require an integrated approach combining several tools. Only such a combination – including (but not limited to) diplomacy, development cooperation, and deployment of military and police forces — allows for a more comprehensive treatment of problems with corresponding multiplication effects.

A partly integrated approach is being successfully implemented by EU-NAVFOR Operation Atalanta, whose primary aim is to eliminate piracy off the Somali coast. According to Rear Admiral Bob Tarrant, Commander of Operation Atalanta, the anti-piracy activities of the international community in the region of the Horn of Africa have reduced piracy by 90 to 95 per cent over five years. But there is also another aspect. The operation demonstrates Europe's ability to act on its geopolitical priorities in the Suez-Shanghai zone, an area that contains the main European maritime communication line to the Middle East, South and East Asia, and that represents a meeting point of the world's pre-eminent powers: China, the EU, India, Japan, South Korea and the US.<sup>38</sup> Europe thus shows its potential to participate in the division of security roles according to Keohane's concept, and to act, to some extent, as a global security player. In the current situation of security uncertainty, this is not so small an achievement. Still, it is only one, (albeit

important) step towards strengthening Europe's security role in the transatlantic framework.



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## Notes

- 1 Quoted from a speech made at the 4<sup>th</sup> round of informal talks on Middle East issues ("Czech It Out"), held by the Czech Embassy in the United States on 1 April 2014.
- 2 According to Andrew Krepinevich, head of the Center for Strategic and Budgetary Assessments and a leading US expert on defence budgets and military strategy, the cuts will inevitably curtail investment in some capabilities whose insufficient supply may hamper US military efforts in the future. Krepinevich believes that while the United States will still be able to take part in peace operations, wars like those in Afghanistan and Iraq will be beyond its capacity, and if future conflicts require new weapons to facilitate enemy elimination, the United States might not be capable of engagement.
- 3 Sino-American relations have become the world's most important bilateral relationship. Economic data speaks for itself. Annual bilateral trade exceeds 600 billion USD (2014: 590 billion USD). The United States is China's second largest trading partner (the first being the EU), while China is the third largest trading partner of the US, after Canada and the EU. China is the largest exporter into the US (466 billion USD) and also America's largest creditor: Its holdings of US government bonds are worth 1.2 trillion USD. In addition, 60 per cent of Chinese foreign currency reserves, whose total worth is 3.8 trillion USD (estimate) are held in US dollars (which means that US prosperity — especially the stability of the dollar — is in China's best interest; conversely, it is crucial for the US that China maintain its trust in this stability).
- 4 M. Balabán (2014), 'The New Age of the US-EU-Chinese Relations and Dilemmas'. *Central European Journal of International Security Studies* 3/2014. Available at <<http://static.cejiss.org/data/uploaded/1421787746161647/Article%2001.pdf>> (accessed 15 December 2015).

- 5 According to Timothy Garton Ash, “Europe” may refer to five different things: a historical concept, a continent with unclear boundaries, European states acting through their national institutions, the European Union, and the vision that the EU is supposed to fulfil. In this text, “Europe” is used in the last-mentioned sense.
- 6 Characteristic in this respect is the assessment of the Afghan mission by Lieutenant-General James Everard, Deputy Chief of UK Defence Staff (2014). Everard predicts that after 2016 the situation in the country will deteriorate, though with varying speed and seriousness in its different regions. Kabul and provincial capitals will, according to Everard, remain under government control, but the rest will be controlled by Taliban and warlord militias. The troops of the Afghan National Army will, for the most part, stay put at their bases. Afghanistan may thus become what we might call Yaghestan — a country of rebels, lawless and without proper government.
- 7 J.L. Bilmes (2013), ‘The Financial Legacy of Iraq and Afghanistan: How Wartime Spending Decisions Will Constrain Future National Security Budgets.’ HKS Faculty Research Working Paper Series rwp13-006, March. Available at <file:///C:/Users/TEMP/Downloads/RWP13-006\_Bilmes%20(1).pdf > (accessed 16 July 2013).
- 8 R. M. Gates (2010), ‘NATO Strategic Concept Seminar (Future of NATO): Remarks as Delivered by Secretary of Defense Robert M. Gates, National Defense University, Washington, D.C., Tuesday, February 23, 2010.’ *Secretary of Defense Speech*. U.S. Department of Defense. Available at < http://archive.defense.gov/speeches/speech.aspx?speechid=1423 > (accessed 15 December 2015). This trend contrasts sharply with the rising military power of Asian nations, whose military spending in 2012, for the first time in history, overtook that of Europe. It is also projected that, by 2020, China’s military budget will be larger than the combined military budgets of NATO’s European members.
- 9 EDA (2012), ‘Defence Data 2012’. *European Defence Agency*. Available at <http://www.eda.europa.eu/docs/default-source/eda-publications/defence-data-booklet-2012-web> (accessed 12 June 2014).
- 10 NATO (2014) ‘Financial and Economic Data Relating to NATO Defence’. *NATO*. Available at <http://www.nato.int/nato\_static/assets/pdf/pdf\_topics/20140224\_140224-PR2014-028-Defence-exp.pdf > (accessed 12 June 2014).
- 11 K. Lisek (2011), ‘Report on the impact of the financial crisis on the defence sector in the EU Member States’. *European Parliament*. Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0428+0+DOC+PDF+Vo//EN> (accessed 12 June 2014).
- 12 NATO (2014), ‘Financial and Economic Data Relating to NATO Defence’. *NATO*. Available at <http://www.nato.int/nato\_static/assets/pdf/pdf\_topics/20140224\_140224-PR2014-028-Defence-exp.pdf > (accessed 12 June 2014).
- 13 C. Major, Ch. Mölling (2013), ‘The Dependent State(s) of Europe: European Defence in Year Five of Austerity’. In *The State of Defence in Europe: State*

- of Emergency*, edited by Biscop, Sven, and Daniel Fiott. Brussels - Gent: Egmont - The Royal Institute for International Relations - Academia Press, 2013, p.13-18. Available at <<http://www.egmontinstitute.be/wp-content/uploads/2014/01/ep62.pdf>> (accessed 15 December 2015).
- 14 EDA (2012), 'Defence Data 2012'. *European Defence Agency*. Available at <<http://www.eda.europa.eu/docs/default-source/eda-publications/defence-data-booklet-2012-web>> (accessed 12 June 2014).
- 15 General Pavel literally said: "We lie to ourselves about the European Union and its defence dimension when we assure each other that our highest ambition within European Defence Policy is the system of EU Battlegroups. Our politicians like to show their faces at various VIP events where we certify and possibly later confirm the operational readiness of these battle groups, although we know there is no point in having them, because they have never been used and it has not even been said there is enough political will to use them. Which means that here we are, expressing support for the ostentatious building of a V4 Battle Group whose only result will be a quadruple big zero, because we all know beforehand that we will spend hundreds of millions of crowns on it and will never ever use it." (Conference "European Union, the Czech Republic and Slovakia: a common security future", 28 April 2014, audio recording available at <http://sbp.fsv.cuni.cz/SBP-249.html> ).
- 16 At the beginning of the new millennium, the integration and rationalization of defence capabilities was on the agenda at the Czech Defence Ministry, then headed by Jaroslav Tvrdík (2001-2003). The country accepted the principle of specialization discussed within the Alliance: basically an extension of the key maxim of collective defence, i.e. that an armed attack against one member of the Alliance is to be considered an attack against the Alliance as a whole. The small states were thus freed from the necessity of developing, maintaining and using the full range of military capabilities, a task that had been seriously taxing their financial and human resources. The specialized capabilities were made available for NATO Operations Planning to which the individual members contributed their respective shares as determined and coordinated by the NATO Defence Planning Process. The required structure and scope of capabilities was to be achieved only jointly. The Czech Republic was to specialize in passive surveillance systems, CBRN defence capabilities and military healthcare facilities. However, soon enough it became apparent that the system would not be viable, due to a number of practical financial and legal problems and also due to a lack of political will, especially on the part of the larger NATO states, which wanted to keep the whole range of military capabilities.
- 17 F. D. Kramer (2014), 'NATO's Framework Nations: Capabilities for an Unpredictable World'. *Atlantic Council*. Available at <[http://www.atlantic-council.org/images/publications/NATOS\\_Framework\\_Nations.pdf](http://www.atlantic-council.org/images/publications/NATOS_Framework_Nations.pdf)> (accessed 12 June 2014).
- 18 R. Sikorski (2014), 'Talking with Poland's foreign minister about the Ukraine crisis and Russia's next moves'. *Washington Post*. Available at <<http://www.washingtonpost.com/opinions/talking-with-polands-foreign-minister->

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  - 23 The term "hybrid warfare" has been used by Frank G. Hoffman of the Potomac Institute for Policy Studies. In his crucial work *Conflict in the 21<sup>st</sup> Century: The Rise of Hybrid Wars* (Potomac Institute for Policy Studies, 2007, p. 8, available at [http://www.potomac institute.org/publications/Potomac\\_HybridWar\\_0108.pdf](http://www.potomac institute.org/publications/Potomac_HybridWar_0108.pdf)), he does not speak primarily of hybrid wars but of hybrid threats. By his definition, hybrid threats incorporate a full range of modes of warfare: conventional capabilities, irregular tactics and formations, terrorist acts that include indiscriminate violence and coercion, and criminal disorder. Hybrid wars are wars conducted by both state and non-state actors that use the modes of warfare identified above as hybrid threats. These state and non-state actors can be represented by separate units, which are generally operationally and tactically directed and coordinated within the main battlespace to achieve synergistic effects. The significance of hybrid warfare for the military activities of the Russian Federation has been acknowledged by the country's Chief of General Staff, Gen. Valery Gerasimov, in his speech entitled "On the state of the armed forces of the Russian Federation and measures to increase their combat-readiness" (14 February 2013). While Gen. Gerasimov did not use the term "hybrid warfare," he did state that "the importance of non-military methods for achieving politico-military and strategic goals has increased and, in many cases, these methods have proved significantly more effective than military instruments. These methods are supplemented the clandestine use of force, e.g. by informational confrontation, activities of special operations forces and exploiting the population's protest potential." There is no doubt that these methods have been used in Ukraine (available at <http://arsenal-otechestva.ru/gerasimov-o-sostoyanii-vooruzhennyx-sil-rf.html>).
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monitor migratory flows towards and within the European Union and to carry out risk analysis and mandatory vulnerability assessments to identify and address weak spots. Liaison officers will be seconded to Member States to ensure presence on the ground where the borders are at risk. The Agency will be able to assess the operational capacity, technical equipment and resources of Member States to face challenges at their external borders and will require Member States to take measures to address the situation within a set time-limit, in case of vulnerabilities. *The right to intervene*: Member States can request joint operations and rapid border interventions, and deployment of the European Border and Coast Guard Teams to support these. Where deficiencies persist, or where a Member State is under significant migratory pressure — putting in peril the Schengen area — and national action is not forthcoming or not enough, the Commission will be able to adopt an implementing decision determining that the situation at a particular section of the external borders requires urgent action at the European level. This will allow the Agency to step in and deploy European Border and Coast Guard Teams to ensure that action is taken on the ground, even when a Member State is unable or unwilling to take the necessary measures. *Coast Guard surveillance*: National coastguards will be part of the European Border and Coast Guard to the extent that they carry out border control tasks. The mandates of the European Fisheries Control Agency and the European Maritime Safety Agency will be aligned with the new European Border and Coast Guard. The three Agencies will be able to launch joint surveillance operations, for instance by jointly operating Remotely Piloted Aircraft Systems (drones) in the Mediterranean Sea. *A mandate to work in third countries*: The Agency will have a new mandate to send liaison officers to and launch joint operations with neighbouring third countries, including operating on their territory.

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# Is Gazprom Pushing East?

## Exploring Gazprom's Behavioural Patterns in the Asian Market

*Hedvika Koďousková and Martin Jirušek*

This article examines whether the Russian Eastern Energy Policy (EEP) corresponds to the widely shared perception that Russia uses energy resources as part of its domestic and foreign policy goals and to assess the role of Gazprom in Russia's overall governmental strategy. For this purpose, we have developed an ideal energy policy model grounded in the theoretical premises of realism—a so-called strategic approach to energy security. We will specify major features of strategic behaviour and their manifestations in reality (indicators), which are then searched in the Russian EEP in general and in Sino-Russian gas supply negotiations in particular. Research has shown that the Russian EEP largely corresponds with the theoretical model. One distinctive feature of this policy includes strengthening the role of state in the energy sector through Russia's state-owned energy companies, to the detriment of foreign players. The Russian government has also significantly interfered in Gazprom's external energy policy, especially after Putin's 2012 reelection. However, Moscow's policy framework is not the only factor which affects the future direction of Gazprom, as the company cannot be considered to be solely an instrument of the Russian government. Despite governmental pressure during negotiations with China, Gazprom has repeatedly demonstrated its determination to gain adequate profits from projects running eastward. The company also took into account both its position vis-à-vis domestic and overseas rivals as well as negative consequences in case of loss of future markets, if negotiations with China would be unsuccessful.



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## Introduction

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In the 1990s and the beginning of the 2000s, Russia made practically no major efforts to diversify its oil and gas exports beyond Europe. Except for some preliminary agreements between Russian private players and potential Asian consumers, there were no gas purchase and sale contracts finalized during this time period, nor any major infrastructure constructed that would connect Russia's vast, but untapped, Eastern Siberian and Far Eastern gas resources with the Asian market. Only since the consolidation of Vladimir Putin's control over the development of the state's energy sector, has the Eastern dimension in Russian energy policy gained governmental attention.<sup>1</sup> This is apparent from official state proclamations made in 2003, which confirmed the gradual reorientation of the Russian federation to the East.<sup>2</sup>

The questions this article aims to answer are the following: Does the Russian Eastern Energy Policy (EEP) correspond to the widely shared perception that Russia uses its energy resources as part of its domestic and foreign policy goals? What is the role of Gazprom in the overall Russian EEP and to what strategy does it subscribe?

The goal here is to reveal Gazprom's behavioural patterns towards the Asian market and to find out to what extent Gazprom can be perceived as the government's tool. For this purpose, we have developed an ideal model grounded in the theoretical premises of realism—a so-called 'strategic approach.' The aim is not, however, to employ a case study to support or reject the premises of the model; rather, it is to apply the model to the work with a case study. To what extent does the case study correspond to the ideal type? This will allow for a comprehensive evaluation of the Russian EEP and, in a broader context, contribute to better understanding of a major actor's energy policies at the beginning of a new century, when, according to many, efforts to nationalise resources took place again.<sup>3</sup>

Major features of strategic behaviour and their manifestations in reality (indicators) found in Russian EEP are summarised in the table below. The strategic approach to energy security assumes that the social world consists of actors with fixed identities, whose interactions are driven by material structures (such as the distribution of natural

*Table 1.  
Features and  
Indicators of  
the Strategic  
Approach  
to Energy  
Security*

resources) that function as constraints or mediating forces. It considers energy security to be a crucial part of national security, and which economic growth and, consequently, political and military state power, substantially depend on. The state is the most important actor, which strives to secure its national interests using all aspects of its power and competes for relative gains with other actors in a zero-sum game. En-

<i>Feature</i>	<i>Indicator</i>
Energy resources perceived as strategically important and deserving special treatment	Resource nationalising efforts: asserting greater national control over production, transit routes and distribution - restrictions placed on influence of homeland and foreign private actors
Strong role of the state - state regulates economic activities in favour of its own interests	Russian state representatives actively supporting state-owned energy enterprises and their activities in a respective country
Relative gains – one’s gain is another’s loss (not favouring cooperation)	Efforts to gain majority in a market
	Efforts to eliminate competitive suppliers
Relying on bilateral relations/agreements	Preference of long-term bilateral agreements and/or take-or-pay type contracts
	Diminishing importance and influence of multi-lateral regimes
Emphasis on strategic issues (over economic logic)	Taking economically dubious steps in order to maintain a position in a market

ergy resources are therefore not considered traditional market commodities, but rather raw materials with strategic value, legitimate instruments of foreign policy with direct repercussions for the distribution of power in the international system. Energy resources are used as tools of the state (directly or through State Owned Enterprises – SOEs) to achieve specific domestic and foreign policy aims. A strategic understanding focused on a producer country would therefore expect a resource nationalist regime, where the government opts for state (as opposed to market-based) energy policies. The government exercises control over resource industries through selective policy interventions.

The economic costs of the strategy are not material as long as the strategy strengthens the state's energy security goals.<sup>4</sup>

## The Context: Sino-Russian Gas Supply Negotiations

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Before assessing the occurrence or absence of the strategic approach indicators defined above, a short overview will be given of the most important deals in the region—both realised deals and potential ones. To set the scene, and to illustrate the character of the Russian EEP and the role of Gazprom, we have chosen the case of Sino-Russian gas supplies negotiations, which is understood to be the foundation of Gazprom's major presence in the Asian gas market.<sup>5</sup>

As far as Russian gas supplies to China are concerned, the very first plans can be traced back to the 1990's. It was in that time when the idea of Kovykta deposit development, one of the largest undeveloped gas fields in the Irkutsk region in Eastern Siberia, was introduced. Through its 62 per cent stake in RUSSIA Petroleum, TNK-BP was the ultimate owner of the Kovykta field, and had long-term plans to export gas to China and possibly to South Korea.

However, the aim of the Russian state to gain control over the production and export of Russian Eastern Siberian and the Far East gas resources heavily influenced these plans. In line with Vladimir Putin's strategy to take control of the Russian energy sector (see below), Gazprom gained a majority in the most important gas assets in the region intended for export to the Asian market, including Kovykta in 2011. Moreover, the government authorised the implementation of the Eastern Gas Program (EGP) in 2007, thus exerting control over exports to China and other Asia-Pacific countries.

Because of different preferences and disputes over Kovykta's ownership between TNK-BP and Gazprom at the beginning of the 2000s – which were not resolved until 2011 – the option of a gas pipeline running from Eastern Siberia to China (eastern route) was shelved. Instead, Gazprom's potential alternative plan was the construction of the Altai pipeline from Western Siberia (the gas fields Urengoi and Nadym) to China's Xinjiang region (western route) (see map.) The question of gas imports has remained an ever-present subject of negotiation between China and Russia.

In May 2014 in Shanghai, after a decade of negotiations, Gazprom and CNPC finally signed a purchase and sales contract on gas supply via the eastern route pipeline. The plan envisaged the construction of

the Power of Siberia (PofS) pipeline, a unified gas transmission system from the Yakutia gas production centre (the Chayanda gas field), which should convey gas via Khabarovsk to Vladivostok, on the Pacific coast. A pipeline spur to China from the border point of Blagoveshchensk is part of the project. The Vladivostok LNG terminal is to be constructed at the end of the gas pipeline in the Khasan District of the Primorye Territory (see map). The terminal should comprise three production trains with an annual capacity of 5 mt/y each. With a length of 4000 km the PofS is expected to have an annual capacity of 61 bcm: 38 bcm is planned for China, 9 bcm for the domestic market and 14 bcm as an LNG to other Asian customers.<sup>6</sup>

Map 1. Eastern and Western Gas Pipeline Routes from Russia to China



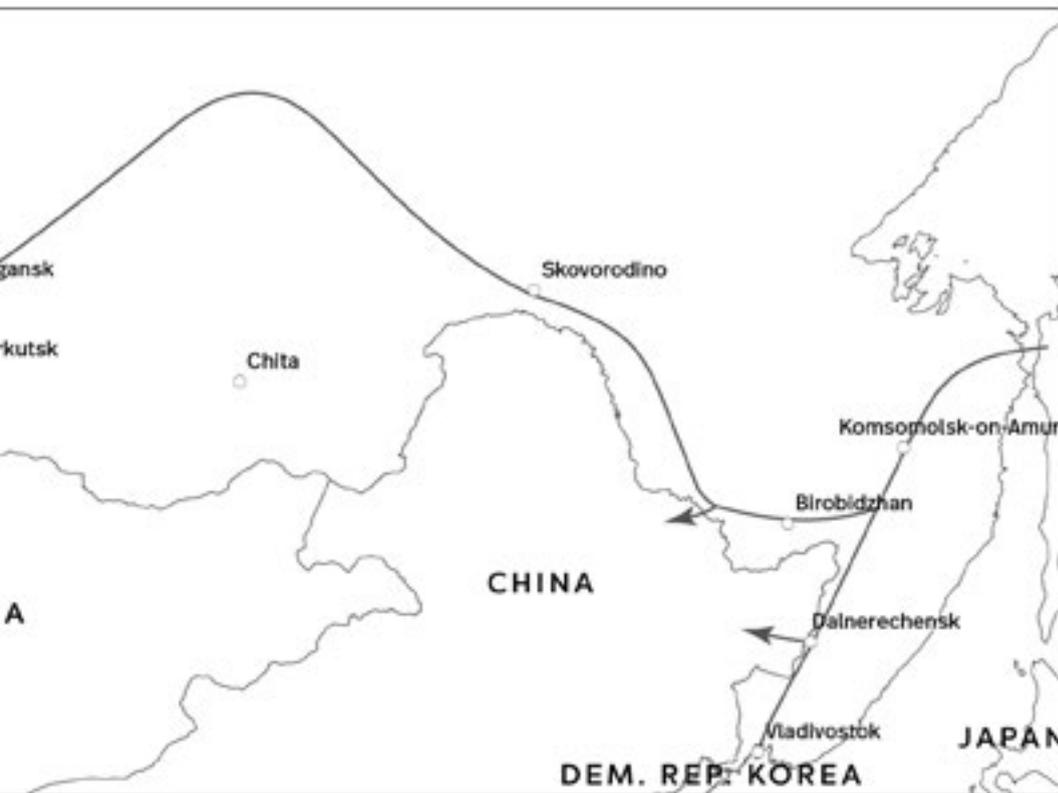
## Indicators Assessment

Based on the Russian EEP in general, and the case of Sino-Russian gas supply negotiations in particular, the presence or absence of the indicators stated in Table 1 is assessed. The outcomes of the research can be found below.

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### *Strong Resource Nationalism Evident in the Russian EEP*

There is strong empirical evidence of resource nationalism in the case of the Russian EEP. After Vladimir Putin's presidential inauguration, an effort was made to ensure strong state control over the distribution of



energy resources in the Russian territory and subsequently over the production, processing and transportation of oil and gas from Eastern Russia to Asian customers.<sup>7</sup> As Sevastyanov puts it: During his second term, Putin introduced his New Energy Policy (NEP) based on the following principles: a) diversification of customers; b) sustaining sovereign control over strategic decisions on oil and gas exploration and transit routes; c) signing long-term contracts with foreigners to develop Russian natural resources; and d) regulating foreign access to these resources.<sup>8</sup> As far as foreign investments are concerned, new legislation was approved and signed by Putin before his second term ended. According to law, any foreign purchase of a controlling stake in a state-owned or private company in strategic sectors, or a purchase of more than 10% in larger oil and gas deposits, are subject to approval by a governmental commission.<sup>9</sup> This signifies a limited role of foreign investors as minor partners in Russian state-owned companies.

As we can see in the case of the Russian EEP, in accordance with the new strategy the Russian state both restored its control over important oil and gas fields in the Eastern parts of Russia and significantly limited the operations of private domestic players and foreign international oil companies (IOCs). From 2004-2008, the Russian state managed to restore its majority ownership in Gazprom and gained control over about half of the oil industry. Control was established over important oil and gas fields in Eastern parts of Russia.<sup>10</sup> In most cases, the state did not directly acquire their ownership, but rather acted through its state-owned companies—Rosneft, Transneft and Gazprom.

Gazprom has gradually increased its dominant position in the development of Eastern Siberia and Far East energy resources and in the construction of major export projects at the expense of domestic and foreign private investors and with direct repercussions to the preliminary energy agreements between itself and prospective Asian customers. For example, in 2006 strong pressure was applied to one of the largest foreign investors in Russia—the Sakhalin Energy Investment Corporation (SEIC). Foreign investors were accused of environmental degradation and forced to pay fines and fees to cover the environmental costs of the production and export project to Sakhalin Island. Shell and the other foreign companies involved decided to renegotiate the ownership terms of the Sakhalin II LNG project and to sign a new protocol to the project agreement with Gazprom.<sup>11</sup> According to the April 2007 purchase and sale agreement, Gazprom acquired 50% plus

one share, while foreign investors decreased the number of their total project shares. By this acquisition, Gazprom entered the LNG business focused on the Asian market. The accusation of environmental degradation was recalled by publication of the Sakhalin II project environmental report in October 2007, stating that it ‘meets Russian and international regulatory requirements related to environmental and process safety.’<sup>12</sup>

Similar development occurred in the case of Kovykta’s gas field ownership in 2006. Russian regulatory agencies threatened to revoke the license for Kovykta (due to alleged adverse environmental impact and non-compliance with the terms of the license given to Russia Petroleum).<sup>13</sup> BP was forced, under pressure, to bring Gazprom into the project. Control over Kovykta became the subject of dispute between TNK-BP and Gazprom. In 2007, TNK-BP agreed to sell the gas field to Gazprom for 1 billion USD. However, due to the economic crisis and financial difficulties faced by Gazprom, the deal was never finalized. In 2010 the bankruptcy of Russia Petroleum, a TNK-BP subsidiary, was announced. In 2011, the company was auctioned off to Gazprom, which bid more than 700 million USD.<sup>14</sup> Special treatment occurred in case of the Chayanda gas field. In 2007, this field was added to Russia’s list of “strategic” assets, so, in 2008, Gazprom was awarded the rights to develop it without an auction.<sup>15</sup>

To summarise, Gazprom has gained a majority in the most important assets in the region intended for gas export to Asian market: small fields in the Krasnoyarsk region; the Chayandiskoye field in Yakutia; the Kovyktinskoye field in the Irkutsk region; the Sakhalin II and Sakhalin III projects (with promising production from the Kirinsky bloc); and fields on the west coast of the Kamchatka peninsula (see map). Moreover, in September 2007, the company was authorized by the government to implement the state-run ‘Development Program for an integrated gas production, transportation and supply system in Eastern Siberia and the Far East’ (Eastern Gas Program – EGP), and thus also to oversee the export of gas to China and other Asia-Pacific countries.<sup>16</sup> By gaining assets and securing a monopoly on export, Gazprom has built a strong position to fulfil governmental energy policy goals in Eastern Siberia and the Far East, often to the detriment of domestic and foreign private investors.

As far as the activities of Asian companies in Russia are concerned, China has been rather unsuccessful in terms of obtaining equity share

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in the gas sector, despite diplomatic activities of China's political leadership and the growing cooperation between Chinese and Russian NOCs in last decade.<sup>17</sup> This was in contradiction to what China achieved, for example, in Turkmenistan.<sup>18</sup> Obviously, if China could obtain equity gas in Russia, it would be very much welcomed by China's NOCs.<sup>19</sup> Due to Gazprom's policies however, Chinese national energy champions failed to obtain any assets in the Gazprom-owned fields. One possible explanation of why China has been rather unsuccessful in acquiring stakes in the Russian gas sector derives from the aforementioned principles of Putin's NEP. Moscow will give foreign investors limited access to its major deposits only in exchange for allowing Russian companies access to foreign pipelines and retail networks.<sup>20</sup> However, the idea of opening its own gas sector to Russian investment was not viewed favourably in China, even if Gazprom would have shown interest in investing in the Chinese gas network, natural gas treatment plants, and power generation.<sup>21</sup> Although cooperation negotiations were held also with other Asian countries, mainly Japan, the only example of a reciprocal agreement is that of Vietnam. The joint companies Gazpromviet and Vietgazprom were established to pursue exploration and production activities in Russia and Vietnam, respectively.<sup>22</sup> The fact that this is the only case that has resulted in a joint partnership indicates that Russia is probably open to cooperate in partnerships, though only with countries over which it has political and economic superiority.

### *Russian Representatives Actively Involved in EEP Implementation*

Russian state representatives have been heavily involved in Gazprom's Eastern energy strategy, development and implementation. It is apparent when we compare Gazprom's behaviour in the 2000's, when it mostly followed its own agenda – which differed in many respects from the Eastern strategy asserted by Putin – and the situation after 2012, when strong pressure was put on the company to proceed with the EGP and to conclude the gas deal with China.

Around 2004, when the Russian Eastern dimension strategy was being articulated, Gazprom's reasons for not focusing on prospective Eastern customers were basically twofold. Firstly, it did not possess the assets in Eastern Siberia crucial for supplying potential customers in Eastern markets (see above). Secondly, it was against Gazprom's preferences. At that time, Gazprom was more interested in building

export pipelines and joining projects that were already underway than in commissioning new fields. Thus, when Gazprom was designing the EGP and studying different options for developing the region, it chose the cheapest alternatives with minimum export risks.<sup>23</sup> Gazprom's low-cost strategy can be illustrated by several examples. It planned to preserve the Kovykta gas field from 2015 until 2020 and the Chayanda gas field until 2030. If a gas pipeline from Kovykta would be built, Gazprom intended it to be constructed westward, as its priorities were to ensure continuation of supplies to its major customers in Europe.<sup>24</sup> Gazprom considered an alternative plan to supply China: the construction of the Altai pipeline (western route) from Western Siberian gas fields to China's Xinjiang region. This pipeline would mean an extension of the existing pipeline infrastructure in Western Siberia southwards to the short Sino-Russian border between Kazakhstan and Mongolia (see map). The Altai project would allow Gazprom to re-allocate more gas to China in case the demand in Europe decreased, thus effectively connecting the two markets. This project would give Gazprom swing supplier status.<sup>25</sup> Only in 2011, when the Kovykta's gas field ownership was effectively resolved, was it conceded that gas might be imported into China not from Western, but from Eastern Siberia—from the Kovykta or Chayanda gas fields.<sup>26</sup> Gazprom was also unwilling to close gas deals which would not bring an adequate profit. It insisted on linking the price of potential gas supplies to China with the profits generated in Europe (see below). As China was not willing to accept the price, negotiations were stuck.

However, since May 2012, when Vladimir Putin was re-elected Russian president, strong governmental pressure has been on Gazprom to make progress in Sino-Russian gas supplies negotiations. During his final address to the Russian Duma in April 2012, and many times later, Putin mentioned US shale gas production, which might substantially change supply and demand patterns on a global scale. As Putin put it: 'Our country's energy companies absolutely have to be ready right now to meet this challenge.' He said that Russia must be prepared for 'any external shocks' and 'a new wave of technological change' that was 'changing the configuration of global markets.'<sup>27</sup>

Putin was convinced that Sino-Russian cooperation in the gas sector could help Russia establish its position in Asian markets and successfully face changing geopolitical conditions. Ahead of Putin's state visit to China, Putin said: 'Our [Sino-Russian] joint projects have a big

impact in shaping the global energy market's entire configuration.'<sup>28</sup> In an official press statement following Sino-Russian talks, Putin claimed that Russia was 'ready to intensify the program of cooperation between the Russian Far East, Eastern Siberia and Northeast China.' According to Putin: 'Agreements in the energy sphere are being implemented with significant progress.'<sup>29</sup> A similar statement was made in Putin's speech at the St. Petersburg International Economic Forum, in June 2012: 'We will substantially expand the energy sector's resource base over the coming years, with offshore development of new oil and gas fields, including the ones in Eastern Siberia, Yamal, and Sakhalin. We are developing infrastructure and building a series of new energy transport routes, including routes that will supply the Asia-Pacific region countries.'<sup>30</sup> Apparently, there was no lack of political will to proceed with the EGP at the beginning of Putin's third presidential term.

Following official proclamations, further negotiations between senior Gazprom and CNPC representatives were held in May 2012, and again in July and September of that year, to discuss terms and conditions of Russian gas supplies to China.<sup>31</sup> However, despite the optimistic proclamations of Russian political leaders, the biggest obstacle for practical implementation of Sino-Russian gas cooperation—disagreements over price—persisted.

In October 2012, a new Presidential Commission for Strategic Development of the Fuel and Energy Sector and Environmental Security (the Commission)—established a few months earlier with Putin as chair and Gazprom CEO Alexey Miller as one of the Commission's member—met for the first time.<sup>32</sup> At the meeting, Putin again admitted that changing conditions in international gas markets are not favourable for Russia: 'European countries are working to create a common gas market ... There is tough competition among gas exporters ... In the US, new technology is used to increase the cost-effectiveness of shale gas production [...] an important global trend is the growth of trade in LNG.' Taking this into consideration, Russia has to be 'very prudent in its actions and at the same time very flexible.'<sup>33</sup>

The perceived need for flexibility and a quick response most likely led to the political push Gazprom received from the country's leaders. At a Presidential commission meeting in October 2012, Gazprom was asked to 'conduct the necessary analysis and report on the main principles of its gas export policy.' The Energy Ministry was asked to make adjustments to the gas industry development plan until 2030 and the EGP, and a report on the results to the Commission.<sup>34</sup>

A working meeting with Gazprom CEO Miller followed the same month, where Putin again urged Gazprom to proceed with EGP implementation.<sup>35</sup> Putin described the Chayanda and Kovykta as fields of international importance in terms of their reserves, and reminded Gazprom about the previous agreement that stated: ‘Once the work there begins, we [Russia] will carry out our plans to develop new transport possibilities.’ Putin stressed that Asia-Pacific focused export centres should be set up and LNG exports established. In his response, Miller assured the president that the Chayanda, Kovykta and Krasnoyarsk centres would be developed as well as a pipeline from Yakutia to Vladivostok via Khabarovsk. Soon afterwards, Gazprom officially announced a final investment decision about the establishment of a large gas production centre in Yakutia and a pipeline running to Vladivostok (named “Power of Siberia” based on a public contest in December).<sup>36</sup>

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Surprisingly, the decision made no mention of a spur to China (see map). Negotiations regarding the LNG terminal in Vladivostok and co-operation on the Sakhalin II LNG project were held between Gazprom and its Japanese counterpart instead.<sup>37</sup> This led to discussions about the commercial logic of the project without the participation of China.<sup>38</sup> Also, in 2013, Putin intervened in the development of the Eastern Siberia and Far East projects. Interestingly enough, the first official visit made by newly elected Chinese president Xi Jinping was to Moscow in March 2013. In the press statement following the Russian-Chinese talks, ‘breakthrough agreements’ on additional oil supplies, pipeline construction and the import of the Russian LNG were announced.<sup>39</sup>

Another memorandum of understanding (MofU) between Gazprom and CNPC followed, regarding cooperation in pipeline gas deliveries to China via the eastern route.<sup>40</sup> However, the price of exported gas remained a problem.<sup>41</sup> A final deal was held up by Gazprom’s determination to match the returns it made on European deliveries. Gazprom remained reluctant to accept any price formation mechanism that would lead to lesser profits, suggesting that it still hoped for parity with its European oil-linked prices.<sup>42</sup> In June 2013, Gazprom even suggested it would rather make no agreement with China and abandon the Power of Siberia project than to do an unfavourable deal—again preferring its economic interests.<sup>43</sup>

In the presence of both presidents, a deal defining the volumes, start of deliveries, payments, take-or-pay amendment and other issues was signed in September 2013, leaving the question of price as the last thing to agree on.<sup>44</sup> A plan to sign the final supply deal by year-end was an-

nounced. However, despite the fact that in October 2013 the parties seemed to reach final agreement on the price formation mechanism, the deadline of final agreement was postponed until Putin's visit to China scheduled for May 2014;<sup>45</sup> the contract was finally signed after more than ten years of mutual talks. Once again, the personality of the Russian president played a strong role in pushing the negotiations ahead. As Putin said in reply to journalists questions following a visit to China: "Through mutual compromises we managed to settle on contract terms which satisfy both sides."<sup>46</sup>

Which particular compromises were made when the Sino-Russian gas deal was signed in May is a matter of speculation. What is apparent is Putin's determination to both finalise a gas supply deal with China and put pressure on Gazprom to proceed with its practical implementation. Putin's speech at a meeting of the Commission, which took place in early June 2014, confirmed this assumption. According to the president, Russia had to build the necessary infrastructure, which will bring its gas exports to the Asia-Pacific region. The government and the Ministry of Finance should look into the possibility of 'topping up Gazprom's capitalisation to the cost of the new infrastructure construction.' Putin expressed his belief that the contracts are long-term and will definitely pay off in the future and that this kind of practice would enable Russia to cement its position in the biggest and fastest-growing world markets.<sup>47</sup> This reasserts a strong political will to implement the country's Eastern energy policy goals, even if commercial logic of particular projects is debatable, at least in the short or mid-term. The government is willing to support Gazprom with a long-term vision of many benefits the Eastern gas programme could bring. As such, an indicator presuming Russian state representatives involved in energy policy implementation, influencing and supporting state-owned energy companies definitely has to be confirmed in the case of the Sino-Russian gas supplies negotiations.

On the other hand, the relationship between Gazprom and the Russian government is not one-sided. The above mentioned concessions (together with other financial incentives the project will most probably get) also point to Gazprom's influence upon the government and the company's determination to negotiate some relief in exchange for the not-so-favourable deal concluded with China. As the next research outcomes reveal, in its strategies, Gazprom not only reflects governmental interests, but also flexibly adjusts its conduct based on the op-

portunities and obstacles present in both domestic and international markets.

### *Gazprom is Determined to Limit Competitive Suppliers and Keep a Majority in the Market*

*Is Gazprom Pushing East?*

The objectives of Gazprom are to restrict manoeuvrability of competitive suppliers, keep its dominance inside Russia and gain strong presence on the Asian gas market. This is apparent from several changes Gazprom made to its export strategy in 2014 and early 2015.

Before the Sino-Russian gas deal was signed (May 2014), two other Russian companies had planned to develop major LNG projects focusing on sales to the Asian markets—Rosneft with the Sakhalin I. project and Novatek with the Yamal LNG. These projects gained political support at the end of 2013, when the Russian government discontinued Gazprom's monopoly over LNG exports, which it had held since 2006.<sup>48</sup> Whereas Gazprom's monopoly on pipeline gas export remained untouched, an enacted amendment package to the Gas Export Law enabled Rosneft and Novatek to launch their LNG projects. Ultimately, this meant that if Gazprom failed to penetrate the lucrative Asian market in the next few years, it would soon face competitive supplies from independent producers as well as the Russian state-owned oil company.<sup>49</sup>

Taking into account the growing governmental support for its rivals, Gazprom stepped up to show its determination to keep its dominant role in the East. Soon after the new law on LNG exports took effect, Gazprom revived the idea of the Sakhalin II LNG plant expansion. Gazprom had opposed this idea for a long time and rather preferred its own LNG terminal planned in Vladivostok.<sup>50</sup> In February 2014, however, Gazprom and one of its project partners, Shell, signed a memorandum-roadmap for the third train of Sakhalin II LNG project.<sup>51</sup> Later, Gazprom's Board of Directors even declared the LNG market to be one of the company's core businesses.<sup>52</sup> Thus we may assume that governmental pressure, together with alternatives developed by its domestic rivals, pushed Gazprom to give more attention to various export possibilities, including LNG.

However, in the autumn another shift in Gazprom's export strategy was announced. In September 2014, at a meeting between Putin and Gazprom's CEO Alexey Miller, the western route to China was dis-

cussed. Gazprom declared that this option was even easier to build and operate than the eastern route, as it uses the existing gas transmission system in Western Siberia and there is no need to build new gas chemical or gas processing facilities, which are largely missing in the East. Miller praised the potential of this pipeline, as it could easily and quickly raise the volume of gas exported to China.<sup>53</sup> In October 2014, Gazprom announced that it was ready to consider the possibility of pipeline gas exports to China as an alternative to the Vladivostok LNG project,<sup>54</sup> and at the end of the year the Gazprom Management Committee again promoted this route as an alternative option for gas supplies to China.<sup>55</sup> A framework agreement on gas supplies via the western route was signed with CNCP as part of the APEC summit in Beijing. Under the agreement, Gazprom will transmit natural gas to China for 30 years with gas deliveries gradually increasing to 30 bcm/y.<sup>56</sup>

As Gazprom is more experienced in building pipeline infrastructure than LNG export facilities, it is not surprising that it revisited negotiations with China about the western route, once the deal on export via the eastern pipeline was concluded in May 2014. However, there were also other factors, which most probably led to changes in its export strategy. Reconsideration of the LNG projects could be also ascribed to anti-Russian sanctions (the first round imposed in March 2014) that might complicate Gazprom's subsidiaries to gain key technologies and components as well as necessary funds from western banks and investors. With limited financial resources, pipelines to China have been given priority. Moreover, the US and the EU sanctions hit Gazprom's domestic competitors as well as their alternative LNG projects. Novatek was included in the US sanctions based on Gennady Timchenko's stake in the company. Rosneft, under Igor Sechin, was added to the US sanctions list in July and to the EU list in September 2014, which has ultimately limited its access to capital markets and according to some, could affect the company's development plans in Siberia.<sup>57</sup> The changing situation thus influenced Gazprom's relative position on the domestic market with likely consequences to its reconsideration of export strategies. Consequently, the LNG export option has not been entirely abandoned; it is nevertheless apparent that they have not been given priority. In February 2015, more than a year after a MoU with Shell was signed, Gazprom presented nothing but vague proclamations that it intended to construct new LNG plants and that it considered the possibility of a Sakhalin 11 plant expansion.<sup>58</sup> Uncertainty engulfs the

Vladivostok LNG project as well. In addition, the character of gas deals signed with China clearly demonstrates Gazprom's preference for bilateral long-term agreements and take-or-pay type contracts with its customers, confirming the presence of the assessed indicators.

*Table 2. Changes in Gazprom's Export Strategy in 2014 and Early 2015*

<i>Date</i>	<i>Event</i>
December 2013	Gazprom's monopoly over LNG exports discontinued Gazprom approves long-opposed idea of Sakhalin II LNG expansion
March 2014	LNG market declared one of the company's core businesses First round of anti-Russian sanctions imposed/impact on Gazprom and its domestic competitors
Autumn 2014	Pipeline gas export to China announced as alternative to the Vladivostok LNG, Framework Agreement on gas supplies via the western route signed with CNPC
May 2015	Heads of Agreement for gas supply via the western route signed with CNPC, Uncertainty engulfs Gazprom's LNG projects

## **Taking Economically Dubious Measures to Maintain a Market Position**

The presence or absence of the last indicator is hard to evaluate, as details of the Sino-Russian gas deal have not been publicly disclosed. Nevertheless, we can conclude that Gazprom preferred long-term goals over short and mid-term benefits, based on general characteristics of the Power of Siberia project and from what has been made public.

For many reasons, the PofS pipeline is not a project which would bring Gazprom easy money. Firstly, the exploration and production in East Siberia and the Far East is not an easy task, largely because of the harsh climatic and geological conditions in these areas. Basic infrastructure is largely missing. The major gas fields in Irkutsk and Yakutia are rich in resources valuable to the chemical industry. Therefore, in

addition to the construction of the fields, it is necessary to establish chemical enterprises and maintain storage facilities, which further increase initial costs.<sup>59</sup> All of these contribute to the fact that the PofS is a very expensive project, even for a company such as Gazprom. Its price was estimated to be around 55 or 60 billion USD when the Sino-Russian gas deal was signed; however, changing conditions (anti-Russian sanctions, devaluation of the rouble, etc.) could cause the final price to become even higher.

Secondly, the gas price finally provided to China is most likely a compromise between what was preferred by Gazprom and what was achievable under the current circumstances (governmental pressure, domestic and foreign competition, etc.). Whereas Gazprom had been determined to match the price for China with the returns it made on European deliveries (see notes), which, according to many, made economic sense,<sup>60</sup> the final gas price level that was agreed on is most likely more favourable to China and brings less profit to Gazprom. The result is that most of the financial analyses available found the project barely profitable<sup>61</sup> whereas other, more optimistic, assessments from the end of 2014 expected a relatively low level of return compared to what is usually expected.<sup>62</sup>

Finally, Gazprom's financial situation is pressing. The sanctions against Russia, limited funds from Western banks and investors and a sharp decrease in oil prices—which were half the price in 2015 compared to May 2014—led to speculations on whether Gazprom will be able to proceed with the project<sup>63</sup> if it will be postponed (and the western or another route from the Far East will be built first), or if it will be abandoned, as in case of the South Stream pipeline. Despite such difficulties, the PofS project is a flagship in establishing a Russian (Gazprom) position on the Asian market. From the Russian perspective, it makes sense to take advantage of huge, yet untapped, East Siberian gas resources for both internal and external reasons. If Gazprom manages to develop these resources in a timely manner, and proceed with infrastructure build-up, it can find an opportunity to grow and will have a new source of income in Asia in addition to the important, but stagnating, European market. If Gazprom manages to deal with extraordinary costs in launching its Eastern exports, the EGP could bring long-term returns by adding new export markets to the company's portfolio. This would also consolidate Gazprom's position in the domestic market vis-à-vis its competitors. By the time of writing this

article, Gazprom had given many public assurances that it would fulfil its obligations regarding the PofS.<sup>64</sup> The likely implementation of the project is also supported by the fact that in June 2015, CNPC launched the construction of the Chinese section of the gas pipeline.<sup>65</sup>

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## Conclusion

The assessment provided above has revealed that the Russian Eastern Energy Policy largely corresponds with the strategic approach to energy security. One distinctive feature of this policy includes strengthening the role of the state in the energy sector through its state-owned energy companies. During Putin's second term in office (2004-2008), Gazprom gradually gained a majority in the most important gas assets in Eastern Siberia and the Far East intended for export to Asia. In 2007, the company was authorised by the government to implement the state-run Eastern Gas Program. Strong resource nationalism is apparent. The legislation is not favourable to foreign investments and Gazprom has not invited partners from abroad to joint development of its fields (there is only one exception in the case of Vietnam, where Gazprom has a clearly superior position, and is therefore not afraid to give up a minority stake in the asset). When foreign companies had some stakes, their participation was intentionally diminished down after 2004. The Russian government also significantly interfered in Gazprom's external energy policy, especially after Putin's re-election in 2012. It can be assumed that pressure from the government was one of the factors that contributed to the conclusion of a long-awaited gas deal with China in May 2014.

However, Moscow's policy framework is not the only factor which will affect the future actions of the company. Furthermore, Gazprom cannot be considered merely an instrument that the Russian government uses to reach its political goals. During negotiations on gas supplies to China, Gazprom insisted on economic rationale to be maintained in the deal. It repeatedly demonstrated its determination to gain an adequate profit from the project (reasonable gas prices). The compromise solution, which was most likely eventually reached, and that is probably more favourable for China than for Gazprom, cannot be considered merely the result of political pressure on Gazprom from the Russian government. The company also took into account its position vis-à-vis its rivals in the domestic and international markets, con-

sidering potential negative consequences in case of loss of future markets, if negotiations with China would be unsuccessful, and vice versa, the possibility of future growth and profits that exports to the East could bring. Several changes in Gazprom's export strategy, which were observed in 2014 and in early 2015, indicate that the company flexibly adjusts its steps based on opportunities and obstacles in the domestic arena and regional gas markets, and carefully monitors its relative position searching for optimal solution. This brings us to the conclusion that despite the usual assessment of the Russian EEP as being driven solely by governmental domestic and foreign policy goals, Gazprom's own interest must also be taken into account.



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# The Implementation of Sanctions Imposed by the European Union

## A Comparison of the Czech and Slovak Republics' Compliance

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This study focuses on the Czech Republic and the Slovak Republic, two countries which do not carry out autonomous sanctions, but are, nevertheless, obliged to implement sanctions adopted by international organisations because of their membership commitments. The study explores the fulfilment of their commitments to sanctions policy arising from the membership in the EU. Theories of compliance are deployed and two phases needed for proper implementation of EU norms are analysed—at the stage of transposition of legislation introducing formal compliance and at the stage of practical implementation discussing behavioural compliance. This work seeks to determine the two countries' levels of conformity or the differences between them in this respect during their implementation of sanctions imposed by the EU by comparing their legislative (formal compliance) and institutional/administrative tools (behavioural compliance). The differences between the analysed countries are considerable both in temporal variations of transposition and in quality of practical implementation.

*Keywords: Sanctions Policy, Formal Compliance, Behavioural Compliance European Union, Czech Republic, Slovak Republic*



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## Introduction

Both the Czech Republic and the Slovak Republic have certain general characteristics of small states in terms of their environmental behaviour, which is the basic presumption and starting point for their comparison here. From empirical observations, it is evident that small countries usually emphasise the principles of international law and other moral criteria when dealing with other countries; rely on multilateral obligations and enter into cooperation in multilateral international organisations; employ diplomatic and economic tools instead of military actions; etc.<sup>1</sup> These selected characteristics are fully reflected in the sanctions policies of small countries—on an international scale, small countries do not use international sanctions as an autonomous tool of their foreign policy, but as an obligation arising from their membership in international organisations.<sup>2</sup>

Small states, given their characteristics, usually have a limited role in decision-making as regards the imposition of sanctions within international organisations. Even though it deserves research within the field of political science, we generally accept this statement and have focused only on the implementation mechanism of sanctions. Exploring small states' implementation of sanctions is a worthy activity because these sanctions can significantly contribute to the smooth implementation of international multilateral sanctions, thus, in the long run, to international security.

Not only do both the Czech and Slovak Republics rank as small states, but some of their other characteristics are also similar—both are located in Central Europe and for decades have shared the same history. They also made similar pre-accession preparations for their membership in the EU, which they joined in 2004, and both transferred most of their competencies concerning adoption of sanctions to the transnational decision-making level. Thus, we began our research with the presumption that the differences between the countries concerning their compliance with European sanctions policy would be minimal. Surprisingly, we found that the two countries' levels of compliance differ significantly.

This text serves as a pilot study for a broader future project which will focus on the comparison within the V4 group where all members belong to the EU. Since there are noticeable differences in the implementation processes between the Czech and Slovak Republics, we have focused our attention on the other members of the V4 as well (Po-

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land, Hungary) and we have gathered that there are many differences across all V4 countries. Thus, this study also establishes the research framework and analytical tools for more complex research in the field of compliance with EU sanctions policy.

In order to gain a deeper insight, we focus on the two countries' pre- and post-accession periods to precisely identify differences. It appears that conditionality of EU accession significantly influenced formal compliance in the pre-accession period, while its importance for behavioural compliance was almost null, even in the pre-accession period. The transposition of legislation (formal compliance) requires political will at the level of political elites and conformity across political parties; the enforcement and application of legislation (behavioural compliance) demands establishing proper bureaucracies, including actors and processes covering coordination, monitoring and enforcing mechanisms and having sufficient administrative capacity. Focusing on these factors helps to explain differences in the implementation of sanctions.

This work deals with a wide range of targeted sanctions tools with an emphasis on economic sanctions, which belong to the most frequently used (and studied) sanctions.<sup>3</sup> The first part of the work introduces the theoretical framework for our analysis, thus contributing to the broader debates concerning compliance with international norms<sup>4</sup> and following the recent scholarly literature dealing with post-communist EU states generating a considerable gap between relatively good formal transposition of EU norms and deficient practical implementation.<sup>5</sup> Focusing on so-called new democracies only (or new member states within the EU), we have challenged the current discourse by the finding that there are differences not only between old and new democracies (or old and new member states), but also among the new democracies, at least when analysing sanctions implementation. Building on previous research, we have distinguished formal compliance from behavioural compliance:

1. Formal compliance detects the extent to which national legislation meets various requirements of compliance with international (European) obligations; we consider international sanctions norms to be legally implemented at the moment the respective national legislation enters into force;
2. Behavioural compliance includes both enforcement and applica-

tion enabling the real implementation of international sanctions measures at the national level; we employ recommendations introduced by international forums (the Bonn-Berlin, Interlaken and Stockholm processes) for the effective implementation of multilateral sanctions, as we focus primarily on the quality of legislative prerequisites for real implementation.

Our qualitative case studies rely on previous scholarly research, relevant legislation, parliamentary discussions and expert interviews with administrators (the Financial Analytical Unit of the Ministry of Finance of the Czech Republic, the Ministry of Foreign Affairs of the Czech Republic, the Ministry of Finance of the Slovak Republic and the Ministry of Foreign and European Affairs of the Slovak Republic).

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## Compliance with International and European Norms

The article builds on compliance with international norms, which in general means that states that are members of international organisations behave in accordance with their obligations. Compliance with international norms commonly requires the implementation of new laws and capacities at the domestic level—in other words, the adoption of relevant national legislation, the building of institutional capacities, specification of enforcement rules, etc.<sup>6</sup> Even though the EU is one of the influential norm-setting actors, it does not specify an exclusive method for the implementation of sanctions. Therefore, this work closely focuses on the specifics of compliance with European norms from the perspective of member states.

A coherent compliance theory still has not been firmly established.<sup>7</sup> Nevertheless, we demonstrate that for proper implementation of sanctions norms it is not enough to examine only relevant international norms in national legislation. Although EU regulations directly affect EU member states, which must implement them, analysing formal compliance is important because legislation provides member states with a set of tools and processes which are necessary for proper implementation. Analysing the shape of adopted legislation contributes to a deeper understanding of subsequent implementation. And although formal compliance is necessary, it is not the only precondition for a proper and timely implementation, as it may turn to dead letters in the stage of practical implementation according to classification pro-

vided by Falkner and Treib.<sup>8</sup> Reaching complete implementation of EU norms means achieving success in enforcement and application (see Table 1).

Source:  
adjusted  
according to  
Gerda Falkner,  
Elizabeth  
Holzleitner  
and Oliver  
Treib (2008),  
*Compliance in  
the Enlarged  
European  
Union. Living  
Rights or Dead  
Letters?*, Farn-  
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p. 8 and Kal  
Raustiala and  
Anne-Marie  
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Carlnaes,  
Thomas Risse  
and Beth A.  
Simmons (eds.)  
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of International  
Relations*,  
London: Sage  
Publications,  
and taking  
into account  
our previous  
research.

EU	Member states		
Decision-making process ↓ Text of Directive	Implementation of EU norms		
	Transposition (formal compliance)	Enforcement (behavioural compliance)	Application (behavioural compliance)
	Administration Government Parliament Interest groups	Administration Courts	Norms addressees (administrations, enterprises, etc.)
	- political will - conformity across political actors	- establishing bu- reaucracies (actors and processes) for coordination, moni- toring, enforcement	- awareness - performance of duties
	Monitoring and enforcement by Commission		

Table 1. Stages and actors of the implementation process of EU norms

The EU's membership conditionality has been perceived as a highly effective means of influencing candidate countries.<sup>9</sup> However, the impact of EU accession conditionality came to an end soon after expansion in 2004, leaving the question of 'why the formal adoption of EU rules has led, in some cases, to real institutional and policy change and in other cases to reversal or neglect.'<sup>10</sup> It is clear that behavioural compliance in the phase of practical implementation should be supported by other incentives, this time representing internal ones such as existence of enforcement agencies, court systems which are well-organised and equipped with resources to fulfil their tasks as well as sufficient administrative and bureaucratic capacity including institutional rules, civil service systems and financial resources.<sup>11</sup> Thus, institutionalisation of previously adopted EU rules plays a crucial role in reaching behavioural compliance. This is why we have sought to explain the lag in behavioural compliance during the post-accession period mainly in terms of the quality of these internal institutions and processes.<sup>12</sup>

For analysing behavioural compliance, we focused on the nature and quality of national sanctions legislation, especially general enabling acts which should facilitate the direct applicability of European legislation. We tested them using the measures recommended by a series of conferences aimed at more efficient application of sanctions—the Bonn-Berlin, Interlaken and Stockholm processes<sup>13</sup>—based mainly on competent administrative actions. The recommendations include a set of criteria which should be adopted by member states putting sanctions into practice in order to provide proper and timely implementation:

1. a general authority to implement sanctions without engaging a legislative process for each sanctions decision at the international level
2. mechanisms for coordination of activities of authorised state bodies
3. information dissemination to nationals who shall respect the sanctions provisions and advice by carrying out a proper implementation
4. mechanisms of monitoring compliance
5. penalties in administration and criminal law

Through legal review, we examine whether the recommendations are respected in the sanctions practice in both countries, and we reveal gaps between good legislative compliance and deficient practical application. Empirical consequences of deficient practical application support our findings in cases in which they were either publicly accessible or could be acquired from relevant authorities.

## Formal Compliance with European Sanctions Norms

The search for appropriate Czech and Slovak legislation that would enable the proper implementation of international multilateral sanctions measures started immediately after the Velvet Revolution in 1989. In the early 1990's, the sanctions policies of both countries were mostly defined by their membership in the UN; however, from the second half of the 1990's, they publicly declared their interest in acceding to the EU. Hence, they recognized the obligations which arose from this potential membership and the related endorsement of the *acquis communautaire* in the pre-accession period. The two countries' national legislation that was valid at the time (before the break-up of Czecho-

slovakia), had similar qualities, since the national legislation was that of the common Czechoslovak state based on their shared past. Sanctions (not only) of an economic nature were implemented by the Ministry of Foreign Trade, which issued legislative decrees and resolutions, although they were used only rarely, as only two were introduced. However, after the break-up of the Czech and Slovak Federal Republic on 01 January 1993, differences in the two countries' formal and (especially) behavioural compliance became increasingly evident.

### *The Czech Sanctions Policy—Formal Compliance*

In the first years of its independence, the Czech Republic attempted to implement sanctions which were binding for the country on the basis of its UN membership, through individual pieces of sanctions legislation (for example, Act 113/1990 Coll.,<sup>14</sup> which newly regulated the terms and conditions of international trade or Act 38/1994 Coll.,<sup>15</sup> on licensing the trade in military supplies), and on the basis of governmental regulations and ministerial decrees. During the implementation of sanctions in the 1990s, the reality was such that the Czech Republic adopted standards implementing sanctions obligations with a considerable time delay. The most striking example of its formal non-compliance with international obligations in this period concerned the implementation of sanctions imposed by the United Nations Security Council (UNSC) against Libya.<sup>16</sup> The sanctions had been implemented through Resolution 748 (1992),<sup>17</sup> but in the Czech Republic the adoption was delayed by five years. The implementation gap was primarily caused by Czech politicians who held back the sanctions, as they did not want to jeopardise the ongoing Czech-Libyan negotiations on debts from Czech Republic's socialist past. This example proves that conformity among political actors is a decisive factor in achieving formal compliance.

As is evident, the Czech Republic's sanctions policy, which was based on the adoption of individual acts, was quite inadequate. In 1999, the Ministry of Foreign Affairs of the Czech Republic initiated a general enabling act that would enable the government to introduce sanctions through government regulations. During parliamentary debates, Egon Lánský (then the Deputy Prime Minister) expressed concern that if the Czech Republic was not able to implement the sanctions in question, it could damage its credibility as a candidate for membership in the

EU.<sup>18</sup> With an emphasis on speeding up the legislative process and responding efficiently to EU law, the bill was passed by the Chamber of Deputies in April 2000.<sup>19</sup>

By acceding to the EU in 2004, the Czech Republic accepted the duty of complying with already-adopted or newly-adopted EU legislation that had a direct effect in all membership countries. There were several administrators of sanctions legislation. Therefore, during the negotiations preceding the accession to the EU, the Financial Analytical Unit (FAU) of the Ministry of Finance (FAU originated on the basis of Act 61/1996 Coll., on measures against legalisation of proceeds from criminal activities)<sup>20</sup> was appointed to be the central administrator of the majority of the existing regulations that the EU employed to impose international sanctions.<sup>21</sup> Such a step proved to be helpful for reaching formal compliance as this unit identified the insufficiencies of current legislation and proposed a new legislation bill that was passed as Act 69/2006 Coll., on implementation of international sanctions on 01 April 2006.<sup>22</sup>

In accordance with previous experiences and shortcomings, the law passed smoothly through the decision-making process in the Chamber of Deputies. The then Deputy Prime Minister Bohuslav Sobotka stressed during parliamentary debates that the implementation of international sanctions had been insufficiently covered in our legal system, and that the draft mainly fulfilled the duties arising from Czech Republic's membership in the EU and from the existence of the European Common Foreign and Security Policy.<sup>23</sup>

The general enabling act, Act 69/2006 Coll.,<sup>24</sup> covers nearly all obligations arising from EU membership; however, it does not address the issue of when terrorists have citizenship in one of the membership countries. Consequently, membership countries have had to reflect this issue in their own legal regulations. In 2008, the Czech Republic adopted respective regulation (210/2008 Coll.<sup>25</sup>; the current version is the Government Regulation 88/2009 Coll.,<sup>26</sup> dated 16 March 2009). This ensured formal compliance with the joint approach and, in fact, with the entire legislative system of sanctions policy.

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### *The Slovak Sanctions Policy—Formal Compliance*

After the break-up of the Czechoslovak Federation, Slovakia implemented international economic sanctions through bylaws (decrees

and resolutions) until 2002, when Act 42/1980 Coll. on economic relations with foreign countries<sup>27</sup> became the legislative basis. Instead of initiatives that would lead to the adoption of either general enabling standards or (at the least) individual reception standards, the Ministry of Economy strictly limited itself to publishing informative lists, including the regimes of sanctions.<sup>28</sup> The Ministry of Economy assumed the competence of the (now-defunct) Federal Ministry of Foreign Trade to implement sanctions, even though some types of sanctions were not within its authority (for example, the Ministry of Foreign Affairs implemented diplomatic sanctions).

In this period, Slovakia tried to promote its pro-EU orientation and strong interest in EU membership; however, Vladimír Mečiar's regime (1994–1998) failed to meet the criteria for rapid EU membership, and thus Slovakia was in a more vulnerable position compared to the Czech Republic.<sup>29</sup> The transposition of legislation requires political will at the level of political elites and conformity across political parties; however, both conditions had been weak in Slovakia at that time. After the decision of the Council (1997, Luxembourg) not to include Slovakia in the group of forerunners for EU membership, the pro-European mood in Slovakia became slightly weaker and politicians were divided concerning foreign policy orientation. This political disunity and political hesitation explains the lag in legislative arrangements at that time.

After the heavy criticism expressed by both the UN and the EU,<sup>30</sup> Slovakia started to carry out some reform steps in the general process of formal sanctions compliance, thus, confirming the influence of conditionality in the pre-accession period. Therefore, in 2001, Section 56 of Act 42/1980 Coll.<sup>31</sup> acquired a new paragraph, which should have created a de facto general enabling standard and authorised the government to implement international sanctions by issuing regulations. According to this amendment, the only regulation was Regulation 273/2002 Coll.<sup>32</sup> as amended, which was used to impose UNSC sanctions. However, attempts to rectify the insufficient legal basis for implementing international economic sanctions were inadequate. Therefore, the first general enabling standard was adopted by the National Council of the Slovak Republic with not a single dispute, as evident from the stenographical records of the parliamentary negotiations.<sup>33</sup> Amendment Act 460/2002 Coll. on the implementation of international sanctions<sup>34</sup>

ensuring international peace and safety replaced governmental regulations and enabled the government to implement not only sanctions introduced by UNSC resolutions, but also sanctions newly introduced by the EU Council.

After acceding to the EU in 2004, the Slovak Republic had to update its existing legislation in order to reflect the re-division of competencies between the EU and the membership states with regard to sanctions. Amendment Act 460/2002 Coll.<sup>35</sup> was amended by Amendment Act 127/2005 Coll.,<sup>36</sup> which enabled the issuing of government regulations to implement sanctions in cases when the EU Council does not directly adopt efficient community legislation. The main reason for the amendment was to adapt to EU requirements; it was the one amendment which enabled binding EU standards to have a direct effect in the Slovak Republic. During parliamentary negotiations, the then Deputy Prime Minister Pavol Rusko stressed that the aim of the draft was to adjust the rights and duties of state executive bodies and entrepreneurial subjects in order to carry out decisions of the UNSC concerning international sanctions and to adjust the legal system of the Slovak Republic in accordance with the membership in the EU.<sup>37</sup>

At last, the legislative level corresponded to the obligations of the Slovak Republic arising from its membership in the EU, although only as rules-on-the-books rather than rules-in-use.<sup>38</sup> Since conditionality no longer affected compliance, there were other external incentives, such as criticism by the Moneyval committee accompanied by domestic knowledge stating that ‘... after Slovakia joined the European Union, [the former act] no longer corresponded to the adopted obligations from that result ... it was, therefore, necessary to draw up an entirely new draft, since its amendment would be rather demanding.’<sup>39</sup>

Thus, the new sanctions legislation came into effect in May 2011 as Amendment Act 126/2011 Coll. on implementation of international sanctions (the act was amended by Regulation 394/2011 Coll.<sup>40</sup> in October 2011). The act enables direct effects of relevant EU legal acts on the territory of the Slovak Republic. It states that international sanctions not only refer to decisions of the UNSC, but also to decisions made according to Chapter V of the EU Treaty. Thus, a formal dimension of compliance has been reached as the act proved Slovakia’s ability to implement all sanctions employed by the EU.

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## Behavioural Compliance with European Sanctions Norms

Behavioural compliance represents a set of measures enabling a real implementation of the adopted legislation. For successful implementation of sanctions it is essential to introduce a system of legal penalties for national entities that do not respect sanctions.<sup>41</sup> This means that a monitoring and coordinating authority (or authorities) must also be established in order to act as a control mechanism. National institutionalisation of adopted sanctions legislation is necessary for proper implementation of EU norms. Therefore, it is important to set up enforcement agencies and develop sufficient administrative and bureaucratic capacity for handling practical issues.

### *The Czech Sanctions Policy—Behavioural Compliance*

The first Czech General Sanctions Act (Act 98/2000 Coll.)<sup>42</sup> was accompanied by a list of specific sanctions that was much appreciated, as it also included a list of exceptions in which the sanctions did not apply. The government was authorised to introduce specific measures through regulations. The act introduced penalties for non-compliance with the adopted measures; however, the act's main shortcoming was the fact that it did not appoint any administration authority that would supervise compliance, enforce penalties and resolve disputes (see Table 2).

However, Regulation 170/2003 Coll. on sanctions concerning the Republic of Iraq<sup>43</sup> revealed another insufficiency of the general enabling act in practice which included also economic sanctions. When they were lifted in 2003,<sup>44</sup> UN members were invited to return all illegally exported cultural heritage items to the country. Notably, Act 98/2000 Coll.<sup>45</sup> did not allow for this measure, so, despite the existence of the general act, it was necessary to adopt an additional individual act (4/2005 Coll. on measures concerning the Republic of Iraq as amended).<sup>46</sup> Hence, the sanctions legislation of the time<sup>46</sup> did not enable the Czech government to respond to all contingencies of sanctions regimes.

The newly adopted legislation bill on implementation of international sanctions was passed as Act 69/2006 Coll.<sup>47</sup> on 01 April 2006, and it reflected the shortcomings of the earlier sanctions policy. In the amended version, Act No. 227/2009 Coll.,<sup>48</sup> which amends other acts in connection with the Basic Register Act, it became the basis for a

valid Czech sanctions policy, which is still in use. It newly amended measures concerning financial and other resources that are used for terrorist activities. It also dealt with the handling of secured assets and it specified enforcement measures for the practical enforcement of sanctions (see Table 2).

<i>Measures</i>	<i>Act 98/2000 Coll.</i>	<i>Act 69/2006 Coll. and Act 70/2006 Coll.</i>
General authority to implement sanctions	+	+
Mechanisms for coordination of activities of authorised state bodies	-	+
Information dissemination to nationals who shall respect the sanctions provisions and advice by proper implementation	-	-
Mechanisms of monitoring compliance	-	+
Penalties (fines) in administration law	+	+
Penalties in criminal law	-	+

If the EU Council does not issue a directly applicable regulation, the act enables the Czech government to carry out relevant sanctions through government regulations. The act fairly precisely sets forth exceptions from the sanctions regime, such as humanitarian aid, social services, medical care, etc. It also includes provisions on offences and administrative tort that can be punishable by financial fines.<sup>49</sup> In order to comply fully with notification obligations, Procedural Decree

*Table 2.  
Conditions supporting behavioural compliance in the primary enabling Act 98/2000 Coll. and in Acts 69/2006 Coll. and 70/2006 Coll. (Czech Republic)*

281/2006 Coll.<sup>50</sup> was adopted, and it details the method of compliance with the notification obligation as expressly stated by the FAU to which the notifications are submitted.

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### *The Slovak Sanctions Policy—Behavioural Compliance*

Until 2002, the Slovak Republic modelled its sanctions policy on the out-dated Act No. 42/1980 Coll.,<sup>51</sup> which acquired a new paragraph in 2001, which should have authorised the government to implement international sanctions by issuing regulations. However, only one regulation has been amended through this act, revealing its insufficiency for the behavioural dimension of compliance. This legal amendment completely failed to envisage the changes arising from impending entry into the EU. It did not even stipulate the contents of sanctions. Administrative and institutional procedures for efficient implementation of sanctions were addressed only very vaguely by the regulation or not at all.

Subsequently, Act 460/2002 Coll.<sup>52</sup> was adopted, which detailed specific sanctions and enabled the granting of exceptions (see Table 3). It also introduced financial sanctions for natural and legal persons in cases where they violate the duty to comply with the adopted sanctions. Furthermore, under this act, the government had the duty to introduce specific regimes of sanctions through regulations, and if international authorities decided to cancel decisions on international sanctions, the government of the Slovak Republic was to cancel the relevant regulations (Section 2, paragraph 2 of the act). However, this measure was the weak point of the act, as it led to justified concerns about having a very lengthy process for declaring sanctions, and not being able to respond sufficiently to the actual needs of international sanctions policies. Thus, even though the legal regulations were more precise than the preceding amendment, there were still obvious shortcomings which did not enable efficient implementation of sanctions including failure in institutionalising sanctions policy.

Even Amendment Act 127/2005 Coll.<sup>53</sup> enabling the Slovak government to issue government regulations to implement sanctions in cases where the EU Council did not directly adopt efficient community legislation almost duplicated the insufficiencies in practical implementation. Since 2002, the Slovak government has issued twelve implementing regulations in total. Their annexes were used as a tool

to update the list of persons or entities against which the sanctions were targeted. In reality, the government proved the insufficiency of the then current legislation as changes to the EU sanctions lists had to be reflected in the national legislation; otherwise they had no direct effect. Going down the route of implementing regulations proved to be a dead end, and the then current legislation was heavily criticised from abroad, specifically by the Moneyval Committee,<sup>54</sup> which repeatedly stated that from a formal point of view the Slovak Republic had adopted the necessary mechanisms, but their practical implementation was rather weak due mostly to a lack of coordination.<sup>55</sup>

The new Act 126/2011 Coll.,<sup>56</sup> in contrast to previous legislation, precisely defines the notification obligations of natural and legal persons

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*Table 3. Conditions supporting behavioural compliance in Act 460/2002 Coll. and Act 126/2011 Coll. (Slovak Republic)*

<i>Measures</i>	<i>Act 460/2002 Coll.</i>	<i>Act 126/2011 Coll.</i>
General authority to implement sanctions	+	+
Mechanisms for coordination of activities of authorised state bodies	-	-
Information dissemination to nationals who shall respect the sanctions provisions and advice by proper implementation	-	-
Mechanisms of monitoring compliance	-	-
Penalties (fines) in administration law	+	+
Penalties in criminal law	-	+

if they come across assets or facts where international sanctions are binding for the Slovak Republic apply. The act also strengthens the enforcement mechanism by determining the measures of criminal responsibility for the violation of international sanctions. It also determines financial fines for the perpetrators: up to 66,400 EUR for natural persons and up to 132,800 EUR for legal persons.

Unfortunately, the biggest problem of the current Slovak sanctions policy – that no central authority has been established to monitor compliance with sanctions regulations (see Table 3) – has not been resolved by any legislation. Also, the fourth Moneyval Report summarises that ‘still there are no appropriate measures in place for monitoring the effective compliance.’<sup>57</sup> Act 126/2011 Coll. includes an exhaustive list of eight central state administration authorities<sup>58</sup> that are responsible for decision-making within their scope. The Ministry of Trade of the Slovak Republic is the reporting authority for EU sanctions concerning import and export and restrictions for setting up joint ventures or investments; the Ministry of Finance of the Slovak Republic is the reporting authority for EU sanctions concerning restricted transfers of finance and financial services and freezing of financial assets.<sup>59</sup> However, their coordination and mutual competencies are not determined by the act, which represents a serious problem during the practical implementation of sanctions.

The legal framework for supervising financial and capital markets, which forms a major part of the targeted economic sanctions, is provided in particular by the Act on Supervision of Financial Markets (Act 747/2004 Coll.),<sup>60</sup> which amended the competency of the National Bank of Slovakia. The Department for Supervising Financial Markets was established by the bank in 2006; however, the efficiency of its supervision of obligations arising from accepted financial and capital sanctions tools was weakened by poor coordination with other authorities acting in the field of ensuring international financial and capital sanctions. Specifically, the Intelligence Unit of the Financial Police of the Slovak Republic Police Force is not bound by any responsibilities towards the Department for Supervising Financial Markets, nor does it have any obligation to inform this department about any facts concerning (non-)compliance with adopted obligations in the field of international sanctions.

Moreover, by nature of their responsibility, these institutions can monitor only entities that are subject to economic or financial sanc-

tions (such as frozen assets) but other types of sanctions remain off-limits. For example, this was the case as regarding EU sanctions Directive against Iran (961/2010)<sup>61</sup> comprising, among others, sanctions on education in technical fields of study. The FAU in the Czech Republic started to coordinate and monitor compliance with respected sanctions in close cooperation with the Czech Ministry of Education, Youth and Sports, whilst the Department for Supervising Financial Markets could not have handled these sanctions as they overreached the bounds of its authority.

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### Formal and Behavioural Compliance with EU Sanctions Norms: A Comparative View

As we have pointed out, the speed and quality of the implemented international sanctions are not only connected with the existence of relevant legislation (formal compliance), but also with the existence and nature of the tools used to implement sanctions in practice (behavioural compliance). In both respects, Czech and Slovak sanctions legislation and practical implementation differ significantly. Conditionality mattered in both countries in the pre-accession period, mainly at the formal stage of compliance. Early on, both countries tried to achieve formal compliance through individual reception standards which proved to be insufficient in practice and were criticised by the EU. Thus, both countries adopted general enabling acts before accession. However, reaching the behavioural stage of compliance brought about more visible variations, both in time and quality.

In the early 1990s, the Czech Republic and the Slovak Republic had the same starting conditions, since they constituted one state at the time—Czechoslovakia. The legislative basis for the implementation of economic sanctions adopted as a result of a membership in the UN was provided by Act 42/1980 Coll. on economic relations with foreign countries.<sup>62</sup> While in the Czech Republic sanctions regimes have been implemented through individual laws since 1993, in Slovakia the same practice as that of socialist Czechoslovakia lasted until 2001.

The general enabling act adopted in Slovakia in 2002 represented the minimalist version of the law with almost no impact on the practice—reminiscent, therefore, of dead letters. The main reasons for Slovakia falling behind are the failure to reach conformity across political parties and missing political will at the level of political elites. During

Table 4.  
Number of administrative procedures conducted as a result of breaching international sanctions in the Czech Republic (2009 – 2012)

the pre-accession period, Slovakia's slowdown could have been caused by a general slowdown in the process of Slovakia's integration with European structures. The regime of Prime Minister Vladimír Mečiar (1994–1998) failed to meet the criteria for a rapid EU membership, the pro-European mood slightly weakened and Slovakia revised its foreign policy orientation. Moreover, Slovakia started off in a much weaker geopolitical and economic position than its newly-created western neighbour.<sup>63</sup>

The sanctions policy of the Czech Republic came close to the requirements of international practice in 2006. This can be primarily attribut-

	2009	2010	2011	2012
number of administrative procedures conducted because of the breaching international sanctions	unlisted	3	33	23
number of concluded administrative procedures	unlisted	2	24	22
total amount of penalties (millions of Czech crowns)	unlisted	1,5	0,157	0,133

Source: elaborated according to FAÚ (2010) Zpráva o činnosti Finančního analytického útvaru za rok 2009 [on-line] Dostupné z: <http://www.mfcr.cz/cs/verejny-sektor/regulace/boj-proti-prani-penez-a-financovani-tero/vysledky-cinnosti-financniho-analytickeh/2013/zprava-o-cinnosti-2009-9335>; FAÚ (2011) Zpráva o činnosti Finančního analytického útvaru za rok 2010 [on-line] Dostupné z: <http://www.mfcr.cz/cs/verejny-sektor/regulace/boj-proti-prani-penez-a-financovani-tero/vysledky-cinnosti-financniho-analytickeh/2010/zprava-o-cinnosti-2010-9336>; FAÚ (2012) Zpráva o činnosti Finančního analytického útvaru za rok 2011 [on-line] Dostupné z: <http://www.mfcr.cz/cs/verejny-sektor/regulace/boj-proti-prani-penez-a-financovani-tero/vysledky-cinnosti-financniho-analytickeh/2011/zprava-o-cinnosti-2011-9337>; FAÚ (2013) Zpráva o činnosti Finančního analytického útvaru za rok 2012 [on-line] Dostupné z: <http://www.mfcr.cz/cs/verejny-sektor/regulace/boj-proti-prani-penez-a-financovani-tero/vysledky-cinnosti-financniho-analytickeh/2012/zadej-nazev-nove-stranky-II484>; FAÚ (2014) Zpráva o činnosti Finančního analytického útvaru za rok 2013 [on-line] Dostupné z: <http://www.mfcr.cz/cs/verejny-sektor/regulace/boj-proti-prani-penez-a-financovani-tero/vysledky-cinnosti-financniho-analytickeh/2013/zprava-o-cinnosti-financniho-analytickeh-17323> (all accessed 10 June 2014)

ed to its membership in the EU, which ensured the legislative dimensions for the implementation of sanctions, but also to the progressive new Act on Sanctions 69/2006 Coll.<sup>64</sup> This act not only brought about the Czech Republic's formal compliance with EU standards, but also especially the mechanisms for its efficient use in practice. In particular, it determined the central authority (FAU) that would be responsible for the implementation and monitoring of international sanctions. The FAU even initiates meetings with representatives of state institutions involved in implementation of a certain type of sanction to provide information and ensure a common approach (for example, meeting with university rectors to discuss science and technology sanctions imposed on Iran). Even though legislation in the Czech Republic lacks the obligation to disseminate information to liable entities, the Czech FAU provides information on its website, including statistics concerning penalties for breaching the law (see Table 4), the amount of frozen assets (see Table 5) etc. Moneyval evaluated the sanctions policy of the Czech Republic as suitable and as covering internal EU procedures.<sup>65</sup>

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*Table 5. Sanctions measures against Iran as regards EU Decision 2010/413/CFSP and EU Directive against Iran (1263/2012) (statistic for the Czech Republic, 2010 – 2013)*

	2010	2011	2012	2013
number of announcements concerning transfer of financial means over 10.000, € from / to Iran	3	156	174	117
number of permissions concerning transfer of financial means from / to Iran exceeding 40.000,- €	6	164	144	95
number of denied permissions concerning transfer of financial means from / to Iran exceeding 40.000,- €	0	0	1	3

*Source: elaborated according to FAÚ (2010), FAÚ (2011), FAÚ (2012), FAÚ (2013) a FAÚ (2014)*

The non-existence of a central coordinating mechanism in Slovakia has been a major obstacle for efficient implementation of sanctions; thus, in Slovakia the behavioural dimension of compliance remains insufficient, even after the EU accession. The Department for Supervising Financial Markets of the Slovak National Bank was authorised to implement financial sanctions in Slovakia—a practice that was abandoned by the Czech Republic in 2004. It did not enable an implementation of a whole range of sanctions, nor did it enable monitoring of suspicious activities in the monitored areas, nor did it have coordination competency or the duty to inform private individuals about the scope of sanctions.

For comparative purposes, we asked the Department of Banking of the Ministry of Finance to provide us with information concerning the real implementation of sanctions measures imposed on Iran—for example, the number of announcements made by obligatory subjects concerning the transfer of financial means or the number of permissions to obligatory subjects concerning the transfer of financial means. We also asked for general information concerning the number of granted dispensations from sanctions regimes; the number of fines imposed due to breaching reporting obligations; and the number of administrative procedures conducted because of breaching international sanctions since 2004. What we have learned is very fragmentary—during the second and third quarter of 2013, there were withheld and finally released financial means in the total amount of 18,239,374.56 EUR. Moreover, according to the information provided, Iran represents a ‘0.017 % share in the SK exports and 0.006 % share on the SK imports.’<sup>66</sup> Therefore, no comparable information is available as it has not been faithfully documented. Moneyval negatively evaluated Slovak legislation for the implementation of sanctions<sup>67</sup> and the last available report from 2011 expressed the evaluators’ concerns about the efficiency of government regulations in practice.<sup>68</sup>

Although the Slovak Act 126/2011 Coll. on the implementation of international sanctions<sup>69</sup> stated which state administration authorities are responsible within their scopes, it did not introduce a coordinating mechanism between these authorities. According to our source, a system of coordination need not be necessarily codified, as the competencies among ministries have already been set out in relevant legislation. However, ministries hesitate to exercise them whenever the law does not impose the obligations explicitly. In principle, the only problem

is with the non-systemic coordination of the current legislation. The current legislation is considered to be sufficient, and the only flaw seems to be the lengthy, time-consuming *ad hoc* procedure that is used in reaching the common position of the respective authorities.<sup>70</sup> Surprisingly, our search for information among national representatives induced actions for organising after a two-year pause an inter-ministerial meeting with the aim to reach a gentleman's agreement on the system of coordination.

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Another reason for Slovakia's lag behind the Czech Republic in regards to compliance with European sanctions norms, even after its accession to the EU, consists in its administrative capacity to take an active role in relevant processes concerning the practical implementation of European sanctions measures (at the RELEX/Sanctions sessions, for example). The lack of administrative capacity, insufficient human resources and a missing central authority are the main reasons for Slovakia's poor behavioural compliance.

## Conclusion

This work looked at the formal and behavioural implementation of sanctions regimes, which two small countries are bound to implement on the basis of their membership in international organisations. It was expected that there would be only minor differences between the Czech and Slovak Republics – which have similar historical, geopolitical and behavioural experiences – during the implementation of international sanctions resulting from EU commitments.

In the period before EU accession, the Czech Republic's legislation had been far from satisfactory, as the individual sanctions acts could not have responded to international obligations in a proper and timely manner. The changes made after its accession to the EU were understandably based on pre-accession preparations for membership and were directed to the adoption of a general enabling act. Apart from the legislative changes made after the accession to the EU, it was vital to establish an authority that would monitor how the adopted sanctions were put into practice. The FAU of the Ministry of Finance of the Czech Republic took over this role, but not before 2004. This was also the year when the preparations for the adoption of a new general enabling act began, so that the new act would correspond directly to the EU's existing sanctions policy. The act that currently sets the Czech Republic's

sanctions policy (69/2006 Coll.) became effective in April 2006. It provides both formal and behavioural compliance with the EU legislation.

In recent years, the Slovak Republic has taken several measures to comply fully with its obligations arising from its membership in the EU, with regard to the implementation of sanctions mechanisms in practice. However, Amendment Act 460/2002 Coll. on the implementation of international sanctions ensuring international peace and security was sufficient only in terms of formal compliance, as it did not enable behavioural implementation (it included no penalties and no control authority). Therefore, Amendment Act 126/2011 Coll. on implementation of international sanctions was adopted. Although it corresponds with formal compliance in full, behavioural compliance remains insufficient, mainly due to the absence of a central coordinating authority. Thus, the adopted legislation seems to become dead letters.

Hence, the assumed similarities between the Czech and Slovak Republics were not confirmed in either of the dimensions, although both seemingly reached formal compliance in the pre-accession period. However, full formal compliance was delayed in Slovakia as it adopted a general enabling act five years later than in the Czech Republic. In Slovakia, the fault of the pre-accession period lies, particularly, in the slowdown of 1993-1998, when it was affected by domestic political disputes and tried to (re)define its position within the Central European region instead of being its established member. The lowest common denominator enabled the adoption of a minimalist version of legislation hindering real application in sanctions practice. Behavioural compliance in Slovakia has lagged, even after accession to the EU, as it has no set coordination mechanisms. No central authority to supervise the implementation of sanctions has been established and the considerable lack of administrative capacity hinders any up-to-date inclusion in the following processes.



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68 Moneyval (2011).

69 Act 126/2011 Coll. on implementation of international sanctions - explanatory memorandum (2011).

70 According to an interview with the representatives of the Ministry of Foreign and European Affairs of the Slovak Republic, 07 February, 2014.

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John Kaag and Sarah Kreps, *Drone Warfare*, Polity  
ISBN 978-0-7456-8098-9

# Drone Warfare

*Daniel Connolly*

Philosopher John Kaag and political scientist Sarah Kreps share the concern that drone technology is developing faster than our ability to understand its implications. The result of their collaboration, *Drone Warfare* (2014, Polity Press) is an interdisciplinary synthesis of the legal, political and moral arguments surrounding the United States' use of armed drones to conduct targeted killings of suspected terrorists. Their treatment of us drone policy, while largely critical, is nevertheless more measured than some other recent books that have dealt with the topic, such as Medea Benjamin's *Drone Warfare: Killing by Remote Control* (2012) or Grégoire Chamayou's *A Theory of the Drone* (2015). Kaag and Kreps, far from calling for an outright ban on the technology, are confessedly pragmatic: 'Perhaps they are a necessary evil, but part of this book is meant to determine how necessary and how evil' (p. 13).

Kaag and Kreps concede that drones are a precise weapon system that is tactically successful at attacking Al Qaeda and other terrorist groups while minimizing American and civilian casualties. In this regard, drones are a positive development and may even have 'significant utility...in very specific scenarios' (p. 51). Nevertheless, they conclude that the long-term consequences of the United States' drone policy is deeply troubling for normative as well as practical reasons. Despite apparent short-term success, they characterize American drone warfare as a strategic failure, which is most evident in the form of 'the visceral opposition' that they create among targeted populations in the Middle East (p. 14). But blowback is not the main thrust of their argument. In subsequent chapters, Kaag and Kreps demonstrate that the failure of drone warfare has troubling consequences for democracy, international law and ethics.

One of the reasons that drones are so attractive is that they effectively lower the costs of war for democratic countries. Although fiscal savings are important, the real advantage occurs at the level of domestic politics. Waging war with drones allows democratic governments to avoid negative publicity from friendly casualties, sidesteps the question of what to do with captured terrorists and apparently enjoys strong support from the citizenry itself. Poll data suggests that a majority of Americans support drone warfare, even if they do not know much about it (see Table 3.1, p. 62). More troublingly, Kaag and Kreps argue that the evolution of drone policy in the US has been marked by the erosion of traditional democratic checks and balances. Neither Congress nor the judiciary has exercised adequate oversight over the executive branch's use of drone strikes. Ultimately, drones threaten to detach war-making from the democratic constraints that have traditionally regulated it and thus expose 'a loophole in Kant's democratic peace theory' (p. 65)

Although the Obama administration characterizes its drone policy as compliant with international law, Kaag and Kreps argue that aspects of it actually violate the requirements of both *jus ad bellum*—the international legal principles governing when states may go to war—and *jus in bello*—the rules by which war must be conducted. First, the administration's legal justifications for conducting targeted killings outside declared battlefields, such as Pakistan or Yemen, rely on overly broad interpretations of what constitutes self-defence and imminent threat. Second, even though drones are highly accurate weapons systems, the targeting decisions governing their use, such as signature strikes on unidentified individuals who are judged to fit a pattern of terrorist activity, and the overall lack of transparency surrounding death counts, raises worrying questions in regard to the principles of distinction and proportionality.

The chapter on the ethics of drone warfare steps back from specific legal and political issues and tackles the broader moral implications of killing by remote control. This technology creates a 'moral hazard' whereby policymakers and military personnel are increasingly drawn to risky behaviour because they do not have to worry about the consequences of their actions. In this fashion, the expediency of drone violence comes to overshadow the more important question of whether or not these strikes are morally right in the first place. Yet, Kaag and Kreps see a glimmer of hope. This new distance from the passions of

hand-to-hand combat can create a space for the practitioners of remote warfare to potentially reflect on the moral and legal implications of their job. However, this will require new forms of training and a willingness to ask difficult questions. The alternative is a world in which drone strikes, and their long-term negative consequences, become increasingly commonplace.

Written in accessible and clear prose, this book is useful for anyone interested in learning more about the emerging issue of drone warfare. That said, this book is primarily aimed at an American audience. The pragmatic approach espoused by Kaag and Kreps revolves around calculated appeals to American self-interest, accentuated by the fear that proliferation is inevitably putting drone technology in the hands of a growing circle of foreigners. This frightening future, they warn, can only be avoided by American self-restraint and the creation of an international body to regulate the use of drones. In the end, this book implies that a reformed version of drone warfare will better sustain American hegemony than the model currently being followed.

# Cyber Policy in China

*Wonhee Lee*

Greg Austin's *Cyber Policy in China* provides an extensive and illuminating survey of China's quest, since the year 2000, for informatisation—the process by which China is transforming itself into an advanced information society. With his chronological analysis, Austin neatly interweaves nearly 1,000 sources from China and the US, focusing on the interplay between 'ideal policy values' in China's informatisation ambition and 'leadership values'—such as regime stability, economic nationalism and a strong sense of national security—attached to the old ethics of state governance in China. According to the author, the conflict between these two types of values is slowing the pace of China's transformation into an advanced information society. Furthermore, successful resolution of this conflict depends on the Chinese leadership's ability to adjust its ethical values and governing principles to 'match the information society ambition' (p. 175).

To examine the divergence between the two different types of values, the author picks out 'nine ideal policy values for an information society' and categorizes them into three key policy areas: 1) national information ecosystem; 2) innovative economic system; and 3) global information ecosystem. When it comes to the first of the three, the 'freedom of information exchange' is constrained by political and ideological sensitivities, while the need to 'protect information exchange' and 'prevent false information and rumors' gains momentum in the centralized party-state political system in China. Regarding the second, China's vision for an innovative economy—'commitment to transform,' 'industrial and scientific innovation,' and 'human resources development'—still contradicts gradualism, state-centered structures,

and a nationalistic perception of economic development. Finally, in the third policy area, China's national security imperatives and its desire to become a hegemon have encouraged the nation to enhance its 'strategic stability' vis-à-vis the IW (information warfare) capabilities of the US. These aspirations, however, are not fully compatible with its commitment to 'bridging military divides' with the US and ensuring 'interdependent informatised security' in cooperation with other global actors.

The value-based analytical framework in the book has both strengths and weaknesses. The author's investigation tactfully combines intangible, yet critical, elements of cyber policy—that is to say, China's informatisation ambition causes value conflicts—with practical aspects of its ICT (information and communication technology) development. The book carefully draws a contrast between 'ideal policy values' for an information society and the 'leadership value' of Chinese decision-makers. By setting the points of contrast and measuring the distance between the two conflicting types of values, the author avoids evoking an emotional outcry over the lack of moral responsibility in China's leadership. After identifying the cause of the gap between the goals and outcomes of China's cyber policy and the conflicting values, the author then places significant emphasis on the role of information-age ethics as a remedy to fix the discrepancy.

Nevertheless, the book's value-based approach is marred by certain lacunae. The emphasis in *Cyber Policy in China* is on the tension between values, not between political actors, and each actor is treated as separate and unique. Consequently, narratives about possible correlations between major political events are given less attention and are not well-integrated. Most perplexing are the accounts, in Chapters 4 and 5, of China's partnership with Taiwan, where China's ambition for an innovative economy and its management of national security in cyberspace are discussed. In fact, there is an inseparable connection between China's more liberalized investment environment and its security policy towards Taiwan—the complex economic partnership led by quasi-official mechanisms coexists with the touch political relationship across the Taiwan Strait. At the beginning of Chapter 4, the book points out contributions of 'investment from electronics enterprises in Taiwan' (p. 89) and 'competitive trends outside China and by private capital' (p. 90) to China's innovative economic system; however, it

does not dig deeper into China's policy agenda to promote economic integration for peaceful unification, which can also be construed as another crucial 'leadership value.' Instead, the evolution, since the year 2000, of bilateral economic ties between the two sides across the Taiwan Strait is explained in Chapter 5 the context of China's national security policy. To set the stage for further analysis, China's policy of engagement with Taiwan should have been introduced earlier, in Chapter 4—at least briefly. Moreover, the rapid thaw in relations between China and Taiwan under the incumbent Ma Ying-jeou administration, discussed in Chapter 5, suggests that the Chinese leadership will confront uncertainty once again if the opposition party wins Taiwan's 2016 presidential election.

The author takes a unique perspective in *Cyber Policy in China*—he empathises with China's leadership. The book is not merely a description of the technical aspects of China's ICT development, nor an investigation into the People's Liberation Army's cyber warfare strategies and tactics. Instead, it is a call for those interested in China, at home or abroad, to take a more holistic approach to understanding China's cyber policy. The book is also a critical assessment of how the Party-state system in China juggles its informatisation plan with other competing priorities. The book asserts that it is important to realise that China and western countries have different versions of "leadership values." All in all, the author's comprehensive research and analysis offer new insight into the debate on China's cyber security policy.

Thomas Hale, David Held and Kevin Young, *Gridlock: Why Global Cooperation is Failing When We Need It Most*, Polity 2013, ISBN 978-0-7456-6239-8

# Gridlock

## Why Global Cooperation is Failing When We Need It Most

*Diletta Fabiani*

In *Gridlock: Why Global Cooperation is Failing When We Need It Most*, authors Thomas Dale, David Held and Kevin Young ask: Why are international negotiations increasingly stalling at a time when we desperately need them to efficiently tackle current global issues?

According to the authors, international institutions are failing because they are in a state of ‘gridlock’—the concept defined as a ‘specific set of conditions and mechanisms that impede global cooperation in the present day’ (p. 3), its source lying in ‘self-reinforcing interdependence’ cycles dating back to World War II.

Self-reinforcing interdependence is actually a consequence of institutions performing well in their beginnings. The post-war proliferation of institutions had the objective of creating a new world order that would not let global war happen again: By deepening the level of interdependence, no single state could ‘order the world for their own interest’ (p. 5). Now, however, these same institutions can’t manage this deep level of interdependence, as they were created and designed to face the issues of a specific, now long-gone, historical moment.

The authors explain that there are four paths that lead to gridlock: growing multipolarity, institutional inertia, harder problems and fragmentation. As more emerging countries become wealthier, multipolarity in the world increases; with more members involved in deci-

sion-making processes, the cost of reaching an agreement grows as well. Institutions are also 'sticky'—in other words, resistant to change and hard to modify (especially when coupled with formal structures). While this ensures their long-term survival, it can also enlarge the gap between the current needs of the actors and possible institutional responses.

Problems have become more complex too, with changes in their intensity and extensity; due to globalisation and the consequent interdependence, they have become more transnational and require larger policy adjustments to be solved—adjustments that are harder to make. Fragmented institutions can hinder the birth and growth of stronger governmental solutions; fragmentation includes weak inter-institutional coordination, excessive division in discrete tasks and forum-shopping by actors to avoid institutional constraints.

The authors analyse gridlock in three different fields: security, economy and environment. In all these sectors, systems that have been built from World War II to the present have changed the nature of the problems they were created to solve, undermining their own utility in the process. Gridlock and the paths leading to it are common to all the fields.

In the final chapter, the authors look at the current state of affairs and make predictions for the future. In the short term, the following trends may compound gridlock, exacerbating it and making cooperation harder: a return to rivalry and unilateral actions for great powers; failed states combined with inter-systemic security threats; and deregulation of markets and the possible growth of technocratic solutions over political ones.

Three nations/regions (US, Europe and China) are analysed in further detail, in order to show how developments at the national level can affect the gridlock in the short term.

Gridlock, however, is not unavoidable, as there are counter-tendency waves that could be ridden to overcome it: integration of national and international political arenas; trans-border governance arrangements; the growing influence of non-state actors; norm diffusion and capacity building in compliance to international agreements; and new types of global governance institutions (Track 2 institutions, for example).

Finally, some ongoing trends might lead to necessary institutional reforms and create pathways through the gridlock: popular protest

movements contesting the current global order, small institutional adaptations and limited reform of the organisational principles and structures of global governance.

The authors conclude that rebuilding the international order is not an impossible feat, as it has been done in the past. However, if policies want to overcome the gridlock by successfully reforming current institutions, they will need to include both bottom-up and top-down political solutions.

This book is a fascinating read for anyone interested in international institutions, their evident struggle and how to improve their effectiveness. The book does not merely point out problems, but also offers concrete solutions. The comprehensive, detailed chapter on environmental institutions—which was the starting point of the book’s creation—is extremely valuable for those interested in such topics.

At the end of the book, one cannot help but be left with some questions. For example: *At what tipping point does interdependence go from beneficial to detrimental? Does gridlock negatively affect a state’s willingness to cooperate?* These questions might pave the way for promising avenues of future research on this topic.

Rorden Wilkinson, *What's Wrong with the wto and How to Fix It*, Polity,  
ISBN 978-0-7456-7245-8

# What's Wrong with the WTO and How to Fix It

*Unislawa Williams and LaDarrien Gillette*

*What's Wrong with the wto and How to Fix It* by Rorden Wilkinson is not only a bold analysis of the failures of the World Trade Organization (WTO), but also a proposal for how to fundamentally reform it. According to Wilkinson, the primary goal of a reorganised WTO should be to improve humanitarian outcomes—not to increase and encourage free trade. If the aim continues to be on expanding free trade, with the expectation that humanitarian outcomes may follow, the system will continue to disproportionately favor developed states over developing ones, increasing the gap between the two. Hence, Wilkinson's proposal calls not only for a fundamental rethinking of the WTO as an organization, but also, more broadly, of the entire global trading system.

The first part of the book discusses the failure of the global trading system, at the center of which is WTO's competitive bargaining. In this context, powerful developed states enjoy a significant advantage over developing nations because they bring to the table more resources, better legal counsel, more experience, etc. As a result, negotiations necessarily involve unequals, thus leading to unequal outcomes. Attempts to reform the system, past and present, skirt this fundamental issue and fail to accept that competitive negotiations will not yield better outcomes in terms of development.

According to Wilkinson, our refusal to acknowledge that the global trading system is fundamentally unfair results, in part, from the way that we speak about trade. Wilkinson asks us to question the language used to describe the trading system, which relies on analogies to natural phenomena, such as the flow of water. By relying on this language,

the WTO has become associated with free and open markets, which are then seen as a natural part of everyday life. We largely leave the language and analogies used to describe the global trading system unquestioned, because the concepts underlying the operations of the WTO tend to be highly technical. Lawyers and economists who are involved in WTO cases and negotiations may have a purchase on the actual dynamics of the global trading system. For the layperson, however, the operations of the WTO are not easily understood and need to be interpreted and explained. Therefore, 'our belief in the inalienable good of freer trade has been such that we have seldom raised questions about the way we have pursued liberalization' (p. 20).

A fundamental reform of the WTO would require us not only to examine the way we speak about trade, but also to accept that large-scale change is necessary. Wilkinson calls for the WTO to collaborate much more closely with United Nations institutions to implement 'trade-led development-for-all' (p.146). A reformed WTO would allow for meaningful knowledge transfer, merging of competencies and real aid for trade. For example, Wilkinson calls for the establishment of a fund administered by the WTO that would provide trade assistance to developing states. The reforms Wilkinson proposes often lack sufficient detail to be directly implementable, but their basic aim is to reorganise the world trading system to more directly benefit developing states.

While developing states stand to gain much from Wilkinson's proposed changes, it is unclear how these changes would benefit the developed world and the great powers. Wilkinson makes an excellent point that the changes currently on the table do intend to improve outcomes for developing states such as China, India and Brazil. However, these countries are increasingly viewed as great powers themselves, as Wilkinson himself notes. From this perspective, these reforms are still aimed at benefiting the powerful. A more conventional perspective would claim that the impetus for change of the WTO is to accommodate countries who have a claim on great power status. In Wilkinson's analysis, it is unclear why we should expect change in favor of the smaller, weaker states.

In sum, *What's Wrong with the WTO and How to Fix It* is an interesting analysis of the fundamental failures of the WTO. It is an easy-to-read, well-written book that may be adapted to a number of settings, including the classroom. The book provides a straightforward analysis of the failures of the WTO, without being overly long. At the end, it poses a

question well-worth asking: How does free trade fit in the conversation on development and humanitarian issues?

*Book Reviews*