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#### ESSAYS

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King Democracy: Do Democratic Nations Mitigate Conflict Over Transboundary Freshwater Resources Better than Other Nations?  
Kate Abendroth

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THE YALE REVIEW OF INTERNATIONAL STUDIES

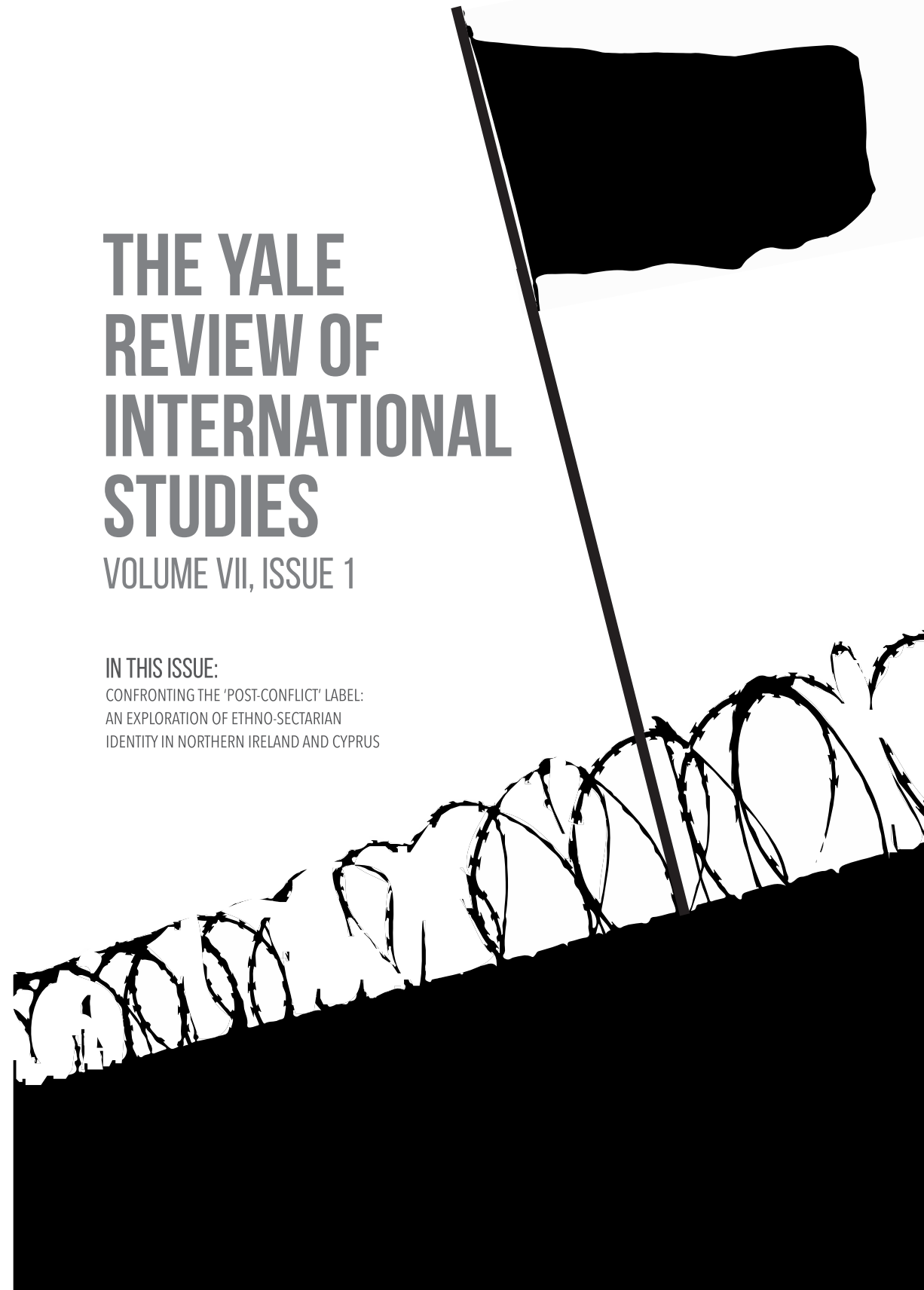
VOLUME 7, ISSUE 1, INTERCOLLEGIATE 2017

# THE YALE REVIEW OF INTERNATIONAL STUDIES

## VOLUME VII, ISSUE 1

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AN EXPLORATION OF ETHNO-SECTARIAN  
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INTERCOLLEGIATE ISSUE 2016

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# DEAR READER,

In this issue of The Yale Review of International Studies, we are proud to continue providing the premier platform for outstanding undergraduate scholarship on international affairs. This is the fourth year of our Intercollegiate Issue, and we have been humbled again by the incredible range of submissions we received from students in the US and from abroad. In this issue we have maintained our commitment to including pieces tackling profound, difficult and often under-appreciated subjects. This year's papers include a study of the personalities involved in the 1978 Camp David Accords and the effects they had on the outcome of the negotiations; an exploration of the "post-conflict" label through the lens of ethno-sectarian identity in Northern Ireland and Cyprus; an account of Palestinian institution-building after the Oslo peace process; scholarship on American assistance to develop the legal systems of newly freed Eastern European countries after the fall of the Communist bloc; and a quantitative analysis of whether democracies are more effective than autocracies at peacefully solving international disputes over water use. Our contributors come from the University of Pennsylvania, Brown University, Duke University, and Columbia University. As always, we received far more excellent work than we could publish, and we greatly appreciate not only this issue's authors but all of those students who gave us the honor of reviewing their work.

We are also grateful to those within the Yale community who support YRIS, especially the Yale International Relations Association, Yale's International Security Studies program and our faculty advisors. You all made this publication possible, and for that we are deeply appreciative.

To the readers, we hope you enjoy this edition of The Review! If you are an undergraduate student, we encourage you to visit our website and consider submitting your own work on international affairs. For any questions, please email [yris@yira.org](mailto:yris@yira.org).

All our best,  
The Editors

# ESSAYS

Explaining the Camp David Summit  
Confronting the 'Post-Conflict' Label  
Holding onto Hope  
The Role of Law  
King Democracy

# EXPLAINING THE CAMP DAVID SUMMIT:

## AN INDIVIDUAL-BASED APPROACH TO FOREIGN POLICY DECISION-MAKING

### INTRODUCTION

From September 5, 1978 to September 17, 1978, the American President Jimmy Carter, the Israeli Prime Minister Menachem Begin and the Egyptian President Anwar Al Sadat gathered in the presidential retreat of Camp David. From these thirteen days of negotiation emerged the Camp David Treaties, which provided a framework for both the signature of a bilateral peace between Egypt and Israel and for the treatment of the Palestinian question.

This paper will analyze the factors behind foreign policy decision-making as it occurred at Camp David. I will argue that an individual-level analysis on the cognitive, psychological and interpersonal level is most able to explain such decisions. To flesh out this hypothesis, I have analyzed the secondary literature on the Camp David Accords as well as direct accounts from participants. I will make extensive use of primary sources, beginning with the text of the Accords themselves. I have also delved into the autobiographies of the decision-makers of Camp David—Jimmy Carter, Sadat, Begin, Vance, Dayan, Brzezinski, Fahmi, Eizmann, Kamil and Rosalynn Carter. Numerous papers on the theory of individual-centered decision-making will strengthen the theoretical backing of this piece.

While I firmly believe that the political decision-making at Camp David is best analyzed at the individual level, I will nonetheless admit the limitations of this theory. The most potent counter-argument is that Camp David constituted a very specific arena for foreign policy decision-making, the mechanisms of which are not replicated in more traditional diplomatic arenas. I will also analyze the domestic factors explanation, which states that the behaviors of Carter, Sadat

and Begin are best explained through their domestic contexts. I will nevertheless attempt to show how these factors were subverted at Camp David, being used as bargaining chips by the three leaders rather than constraining their behavior.

Such research may not only further enrich the academic dialogue on high-level bargaining contexts, but can also entail policy prescriptions regarding the adverse effects of stress-filled negotiation arenas and emotionally loaded political relations on foreign policy outcomes.

### I. THE HISTORY OF THE CAMP DAVID NEGOTIATIONS

#### A. THE ROAD TO CAMP DAVID

To analyze the context of the political decision-making as it occurred at Camp David, one needs to understand the international developments that led to the summit. This brief historical analysis will present the opening bargaining positions of the decision-makers, which will help to determine the extent of the concessions extracted from each actor during the Summit.

#### 1. The Near East After the Wars

In 1967, the State of Israel defeated a coalition of Arab armies, including Egypt's. The Six-Day War rendered direct confrontation with Israel a costlier option than before for the neighboring Arab states. After the war, the UN adopted its Resolution 242, asserting "the inadmissibility of the acquisition of territory by war." Both Israel and Egypt accepted this resolution, even though Israel retained control

over the Golan, the West Bank and Gaza.<sup>1</sup> In 1972, Sadat expelled the 20,000 Soviet advisers present in Egypt, signaling to the United States a willingness to negotiate—a decision based on his intimate conviction that the US could put a decisive pressure on its Israeli ally. In 1973, after the military stalemate of the October War, American leaders came to realize the need for an agreement, largely because of the oil embargo implemented by Arab states as a retaliation against American support for Israel. Henry Kissinger spearheaded this new engagement, negotiating the disengagement agreements between Israel and its Arab neighbors.

## 2. Anwar Al Sadat in Jerusalem

The step-by-step formula of the Nixon and Ford administrations yielded few results. Inaugurated as President on January 20, 1977, James Earl “Jimmy” Carter put forward the idea of a multilateral peace conference. The opening bargaining position of the Carter administration was clear: a Palestinian homeland should be established in return for the signing of a comprehensive peace agreement between Israel and its Arab neighbors.<sup>2</sup> The victory of Menachem Begin’s Likud against the Israeli left in May 1977, however, thwarted the success of the conference. The far-right Likud party ran on a platform of permanent Israeli sovereignty over the West Bank and Gaza, which would be the opening bargaining position of the Israeli delegation at Camp David.<sup>3</sup> This stalemate led to Anwar Sadat’s surprise declaration, in front of the Egyptian National Assembly, that he was prepared “to go anywhere for peace”—including to Jerusalem.<sup>4</sup> In this decision, Carter’s personal influence on Sadat is striking. During October 1977, fearing the end of the direct negotiations between Israel and Egypt, Carter wrote a handwritten letter to Sadat that he ended with “Your friend, Jimmy Carter.” Answering this message, Sadat promised in another handwritten letter a “bold step” on the

path towards peace.<sup>5</sup> On November 20, 1977, Sadat addressed the Knesset, outlining what I consider to be his opening bargaining position at the Camp David Summit: the Arabs would only agree to a peace with Israel in exchange of a withdrawal from all occupied territories—the Sinai, the West Bank and Gaza included.<sup>6</sup> The Egyptian President explicitly ruled out the option of a bilateral peace treaty: “There can be no peace without the Palestinians.”<sup>7</sup> While Sadat trusted that his historical visit to Jerusalem would provide the necessary breakthrough to surpass the psychological obstacles to peace, the visit actually led to few concessions from Israel.<sup>8</sup> At the December 1977 summit of Ismailiya, the negotiations came to a full stop: reacting to the construction of new settlements in the West Bank, Sadat threatened to end the direct talks with Israel.<sup>9</sup>

## 3. The Peace Initiatives of Jimmy Carter

By the end of 1977, Carter’s involvement reached a new level. After one year of intense commitment to peace in the Middle East, the President had little to show for his efforts. He personally appealed to Sadat, whom he considered a “friend,” to join him at Camp David in February 1978. This appeal deterred Sadat from breaking the direct negotiations with Israel.<sup>10</sup> Attempting to go beyond the regular step-by-step American approach, Carter made an extremely risky bet: in response to continuing deadlock and growing pessimism with regards to his involvement in the Middle East peace process, Carter personally invited Begin and Sadat to join him for a high-level summit at Camp David.<sup>11</sup>

1 Shibley Telhami, *The Camp David Accord, A Case of International Bargaining* (Washington, D.C.: Georgetown University, 1998), 78.

2 Lester A. Sobel and Hal Kosut, *Peace-making in the Middle East* (New York: Facts on File, 1980), 37.

3 C. Paul Bradley, *The Camp David Peace Process: A Study of Carter Administration Policies (1977-1980)* (New Hampshire: Thompson and Rutter, 1981), 56.

4 Telhami, *The Camp David Accord*, 78.

5 Sobel and Kosut, *Peace-making in the Middle East*, 98.

6 Muhammad Ibrahim Kamil, *The Camp David Accords: A Testimony* (London: KPI, 1986), 68.

7 Sobel and Kosut, *Peace-making in the Middle East*, 168.

8 Shibley Telhami, *Power and Leadership in International Bargaining: The Path to the Camp David Accords* (New York: Columbia UP, 1990), 234.

9 Ismail Fahmy, *Negotiating for Peace in the Middle East* (Baltimore, MD: Johns Hopkins UP, 1983), 192.

10 Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Adviser, 1977-1981* (New York: Farrar, Straus, Giroux, 1983), 243.

11 Thomas Parker, *The Road to Camp David: U.S. Negotiating Strategy towards the Arab-Israeli Conflict* (New York: Lang, 1989), 125.

## B. THIRTEEN DAYS IN SEPTEMBER

Having established the context leading up to Camp David and the opening bargaining positions of the three major actors, I now turn to the day-to-day unfolding of the summit.

### 1. "For the President's Eyes Only"

On September 5, Sadat and Begin arrived at Camp David. Begin immediately pressured Carter by presenting him a letter written by his predecessor Gerard Ford in 1975, which promised the Israelis that the Americans would consult them on the drafting of any peace proposal regarding the Middle East. On September 6, Sadat put forward a formal Egyptian proposal; he called not only for a full withdrawal from the Sinai, the West Bank and Gaza, but also for the establishment of a five-year transitional authority to establish Palestinian self-determination. Sadat also stated that he was seeking a comprehensive agreement rather than a bilateral peace. Nevertheless, Sadat, in a sign of immense personal trust in Carter, also delivered a handwritten document to his host. Marked "For the President Eye's Only," this contained his fallback positions.<sup>12</sup> On September 7, Sadat lost his temper at Begin's presentation of the formal Israeli proposal. In front of Carter, he pounced on the table shouting "Security, yes! Land, no!" William Quandt, member of Carter's National Security team, concluded, "Begin and Sadat are not speaking the same language."<sup>13</sup> This was the first and last direct working session between the two leaders. On September 8, Carter met with Begin, who criticized the stubbornness of Sadat. Carter, contrary to Sadat's wishes, revealed to Begin that he had already secured "significant Egyptian concessions"—referring to the fallback positions of Sadat. From this point onwards, Begin became even more intransigent with regards to Egyptian demands, stating, "the eventual sovereignty in the West Bank and Gaza will not be solved at Camp David."

### 2. Shifting Gears

On September 8, realizing that negotiations

were deadlocked, Jimmy Carter started developing an American proposal. From this point onwards, the goal of the American delegation was to obtain a bilateral Egyptian-Israeli peace treaty—a significant departure from its initial objectives. On September 10, while Carter met with Begin for a three-hour session that yielded little progress, Moshe Dayan, Israel's Foreign Minister, proposed crafting two different documents. One would be devoted to a bilateral agreement between Egypt and Israel, and one to dealing with the Palestinian issue. Sensing the growing tension among the negotiators after nearly a week of complete isolation, Carter organized an outing to Gettysburg, one of many initiatives to encourage the delegations to mingle. The visit was especially directed at Begin, who had gradually become even more rigid, stating that Camp David was "beginning to resemble a concentration camp de luxe."<sup>14</sup>

### 3. From Deadlock to Agreement

On September 12, Carter began to consider different ways to minimize a failure of the negotiations. Facing a complete deadlock, he knew that the rest of his duties could not wait much longer, as he had already been out of the Oval Office for more than a week. On September 13, Carter was informed that the Egyptian delegation was starting to pack its bags. He personally visited President Sadat, convincing him to stay. The following day was spent by the American and Israeli delegations working on the parameters of the Palestinian document, in quasi-absence of the Egyptian delegation. As throughout the entire summit, the Israeli delegation had become the main focus point of Carter's bargaining efforts. Menachem Begin had gradually become isolated, even within his own delegation, with regard to the continued presence of Israeli settlements in Sinai—the withdrawal of which was a core priority for Sadat and Carter. Begin finally accepted, in the words of the Israeli Defense Minister Ezer Weizmann, to "come to terms with reality" on Sinai settlements. He nevertheless refrained from any concessions on Jerusalem: "Even cutting off my hands and feet will not make me change my position."<sup>15</sup>

12 Telhami, *The Camp David Accord*, 170.

13 William B. Quandt, *Camp David: Peacemaking and Politics* (Washington, D.C.: Brookings Institution, 1986), 297.

14 Lawrence Wright, *Thirteen Days in September: Carter, Begin, and Sadat at Camp David* (New York: Alfred A. Knopf, 2014), 56.

15 Ibid., 341.



Ultimately, Carter settled for an exchange of letters on Jerusalem—letters attached to the treaties that had no operational value.

On Saturday, September 16, Carter, Begin and their closest aides met in the evening to work out the final details of the agreement regarding the West Bank and Gaza. The continued settlement policy of Israel had become the last remaining bone of contention between the delegations. At 1:30 AM, Carter adjourned the meeting, convinced that he had finally secured a precious promise from Begin: a freeze on all the settlements for as long as the negotiations lasted. The next day, however, Begin refused to acknowledge this promise.<sup>16</sup> For fear of failing to reach an agreement, as Carter had stated to both Begin and Sadat that Sunday was to be the last day of the negotiations, Carter opted for ambiguity in the final Treaties. "On the West Bank and Gaza, we have chosen to postpone until later what cannot be solved today" William Quandt wrote in his notes. At 10:30 PM, the three haggard leaders signed the Camp David Accords at the White House.

## C. THE OUTCOME OF CAMP DAVID: TWO TREATIES AND ONE VICTOR

Having described the day-to-day unfolding of the negotiations, I will analyze the content of the Camp David Treaties.

### 1. The Ambiguity of Peace

The first treaty is entitled a "Framework for the Conclusion of a Peace Treaty between Egypt and Israel." In this text, Israel agrees to relinquish its sovereignty over the Sinai and to dismantle the settlements that had been established in the peninsula. Egypt agrees to sign a peace treaty, ultimately leading to full diplomatic relations with Israel.<sup>17</sup> The second treaty is entitled "Framework for Peace in the Middle East," and regards the fate of the Israeli-controlled West Bank and Gaza. Its broad title is indicative of its lack of precision. This imprecision strongly contrasts with the thorough first document, which includes deadlines and many operational mechanisms

to reach bilateral peace.<sup>18</sup> The second text establishes the model of a transitional phase before the final issues, including but not limited to Jerusalem and Palestinian refugees, were to be discussed. The agreement was deeply compromised by the absence of any time limit for each transitional period. As such, the pre-Camp David status quo of a de facto military occupation of the West Bank and of Gaza could be maintained without violating the treaty.<sup>19</sup> The exchange of letters that accompanied the treaty made its content even more vague, allowing several competing explanations of the same concepts.<sup>20</sup> Additionally, the UN General Assembly declared, on November 29, 1979, that the Camp David treaty had no validity with regards to the Palestinian people. On the other hand, the Egyptian-Israeli peace treaty was signed on March 26, 1979 on the White House lawn, a direct outcome of the Camp David Summit.

### 2. The Consequences of Camp David

The fact that the two treaties are unrelated is a significant Israeli victory. Because the two agreements were legally separate, the tangible improvements in Egyptian-Israeli bilateral relations did not trigger any positive evolution on the Palestinian issue.<sup>21</sup> The Egyptian army, the most significant Arab military force, effectively laid down its weapons without obtaining any guarantee for Palestinian self-determination, a goal which had been at the core of the Egyptian foreign policy for most of its modern history. Beyond legitimizing the military occupation of the West Bank and of Gaza, the Camp David treaty empowered the Israeli cabinet. Israel quickly stepped up its settlement policy, and also invaded Lebanon in 1982 in what it recognized as "war of choice."<sup>22</sup>

Secretary of State Cyrus Vance, while aware that the agreement was "not entirely fair," genuinely believed that it represented a "significant first step on the road of peace."<sup>23</sup> The continuous oppression of the Palestinian people, along with the security plight this represents for every Israeli citizen, would

16 Quandt, *Camp David: Peacemaking and Politics*, 156.

17 United States of America Department of State, Office of Public Communication, Bureau of Public Affairs, *The Camp David Summit, September 1978*. September 1978, Ser. 88.

18 Ibid.

19 Telhami, *Path to the Camp David Accords*, 240.

20 Sobel and Kosut, *Peace-making in the Middle East*, 232.

21 Telhami, *Path to the Camp David Accords*, 9.

22 Wright, *Thirteen Days in September*, 75.

23 Cyrus R. Vance, *Hard Choices: Critical Years in America's Foreign Policy* (New York: Simon and Schuster, 1983), 376-377.

debunk this overly optimistic assessment. Indeed, on September 18, the very day after the agreements, Menachem Begin declared to the Israeli media that Israel's settlement policy was not be affected by the Treaties. Begin also openly stated to the Knesset that Israel was to retain control of the West Bank beyond the five-year transitional period that Carter had sought to implement at Camp David. On the very same day, Carter claimed in front of the Congress that the summit marked the end of Israel's settlement policy, illustrating the degree of willful misunderstanding that the negotiators had allowed.

With regards to Sadat's fate, the Camp David agreements were a fully-fledged disaster. Isolated both at home and in the Arab world, Anwar Al Sadat saw Egyptian diplomats expelled from most Arab countries, crowds of Egyptians taking the streets, and Egypt excluded from the League of Arab States.<sup>24</sup> In 1981, an Islamist fundamentalist, Khalid Al Islambuli assassinated Sadat; he identified the President's abandonment of the Palestinians as the core motive of his action.

It is hence clear that Begin was the most able negotiator at Camp David. He knew how to play the game of brinkmanship, holding back on his final concessions until he fully identified the needs of the other negotiators. Throughout two weeks of intense negotiations, Menachem Begin managed not to admit the "inadmissibility of the acquisition of territory by war." Essentially, "For Begin, Sinai had been sacrificed, but Eretz Israel had been won."<sup>25</sup>

## **II. THE INDIVIDUAL-BASED EXPLANATION: COGNITION, PERSONALITY, AND INTERPERSONAL RELATIONS FOR DECISION-MAKING**

### **A. COGNITIVE DECISION-MAKING AT CAMP DAVID: DEFENDING'S ONE SELF AGAINST REALITY**

Before focusing on the particular motivated biases of each individual actor at Camp David, I intend to describe the theoretical background on which this section is based.

#### **1. The Cognitive Setting of the Camp David Summit**

What this paper understands as the cognitive context of decision-makers is the broad "mental construction a leader develops about the world," which regiments not only his vision of politics but the entire range of his social cognitive processes.<sup>26</sup> Robert Jervis underscored the cognitive/psychological setting of the decision as being located within the individual himself.<sup>27</sup> Alexander Wendt further asserted that the psychological factors for decision-making are not necessarily more flexible than the traditional realist systemic factors for decision-making, hence reinforcing the centrality of individual-based factors to explain foreign policy.<sup>28</sup> Jerel Rosati further stated that the political behavior of each actor is the product of the interaction between the objective and the psychological environments in which the decision occurs.<sup>29</sup>

Alexander George furthered this analysis by constructing two models to explain sub-optimal decision-making by individual political actors, a phenomenon that is clear at Camp David. The decision-maker might adopt the "problem solver paradigm," selectively assessing information in order to be able to remain cognitively operational, or the "consistency seeker paradigm," only accepting information that suits his pre-existing beliefs. The issue here is not the information itself, but rather how it is perceived, assessed and processed by decision-makers.<sup>30</sup> At Camp David, I argue that Jimmy Carter, for the sake of obtaining an agreement, ignored—willfully or not—several obstacles which could prevent the effective implementation of the treaties. The misunderstanding on settlements is a powerful instance of such a cognitive shortcoming.

Richard Ned Lebow, recognizing the inevitable shortcoming of cognitively limited individuals, put forward the concept of "satisficing": in the context of limited rationality,

26 Mark Shafer, "Issues in Assessing Psychological Characteristics at a Distance: An Introduction to the Symposium," *Political Psychology* 21, no. 3 (2000): 511-527.

27 Robert Jervis, *Perception and Misperception in International Politics* (Princeton, NJ: Princeton UP, 1976).

28 Alexander Wendt, *Constructing International Politics* (Cambridge, MA: MIT, 1995).

29 Daniel L. Byman, Kenneth M. Pollack, "Let Us Now Praise Great Men, Bringing the Statesman Back In," *International Security* 25, no. 4 (2001): 171.

30 Alexander L. George, *Presidential Decisionmaking in Foreign Policy: The Effective Use of Information and Advice* (Boulder, CO: Westview, 1980).

24 Fahmy, *Negotiating for Peace*, 290.

25 Quandt, *Camp David: Peacemaking and Politics*, 167.

decision-makers tend to settle for the next best available option. This matches Carter's acceptance of an inherently flawed agreement for the sake of obtaining an agreement, however imperfect and vague it might be. Lebow also states that actors tend to exhibit the "value dominance paradigm," becoming unable to correctly assess trade-offs between different policy options. Barbara Farnham wrote that decision-makers routinely fail to realize the value conflicts inherent in each decision, especially in situations of high stress.<sup>31</sup> This also matches Carter's behavior, as the President refused to acknowledge that a bilateral peace treaty between Egypt and Israel without concrete guarantees for the Palestinians would ultimately dampen the prospects of peace. This ties in with a third concept that Lebow develops, the "post-decisional rationalization" paradigm: while Jimmy Carter initially presented the agreement as an imperfect yet significant first step towards peace, he later became more adamant in exclusively underscoring the positive aspects of the Treaties.<sup>32</sup>

A final cognitive limitation of the Camp David negotiators is the pre-eminence of losses in their strategic assessments. Losses loom larger than gains, writes Barbara Farnham. In Carter's very own words, "I hate to lose more than I like to win."<sup>33</sup> This checks out with the behavior of the American President, who chose to sign a treaty, however imperfect, for fear of failing to show any results for his personal involvement in the Middle East peace process. This analysis is relevant for the history of the Carter Administration as a whole. For instance, Carter attempted to rescue the American hostages in Iran, in spite of the high risks the mission presented, in order to remove the prospect of a significant loss. Farnham argues that Carter would not have taken such a risk had the operation been designed to secure gains rather than to avoid losses.<sup>34</sup>

These arguments are made even more powerful by the high-pressure nature of the Camp David negotiations. I argue that this context further hampered the ability of

decision-makers to critically assess their own cognitive limitations, leading to the suboptimal political outcome of two separate treaties.<sup>35</sup> More generally, the entire political context of the negotiations was conducive to individual decision-makers, along with their personal cognitive failings, playing prominent roles. Hermann and Walker have stated that the idiosyncrasies of decision-makers matter most when the decision-makers have a strategic position—as Carter, Begin and Sadat did—when they deal with new policy elements using non-traditional diplomatic settings—such as Camp David—and when they find themselves in the context of a relative power balance—which, at that time, described Egyptian-Israeli relations.<sup>36</sup> Gaddis Smith further described the 1978 Middle East situation as a "point of juncture," reinforcing the strategic importance of each individual decision-maker.<sup>37</sup>

## 2. The Cognitive Biases of Carter, Sadat and Begin

I argue that the inherently biased cognitive context through which each actor approached the political problems at hand greatly shaped their respective bargaining behaviors.

### A. The Motivated Biases of Sadat: A Prophet Beyond His Time

According to Lawrence Wright, the Egyptian President saw himself as a "grand strategic thinker blazing like a comet through the skies of history." He gradually developed strikingly grandiose cognitive schemes about the world, leading him to become both "reckless and flexible" policy-wise.<sup>38</sup> In his own autobiography, Anwar Al Sadat describes his quest of identity and that of Egypt as "one and the same thing," thinking of himself as the incarnation of Egypt's 7,000 year-old civilization.<sup>39</sup> This grandiloquent cognition of Sadat was further heightened by the international media praise he received after

31 Barbara Farnham, *Roosevelt and the Munich Crisis: A Study of Political Decision-making* (Princeton, NJ: Princeton UP, 1997).

32 Richard Ned Lebow, *Between Peace and War: The Nature of International Crisis* (Baltimore: Johns Hopkins UP, 1981).

33 Barbara Farnham, *Avoiding Losses / Taking Risks: Prospect Theory and International Conflict* (Ann Arbor: U of Michigan, 1994).

34 Ibid.

35 G. John Ikenberry, *American Foreign Policy: Theoretical Essays* (Boston, MA: Wadsworth, 2011).

36 Ibid.

37 Gaddis Smith, *Morality, Reason, and Power: American Diplomacy in the Carter Years* (New York: Hill and Wang, 1986), 12.

38 Wright, *Thirteen Days in September*, 23.

39 Anwar Sadat, *In Search of Identity: An Autobiography* (New York: Harper & Row, 1978), 314.

his visit to the Israeli Knesset in 1977. He was described as a savior, and "believed every single word."<sup>40</sup> As the negotiation process drew on, the Egyptian President grew increasingly isolated, and consequently more and more grandiose.

Precisely because of his grandiose self-conception, Sadat was strikingly impermeable to adverse criticism. This led him to develop delusional ways of thinking about the political context of his time, ways that were left unchecked by contrary views. Sadat was, for instance, deeply convinced that the US could shape Israeli policies: "If the Middle East is a deck of cards, America holds ninety-nine percent of them," he frequently asserted.<sup>41</sup> As a result, Sadat bet his political career on his friendship with Carter, trusting the American President to coerce Israel into compromise. This explains why, at the very outset of the summit and against his adviser's opinions, Sadat decided to disclose to Carter his fallback positions. The fact that Carter stated to Sadat that he over-assessed the ability of the US to put pressure on Israel makes this cognitive tendency of the Egyptian President even more striking. When confronted by his delegation on the concessions he made at Camp David, Sadat dismissed his advisers at "plumbers," while describing himself as a "statesman" with a "sense of history."<sup>42</sup> Sadat was, in short, an extremely self-deceiving decision-maker. Brzezinski deemed him "excessively inclined towards wishful thinking," and even said of him that he "had the tendency to let himself be carried away by his own words."<sup>43</sup> Mohammed Ibrahim Kamil, Egypt's Minister of Foreign Affairs, deems Sadat an "extremely inconsistent personality":<sup>44</sup> Sadat is described as usually drawing on his pipe during Camp David, "lost in his own world" whilst crucial questions were being discussed.<sup>45</sup> The overwhelmingly negative Egyptian and Arab reactions to the Camp David treaty—which came as a complete surprise to Sadat—are a testimony of how out of touch with reality the Egyptian President had become.

## *B. The Motivated Biases of Begin: A Prisoner of His Time*

While Sadat had a self-constructed image of his own position as that of a prophetic leader freeing himself from the burden of his time, I consider Menachem Begin's individual cognition as that of a decision-maker constrained by his own psychotraumatic history, to which he associated the history of the Jewish people as a whole. To Wright, Begin embodies the "most wounded and aggressive qualities in the Israeli psyche."<sup>46</sup> The cognitive framework of the Israeli Premier hence fits well with the writings of David Welsh, who deems cultures and emotions significant variables in decision-making.<sup>47</sup> Begin was constrained by his emotional link with his people's history: deeming continued Israeli control of the West Bank and Gaza the only way to ensure the survival and the welfare of the Jewish citizens of Israel, he maintained a state of occupation which impeded not only the legitimate rights of the Palestinians to self-determination, but also the security of Israeli citizens. I argue that the Camp David Treaties represent a suboptimal outcome for the Israelis themselves, as it enshrined a military occupation that hampers their safety to this day. I consider the cognitive limitations of Begin a major explanation for this suboptimal outcome.

By describing Menachem Begin as being of a "distinctly Hitleristic type," David Ben-Gurion, the founder of the State of Israel, encapsulated the constrained cognitive framework of Begin. Begin's cognitive framework is at the origin of his restless attention for detail, of his legalism—his granitic sense of protocol was a major source of annoyance for Carter—and of his impermeability to the emotional appeals of Carter, poles apart from Sadat's "Nobel Prize Complex."<sup>48</sup> Indeed, unlike Sadat's emotional and sanguine approach to international bargaining, Begin adopted an extremely cold and seemingly detached stance. In Carter's own words, "Begin was calmer than Sadat."<sup>49</sup> For Cyrus Vance, Begin's semantic precision explains, to a large extent, his ability to extract

40 Wright, *Thirteen Days in September*, 84.

41 Ibid., 69.

42 Ibid., 176.

43 Telhami, *Path to the Camp David Accords*, 175-176.

44 Kamil, *Camp David Accords: A Testimony*, 80.

45 Telhami, *Path to the Camp David Accords*, 175-176.

46 Wright, *Thirteen Days in September*, 65.

47 Stanley Allen Renshon and Deborah Welch Larson, *Good Judgment in Foreign Policy: Theory and Application* (Lanham, MD: Rowman & Littlefield, 2003).

48 Wright, *Thirteen Days in September*, 254.

49 Jimmy Carter, *Keeping Faith: Memoirs of a President* (Toronto: Bantam, 1982), 359.

concessions from both Carter and Sadat.<sup>50</sup> In addition, Begin could, unlike Carter and Sadat, afford to walk out of Camp David empty-handed. This paper argues that Begin's willingness not to reach an accord stems from Begin's traumatized and biased personal cognition rather than from the Israeli domestic context of the time. Such intransigence led the American delegation to revisit its bargaining tactics and negotiation stances to accommodate the stiffness of the Israeli Premier, ultimately yielding a complete sidelining of the Palestinian issue.

### *C. The Motivated Biases of Carter: A Moralistic Engineer and the Saturday Night Fever*

I approach the cognitive mechanisms of the American President within the theoretical framework of the bounded rationality concept, as developed by Barbara Farnham. In this theory, the decision-maker attempts to rationally assess each policy option, but does so within his own cognitively limited context. This prevents him from considering a broad range of options that could potentially yield an optimal outcome.<sup>51</sup> Farnham also states that high-stress situations lead decision-makers to resort to even more skewed forms of bolstering.<sup>52</sup> In Carter's case, bolstering meant considering an agreement between Egypt and Israel as a political outcome that could satisfy all the different values of the President. This explains Carter's choice to bow in front of Begin's claim that he had not promised any permanent settlement freeze during the negotiations of September 16, 1978—an episode that has been described as the "Saturday Night Fever."<sup>53</sup> This ultimate bargaining session encapsulates the particular setting of the Summit, during which most negotiations occurred closer to dawn than to nightfall. In such a high-pressure context, I argue that motivated biases become even more prominent in shaping political outcomes.

Another argument is derived from prospect theory literature: for Carter, the risk of failing to reach an accord was considered more significant than the prospect of reaching a satisfying comprehensive settlement. Chances are, indeed, that Begin would never have signed an agreement containing a clear limit on

the expansion of Israeli settlements in the West Bank. Ultimately, however, what matters is that Carter was convinced that Begin would never have signed such a pledge. Such a conception explains Carter's final concession.

Another crucial cognitive aspect is that Carter is extremely thorough and approaches political challenges in a detailed-oriented manner. According to Gaddis Smith, Carter's preparation for the Camp David summit was exceptionally thorough: "Carter studied thousands of pages of documents, familiarized himself with every kilometer of disputed territory, learned the names and populations of scores of villages."<sup>54</sup> Ezer Weizmann was impressed by Carter's restless drive for control and attention to detail: "This is the way an engineer thinks, in square and rectangles."<sup>55</sup> Once an engineer in the Navy, Carter retained the meticulousness of engineers far into his political career.<sup>56</sup> De Mause and Ebel describe Carter as possessing a "narcissistic personality with obsessive compulsive defense" and a phenomenal "drive for control."<sup>57</sup> Carter even confessed that he found it challenging, when transitioning to the White House, to delegate authority.<sup>58</sup> This hands-on approach to decision-making was striking at the Camp David Summit. Quandt stated that the American president adopted the roles of "draftsman, strategist, therapist, friend, adversary, and mediator"—it is obvious how the role of Carter was at least as much psychological as political.<sup>59</sup> Because of this extreme personal and cognitive commitment, Carter was inclined to resort to motivated biases. In discussing the contentious events of the last night of negotiations, Carter simply stated in his autobiography: "On the West Bank settlements, we finally worked out language that was satisfactory."<sup>60</sup> Carter's intense moral involvement in the Camp David negotiations led him to extreme frustration when he faced Begin's intransigence.<sup>61</sup> As for Sadat, his fleeing moments of rigidity quickly

50 Vance, *Hard Choices*, 181.

51 Farnham, *Roosevelt and the Munich Crisis*.

52 Ibid.

53 Quandt, *Camp David: Peacemaking and Politics*, 359.

54 Smith, *Morality, Reason, and Power*, 165.

55 Wright, *Thirteen Days in September*, 285.

56 Sunny Thomas, *Jimmy Carter: From Peanuts to Presidency* (Cornwall, Ont.: Vesta Publications, 1978), 70.

57 Lloyd DeMause and Henry Ebel, *Jimmy Carter and American Fantasy: Psychohistorical Explorations* (New York: Two Continents, 1977), 45.

58 Carter, *Keeping Faith: Memoirs of a President*, 37 and 69.

59 Quandt, *Camp David: Peacemaking and Politics*, 172.

60 Carter, *Keeping Faith: Memoirs of a President*, 406.

61 Thomas, *From Peanuts to Presidency*, 88.

elapsed.<sup>62</sup> Carter's frustration explains his final concession to Begin during the last night of negotiations.

Last but not least, such motivated biases took their full toll precisely because of Carter's lack of prior experience with the Middle East. If the President is to be believed, "My interest in the region had not begun when I moved into the White House."<sup>63</sup> In this context, Rosati asserts that Carter's general approach towards human nature, rather than towards the political issues of the region, was most instrumental in shaping the behavior of the American President. This reinforces the strength of a cognitive analysis as opposed to a systemic political explanation. Jimmy Carter was as such often times described as an "American moralist," propelled by uniquely powerful moral passions that profoundly affected his cognitive appraisal of the political issues at hand.<sup>64</sup>

## B. PERSONAL DECISION-MAKING AT CAMP DAVID: THREE MEN ALONE

I will now explain the particular personality traits of Carter, Sadat and Begin, as shaped by their own personal heritages, which constitute a second level of analysis in the individual-based explanations of political decision-making.

### 1. Carter, Begin, and Sadat: The Prophet, The Terrorist, and The Pharaoh

#### A. Jimmy Carter, "From Peanuts to Presidency"<sup>65</sup>

"Though we face extraordinary responsibilities, we are first and always Rosalynn and Jimmy Carter from Plains, Georgia," wrote Rosalynn Carter.<sup>66</sup> While it is true that the decision-maker's personal heritage is crucial for all politicians, I argue that such a heritage, precisely because it was at the center of Carter's self-constructed narrative, was even more instrumental in shaping the 39<sup>th</sup> President's political decisions. Jimmy Carter was born in a farm in Archery, three miles away from Plains, Georgia, a town of a few hundred inhabitants at

that time. Carter was raised on a diet of sweet potatoes, which he says was usually the only available meat at the farm.<sup>67</sup> Young Carter did not have many friends,<sup>68</sup> which could account for the high value he would later assign to interpersonal relations.<sup>69</sup> In his very own words, Carter's "life on the farm during the Great Depression more nearly resembled farm life of fully 2,000 years ago than farm life today."<sup>70</sup> The humiliation that Carter underwent as a peanut salesman and hazing he suffered at the Naval Academy also shaped his personality.<sup>71</sup> After a short career as a Navy engineer, Carter decided to come back to the farm in Archery following the death of his father. During 1954 he earned a profit of less than \$200, which contrasted starkly with the bright military future that Carter could have secured for himself.<sup>72</sup>

Throughout the 1960s, Carter became more involved in Georgian local politics. In 1966, he ran for Governor. Defeated, he waited for only one month before starting to campaign again for the 1970 race, following the axiom that he claims for himself in his autobiography: "Show me a good loser and I will show you a loser."<sup>73</sup> This renewed political ambition coincided with his newly found faith, which he described as a "born again" experience.<sup>74</sup> Carter's passion for politics became intrinsically intertwined with his personal spiritual quest: "The core of his religious and personal faith seems to be the core of his political philosophy as well," a reporter at that time wrote.<sup>75</sup> In 1972, once he had been elected as Governor, he began campaigning for the Presidency. Reflecting the importance of his own personal origins for his political development, Carter ran his campaign, at least nominally, from Plains.<sup>76</sup> On January 20, 1977, Carter, a genuine outsider from politics, was sworn in as President.

62 Jimmy Carter, *Why Not the Best?* (Nashville: Broadman, 1975), 139.

63 Carter, *Keeping Faith: Memoirs of a President*, 280.

64 Kenneth Earl Morris, *Jimmy Carter, American Moralist* (Athens: U of Georgia, 1996), 7.

65 Thomas, *From Peanuts to Presidency*.

66 Rosalynn Carter, *First Lady from Plains* (Boston: Houghton Mifflin, 1984), 8.

67 Carter, *Why Not the Best?* 28.

68 Morris, *Jimmy Carter, American Moralist*, 52.

69 Jimmy Carter, *White House Diary* (New York: Farrar, Straus and Giroux, 2010), 306.

70 Carter, *Why Not the Best?* 13.

71 Ibid., 25 and 43.

72 Ibid., 61.

73 Carter, *First Lady from Plains*, 51.

74 Morris, *Jimmy Carter, American Moralist*, 157.

75 Ibid., 124 and 157.

76 Morris, *Jimmy Carter, American Moralist*, 83.



Menachem Begin was born in Poland. His early exposure to anti-Jewish hatred fundamentally impacted his personality, reinforcing his stubborn, determinate and restless character. His detention in a Soviet labor camp further fueled his belief that Jews needed a state of their own, "a strong and powerful" one, which led him to adhere to the revisionist ideals of Ze'ev Jabotinsky.<sup>77</sup> In *White Nights*, Begin writes about his experience in the Soviet labor camp. In *The Revolt*, he narrates his experience as the head of the underground Irgun, a terrorist organization that fought the British presence in Mandatory Palestine. In both works, Begin appears as intransigent, full of rage, passionate, and supremely sure of his intelligence. Begin saw himself as a "new specimen of human begin": the "Fighting Jew" born of the trauma of the Holocaust.

Most of Begin's closest relatives were killed during World War II. It is with deep suffering at heart that Begin immigrated to British-controlled Palestine as part of a Polish army unit in 1942. Once in Palestine, Begin created the Irgun, a terrorist organization that fought for the end of the British presence in what its members called "Eretz Israel"—understood as encompassing both the West Bank and Jordan. The Irgun targeted both military personnel and civilians. Its most notorious attack, directly planned by Begin, was the bombing of the King David Hotel in Jerusalem on July 22, 1946, which caused 91 casualties. Begin subsequently declared that he was mourning the 17 Jewish victims, while leaving "the mourning for the British victims to the British." Begin did not say a single word for the 41 Arabs who perished in the attacks. On July 29, the Irgun hanged two British soldiers and booby-trapped their bodies. Begin, summoned to condemn such actions, justified the crime by stating that the two soldiers had been convicted for "anti-Hebrew activities." As a side note, Lawrence Wright reports that Begin's book, *The Revolt*, was later found in an al-Qaeda training camp.<sup>78</sup>

Begin was thus an extreme figure in the nascent Israeli political scene. When Prime Minister David Ben-Gurion became convinced that the rogue Begin wanted to stage a coup

d'état, he commissioned Moshe Dayan to confiscate a new shipment of weapons the Irgun was scheduled to receive. A gunfight ensued, leading to tens of deaths on both sides. After this tragedy, Begin went into seclusion, and later reinvented himself as a politician. He founded the Herut Party and led the opposition to the Labor Party for a full 29 years. An extremely doctrinaire figure, Begin resigned from Golda Meir's cabinet when she accepted UNSC Resolution 242.<sup>79</sup> The fervor of Begin's convictions as well as the violence of his political struggles make him apparently ill-suited to a diplomatic context, the essence of which is to strike deals and accept compromises. I will nevertheless attempt to show that it is precisely his cold and stubborn character that granted Begin a historical victory at Camp David.

C. Anwar Al Sadat, *An Upper Egypt Peasant on the Throne of Egypt*

Anwar Al Sadat grew up in Mit Abul Kum, a village of mud huts in Upper Egypt. The future Egyptian President, who was born two generations away from slavery, studied at the Royal Military Academy in Cairo. There, he was directly exposed to the British colonial presence in Egypt, as well as to the ideals of Atatürk. His tendency for autocracy, fueled by the uncompromising policies of the British, is ultimately what led him to support Adolf Hitler during World War II. In a Cairo magazine years after the end of the war, he wrote a letter to Hitler as if the German dictator was still alive: "My dear Hitler, I admire you from the bottom of my heart."<sup>80</sup> As such, like Begin, Sadat did not hesitate to resort to violent means to achieve his goals.

Sadat's entire autobiography is suffused with the extreme ego of the Egyptian President, a self-righteousness that survived even the most striking political defeats, such as the 1973 war with Israel. Imprisoned several times, both before and during World War II, Sadat lived the life of a solitary man utterly convinced by the rightness of his cause. In his own words: "I am simply a man who has come to know himself and is therefore true to himself in everything he says or does."<sup>81</sup> Sadat was alone in the underground when he fought the monarchy

77 Vance, *Hard Choices*, 181.

78 Wright, *Thirteen Days in September*, 158.

79 Quandt, *Camp David: Peacemaking and Politics*, 242.

80 Wright, *Thirteen Days in September*, 165.

81 Sadat, *In Search of Identity*, 88.

of Farouk. But he was also alone after reaching power in 1952, as he did not trust any of his fellow officers. Weizman, the Israeli Defense Minister, perfectly understood the personality of Sadat. When visiting him in Cairo, he offered him a clock with the inscription "The leader who moved the clock forward," hence acknowledging Sadat's disproportionate ego and thirst for historical success.<sup>82</sup> Sadat routinely claimed to Weizman that, unlike his advisers, he was "Thinking bi-i-ig," attempting to position himself beyond the political fray of his time.<sup>83</sup> Sadat despised most foreign leaders, and indeed most people who surrounded him. He nevertheless felt a direct emotional link with Carter, whom he called "President" or "Mr." unlike other leaders.<sup>84</sup> Another crucial emotional linkage that Sadat developed was with Nicolae Ceaușescu. It is after his meeting with the Romanian dictator that Sadat decided to accept a peace summit geared towards obtaining a bilateral peace with Israel, which ultimately led to Camp David.<sup>85</sup>

Sadat was also excessively inclined towards wishful thinking. Sadat genuinely believed that his 1977 visit would quickly lead to a full comprehensive peace, believing that only "details" needed to be worked out for the Palestinians to finally obtain a state of their own.<sup>86</sup> Lawrence Wright describes Sadat as a "fevered mind, often defiant and arrogant, even towards the members of his own delegation," a probable consequence of his life in the Egyptian underground.<sup>87</sup> Kenneth Stein concurs in remarking on Sadat's "flamboyance and disdain," along with his secretive style and excessive impatience.<sup>88</sup> These personality traits explain the suboptimal bargaining behavior that Sadat adopted at Camp David.

## 2. Three Men Alone: The Delegations Sidelined

It is now a well-established fact that Anwar Al Sadat went to Camp David not because of his advisers' opinions but rather because

he trusted Jimmy Carter. Both Kamil and Fahmy, the two successive Egyptian Ministers of Foreign Affairs, disapproved of the entire negotiation process with the Israelis.<sup>89</sup> The prevailing opinion in Sadat's cabinet was that no Arab leader should take any unilateral action that could endanger the positions of the Arabs as a whole with regards to Israel, which is exactly what Sadat did by signing a bilateral peace.<sup>90</sup> Kamil advocated for the rupture of the talks in January 1978, after it had become clear that Menachem Begin would not react to Sadat's visit to the Knesset by striking the historical compromise the Egyptian President had hoped for.<sup>91</sup> Sadat nevertheless travelled to Camp David in February 1978, from which he came back convinced by his "good friend" Carter that pursuing direct negotiations with the Israelis was the way forward. As a result of such isolation, Sadat spent most of the Camp David summit secluded in his own cabin, even refusing to eat with the rest of his delegation.<sup>92</sup> By all accounts, Sadat "ignored the opinions of his colleagues and took decisions single-handedly."<sup>93</sup>

The autocratic character of Egypt's government further strengthens the individual-centered framework of this paper. Indeed, while Ismail Fahmy claims that the entire peace process with Israel "should have been submitted to the approval of competent political institutions in Egypt," I see no genuine counter-balancing power that could have mitigated Sadat's autocratic tendencies.<sup>94</sup> Carter's opinion of the Egyptian delegation further hampered its role: as he considered the Egyptians—except Sadat—as doctrinaire and rigid, Carter routinely went over the heads of the delegates, directly pleading for concessions with Sadat.<sup>95</sup>

Menachem Begin too was extremely isolated in his delegation. Moshe Dayan, Begin's Minister of Foreign Affairs, states that the Israeli Premier routinely dismissed his suggestions.<sup>96</sup> To Dayan's mind, the treaty was indeed the outcome of a bargaining between

82 Ezer Weizman, *The Battle for Peace*, (Toronto: Bantam, 1981), 122.

83 Ibid., 359.

84 Sadat, *In Search of Identity*, 297.

85 Ibid. 306.

86 Wright, *Thirteen Days in September*, 183.

87 Ibid. 186.

88 Kenneth W. Stein, *Heroic Diplomacy: Sadat, Kissinger, Carter, Begin and the Quest for Arab-Israeli Peace* (New York: Routledge, 1999), 30.

89 Fahmy, *Negotiating for Peace*, 76.

90 Ibid., 191.

91 Kamil, *Camp David Accords: A Testimony*, 79.

92 Kamil, *Camp David Accords: A Testimony*, 303.

93 Fahmy, *Negotiating for Peace*, 300.

94 Ibid., 281.

95 Brzezinski, *Power and Principle*, 365.

96 Moshe Dayan, *Breakthrough: A Personal Account of the Egypt-Israel Peace Negotiations* (New York: Knopf, 1981), 154.



"The Big Three," who positioned themselves—even spatially, as shown by the locations of their respective cabins at Camp David—at a distance from their delegations. Ezer Weizman and Rosalynn Carter also concur in deeming Begin's positions as excessively steadfast.<sup>97, 98</sup> Ultimately, however, the positions of Begin—especially his unwillingness to strike any significant compromise on the West Bank and Gaza—most influenced the outcome of the political bargaining of Camp David. As a side note, Weizman and Dayan later quit their positions within the Israeli Cabinet owing to their disapproval of Begin's policies, a pattern matching Fahmy and Kamil's departures from the Egyptian government.

While the American team by no means exhibited the same internal political dissensions, Carter's restless drive for control and extremely personalized style of decision-making also sidelined his delegation. Brzezinski and Vance, Carter's two most crucial advisers, were pushed aside to the point that they were playing tennis on September 6, at the very moment Carter was orchestrating the first crucial encounter between Sadat and Begin.<sup>99</sup> Brzezinski would later admit that his role was "quite secondary,"<sup>100</sup> and Weizmann narrates the anecdote of Hamilton Jordan, the White House Chief of Staff, who apparently "tried his luck on one of the secretaries."<sup>101</sup> Even Vance found himself idle when, having informed Carter of Sadat's intent to depart the summit, the President went to directly confront Sadat.<sup>102</sup>

## C. INTER-PERSONAL DECISION-MAKING AT CAMP DAVID: THE GOOD, THE BAD, AND THE UGLY

### 1. Carter's Political Style and Intentions: Camp David as a Group Therapy

#### A. The Importance of Camp David for Carter

The Camp David negotiation is in and of itself a formidable case study in international bargaining. Yet, precisely because Carter was so personally involved in the Middle Eastern peace process, the Summit can serve as a point

of entry into understanding the whole Carter Presidency. From his inauguration as 39th President, Jimmy Carter identified reaching peace in the Middle East as one of his foremost political objectives. In his own White House Diary, Carter ranks the Middle Eastern question as the most crucial political battle he fought as President. Most books that Carter has written since 1980 also discuss the Israeli-Palestinian conflict.<sup>103</sup> The Middle East took more of Carter's time than any other single issue, as is made obvious by the hundred pages which Carter allocates to the Camp David Summit in his memoirs.<sup>104</sup> Camp David is the most recurring word in Carter's *Keeping Faith*—more than SALT, China, or even his wife Rosalynn. The Middle East was crucial to Carter not only as a politician, but also "as a person."<sup>105</sup> During the summit itself, all direct participants concur in praising the extreme efforts that Carter devoted to reaching an agreement.<sup>106</sup> Convening the Camp David summit was not the product of the American governmental machine, but rather of Carter's own personal intuitions and affects, particularly with regards to President Sadat. The decision was even criticized by Carter's closest advisers and friends.<sup>107</sup> During the summit, the American delegation prepared twenty-three versions of the Framework for Peace, with Carter personally drafting the Sinai agreement.<sup>108</sup> Such an involvement would continue even after the summit: it is now commonly accepted that the final Peace Treaty would not have been signed without Carter's last-minute visit to Jerusalem in March 1979.<sup>109</sup> In Carter's own words, "Looking back on the four years of my Presidency, I realize that I spent more of my time working for possible solutions to the riddle of the Middle East than on any other international problem."<sup>110</sup>

#### B. The Carter Style of Doing Politics: Individuals, Morals and Emotions

Carter's political method was based on an intermixing of politics and personal inter-

97 Weizman, *The Battle for Peace*, 361.

98 Carter, *First Lady from Plains*, 256.

99 Brzezinski, *Power and Principle*, 256.

100 *Ibid.*, 273.

101 Weizman, *The Battle for Peace*, 346-347.

102 Vance, *Hard Choices*, 224.

103 Carter, *White House Diary*, 99.

104 Carter, *Keeping Faith: Memoirs of a President*, XVI.

105 Rod Troester, *Jimmy Carter as Peacemaker: A Post-presidential Biography* (Westport, CT: Praeger, 1996), 167.

106 Dayan, *Breakthrough: A Personal Account*, 155.

107 Carter, *Keeping Faith: Memoirs of a President*, 325.

108 *Ibid.*, 351.

109 Sobel and Kosut, *Peace-making in the Middle East*, 346.

110 Carter, *Keeping Faith: Memoirs of a President*, 438.

relations, as attested by his ability to build strong relationships with political figures over a short amount of time—Ismail Fahmy, Egypt's Minister of Foreign Affairs, found him "extraordinarily candid and honest."<sup>111</sup> Carter not only valued his personal charm for political endeavors, but also adopted a highly centralized vision of presidential decision-making. Brzezinski describes a President who routinely offered birthday cakes to his subordinates, but who also weighed in with his full influence on decisions he took to heart.<sup>112</sup> Carter wrote: "There have been Presidents in the past that let their Secretaries of State make foreign policy. I don't."<sup>113</sup> Cyrus Vance wrote, "In the Carter foreign policy apparatus, the personal dimension would be unusually important," also stating that Carter prioritized informal, high-level information and decision channels over more traditional ones.<sup>114</sup> Trusting the goodwill of high-level negotiators, Carter routinely circumvented the machinery of government.<sup>115</sup>

<sup>116</sup>

Jimmy Carter began his Presidency by walking down Pennsylvania Avenue with his wife Rosalynn, an unprecedented symbol.<sup>117</sup> When settling in the White House, Carter asked for his cooks to prepare the very same food he had in Plains, and after 1980 he returned to his home city.<sup>118</sup> Carter devoted great personal effort to the choice of his White House staff, down to the most trivial positions.<sup>119</sup> Additionally, when hosting foreign leaders, Carter developed the habit of taking his guests upstairs after the official dinner in order to interact with them in complete privacy. Both Begin and Sadat were given such treatment.<sup>120</sup>

Carter was well aware that, ultimately, his personality was going to make the difference.<sup>121</sup> Laurence Shoup even states that the "considerable charm" of Carter was a crucial asset, if not the most crucial one, in his political

ascension.<sup>122</sup> Betty Glad relays the statement of a reporter who said of Carter that he had a "self-assurance that would shame Muhammad Ali."<sup>123</sup> In 1970, Carter won his Governor's seat through a campaign "relying on the strength of his personal qualities."<sup>124</sup> To put it bluntly, Carter reached the Presidency by "shaking hands with literally thousands of people."<sup>125</sup> Betty Glad has analyzed such a personalized vision of politics as a consequence of Carter's Southern heritage, under which ideological allegiances mattered less than interpersonal alignments.<sup>126</sup> Carter's personal charm evolved into a crucial part of his own self-narrative; he for instance entitled one of the chapters of his autobiography "The Person in Front of You."<sup>127</sup> "I prefer to be called Jimmy" quickly became the main punch line of America's new populist President, who would always sign as "Jimmy" and not James.<sup>128</sup>

Jimmy Carter considered that there was "no difference between private and civic virtues."<sup>129</sup> He never truly separated the two sides of his life, the personal and the political. As a result of this very personal engagement with politics, Jimmy Carter was especially vulnerable to sudden attacks of discouragement: in "Keeping Faith," he describes his presidency as "successive moments of exhilaration and despair."<sup>130</sup> After his defeat in 1966, Carter lost 22 pounds and briefly suffered depression, which shows how personally Carter approached his own political battles.<sup>131</sup> Smith further states that Carter entered the government with the belief that moral flaws, and not political miscalculations, were at the origin of his predecessors' failures.<sup>132</sup> He hence resolved to work primarily through his moral and personal lens to deal with the political issues at hand. Additionally, Carter "made no efforts to separate his religious views from his political objectives."<sup>133</sup> His first

<sup>111</sup> Fahmy, *Negotiating for Peace*, 195.

<sup>112</sup> Brzezinski, *Power and Principle*, 197 and 524.

<sup>113</sup> *Ibid.*, 513.

<sup>114</sup> Vance, *Hard Choices*, 35 and 38-39.

<sup>115</sup> Betty Glad, *Jimmy Carter: In Search of the Great White House* (New York: W.W. Norton, 1980), 445 and 476.

<sup>116</sup> Daniel Strieff, *Jimmy Carter and the Middle East: The Politics of Presidential Diplomacy* (New York: Palgrave Macmillan, 2015), 182.

<sup>117</sup> Carter, *Keeping Faith: Memoirs of a President*, 19.

<sup>118</sup> *Ibid.*, 24.

<sup>119</sup> *Ibid.*, 51.

<sup>120</sup> *Ibid.*, 291.

<sup>121</sup> Glad, *In Search of the Great White House*, 487.

<sup>122</sup> Laurence H. Shoup, *The Carter Presidency, and Beyond: Power and Politics in the 1980s* (Palo Alto, CA: Ramparts, 1980), 27.

<sup>123</sup> Glad, *In Search of the Great White House*, 229.

<sup>124</sup> Morris, *Jimmy Carter, American Moralist*, 1996.

<sup>125</sup> Carter, *White House Diary*, 11.

<sup>126</sup> Glad, *In Search of the Great White House*, 158.

<sup>127</sup> Carter, *Why Not the Best?* 129.

<sup>128</sup> Victor Lasky, *Jimmy Carter, the Man & the Myth* (New York: R. Marek, 1979), 197.

<sup>129</sup> Glad, *In Search of the Great White House*, 478.

<sup>130</sup> Carter, *Keeping Faith: Memoirs of a President*, 9.

<sup>131</sup> Glad, *In Search of the Great White House*, 108.

<sup>132</sup> Smith, *Morality, Reason, and Power*, 241.

<sup>133</sup> William Steding, *Presidential Faith and Foreign Policy: Jimmy Carter the Disciple and Ronald Reagan the Alchemist* (New York: Palgrave Macmillan., 2014), 29.

autobiography, *Why Not the Best?*, begins with these revealing words: "The sad duty of politics is to establish justice in a sinful world."<sup>134</sup> Carter indeed perceived his political role through a deeply moral prism. With regards to Camp David itself, I argue that proto-religious motives were a crucial factor in Carter's ultimate decision to convene the summit. Carter even traveled to Camp David with his annotated Bible.<sup>135</sup>

For all of these reasons, and especially because Carter always failed to differentiate the personal from the political, Jimmy Carter has been called "the most amazing man ever to be President, but at the same time one of the most inept."<sup>136</sup> I argue that there is a gap between moral traits and political abilities, a gap that Carter failed to acknowledge.

### *C. Carter's intent for Camp David*

As a result of both the extreme importance of Camp David for the President and of his personalized style of doing politics, Jimmy Carter designed the summit as a highly interpersonal encounter between decision-makers. Carter hoped that the relations that Israelis and Egyptians would build among each other would remove the psychological obstacles to peace, a presidential strategy that further heightens the relevance of an individual-based framework.<sup>137</sup> "I felt that in going to Camp David we would be burning our bridges," writes Carter.<sup>138</sup> Therefore, Jimmy Carter prepared himself by reading the CIA psychological profiles of Begin and Sadat, assuming that the two other leaders would be preparing in the same way.<sup>139</sup> "My only hope was that, in the quiet and peaceful atmosphere of our temporary home, both Begin and Sadat would come to know and understand each other," writes the President.<sup>140</sup> Carter designed the entire atmosphere of the summit with this strategy in mind, for instance attempting to create an informal negotiating environment. Beyond the purely political contentions at play, the action of Carter at Camp David was also, to a great extent, about "defending each of

the leaders to each other."<sup>141</sup> Carter intended for the subordinates to be sidelined at Camp David, so that state leaders could allocate both the time and the energy necessary to strike a historical compromise. The summit was also completely shut to the press, occurring in an atmosphere of utmost secrecy. Quandt compared Camp David to a high-level political "group therapy," with the American President himself strolling back and forth between the cabins of Sadat and Begin.<sup>142</sup> The summit even ended with a flagrant breach of protocol as the three leaders travelled back to Washington in the same helicopter, after Carter personally insisted that Begin and Sadat stayed together until the final signature of the treaties.<sup>143</sup>

As such, Carter's political action defined both the existence of the summit and its political content. Menachem Begin even stated, when signing the agreement, "The Camp David conference should be renamed. It was the Jimmy Carter conference."<sup>144</sup> Throughout the thirteen days of the summit, Carter fully involved himself in the negotiating process. He even bargained with Israeli officials of lower ranks and used interpersonal bargaining techniques, such as when Carter delivered handwritten letters to both Begin and Sadat stating that the summit would be adjourned on September 17, regardless of the advancement of the negotiations.<sup>145</sup> The entire idea of Camp David was a bet on human nature. Nevertheless, despite his high initial hopes, Carter quickly realized that the best he could hope for out of Sadat and Begin was for them to ignore each other. Carter's frustration, coupled with his narcissistic drive for control, produced an intense despair in the American President.<sup>146</sup> One of the crucial theses of this essay is that this situation put Carter at a disadvantage with regards to Begin, precisely because he was so emotionally involved in the entire process. As such, the emotional range of Carter was the most constrained of the three negotiators. Carter's personality and behavior at Camp David were ill suited to optimal bargaining

134 Carter, *Why Not the Best?* 7.

135 Steding, *Presidential Faith and Foreign Policy*, 80.

136 Lasky, *Jimmy Carter, the Man & the Myth*, 11.

137 Carter, *White House Diary*, 217.

138 Carter, *Keeping Faith: Memoirs of a President*, 325.

139 Ibid., 327.

140 Ibid., 331.

141 Ibid., 347.

142 Vance, *Hard Choices*, 145.

143 Betty Glad, *An Outsider in the White House: Jimmy Carter, His Advisors, and the Making of American Foreign Policy* (Ithaca: Cornell UP, 2009), 152.

144 Steding, *Presidential Faith and Foreign Policy*, 79.

145 Glad, *In Search of the Great White House*, 432.

146 Carter, *Keeping Faith: Memoirs of a President*, 378.

behavior, as opposed to Menachem Begin's.<sup>147</sup>

## 2. The Perception of Each Actor Towards Each Other

I will now attempt to show how the deep emotional bonds that tied Carter and Sadat impacted the ultimate political outcome of the summit, as they drew Carter's attention to extracting concessions from Sadat rather than from Begin and made Sadat more likely to blindly trust Carter. I will contrast this behavior with Begin's uncooperative and withdrawn attitude towards Carter, which ultimately resulted in optimal bargaining behavior and led to the victory of the Israeli delegation at Camp David.

Rosalynn Carter states it clearly: "Jimmy and Sadat liked each other immediately."<sup>148</sup> Rosalynn also correctly assessed that "when Sadat trusts someone, he will work with them and go all out with them," a personality trait of Sadat's which his interactions with Carter at Camp David confirmed.<sup>149</sup> "This has been my best day as President," writes Carter after his very first meeting with Sadat on April 4, 1977, describing Sadat as a "shining light."<sup>150</sup> In his own words, Carter would "come to admire Sadat more than any other leader."<sup>151</sup> Carter's reaction to Sadat was hence by no means purely political, but was also emotional and personal. Carter felt, in many ways, as if he had shared the life experiences of the Egyptian President. He too was born a peasant, and had to fight restlessly to attain power. He too was deeply religious. Wright even states that Carter's protective stance towards Sadat was also tied to his dark skin: Carter had shielded Wesley Brown, the first African American cadet of the US, during his time at the Naval Academy.<sup>152</sup> Additionally, Carter became convinced that Sadat's initially harsh positions against Israel resulted from peer pressure from other Arab leaders.<sup>153</sup> This assessment, coupled with Carter's deep friendship with Sadat, would shift the American administration from seeking the multilateral option, involving several Arab countries in a multilateral agreement with Israel,

to striving for a bilateral treaty.

As a result of such bonds, Carter focused most of his bargaining efforts on the Egyptian leader rather than on the Israeli Premier. Carter had even invited Sadat to Camp David in February 1978, during which he convinced him not to end direct diplomatic relations with Israel.<sup>154</sup> During the Summit, Carter developed the habit of reaching directly to Sadat when Begin proved excessively stubborn, quickly securing an Egyptian concession before he sat back at the negotiating table with the Israelis.<sup>155</sup> He routinely made personal appeals to the Egyptian President, which he never did with the Israeli Premier. Over the course of the Camp David negotiations, Carter sent Sadat several warm, personal letters, while the only ones he sent Begin were cold formalities.

Between Carter and Sadat, it was never only about politics. Sadat was truly a "special friend" to Carter.<sup>156</sup> Sadat even visited Carter when he returned to Plains after 1980, while Carter mourned with Sadat's son at his funeral "as if he were my own son."<sup>157</sup> In his autobiography, Carter allocates tens of pages to Sadat, much more than to any of his European counterparts even when taken together. At Camp David, Carter watched one of Muhammad Ali's boxing matches in Sadat's company, and took daily strolls with the Egyptian President.<sup>158</sup> Ultimately, such seemingly trivial interactions had an immense political impact. I argue that the very signature of the treaties would not have been possible without Carter's trust in Sadat's ability to strike historical compromise and without the American President's ability to convince Sadat, against Egyptian public opinion and against the overwhelming majority of his advisers, that a bilateral peace with Israel was the right way forward. This claim is supported by events on day 11 of the negotiations, when after another fruitless confrontation with the Israeli Premier, Sadat decided to leave the conference. As soon as he heard the news, Carter rushed to Sadat's cabin.<sup>159</sup> Carter argued with Sadat about the significance of his departure, stating that it would not only be a political disaster but that he would also lose Carter's "friendship." Sadat finally decided to stay, against his advisers'

147 Strieff, *The Politics of Presidential Diplomacy*, 188.

148 Carter, *First Lady from Plains*, 240.

149 Ibid., 251.

150 Carter, *Keeping Faith: Memoirs of a President*, 289.

151 Ibid., 289.

152 Wright, *Thirteen Days in September*, 54.

153 Carter, *Keeping Faith: Memoirs of a President*, 294.

154 Brzezinski, *Power and Principle*, 243.

155 Telhami, *Path to the Camp David Accords*, 167.

156 Carter, *Keeping Faith: Memoirs of a President*, 119 and 275.

157 Ibid., 277.

158 Carter, *White House Diary*, 238.

159 Vance, *Hard Choices*, 224.

opinions, because he trusted Carter.<sup>160</sup> He would agree to several other significant concessions before leaving Camp David. I argue that Carter tapped into his relationship with Sadat in order to secure further concessions, appearing less emotionally reliant on Sadat than Sadat was on him.

Carter's relationship with Sadat, to Brzezinski's mind, was "warm and sincere," while it was "icy, formalistic, and devoid of any personal feelings with Begin."<sup>161</sup> Carter wrote it himself: "It was soon to be obvious that Sadat seemed to trust me too much, and Begin not enough."<sup>162</sup> Moshe Dayan states that, unlike with Sadat, the relations Carter had with Begin were exclusively working relations.<sup>163</sup> I argue that this lack of emotional involvement on the part of the Israeli Premier played in his favor at Camp David. Carter found it so emotionally draining to interact with Begin that he restricted their interactions to the minimum, only reaching to the Israeli Premier when he had to, and when no concessions could be extracted from Sadat.

Carter's relation with Menachem Begin had long been problematic. The American President, in his own words, felt "frightened" by Begin's election in May 1977.<sup>164</sup> Quandt writes that Carter had to re-assess his entire Middle East policy after the ascension to power of Begin, an ex-terrorist who adamantly refused UNSCR Resolution 181 in 1947.<sup>165</sup> Carter's December 1977 meeting with Begin further reinforced this conflict of personalities and political ideals. Having privately described Carter as a "cream puff," Begin approved the expansion of new settlements on the very day of his return from the White House, infuriating the American President. Such negative opinions were confirmed by Begin's obstructive behavior at Camp David; Carter went as far as deeming him an "insurmountable obstacle to further progress."<sup>166</sup> Carter considered Begin not only a "bitter" man, but also as a "formal" individual whom he deemed difficult to approach. He also considered him a complete "psycho."<sup>167</sup> With an attitude poles apart from Carter's approach to politics, Begin was comfortable differentiating

his personal role and his political position. Rosalynn Carter said of Menachem Begin: "he does not want to be emotionally involved."<sup>168</sup> Carter ultimately resolved to deal with Begin by avoiding controversy, adopting an incremental rather than a confrontational approach with the Israeli Premier. The failure of such an approach, which is evident when reading the Camp David Treaties, was to constitute what Rashid Khlaidi deemed a "bitter object lesson" for subsequent American administrations.<sup>169</sup> Towards the end of the summit, having realized the extent of Begin's stubbornness, Carter asked his advisor William Quandt to draft a speech to announce the failure of the negotiations. In this "speech that never was," Quandt identified the intransigence of Begin as the main obstacle to peace. Forced to re-examine his naive assumption that direct interactions would break down the psychological enmity between Begin and Sadat, Carter was completely mastered by the Israeli Premier, who well understood that success at Camp David implied changing the bargaining stance of Carter even more than that of Sadat's.<sup>170</sup> Lawrence Wright tells the story of an incessant back and forth of American and Israeli advisers during the last day of the negotiations, as the Americans gradually incorporated Israeli proposals into the final resolutions, a process from which the Egyptians were altogether excluded.

A crucial, but seemingly trivial, aspect of the negotiations is the clothing style of the decision-makers. Carter insisted on a spirit of informality, under which even heads of state would be dressed comfortably. Menachem Begin, however, refused to depart from his classic suit and tie, dressing at Camp David as if he were meeting Carter in the Oval Office. Anwar Al Sadat was initially puzzled by Carter's informal clothing choices. As the negotiations went on, the Egyptian President nevertheless adopted Carter's informality. This evolution reflects the gradual weakening of Sadat's bargaining position, as opposed to Begin's steadfastness. It is precisely Begin's reluctance to play into Carter's personalized bargaining context that allowed him to refrain from making unnecessary concessions at Camp David. On September 17, for instance, when it became clear that the Israelis would not agree to an

160 Ibid., 226.

161 Brzezinski, *Power and Principle*, 284.

162 Carter, *Keeping Faith: Memoirs of a President*, 372.

163 Dayan, *Breakthrough: A Personal Account*, 156.

164 Carter, *White House Diary*, 56

165 Quandt, *Camp David: Peacemaking and Politics*, 242.

166 Carter, *Keeping Faith: Memoirs of a President*, 320 and 336.

167 Ibid., 346.

168 Carter, *First Lady from Plains*, 250.

169 Stieff, *The Politics of Presidential Diplomacy*, 8.

170 Telhami, *Path to the Camp David Accords*, 166.

end of settlement expansion for as long as the negotiation would last, Carter ultimately chose not to confront Begin on the issue.<sup>171</sup> Carter had become convinced, by Begin's detached and cold attitude, that confrontation could cost him the entire agreement. Sadat, meanwhile, was to accept this final concession because of the immense trust and deep affection he felt for Carter.

The Israelis, and especially Begin, did not come to Camp David to accept a comprehensive agreement on the fate of the Palestinians. Rather, they came in with limited expectations of a "Framework" for future negotiations, and accepted the prospect that the summit may fail. As a result of such low initial expectations, and of Begin's cold behavior, the Israelis won a clear-cut victory at Camp David. The Egyptian delegation had come to the summit refusing to differentiate the bilateral Egyptian-Israeli file and the Palestinian file, and so did the American delegation.<sup>172</sup> By contrast, Begin held his ground, obtaining an agreement which, to Shibley Telhami's mind, "corresponds most closely to the Israeli opening position."<sup>173</sup>

### III. THE DOMESTIC FACTORS EXPLANATION: STRENGTHS AND WEAKNESSES

#### A. DOMESTIC PRESSURES AT CAMP DAVID: A COMPARATIVE STUDY

Domestic political forces may have produced significant political pressures upon the three main decision-makers of the Camp David Summit, ultimately accounting for their bargaining behaviors and for the outcome of the negotiations. This hypothesis would begin by underlining the extreme level of domestic political pressure which weighed on Jimmy Carter at Camp David: being fully and personally involved in the Middle East file since the first day of his Presidency, Carter had had little to show for his efforts. His complete involvement in the negotiating process for two full weeks was to prove an extremely risky bet, especially with America's isolationist public opinion that was not keen on criticizing Israel. As a result, "Carter would probably have been the primary victim of such a failure."<sup>174</sup> Carter openly

acknowledged it: if the summit was a failure, he was probably to lose not only his prestige, but also his entire Presidency.<sup>175</sup> This exposure of the American President explains, under such a framework, the importance of signing an agreement, and hence accounts for his ultimate concessions to the Israeli delegation. Additionally, the very fact that Carter made such a domestic exposure obvious to both Sadat and Begin further reinforces the strength of the domestic factors explanation: knowing that Carter was constrained at home, the two players, especially Begin, tapped into Carter's domestic constraints in order to weaken his bargaining position. The domestic pressures on Carter, especially because they were very public, were hence a crucial determinant in the resulting Camp David Treaties.

Additionally, the issue of domestic pressure was present in most of the conversations Carter, Sadat and Begin had at Camp David. Carter even stated that both Begin and Sadat had to depart from personal positions they had held in the past, hardline positions which to a large extent corresponded to the state of their respective public opinions during the Camp David Summit. Carter was especially aware of the pressures on the Israeli Premier, who "had to change the commitment of a lifetime."<sup>176</sup> I argue that Carter was much more convinced of the strength of the domestic pressures on Begin rather than those on Sadat, if simply because Begin emphasized them so much. This ultimately yielded a final agreement broadly respectful of the wishes of Israel's public opinion, or rather of the picture of the Israeli public opinion that Begin conveyed to Carter.

The domestic factors explanation could also account for the behavior of Anwar Al Sadat. Shibley Telhami adopts such a thesis, analyzing the 1976-77 food riots in Egypt, which made it vital for the Sadat regime to divert Egyptian public attention away from domestic politics. A diversion became a "matter of regime survival" for Sadat.<sup>177</sup> Sadat's "Infitah" policy, a nationwide scheme to attract foreign investors, also relied on Egypt's international credibility. This would be greatly enhanced should Egypt become the first Arab country to strike a peace with Israel. Telhami also writes that Sadat felt the pressure of the Egyptian military class that,

171 Brzezinski, *Power and Principle*, 270.

172 Telhami, *Path to the Camp David Accords*, 129-130.

173 Ibid., 159.

174 Ibid., 151.

175 Weizman, *The Battle for Peace*, 345.

176 Carter, *Keeping Faith: Memoirs of a President*, 379.

177 Telhami, *Path to the Camp David Accords*, 9.



dissatisfied by the quality of Soviet weapons, favored strengthening the Egyptian-American alliance.<sup>178</sup>

Unlike Carter and Sadat, Begin successfully convinced his counterparts that he was constrained domestically. He did this even though he was less constrained than Carter was, and perhaps even less than Sadat was. This accounts, according to this explanation, for the strength of his bargaining position. Begin indeed came to the negotiations with a trump card that neither Carter nor Sadat possessed: because of the state of the Israeli public opinion, Begin could afford to walk out of the negotiations empty-handed.

#### B. THE DOMESTIC CONTEXT AT CAMP DAVID: CONSTRAINT OR TOOL?

While this paper acknowledges the strength of the domestic factors explanation, I will attempt to integrate this explanation within my individual framework of decision-making. I will argue that domestic parameters, rather than effectively constraining the behaviors of the negotiators of Camp David, were used by each of the heads of delegations as additional bargaining chips to strengthen their respective bargaining positions.

The first counter-argument is that, ultimately, none of the actors present at Camp David based their participation in the negotiations on an analysis of domestic factors. For Carter, convening the Camp David summit entailed much more risk than benefit in regard to domestic approval.<sup>179</sup> After the several rounds of personal diplomacy Carter had orchestrated in the Middle East, the President appeared personally frustrated not to have secured any major breakthrough. As such, the decision to convene the summit, rather than resulting from domestic pressures, "was as a result of the frustrations of Carter."<sup>180</sup> Gaillard goes as far as stating that "As President, it seemed, Carter lacked the ability—and maybe even the interest—in selling his policies to the American people."<sup>181</sup> It thus seems that factors relevant to Carter's own personality entail a greater explanatory power for the decision to

convene the summit.

Regarding Egypt, it became clear, with the overwhelming popular rejection to the treaty, that Sadat was not at Camp David to conquer the hearts of the Egyptian people. Between 1977 and 1981, Sadat was targeted in 38 assassination attempts—the last one successful—most often plotted because of Sadat's stances towards Israel. Decades after the treaty, the bilateral peace Sadat struck still seems not to have transformed into a fully-fledged mutual recognition between the Egyptian and Israeli people. It thus seems that the reasons behind such an unpopular move by Sadat cannot be found in the domestic factors of the time, and must hence be found within Sadat's political personality.

Lastly, Israeli public opinion appeared much more conciliatory than the Israeli Premier, as made obvious by the massive demonstrations which followed the 1982 Israeli invasion of Lebanon. The Israeli political class itself was also more compromise-prone than Begin, as underscored by the resignations of Weizman and Dayan. A different Prime Minister would most certainly have brought a different outcome. This contradicts the most basic assumption of the domestic factors explanation, the inevitability of the application of domestic factors.

Additionally, during the summit itself, domestic constraints seemed to matter little for decision-makers. In Carter's own words: "We had no need, while working in the privacy of Camp David, to convince the public."<sup>182</sup> I also argue that the respective domestic contexts of actors provided for convenient political tools to further their respective bargaining positions. Menachem Begin's behavior most closely fits such an explanation. Begin repeatedly argued with Carter before, during, and after Camp David that the domestic public opinion in Israel could not possibly accept the removal of the Sinai settlements. Regardless of whether this is true or not, it effectively made Begin's ultimate concession on the Sinai settlements more valuable in the eyes of Carter, further defusing Carter's combative spirit towards the Israeli Premier. The same goes for the fate of the Palestinians: Begin routinely argued that no Israeli leader could support the withdrawal of West Bank settlements, effectively integrating

178 Ibid., 142.

179 Vance, *Hard Choices*, 163.

180 Quandt, *Camp David: Peacemaking and Politics*, 71.

181 Frye Gaillard, *Prophet from Plains: Jimmy Carter and His Legacy* (Athens: U of Georgia, 2007), 13.

182 Carter, *Keeping Faith: Memoirs of a President*, 412.

his domestic context within his bargaining approach.

## CONCLUSION

Through this research, I attempted to shed light on political decision-making as it occurred at Camp David through an emphasis on individual-based factors. I analyzed the contrasting cognitive profiles of decision-makers, which not only constrained the negotiators but also account for the comparative strength of their bargaining positions. Secondly, I analyzed the personal life trajectories of Carter, Sadat and Begin, which significantly shaped their personalities and reinforced their cognitive differences, further shaping the ultimate outcome of the negotiations. I have also demonstrated that the very intent of the summit as well as the broader political style of its host were geared towards reaching political decisions through interpersonal relations. Finally, I described the relations between the three main bargainers, discussing their contrasting levels of emotional involvement and their impact on decision-making.

I find that these three aspects of the individual-based explanation converge in explaining the success of the Israeli bargaining team of Menachem Begin. While I believe that such research sheds light on not only the entire Middle East negotiation process but also on the political style of the Carter Administration, I acknowledge that the specific context of Camp David is a possible confounding variable. Camp David is an extremely specific context; I have found only one historical precedent, with the convening of the Portsmouth Conference by Theodore Roosevelt to secure a Russo-Japanese peace treaty. Had such a negotiation occurred in a more regular diplomatic setting, the prevalence of individual factors for decision-making might have been mitigated.

I nevertheless assert that the findings of this paper regarding the role of cognitive contexts, psychological portraits and styles of interpersonal relations are transferable outside of the framework of the Camp David negotiations, providing a useful framework of analysis for many cases of international bargaining and foreign policy decision-making. It also entails relevant policy prescriptions, suggesting cautiousness with regards to high-

level stress-filled bargaining contexts as well as emotionally loaded interpersonal political relations.

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# CONFRONTING THE 'POST-CONFLICT' LABEL: AN EXPLORATION OF ETHNO-SECTARIAN IDENTITY IN NORTHERN IRELAND AND CYPRUS

## INTRODUCTION

*"There is something uniquely shameful about Cyprus. The political quagmire our children have inherited is just being passed on, unresolved, in a dread motionless state."*

- Mike Hajimichael<sup>1</sup>

I sat on the peaks of Beşparmak Dağları gazing at the sun set around me, waves caressing the sparkling shoreline down below. An ophiolite, this paradise rose out of the sea more than 20 million years ago. The Mediterranean's turquoise complexion reaches in all directions towards the invisible distance. In Greek mythology, this is the birthplace of Aphrodite: goddess of love and beauty.

The previous summer I had stood nearly five thousand kilometers away atop Clochán an Aifir, sapphire waves striking jagged rocks down below. Brisk winds whispered across the 'Emerald Isle' skyline. In Irish folklore, this is the land of magic, its lush green meadows home to fairies and leprechauns.

Beneath these realms of beauty lurk contrasting realities. Both Northern Ireland and Cyprus are haunted by ghosts of conflict. Pervasive memories of violence ensure that old wounds remain open and that both societies remain divided along ethno-sectarian lines.

In Northern Ireland, Nationalists are loyal to Ireland and Unionists are loyal to the United Kingdom. In Cyprus, Greek Cypriots and Turkish Cypriots are more loyal to Greece or Turkey than to the island itself. In this paper I will focus on the most recent eras of violence known as the Troubles and the Cyprus Problem.

Both Northern Ireland and Cyprus are

considered 'post-conflict' on the basis of treating the Troubles and the Cyprus Problem as isolated historical events. In official discourse, the Troubles began in 1969 and ended in 1998, and the Cyprus Problem ranges from 1955 to 1974. Yet in the quote above, Greek Cypriot Mike Hajimichael insists Cyprus' "political quagmire" to be ongoing.<sup>2</sup> The same is true in Northern Ireland.

These are not isolated events but parts of much larger conflicts driven by centuries-old Irish-British and Greek-Turkish rivalries. Passed down through generations, these tensions perpetuate present-day sectarianism. Political Scientist Edward Azar coined the phrase 'protracted social conflict' to describe such conflicts that lie dormant and periodically resurface.<sup>3</sup>

The very idea of a protracted social conflict calls the 'post-conflict' label into question. Referring to societies governed by sectarian sentiment as 'post-conflict' marginalizes the need to actively work towards reconciliation between opposing communities. It also creates a hierarchical perception of suffering by dismissing experiences of first-hand and trans-generational trauma.

In this paper, I aim to challenge the 'post-conflict' label by extending the popular definition of violence past that of bloodshed to one that also encompasses representational forms of violence. I also aim to delineate present-day spatial and mental divisions that inhibit cross-communal interaction and harden existing tension in Northern Ireland and Cyprus. These patterns may aid in understanding social practice in all divided societies.

<sup>2</sup> Ibid.

<sup>3</sup> Azar, Edward, "Protracted Social Conflicts: Ten Propositions," *International Interactions: Empirical and Theoretical Research in International Relations* 12, no. 1 (1985): 60.

<sup>1</sup> Hajimichael, Mike, "Where Is the Movement?" *The Cyprus Review* 19, no. 2 (2007): 125.

## Why Northern Ireland and Cyprus?

Similarities between Northern Ireland and Cyprus render their comparison useful in exploring the implications of a 'post-conflict' label. Unlike most ethno-sectarian cries of nationalism, those in Northern Ireland and Cyprus did not beckon independent statehood. Each proclaimed allegiance to a perceived motherland: Ireland, the United Kingdom, Greece, or Turkey.

While most national struggle narratives end in triumph, those in Northern Ireland and Cyprus differ once more. These are failed nationalisms; neither side in the Troubles or Cyprus Problem fully attained their goals. This will prove important in understanding constructions of national pride in the case studies to follow.

Geography is another important factor linking Northern Ireland to Cyprus. As islands, both Ireland and Cyprus are geographically isolated. Their nearest neighbors are the United Kingdom and Turkey: actors in the Troubles and Cyprus Problem. This meant there was little chance of escape from political violence, starkly distinguishing the Troubles and Cyprus Problem from conflicts resulting in mass migration to neighboring safe havens.

Post-colonial legacy also links Northern Ireland to Cyprus. Both were subject to British colonialism, the aftermaths of their conflicts negotiated in large part by the British government. The main difference is that Cyprus' positioning at the crossroads of continents resulted in a revolving door of colonizers throughout its history. The entirety of Ireland only experienced British colonization.

In the context of this paper, the similarities between Northern Ireland and Cyprus are more important than their differences. These similarities will prove important in understanding the political manifestations of my research in Belfast and Nicosia.

## Terminology

I will refer to the opposing communities in Northern Ireland as Nationalists and Unionists. Nationalists desire to reunite Northern Ireland with the Republic of Ireland and Unionists desire it to remain a part of the United Kingdom. I may also refer to more

extreme subsets of Nationalism and Unionism as Republicanism and Loyalism. Republicans and Loyalists hold the same beliefs as their less extreme counterparts, yet are more willing to use violence to achieve their goals.

It is also important to clarify the role of Catholics and Protestants in Northern Ireland. Although Catholics are overwhelmingly Nationalist or Republican and Protestants are overwhelmingly Unionist or Loyalist, this is not a perfect equation. There are indeed Protestant Nationalists, Protestant Republicans, Catholic Unionists, and Catholic Loyalists. To avoid bias I will avoid referring to these groups by their religious affiliation.

I will refer to the opposing communities in Cyprus as Greek Cypriots and Turkish Cypriots. In popular discourse, they are often referred to as Greeks and Turks. When I employ these terms it will be to reference the wider historical context of tension between the Greek and Turkish nationalities. These distinctions will prove vital to the following case studies.

## PEACEFUL VIOLENCE: UNDERLYING DIVISION IN THE 'POST-CONFLICT' ERA

*"The Troubles started in 1969 officially, but to me they started before that. They went off and on for hundreds of years. That's the way history does, it repeats itself every so often if you don't deal with it. If there were an end to the conflict, it'd deal with the past as well. Today they haven't dealt with the past yet, and it's going to repeat itself I think."*

**-- Seamus Kelly<sup>4</sup>**

In July 2014 I came to a sudden halt on the Springfield Road. I had been warned that July in Northern Ireland is turbulent. Only now I believed it. Stones flew from Nationalist territory into Unionist territory through a temporarily open peace gate in west Belfast. Each was reciprocated from the other side. I heard the slurs 'Fenian' and 'Prod' shot in either direction. Yet none of this surprised me. I was struck by something else: youth.

These were children throwing stones. They didn't experience the Troubles firsthand. They even grew up in a model of post-conflict peacebuilding. In my mind this had exempt them from sectarian ideology. Yet they still

<sup>4</sup> Seamus Kelly in discussion with the author, 2014.

conveyed such fiery hatred for the other side of this so-called peace wall. I realized in this moment how very wrong I was.

Children are not exempt from sectarian ideology. They inherit it. Sectarianism is transmitted to younger generations through the heroic and villainous representations discussed in the previous chapter. Spatial divisions enhance mistrust for the other side. Marking territory safeguards insiders and threatens outsiders.

In the quote at the beginning of this chapter former Official IRA member Seamus Kelly predicts history will repeat itself in Northern Ireland. I argue that history has already done so. In fact, it never stopped. The Troubles and the Cyprus Problem are fragments of much larger conflicts that have been ongoing for centuries. Moments of reduced political violence are not moments of peace. Representational and spatial division is a continuation of violence. Sociologist Nico Carpentier insists that this continuation is "simply lethal" and "can lead people to killing each other."<sup>5</sup> As I had just seen, it could certainly lead children to throwing stones. This renders the term 'post-conflict' inappropriate.

### Trans-generational trauma

Psychologist Sigmund Freud proclaims a clear distinction between mourning and melancholy. Mourning is a conscious and healthy response to loss. Taking place in the unconscious mind and stripping away the sense of self, melancholia is pathological.<sup>6</sup> It is the response to a loss that is not yet identified or understood.<sup>7</sup>

Opposing nationalisms in Northern Ireland and Cyprus believe themselves cheated of national justice. Yet a loss must be something first acquired. For Northern Ireland and Cyprus, national destinies were perceived yet never obtained. As such, they cannot be lost. Believing in the loss traps Northern Ireland and Cyprus in a perpetual state of melancholy. Having lost the sense of self, opposing nations cling even more tightly to national identity.

Sociologist and Turkish Cypriot Vamik Volkan coined the phrase "chosen trauma" to

describe historical constructions born out of national melancholia.<sup>8</sup> In the context of Northern Ireland and Cyprus, these take the form of heroic and villainous archetypes that represent the moral justification of one's own community and moral indictments of opposing communities. These implications are the intentional consequence of choosing which historical events to preserve, or not to preserve, in the collective memory of the nation; exhibiting such chosen traumas ensures their deposit in younger generations.

Volkan asserts national trauma passed down "under the premise that it can be kept safe" until the opportunity for justice arises.<sup>9</sup> Each generation is brought up in the shadows of representational and spatial divisions that plant seeds of nationalist fervor and revenge in its inner psyche. As such, children grow up in Northern Ireland believing themselves Irish or British. In Cyprus they are Greeks and Turks. Never are they Northern Irish or Cypriot.

History education plays an important role in delivering chosen traumas to younger generations. In both Northern Ireland and Cyprus, school systems are segregated according to national affinity. Opposing nationalisms tell the same history with radically different messages. Greek Cypriot Hadjineophytou insists:

"Young kids can easily be lead on, as you know, and if you press on these things in the minds of young children they will become fanatics when they grow up. I've seen this happen all these years."<sup>10</sup>

Hadjineophytou testifies to history education's leading role in perpetuating ethno-sectarianism. Child development is a process of absorption. With no alternative to absorb they will believe in the political ideology presented to them, regardless of its sectarian nature.

In a 2008 study Papadakis juxtaposed Greek Cypriot and Turkish Cypriot history textbooks. A Greek Cypriot textbook describes the 1570 Conquest of Nicosia when the Ottoman Empire first landed in Cyprus:

"It was obvious that one day the Turks would try to grab Cyprus. The way that the state of the Sultan expanded, little

5 Nico Carpentier in discussion with the author, 2015.

6 Freud, Sigmund, "Mourning and Melancholia," *International Journal for Medical Psychoanalysis* 4, no. 6 (1917): 245.

7 Ibid.

8 Volkan, Vamik, "Trans-generational Transmissions and Chosen Traumas: An Aspect of Large-Group Identity," *Group Analysis* 34, no. 1 (2001): 83.

9 Ibid., 86.

10 Mikis Hadjineophytou in discussion with the author, 2015.

Cyprus appeared like a weak mouse in the claws of a wild lion."<sup>11</sup>

The above paints Turks at best as a bestially savage people ceasing at nothing to snatch what isn't theirs. It directly commands both hatred and fear. With such lessons, it is no wonder Greek Cypriot children are mistrusting towards Turkish Cypriots and Turks.

Growing up in Cyprus Papadakis reflects on his own experience in the Greek Cypriot history classroom: "Every important date in our history as Greeks bespoke our encounters with Turkish barbarism. And I was a product of this history."<sup>12</sup> Here Papadakis asserts his identity to have formed in large part due to the historical narratives he was told as a child.

After visiting Turkey for the first time, Papadakis comments, "I thought my trip to Turkey had made it impossible for me to remain a Greek. I did not hate the Turks, and that was what being Greek meant, or so my schoolbooks had taught me."<sup>13</sup> Here Papadakis testifies to the Turk's role in defining Greek identity. To be Greek is to hate Turks, and suppressing this hate is national treason.

History education in Northern Ireland is equally contested. After the partition of Ireland, Protestant leadership redesigned Northern Irish history curriculum to develop a "strong British national identity and loyalty."<sup>14</sup> The Ministry of Education inspected textbooks to ensure sufficient emphasis on British rather than Irish history.<sup>15</sup>

In the 1940s Catholic leadership advocated for more emphasis on Irish history.<sup>16</sup> Protestant leadership responded with the revised textbook *Northern Ireland, Its History, Recourse and People*.<sup>17</sup> The new curriculum included Ulster history, but failed to satisfy Catholic leadership by presenting Ulster as inseparable from the United Kingdom.<sup>18</sup>

Some Catholic schoolteachers simply ignored the Ministry of Education's stipulations

for history curriculum.<sup>19</sup> Northern Irish journalist Eamonn McCann recalls from his childhood a teacher "at pains to discredit English propaganda."<sup>20</sup> At the beginning of each school year, the teacher would "lead the class through the set textbooks and instruct them to tear out pages of fiction."<sup>21</sup>

In the 1960s the European Association of Teachers created an Irish Board to assist in the development an unbiased history curriculum in the hopes it would diffuse ethno-sectarian tensions in Northern Ireland.<sup>22</sup> The attention these arguments acquired demonstrates just how conscious and powerful a tool history education is in the formation of national identity and allegiance. However, these tools may also take place outside of schools.

Family is another important passage for chosen traumas to travel through younger generations. Familial loyalty may incite national loyalty. In the Community Foundation of Northern Ireland's 2014 study, former Official IRA member recalls:

"I joined because of family tradition. My family had been involved since 1918-19, so there was always someone in the family in prison or active. So you just saw it as your duty to do that. It was an alien place we lived in, my family had burned out; our home had been burned twice since 1918. My great grandparents' house was burned and my grandparents' was burned. My father was five years old when his house was burned, and he left home and ran away with his 7 year-old brother and they were lost for a week. These are things that I lived on, and they made me think that I had to help get rid of this state, this British occupation."<sup>23</sup>

The above testimony reveals an important point. One reason people join nationalist groups is to protect those they love. Family suffering engenders an implied duty to seek justice. If rooted in ethno-sectarianism, nationalist fervor may swiftly follow. The above also reveals the Troubles not isolated from previous centuries of Irish-British sectarianism.

11 Yiannis Papadakis, "Narrative, Memory and History Education in Divided Cyprus," *History and Memory* 20, no. 2 (2008): 133.

12 Yiannis Papadakis, *Echoes from the Dead Zone* (New York: I.B. Tauris & Co Ltd, 2005), 8-9.

13 *Ibid.*, 43.

14 Karina Korestelina, "History Education and Social Identity," *Identity: An international journal of theory and research* 8, no. 1 (2008): 30.

15 *Ibid.*

16 Smith, Margaret, *Reckoning with the Past: Teaching History in Northern Ireland* (Lanham: Lexington Books, 2005), 127.

17 Korestelina, "History Education and Social Identity," 30.

18 *Ibid.*

19 *Ibid.*

20 McCann, Eamonn, *War and an Irish Town* (Middlesex: Pluto Press, 1974), 16.

21 *Ibid.*

22 Korestelina, "History Education and Social Identity," 30.

23 "From Conflict to Prison and from Prison to Peace: Reflections," Belfast: Community Foundation for Northern Ireland (2014): 30.

In Cyprus, family belief also plays an important role in perpetuating ethno-sectarianism. In an interview with PRIO, Greek Cypriot Lolly discusses the effect of her mother's hate towards Turks:

"I hate Turks not only because my mother transmitted it to me: I believe that even if my mother did not say anything I would hate them. Sometimes when I listen to what the Turks are asking for, absurd things...such as in the referendum they were asking us to vote yes. But yes would mean like agreeing to sell Cyprus. That is why I hate them...No, we cannot co-exist. I would not like to live with Turkish Cypriots...they did so many things to us and besides that, there is what they did in 1915 to the Armenians, in Greece in 1821..."<sup>24</sup>

Lolly's testament not only demonstrates an automatic absorption of her mother's hatred, but also calls upon history long before the Cyprus Problem to incriminate Turks. She demonstrates that the Troubles and Cyprus Problem are parts of much larger conflicts persisting to the present day. I will discuss the manifestations of present-day divisions in the following sections.

## Divided Space

Many scholars label territoriality an innate human trait. Geographer David Smith insists that it is not innate but always a "means to some end" such as political control or material survival.<sup>25</sup> In this case territoriality requires motive. Smith says that nationalism is one powerful motive in both uniting and dividing territory.<sup>26</sup> In Northern Ireland and Cyprus, dividing space is a means of legitimizing national identity. These spatial divisions take various forms.

Peace walls separate Nationalist and Unionist neighborhoods in Belfast and show few signs of coming down. Many reach over seven meters in height. The first walls built in 1969 were meant to be temporary. Yet over

forty walls remain, many built after the Good Friday Agreement in 1998.

In an interview with Belfast local Kay Laverty I learned just how alienating these walls are. Laverty declared:

"They tell you that there's a ceasefire in Northern Ireland now and there's the peace agreement; but if you go to walk along the Falls Road, you'll come to peace gates everywhere. You'll come to the peace walls. You'll come to bridges that are built. If we live in peace, why are all the walls up? Why are all the gates closed? Because we can't live in peace."<sup>27</sup>

Laverty's opinion is not unique. In 2012, sociologist and Belfast local Johnny Byrne conducted a study on attitudes to peace walls. He found that 69 percent deem peace walls necessary to avoid sectarian violence.<sup>28</sup> Only 38 percent could imagine a future without them.<sup>29</sup>

In Cyprus a United Nations patrolled buffer zone separates the Greek Cypriot south and Turkish Cypriot north. The zone is over 180 kilometers long and in some places reaches over 7 kilometers in width. Access remained restricted until the first pedestrian crossing opened in 2004. The same year, an agreement was proposed to reunite the Cypriot north and south, but was down-voted by 76 percent of Greek Cypriots.<sup>30</sup> Today there are a handful of crossings, but the border remains intact.

The Peace Research Institute of Oslo's (PRIO) Nicosia branch conducted a 2007 study on prospects of reconciliation in Cyprus. In one interview, Turkish Cypriot local Gümüş expresses gratitude for the buffer zone: "It is not possible to forget what happened, but it is possible to not repeat it. Now we live separate and I feel safe."<sup>31</sup> The desire to remain separate is shared by many participants in the study. About 80 percent claim Greek Cypriot and Turkish Cypriot interaction to be non-existent or extremely limited,<sup>32</sup> while around 60 percent believe reconciliation impossible or improbable.<sup>33</sup>

24 Ari Sitas, Dilek Latif and Natasa Loizou, "Prospects of Reconciliation, Co-Existence and Forgiveness in Cyprus in the Post-Referendum Period," Nicosia Peace Research Institute of Oslo (PRIO) Cyprus Centre 2007: 50.

25 David Smith, "Introduction: The Sharing and Dividing of Geographical Space," in *Shared Space, Divided Space: Essays on Conflict and Territorial Organization*, ed. Michael Chisholm and David Smith (London: Routledge, 1990), 3.

26 Ibid.

27 Kay Laverty in discussion with author, 2014.

28 Johnny Byrne, Cathy Gimley Heenan and Gillian Robinson, *Attitudes to Peace Walls*, (Belfast: University of Ulster, 2012), 28.

29 Ibid.

30 Maria Hadjipavlou, "The Cyprus Conflict: Root Causes and Implications for Peacebuilding," *Journal of Peace Research* 44, no. 3 (2007): 351.

31 Sitas, *Prospects of Reconciliation*, 46.

32 Ibid., 10.

33 Ibid., 60.



Territorial markings enhance physical division. One way to mark territory is with flags, and those in Northern Ireland and Cyprus demand attention, serving as warnings for those on enemy territory. This sharply contrasts what sociologist Michael Billig deems “banal” markings—such as flags on United States government buildings—which go largely unnoticed and disappear into society’s background because they don’t compete for territory.<sup>34</sup>

In Northern Ireland, Irish flags mark Nationalist territory and British flags mark Unionist territory. Some sidewalks are painted in national colors: green, white and orange for Nationalists, red, white and blue for Unionists. These markings seek to legitimize territorial claims. As discussed in Chapter One, Loyalists seek to delegitimize the Nationalist claim by burning Irish flags.

In Nationalist territory flags are often accompanied by sectarian slogans. The photo to the left is an example. I took this photo in Derry in June 2014. Attached to this flagpole is a sign that reads “Brits Out Now” and is signed by the IRA. This is not unique—the slogan “Brits Out Now” and others like it abound in Nationalist territory. Paramilitary graffiti also abounds, from my experiences, much more so than in Unionist territory.

In Cyprus, territory is marked with the flags of perceived motherlands. Yet each community uses a second flag. In the Greek Cypriot south, the Greek flag accompanies the internationally recognized Cypriot Republic flag. In the Turkish Cypriot north, the Turkish flag accompanies the flag of the Turkish Republic of Northern Cyprus (TRNC) that only Turkey recognizes.

Greek and Turkish flags exist in greater abundance than Cypriot flags. On Greek Cypriot territory, the Greek flag often stands alone, though the Cypriot Republic flag is usually accompanied by a Greek flag. On Turkish Cypriot territory, the Turkish flag stands alone but the TRNC flag is accompanied by the Turkish flag. These patterns suggest for both communities that being Cypriot is secondary to being Greek or Turkish.

Greek Cypriots label the TRNC flag illegitimate. Turkish Cypriots issued a response. On the Kyrenia mountain range, both the

Turkish and TRNC accompany the words “Ne mutlu Türküm diyene” translating to “How happy is the one who can say he is Turkish.”<sup>35</sup> Targeting a Greek Cypriot audience, this display faces the southern part of the island.

I took the photo on the right at the top of Shacolos Tower in Greek Cypriot Nicosia. It demonstrates the display’s visibility kilometers away on enemy territory. A colleague who lives on Turkish Cypriot territory told me she only notices the flags on Greek Cypriot territory or in the buffer zone where our office was located, and where I faced the flags daily working by the window.

This display sends Greek Cypriots a hostile message. Directly printed on the mountainside, it communicates permanence. The motto not only expresses content with being Turkish, but underlying superiority to being Greek. The entire display lights up at night as if mocking the Greek Cypriot south, and most importantly, to ensure its permanent visibility.

Dividing space via physical barriers and territorial markings is a pattern shared by many post-conflict societies, but this does not imply that each is identical. Northern Ireland and Cyprus share many patterns, but they also divide space in distinct ways. This chapter does not have the capacity for an exhaustive list, so I will offer one example in each location.

Political murals mark territory in Belfast. These murals come from extreme versions of Nationalism and Unionism: Republicanism and Loyalism. The messages they send play a large role in transferring trauma to the next generation.

The following depiction of IRA hero Bobby Sands is located on the Falls Road in West Belfast. Sands led the 1981 Republican hunger strike for political prisoner status in Long Kesh prison. During the strike he was elected Republican MP of Belfast. After 66 days on strike he died before taking office. His death was followed by the deaths of nine other prisoners.

Today Sands represents what he and his comrades were fighting for: justice. The mural reads, “Everyone Republican or otherwise has their own particular role to play...our revenge will be the laughter of our children.” These are some of Sands’ most famous words. They remind those who read them not to lose faith in justice, an essential quality of heroism.

34 Michael Billig, *Banal Nationalism Theory, Culture and Society* (London: SAGE Publications, 1995).

35 Translated by author.



The depiction of the Ulster Volunteer Force (UVF) below appears on the Shankill Road in West Belfast. The UVF was a Loyalist paramilitary group that opposed the IRA. The mural shows the faces and names of five UVF volunteers who died during the Troubles, along with four masked volunteers holding machine guns. They surround the UVF's slogan: "For God and for Ulster." These words mark the UVF as heroic rather than villainous, and as a result, brave rather than violent.

Both of the above murals are calls to justice, depicting Bobby Sands and the UVF volunteers as martyrs who represent national suffering. For those who experienced the Troubles, these depictions deepen old wounds. For children, they create them. Each glance at these murals and others like them is a reminder to seek revenge.

In Cyprus, language marks territory. In the Greek Cypriot south signs are in Greek and English, and in the Turkish Cypriot north they are in Turkish in English. Each side welcomes tourists with the English language, yet neither uses the language of its closest neighbor. This message is clear: Greek Cypriots don't welcome Turkish Cypriots, and Turkish Cypriots don't welcome Greek Cypriots.

As an outsider, I was not used to switching languages within a stretch of ten yards. If after spending time in the north I instinctively used the Turkish 'Merhaba' with a Greek Cypriot officer, I received an incriminating glance. If I used the Greek 'Yassas' with a Turkish Cypriot officer, the glance was less incriminating than annoyed. This made it clear to me that language choice communicates communal allegiance in Cyprus.

Spatial division was meant to promote peace in Northern Ireland and Cyprus, but instead it promotes sectarianism. It is a perpetual reminder to declare allegiance, for to declare allegiance is to declare an enemy. Shared space is limited in Northern Ireland and non-existent in Cyprus; without shared space, cross-communal interaction is limited, enabling mistrust and fear to multiply.

## Divided Minds

Volkan compares group identity to a tent.<sup>36</sup> On peaceful days the tent remains empty, yet

during a storm it offers protection.<sup>37</sup> Individuals seeking shelter flock to it, just as individuals cling to group identity seeking protection from social turbulence;<sup>38</sup> the greater the turbulence, the tighter the grasp. The term 'post-conflict' is inappropriate to describe Northern Ireland and Cyprus because representational and spatial divisions may be viewed as representational violence, indicating that Northern Ireland and Cyprus are still stuck in storms. Clinging to their national identities shelters them from turbulence.

I interviewed former Provisional IRA member Tim Brannigan at the Healing Through Remembering office, which houses a large collection of photos related to the Troubles. Browsing the photos on the wall, Tim remarked, "If you walked in here without knowing anything these may not make a lot of sense, but to me that's the gravity of my life."<sup>39</sup> Brannigan was born in 1966, three years before the Troubles began. As a child of the Troubles, Brannigan considered violence a normal part of life.

Pointing to the scene of an explosion he reflects on his own participation in political violence:

"There've been times I've cheered when I've seen that scene and there've been times where I've been appalled when I've seen it, you know? Depending on what the target was and who planted the bomb."<sup>40</sup>

Irish Nationalists have been seeking justice throughout Brannigan's entire life. Loyalist violence was villainy and obliged Republicans to fight back. Republican violence meant justice.

As a black man, national identity plays an even larger role in Brannigan's life. During his childhood, there were very few blacks living in Northern Ireland. He recalls being stopped by the British Army as young as six for entertainment:

"So they would ask me questions, but it wasn't because they wanted to know where I'd been since I was only a six year-old child. It was so I would speak so that they could all hear this Irish accent and think 'Fuck, a black guy with an Irish accent! Have you ever heard the like of it?' Today it's still seen as odd."<sup>41</sup>

37 Ibid.

38 Ibid., 84.

39 Tim Brannigan in discussion with author, 2014.

40 Ibid.

41 Ibid.

36 Volkan, *Trans-generational Transmissions*, 83.

Brannigan shared that many people accuse him of lying when he says he is Irish. As such, he fights that much harder to claim his national identity. Brannigan has been fighting for his nation his entire life.

In an interview with PRIO Greek Cypriot Pitsa expresses the importance of national identity in her own life. She exclaims: "I have grown up as a Grivas-supporter. I believe the island is Greek...I cannot sacrifice my ethnic pride and dignity or even my land for anybody."<sup>42</sup> Referencing dignity, Pitsa labels national allegiance and identity a non-negotiable matter of morality. Pitsa's personal pride is defined by national pride. Carpenter claims that the importance of national identity in unresolved conflicts "triggers the need for justice" and perpetuates sectarianism,<sup>43</sup> a mental division that inhibits progress towards peace.

In a 2014 study conducted by the Community Foundation in Northern Ireland about Belfast's prospects for peace, a former member of the Ulster Defense Regiment admits:

"Today I have no Catholic friends...they are not people that I would like to socialize with or build any great friendships with. I am happy enough to stay within my own community. It is not so much about the Catholic religion, but more about the fact that they are Nationalists and Republicans. We will never, never agree."<sup>44</sup>

The Ulster Defense Regiment was part of the British Army. Although it was meant to be a neutral peacekeeping force in Northern Ireland, its makeup was overwhelmingly Unionist. The statement above demonstrates the idea that mental divisions inhibit peace. Peace requires change and change requires work, but work also requires motivation. If people are satisfied with the status quo, they feel no reason to work towards peace.

Such mental divisions persist in Cyprus as well. In PRIO's study on reconciliation, Greek Cypriot Onyx explains her feelings about interacting with Turkish Cypriots:

"Even if a Turkish Cypriot comes here and we talk, it will not feel the same as it feels with Greeks. I will not be able to trust him; I will not see him the same as I see the

Greek Cypriot."<sup>45</sup>

Turkish Cypriot Mehmet mirrors this mistrust:

"When I visit South Nicosia, the Greeks look at me differently because I am a Turk. How can you feel comfortable among the Greeks?"<sup>46</sup>

As in Northern Ireland, these quotes demonstrate disinterest in pursuing reconciliation between Greek Cypriots and Turkish Cypriots in Cyprus. The attitude is to leave well enough alone. By referring to Greeks and Turks rather than Greek Cypriots and Turkish Cypriots, Mehmet also affirms motherland identity playing a larger role than Cypriot identity.

In both Northern Ireland and Cyprus, individuals blame disinterest in reconciliation on the other community. Each community claims to be open to peaceful negotiation while the other is too villainous to consider it, mirroring the hero and villain archetypes discussed earlier.

On the topic of forgiveness, a Greek Cypriot claims: "We have it in our religion but they don't have it in theirs."<sup>47</sup> The statement implies that the Muslim religion will always prevent the Turkish Cypriot community from working towards a solution with the Greek Cypriot community, and also assigns Greek Orthodoxy the moral inclination towards reconciliation aligned with heroism.

In Northern Ireland, a similar pattern emerges. In my interview with former PIRA member Paul Norney he declared:

"People have different perceptions of the past. That's understandable... we need to sit down and talk about this. Unfortunately, I'm prepared to do it. But these other people aren't prepared to do it because they define themselves as victims. And they're the only victims. My father wasn't a victim, my brother wasn't a victim, my cousin wasn't a victim, my friends weren't victims - in their perception...we're all victims here. You've got to understand that. Everybody who's in a war who died is a victim, and until they understand that we can't - we can't talk, like you know what I mean?"<sup>48</sup>

Norney condemns the Unionist and

42 Sitas, *Prospects of Reconciliation*, 47.

43 Nico Carpentier in conversation with author, 2015.

44 "From Conflict to Prison," 74.

45 Sitas, *Prospects of Reconciliation*, 57.

46 Ibid., 55.

47 Ibid., 46.

48 Paul Norney in conversation with author, 2014.

Loyalist inability to acknowledge Nationalist and Republican victimhood, simultaneously upholding Nationalist and Republican readiness to acknowledge Unionist and Loyalist victimhood for the sake of peace. As in Cyprus, the statement upholds the moral righteousness of Norney's own community.

Yet choosing not to vilify the other side may have its own consequences. When individuals fail to seek protection within large group identity, they are left on the outside of both communities. In his research, Papadakis interviewed a Turkish Cypriot reflecting on his decision to remain in south Cyprus when Turkish Cypriots fled north in 1964:

"I used to live here and when everyone left in 1964 I decided to stay. The children threw bricks at my house. They called me names: Crazy Turk, dog Turk and more. It was hell. That's when I began to get ill. So I went to the other side and there I was a traitor again because I had stayed on this side. They did not leave me alone either."<sup>49</sup>

The negative effects of failing to choose a single side in sectarian conflict encourages individuals to take more extremist stances in order to prove their allegiance. Proving their allegiance to a single community enables them to remain under the shelter of the group identity in times of societal upheaval.

### Memory: Too Much or Too Little?

Some scholars believe commemorating past conflict prevents future conflict. Holocaust survivor Ruth Kluger disagrees:

"The statement 'Let us now remember, so the same thing doesn't happen again,' is unconvincing. A remembered massacre may serve as a deterrent, but it may also serve as a model for the next massacre."<sup>50</sup>

For Kruger and many others, obsessing over memories of conflict plays a significant role in perpetuating sectarianism; refusing to forget is refusing to forgive.

While this was a popular debate during my time in Northern Ireland, there is no clear answer. In terms of memory, what is right for society may not be what is right for

individuals. Commemorating national struggle may perpetuate sectarianism for some and encourage healing for others.

In 2014 the Community Foundation of Northern Ireland published a collection of reflections on the Troubles. Participants were interviewed from various paramilitary groups from both the Republican and Loyalist sides. A former UVF member says:

"People might have lost a son or a brother or an uncle or a mother due to the conflict or the Troubles so those people aren't, when the ceasefire is called, going 'Alright, everything is fine now.' There is still a hatred there of what happened and there is still a process that people have to go through to try and come back from that."<sup>51</sup>

The above statement demonstrates an important point: the notion of simply getting over the past and moving on for the good of society, so often impressed upon post-conflict societies by outsiders, is much easier said than done.

For some, there is a very fine line between the positive and negative ramifications of memory. Nationalist and Belfast local Kay Laverty makes a clear distinction between remembering and celebrating. She recalls:

"I said to this young lad one day 'What is that fire for?' He didn't know who I was and he said, 'We're celebrating internment,' and I said, 'Well what do you want to celebrate internment for?' He really didn't have a clue, he was only fifteen. I suppose like any other country you remember your dead or you remember the bad things that happened, but to go out and celebrate, I think no. I think it only stirs up tensions again, do you know what I mean? Lighting fires and celebrating is rubbish."<sup>52</sup>

In our interview Laverty testified that remembering the internment of Republican prisoners during the Troubles honors their memory and increases solidarity within the Nationalist and Republican communities. Yet celebrating Republican internment only provokes sectarian tensions on both sides.<sup>53</sup>

Historian and Belfast local Bill Rolston complicates this debate by declaring that individuals have a right to remember. In our interview Rolston expressed his belief that

49 Papadakis, *Echoes from the Dead Zone*, 156.

50 Ruth Kluger, "Forgiving and Remembering," *Publications of the Modern Language Association of America* 117, no. 2 (2002): 313.

51 "From Conflict to Prison," 66.

52 Kay Laverty in conversation with author, 2014.

53 *Ibid.*

sectarianism will not dissipate unless vocalized:

"So just by pulling down the murals and flags you don't in itself change the politics or indeed the mindsets behind painting murals and flying flags...I think I've got an even more basic argument that people have a right to remember. If people don't have the right to display their bad politics, where are you going to get the opportunity to confront them? I'm all for the representation of memory even if I don't like the message, because if I don't like the message I've one of two choices. I ask the person, 'Excuse me, why are you doing this to me?' Or I just walk away and at least I know what I'm walking away from."<sup>54</sup>

Bill's sentiment reflects that of Holocaust survivor Elie Wiesel in Chapter One: violating memory is a crime against humanity.<sup>55</sup>

Although it doesn't automatically bring peace, the right to remember opens the possibility for peace. Oppressing traumatic memories may only destroy the prospect.

## Future Prospects

Many believe that history in Northern Ireland and Cyprus will repeat itself and periods of intense violence will again arise. Kelly's testament at the beginning of this chapter is an example. For Laverty, the abundance of national symbolism is the culprit:

"Until they get the marching season fixed and this flag protest, I think it's not going to stop. I really do think history will repeat itself one day here. I really do. People are saying it can't, we won't let it; but because of the flag, because of the marching season, because they won't get over the past...maybe it won't be today or tomorrow, maybe it won't be in ten or twenty years, but I think it will repeat itself again one day."<sup>56</sup>

Laverty's opinion aligns with the viewpoint that too much memory and commemoration is harmful to the prospect of a peaceful future. It is the abundance of national symbolism that provokes these memories.

Amongst those I spoke with in Cyprus, the possibility of relapse into political violence is

also thought to be strong. In an interview with PRIO one Turkish Cypriot claimed:

"You should not forget my words: eventually these Greeks will attack us again, because history repeats itself. Every 30-40 years, the Greeks create trouble and call for a slap... they have the ambition to expand their territory and this desire exists, and has existed throughout their history..."<sup>57</sup>

In this statement Greek Cypriots are assigned a predisposition for conquest. They are stripped of their Cypriot identity, associated only with the history of Greek conquest to support the premise of history repeating in Cyprus. Yet again, this demonstrates that the Cyprus Problem is not an isolated historical event and is tied to centuries of tension between competing Greek and Turkish nationalisms.

Despite such negative outlooks, some believe that progress has already been made and may continue to be made towards peace. In our interview, Nationalist and Belfast local Cara McCann expressed one such positive outlook:

"I was eighteen when my son was born and he's twenty now. He can sit in the City Centre and go out for the night, and I was like, 'You'd never have done that when I was your age'. You just didn't. You stayed in your own area where you knew you'd be safe...we just stayed in our own areas and that was just that. But twenty years later, you can see how things have changed, you know?"<sup>58</sup>

Cara's statement is a testimony that although children in Northern Ireland inherit politicized ideology, there is more interaction between Nationalists and Unionists today than there was throughout the Troubles. Such interaction may encourage the cross-communal interaction and learning necessary for peace.

Similarly, Greek Cypriot Hadjineophytou reflects positively on Cyprus' prospect for peace in the near future:

"It's pleasing to see that many people now are beginning to realize now that things have to change...there is a breath of fresh air. I feel it blowing over Cyprus. This also has to do with the election of Mr. Akıncı as the leader of the Turkish Cypriot community... He is the right man at the right time and

54 Bill Rolston in conversation with author, 2014.

55 Elie Wiesel, "Préface." In *Pourquoi se souvenir?* 9-11 (Paris: Éditions Grasset & Fasquelle, 1999).

56 Kay Laverty in conversation with author, 2014.

57 Sitas, *Prospects of Reconciliation*, 46.

58 Cara McCann in conversation with the author, 2014.

he has a huge respect within the Greek Cypriot community...You have to exempt the nationalists, they don't understand anything...but I think Akinci could even become the president of Cyprus in the event that there is a solution."<sup>59</sup>

Hadjineophytou not only expresses hope for reconciliation in Cyprus, but also cites the Turkish Cypriot leader Mustafa Akinci as a possible leader for both Turkish Cypriots and Greek Cypriots. His statement directly contradicts the Greek Cypriot notion of Turkish Cypriots not belonging on the island.

## CONCLUSION

Labeling a society 'post-conflict' implies that conflict is no longer present in that society. A lack of conflict implies peace. Yet as demonstrated previously, opposing communities in Northern Ireland and Cyprus struggle to co-exist peacefully. While underlying sectarian attitudes in Northern Ireland and Cyprus are not unanimous, sectarian sentiment drives social norms and structures in both locations, and this overwhelming evidence of continued sectarianism renders the 'post-conflict' label inappropriate.

Isolated by artificially assigned start and end dates, both the Troubles and the Cyprus Problem appear resolved. Yet they are parts of much larger conflicts going back centuries. Makeshift solutions may have reduced political violence, but they have failed to erase lingering tensions between communities, and ignoring such tensions enables them to persist and resurface throughout time.

The post-conflict label carries other complications. One worth noting is its instillation of a hierarchical perception of suffering. Labeling a society 'post-conflict' determines present-day trauma and suffering invalid. It trivializes both first-hand trans-generational trauma by insisting it is not extreme enough to be associated with conflict.

This hierarchical perception of suffering prevents progress towards peace. It engenders both conscious and unconscious tension in individuals who feel their suffering has been marginalized. The feeling of being marginalized only intensifies sectarian sentiment between opposing communities.

Reinventing perceptions of suffering requires reinventing perceptions of violence. In this paper, violence does not only pertain to bloodshed. Representational and spatial divisions in Northern Ireland and Cyprus are also manifestations of violence.

Representational and spatial divisions require active effort to invent and sustain, as the sectarian mindsets they produce are not biological, but a matter of choice. Greeks and Turks are not born hate one another, just as the Irish and British are not born to hate one another. Sectarian mindsets are upheld in social constructions absorbed by younger generations.

Perceptions of the nation are equally constructed. Writer Taiye Selasi questions its legitimacy, asking, "How can I come from a nation? How can a human being come from a concept?"<sup>60</sup> Selasi continues, "History is real but countries were invented."<sup>61</sup> Selasi's mindset is applicable to societies like Northern Ireland and Cyprus divided along ethnic lines.

National identities are constructed just as ethno-sectarianism is constructed. Yet the possibility to construct something implies the possibility for its demise. The active effort sustaining national and ethno-sectarian perceptions of identity in Northern Ireland and Cyprus will require just such active effort to destroy.

The temporary solutions in Northern Ireland and Cyprus that resulted in spatial division between communities may have reduced political violence, but are not effective in erasing lingering tensions between communities. Instead, they enhance conflict by restricting physical and mental interaction between communities.

The notion that time and separation will dissipate inter-communal tension is too idealistic. Opposing communities may not resume peaceful co-existence if there was no peaceful co-existence in their pasts. As demonstrated throughout this thesis, Greek-Turkish and Irish-British tensions have persisted for centuries, remaining hidden but still present in perceived moments of peace.

Opening borders is also not a solution. An open border is still a border, and open borders do not indicate open minds. The opening of

60 Taiye Selasi, "Don't ask where I'm from, ask where I'm a local" (lecture, TEDGlobal, Rio de Janeiro, Brazil, October 7, 2014).

61 Ibid.

59 Mikis Hadjineophytou in conversation with the author, 2015.

the peace gates in Northern Ireland and of the UN Buffer Zone in Cyprus did not erase the perceived need for separation between communities.

Instead, these borders need to be destroyed. In order to do so and to foster productive negotiations towards peace, the mindsets leading to the construction of these borders need to be addressed. An important place to start is by breaking the hero and villain archetypes discussed in Chapter Two.

One means of breaking stereotypes is through cross-communal storytelling. Storytelling challenges the reduction of conflict to a series of statistics and pre-conceived group perceptions by placing a human face on suffering. It directly challenges desensitization to opposing communities' suffering.

I have seen instances of storytelling resulting in cross-communal reconciliation in both Northern Ireland and Cyprus. For example, a 'Shared History' group in Belfast enables Protestants and Catholics to come together to discuss differing identities and experiences of the Troubles. The 'Sharing an Island' project brought together young Greek and Turkish Cypriots to share the experiences behind the identities they inherited growing up in Cyprus.<sup>62</sup>

Many individuals I interviewed expressed the belief that peace can be reached through economics. Brannigan contends that poor economics may prevent individuals from shifting their focus towards peace:

"I don't care if the people that built that big bonfire would be Protestants and I don't care if they burn the picture of the pope on it, I'm more worried about how they spend their lives. How much money they earn. Are they working? Because if you want them to stop burning stupid bonfires with stupid religious emblems on them, give them a reason to live."<sup>63</sup>

Indeed, the authors of the 2011 World Development Report insist that poverty traps societies in cycles of violence.<sup>64</sup> Both Northern Ireland and Cyprus suffer from poverty.

Addressing the issues of spatial division and poverty may contribute to breaking sectarian stereotypes. To address these issues

effectively, they must receive widespread attention. Yet such attention requires removing the 'post-conflict' label that distracts attention from societies like Northern Ireland and Cyprus in need of attentive progress towards peace.

Defining a society as 'post-conflict' reduces their identity to nothing but the conflict they experienced in the past. Refraining from labeling a society 'post-conflict' is not a refusal to allow it to move forward. Likewise, the absence of a 'post-conflict' label does not imply the presence of a 'conflict-ridden' label. Refraining from the term 'post-conflict' only limits the control memories of violence have over present-day societal structures and norms.

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62 *Sharing an Island*, Film, directed by Danae Stylianou (2011).

63 Brannigan, Tim Interview by Laura Brody (2014).

64 "World Development Report: Conflict, Security and Development." Washington DC: World Bank 2011: 2.

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# HOLDING ONTO HOPE:

## PALESTINIAN AUTHORITY INSTITUTION-BUILDING IN THE POST-OSLO ERA PEACE PROCESS

The 1993 Oslo Accords, which marked Israel's recognition of the Palestinian Liberation Organization and the formation of the Palestinian National Authority (PNA/PA) as an interim self-governing body for the Palestinians of the West Bank and Gaza Strip, were hailed by many as a watershed moment in the Israeli-Palestinian peace process. In the years after Oslo, the prospect of ending the Arab-Israeli conflict and establishing a Palestinian state looked promising. Ahmed Qurei, a former Speaker for the Palestinian Legislative Council and one of the key PLO negotiators at Oslo and later at the 2000 Camp David Summit, optimistically proclaimed that Palestine had "transferred from a revolution to a state" with the agreement and process established at Oslo.<sup>1</sup> Just as auspiciously, political scientist Nathan Brown has argued that the PNA was not the start of the Palestinian state-building process, but instead knitted together an array of long-standing, diverse and overlapping institutions under one authority.<sup>2</sup>

For the first time, the Oslo Accords established an Israeli-Palestinian diplomatic track distinct from the long-standing Arab-Israeli one, and facilitated at least partial Israeli redeployment from some areas in the West Bank and Gaza. Yet, despite the claim that Israeli transfer of responsibility to the Palestinian Authority (PA) would set in motion the creation of a sovereign and independent Palestinian state, Israel has since reneged on many of Oslo's provisions and obstructed the PA's ability to carry out its given functions by regulating revenue streams and maintaining tight control over the Palestinian territories.

However, this paper argues that it is not merely Israeli intransigence but rather the indefinite continuation of the peace process initiated at Oslo, and the subsequent development of clientele and security-driven Palestinian institutions, that have impeded independent Palestinian state-building in the West Bank and Gaza. The ongoing peace process between Israel and the Palestinians has preempted the development of strong and independent Palestinian institutions as foundations for a Palestinian state. This has happened because the ability of the PA to maintain internal order, foster economic development, establish its authority over security and political matters and create an independent state is still obstructed by Oslo-established prioritization of Israeli security and interests over goals of PA capacity-building. Moreover, the PA itself remains dependent on the peace process with Israel to maintain its legitimacy and durability and has developed a semi-authoritarian, corruption-laden and personalized style of governance to maintain its monopoly on power. Nonetheless, it is important to note that it has developed this type of governance largely because it has been forced to work within the extremely confined bounds imposed upon it by the post-*Oslo* peace process.

### STRANGE BEDFELLOWS: THE RELATIONSHIP BETWEEN ISRAEL AND THE PA

There is no doubt that Israeli dominance over the peace process and occupation has substantially determined the context of Palestinian institution-building. While the agreement reached at Oslo between Israel and the PLO may have rescued the PLO, then headquartered in Tunis, from irrelevance and

1 Barry Rubin, *The Transformation of Palestinian Politics: From Revolution to State-Building* (United States: President and Fellows of Harvard College, 1999), 1.

2 Nathan J. Brown, *Palestinian Politics after the Oslo Accords: Resuming Arab Palestine* (Berkeley: University of California Press, 2003), 5.



extinction, it effectively “formalize[d] aspects of asymmetric containment that had already been built up since the early 1990s and... extended these controls.”<sup>3</sup> As agreed at Oslo, Israel has maintained control over the collection of taxes levied on the Palestinians, the transfer of Palestinian duties and fiscal revenues to the PA, and the flow of foreign trade, goods and labor over the borders of the Palestinian territories.<sup>4</sup> Employment of West Bank and Gaza residents in Israel peaked at around 40 percent prior to the Oslo Accords, but by 1996 it fell to just 14 percent.<sup>5</sup> Israel has effectively used its oversight over the movement of labor and goods through the borders as a tool for securing Palestinian compliance in security issues.<sup>6</sup> In short, the PA’s economic viability and relationship with the outside world has been strictly regulated by Israel, often to the detriment of Palestinian civilians. Israeli control has led to the development of a “system of gates and gatekeepers” as well as a “system of petty corruption” and extortion between Israeli and Palestinian security officials.<sup>7</sup> From the beginning of the negotiations at Oslo, Israel was the sole determiner of the structure and functions that the PA would adopt.<sup>8</sup> The PLO was fading from the political arena in Tunis, bankrupt after supporting Iraq in the Gulf War and the subsequent loss of Saudi and Kuwaiti financial support, and alienated after the collapse of the Soviet Union, one of its foremost patrons. It was too weak to extract concessions from Israel, and was forced to accept its subordinate position in the process in order to preserve its long-term political survival.<sup>9</sup>

Yet, accusations of overt PA complicity in the Israeli occupation abound. To a significant extent, the PA is accused of abetting the Israeli occupation by acting not as a protector of Palestinian rights and interests but instead as

a guarantor for Israeli security.<sup>10</sup> As Barry Rubin explains, “To succeed in negotiations, the PA had to prove its ability to fulfill its commitments to Israel.”<sup>11</sup> Further, any Palestinian state that could potentially be created in the future must be able to maintain security within its own borders as consistent with Israel’s perceptions of security, enter arrangements that boost Israeli security and prevent external incursion.<sup>12</sup> Even more, all of these criteria must be fully met immediately upon the establishment of a Palestinian state; Palestinian security capacities cannot be developed gradually after independence because Israel would be unwilling to accept this.<sup>13</sup> Consequently, in order to move toward the prospect of achieving an independent Palestinian state, the PA must demonstrate that is willing and able to execute the “unenviable task of first ensuring security for Israel.” This includes cracking down on its own society in the West Bank and Gaza in an effort to prevent Palestinian violence against Israeli civilian and military targets.<sup>14</sup>

In fact, Israel constructed the post-Oslo transfer of authority from Israel to the PA under the logic that that PA could more efficiently and cheaply preserve Israel’s security than Israel itself could, as the PA would be compelled to stifle any anti-Israel sentiment in those heavily populated areas of the West Bank and Gaza Strip under its control.<sup>15</sup> For example, in 1995, the PA formed security courts after two bombings in Gaza that killed seven Israeli soldiers with the purpose of punishing Palestinians trying to resist Israeli control. It then justified the establishment of the courts on the 1945 Emergency Regulations put in place by Great Britain during the Palestine Mandate period.<sup>16</sup>

Many academics and civil society activists, moreover, believe that the PNA has utilized its obligation to ensure Israel’s security as a façade for its militarization and control of the

3 Jami Hilal and Mushtaq Husain Khan, “State Formation under the PNA: Potential outcomes and their viability,” *State Formation in Palestine: Viability and governance during a social transformation*, eds. Mushtaq Husain Khan, George Giacaman, and Inge Amundsen (London: RoutledgeCurzon, 2004), 74.

4 Ibid., 75.

5 Ibid., 74.

6 Ibid., 74.

7 Ibid., 77.

8 As’ad Ghanem, *Palestinian Politics after Arafat: A Failed National Movement* (Bloomington: Indiana University Press, 2010), 31.

9 Glenn E. Robinson, *Building a Palestinian State: The Incomplete Revolution* (Bloomington: Indiana University Press, 1997), 176.

10 Alina Rocha Menocal, *The Palestinian State-Building Agenda*, Report Prepared for UNDP/PAPP, March 2011, 11.

11 Rubin, *The Transformation of Palestinian Politics*, 2.

12 The RAND Palestinian State Study Team, *Building a Successful Palestinian State* (Santa Monica: RAND Corporation, 2007), 4.

13 Ibid., 4.

14 Mushtaq Husain Khan, George Giacaman and Inge Amundsen, *State Formation in Palestine: Viability and Governance during a social transformation* (London: RoutledgeCurzon, 2004), 1.

15 Glenn E. Robinson, *Building a Palestinian State*, 189.

16 Ibid., 176-177.

Palestinian population.<sup>17</sup> Because the PA is dependent upon ongoing negotiations with Israel in order to justify its legitimacy to the Palestinian people and is held "responsible for ensuring the security of Israel first and foremost" in order to revive the peace process, it lacks "a crucial legitimization function and makes it susceptible to accusations that it is colluding with the occupying power."<sup>18</sup> The Palestinian Authority faces a severe lack of legitimacy in the eyes of those Palestinians in the West Bank (and formerly in Gaza) whom it claims to govern, largely because the PA depends not upon service delivery and a strong social contract with the population. It depends, instead, on external means of legitimization - mainly the need to maintain Israeli security, which are "not likely to be sustainable over the long term."<sup>19</sup>

There are also numerous arguments that the Palestinian Authority has stymied institutional and social development in the West Bank and Gaza through its semi-authoritarian suppression of internal political opposition, securitized control over the Palestinian civilian population, personalized patronage networks, and marginalization of civil society and old elites.

The Palestinian Authority, upon its establishment via the Oslo process in 1993, immediately sought to consolidate its new power over the West Bank and the Gaza Strip, often through undemocratic means. It originally justified these with the need to establish a clear monopoly on power over Palestinian state-building, safeguard the peace process from derailment, and initiate the process of national reconstitution.<sup>20</sup> Glenn E. Robinson has argued that the PA, which was made in large part from the PLO in Tunis and its head Yassir Arafat (the "outside PLO"), sought to consolidate its power by co-opting, expelling from power, and marginalizing the Palestinian elite that had emerged in the 1980s and played an active role in the 1980s, including the First Intifada (the so-called "inside PLO").<sup>21</sup> Because this "outside" elite possessed no direct connections to Palestinian civil society, its legitimacy was

derived largely by centralizing power, "ruling by decree" and relying on the popularity of Yassir Arafat as long-standing head of the PLO and the Palestinian resistance movement. It used these factors to govern over a society with which it interacted very little, unlike the "inside" elite that it had displaced.<sup>22</sup> Palestinian politics were tied almost inextricably to Arafat, culminating in the emergence of personalized networks based on connections and loyalty.<sup>23</sup> All leaders of police and security forces reported directly to Arafat, and any attempts for redress required the intervention of Arafat himself, rendering institutional processes and rules to a subordinate status.<sup>24</sup> After the formation of the PA, the international donor community, with the encouragement of the PA, shifted its financial support from Palestinian NGOs and civil society organizations to the PA's many ministries in order to build the strength of the central government.<sup>25</sup> This weakened the clout of grassroots Palestinian civil society and contributed to the growing power of top-down, centralized bureaucracy. Thus, it appears that PA-dominated politics centered on "the need of its rulers to effect social control over a society which they [did] not fully trust."<sup>26</sup>

## OSTRACIZED BY OSLO: THE PA AND THE PROTRACTED PEACE PROCESS

It is apparent that the PA has prioritized Israeli security over the safety of Palestinian society, adopted heavy-handed policies against its population to prevent Israeli retaliation, and operated via corruption and patronage. What is less clear, however, is that these outcomes were shaped to a considerable degree by the context set up by the Oslo Accords and the subsequently complex challenges the PA has been forced to confront in the Palestinian state-building process. In this light, the PA's policies can be understood as survival strategies necessarily employed by the PA to preserve the remnants of the peace process and continue state-building efforts in spite of the sobering reality of not having a state.

As Rubin points out, the construction of a Palestinian state has proven particularly

17 Alina Rocha Menocal, *The Palestinian State-Building Agenda*, 11.

18 Ibid., 11.

19 Ibid., 11.

20 Khalil Shikaki, "The Peace Process, National Reconstruction, and the Transition to Democracy in Palestine," *Journal of Palestine Studies* 25 no. 2 (Winter 1996), 9. Web.

21 Glenn E. Robinson, *Building a Palestinian State*, 176-177.

22 Ibid., 187.

23 Ibid., 187.

24 Ibid., 187.

25 Shikaki, "The Peace Process," 9.

26 Robinson, *Building a Palestinian State*, 188.

cumbersome and fragile compared to other cases of state-building because the PA remains caught in complex negotiations with Israel about how, when and if a Palestinian state will be created, and because the establishment of an independent Palestinian state requires building both political institutions and a society.<sup>27</sup> Because the Palestinian leadership views any disintegration of the peace process as a way for Israel to further consolidate its control over most of the Palestinian territories and prevent the development of a Palestinian state, the PA seeks to sustain a peace process, even if it is forced to accede to Israel's priorities and demands. A collapse of the peace process would signify not merely a temporary obstacle in the state-building process, but rather the fatal breakdown of a possible sovereign Palestinian state.<sup>28</sup> Thus, to maintain the peace process in order to keep alive the prospect of a Palestinian state, the PA has had little choice but to promote Israeli security at the top of its agenda. Additionally, "the security-first route that Israel insisted on meant that if Palestinian state formation had to proceed at all, it would have to be achieved through the construction of a client state during the interim period and perhaps beyond," and this was the "implicit but critical condition under which Israel agreed to enter the Oslo peace process."<sup>29</sup>

In short, the PA adopted a client state model reliant on patronage, corruption and complicity with Israel because it was the only way to get Israel to participate in the negotiations at Oslo, thus resuscitating the prospect of a Palestinian state. The PA, moreover, hoped to gradually move away from its role as a client state of Israel toward a state with budding political and economic development functions.<sup>30</sup> PA-dominated politics have certainly sought to impose control over the Palestinian population by centralizing power, depending on patronage networks to govern, and undermining old and trusted elites. However, it is necessary to bear in mind, as Rubin argues, that the PA's policies "were reinforced by the PA's situation, which constantly forced it to maintain balances" between repression of elements of Palestinian society and tolerance and inclusion

of opposition groups.<sup>31</sup>

The question the PA has been forced to grapple with, then, is not whether it should undertake state-building efforts or focus on putting an end to the Israeli occupation, but rather how it can support state-building in a way that recognizes on-the-ground conditions and the relatively little leverage it possesses in the negotiating arena.<sup>32</sup> The PA has kept the peace process alive in hopes of someday gaining a state, yet has duly engaged in state-building based on its understanding that it must develop a strong capacity to govern if it can ever convince Israel to someday end the occupation. In other words, the PA has chosen to use state-building as a means for seeking an end to the occupation.<sup>33</sup>

There are tensions between state-building and peace-building, however, such that the peace process started by Oslo has significantly undermined Palestinian institution-building. First, a lack of agreement on Oslo's final status issues has posed a negative and unique challenge to Palestinian state-building because it has left the likelihood of a Palestinian state's existence and the possible form of a future Palestinian state unclear.<sup>34</sup>

Second, because the possibility of a future Palestinian state is hostage to the peace process and thus continually hangs in the balance, state-building efforts can "remain too focused on the formal institutions of the state at the central level" such that there is an overreliance upon the state as the primary actor, and an overlooking of civil society and other non-state players.<sup>35</sup> As already discussed, this has been observed in the shift in international donor aid after the establishment of the PA away from Palestinian grassroots organizations and civil society into PA ministries' coffers. A report from Palestine's Contemporary Center for Studies and Policy Analysis points out that from the 1970s to 1994, Palestinian civil society organizations developed as direct antitheses to Israeli occupation, but after the establishment of the PA in 1994, Palestinian civil society grew weaker despite the advent of self-rule in the Palestinian territories. This

27 Rubin, *The Transformation of Palestinian Politics*, 1.

28 Rubin, *The Transformation of Palestinian Politics*, 3.

29 Hilal and Khan, "State Formation under the PNA," 112.

30 Ibid., 111.

31 Rubin, *The Transformation of Palestinian Politics*, 14.

32 Menocal, *The Palestinian State-Building Agenda*, 11.

33 Ibid., 11.

34 Shikaki, "The Peace Process," 8.

35 Alina Rocha Menocal, "'State-building for peace': navigating an arena of contradictions," Overseas Development Institute (ODI) Briefing Paper 52 (August 2009), 3.

paradox arose because the Oslo Peace Process and the subsequent establishment of the PA fueled a new competition between the PA and civil society organizations over scarce resources and limited power.<sup>36</sup> Moreover, the international donor community's focus on funding PA operations over civil society initiatives highlights the commonly held belief that political stability, achievable only through the installation of a powerful central authority, is needed for success in the peace process.<sup>37</sup>

In any case, the ongoing peace process and the indefinite status of the Israeli occupation have pushed the PA to adopt a strategy of building formal state institutions and centralizing administrative power. This, in turn, has led to the top-down and highly technocratic institution-building which is distanced from political dynamics on the ground and from Palestinian society at large.<sup>38</sup> As a result, while PA officials emphasize the need to build durable institutions that may become the foundation of a future state, Palestinian society at large is preoccupied more with the growing authoritarianism and securitization of the PA than with faraway state-building efforts dependent upon a long-stagnant peace process.<sup>39</sup>

The peace process has also profoundly impacted the internal dynamics of Palestinian politics and has shaped the degree to which the PA has sought to co-opt, repress or tolerate other groups and parties. The post-Oslo peace process, as Robinson points out, painted Islamists in a corner by forcing them to choose whether they wished to participate in the political process created out of the Oslo framework, thereby giving legitimacy to a process they opposed, or decline participation and risk being shut out of important political decisions and beneficial patronage resources.<sup>40</sup> Arafat, for his part, sought to co-opt Hamas in an attempt to check the possible use of violence by Hamas against Israel and thus prevent Israeli retaliation against the PA and a collapse of the peace process.<sup>41</sup> This stance put Israel in a difficult position, as Israel wanted

to curb Hamas without exerting too much pressure on the PA, such that the PA would be perceived as a passive Israeli puppet or that Israel would be seen as directly interfering in Palestinian internal politics.<sup>42</sup> Thus, the PA has not been simply a pawn for Israeli interests, even though it derives much of its legitimacy from Israel. Rather, it has been able to develop its own strategies for managing internal politics and state-building strategies even though it still faces a number of constraints through Israeli containment, a stalled peace process, and Oslo's emphasis on safeguarding Israeli security above all other objectives.

## CONCLUSION

The Oslo Accords and the advent of an Israeli-Palestinian peace process determined the context in which Palestinian state-building and institutional development would unfold. Through Oslo, the Palestinian Authority was formally established and granted the responsibility of safeguarding Israeli security while paving its own path toward the potential formation of an independent Palestinian state. While repression, distrust of Palestinian society, high securitization, patronage and corruption have negatively impacted the reputation of the PA and have created a deteriorating situation on the ground for many Palestinians, many of these tendencies were actively influenced by the fact that the PA was forced to work within the constraints imposed by the Oslo Accords, which emphasized Israeli security as well as control over violence and opposition within the Palestinian territories over the development of inclusive and transparent political institutions or economic initiatives for Palestinian society.

One of the most formidable yet vital challenges that lies ahead for the PA and Palestinian institution-building at large is bridging the gulf between state and society. The need to establish and maintain legitimacy among the public is crucial for the success of state-building. The PA currently faces accusations of illegitimacy stemming from its failure to fully integrate itself into the fabric of civil society and its placement of the narrow interests of powerful elites over the public good.<sup>43</sup> Since the Oslo Accords,

36 "Strengthening the Political Participation of Palestinian Civil Society," Policy Paper by the Contemporary Center for Studies and Policy Analysis (MEDAD) (August 2013): 1.

37 Shikaki, "The Peace Process," 9.

38 Menocal, *The Palestinian State-Building Agenda*, 11.

39 *Ibid.*, 11.

40 Robinson, *Building a Palestinian State*, 189.

41 Rubin, *The Transformation of Palestinian Politics*, 13.

42 Robinson, *Building a Palestinian State*, 189.

43 Alina Rocha Menocal, "'State-Building for Peace'—A New Paradigm for International Engagement in Post-Conflict Fragile

Palestinian politics have attempted to formulate Palestinian policies, strategies and institutions as detached from the Palestinians' struggle with Israel as possible. However, the Oslo Accords, through their establishment of the PA, the disproportionate weight given to Israeli considerations of security, and the displacement of Palestinian civil society and highly connected elites, inevitably exerted considerable influence over Palestinian state-building. Despite the fact that authoritarian tendencies and corruption-encumbered dealings within the PA threaten to eliminate what domestic legitimacy the PA possesses, the PA has undoubtedly catalyzed the Palestinian state-building process and increased the likelihood of a Palestinian state in the future in the face of a number of constraints imposed by the Israel throughout the post-Oslo peace process.

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# THE ROLE OF LAW:

## AMERICAN RULE OF LAW REFORM ABROAD AND THE CENTRAL AND EAST EUROPEAN LAW INITIATIVE

Within ten years after the fall of the Berlin Wall in 1989, some 5,000 American lawyers and judges traveled to newly independent post-communist countries as part of the American Bar Association's Central and East European Law Initiative (ABA CEELI).<sup>2</sup> Despite their varying degrees of familiarity with the region, all were well endowed with American legal expertise and enthusiasm for the unfolding transition to democracy and the rule of law.

Wojciech Sadurski writes that theories of "transitional constitutionalism" generally fall into one of two main categories: "simplistic" and "fancy." Simplistic theories hold that post-communist societies in transition are evolving toward a "Western" or "liberal-democratic" constitutionalism, while fancy theories hold that the endpoint cannot be so easily defined and may not mirror a form of constitutionalism that already exists.<sup>3</sup> As Sadurski points out, both varieties are controversial. Many scholars reject simplistic theories, disputing "the idea that the development of postcommunist constitutions follows a knowable and determinate trajectory modeled on the Western experience." On the other hand, proponents of fancy theories face "a danger of political relativism, or of a patronizing attitude, in treating the postcommunist transition as not aiming at Western-style democratic goals," thus implying that "CEE societies are as yet not

ripe for democracy."<sup>4</sup>

This framework, when applied to American rule of law assistance efforts abroad, can be imagined as a spectrum. At the simplistic end, emerging post-communist legal systems would be based entirely on tried-and-true, liberal-democratic models, imported from the West with the aid of foreign reformers. At the fancy end, each country would develop its own institutions based solely on its own legal history and cultural realities, allowing no place for assistance from abroad. At one end, American reformers could be accused of engaging in "legal imperialism," creating new political orders in their own image; at the other, each newly independent country would need to reinvent the proverbial wheel.

The CEELI project was predicated on the assumption that at some point between the two extremes, American legal experts could play a useful role in facilitating post-communist transitions without imposing American models or exploitatively promoting American interests. Discovering this point is a relevant goal today, given the proliferation of rule of law initiatives in recent years and their continuing struggle to identify their purpose and evaluate their impact. What is the appropriate role of American legal reformers abroad, if one exists? Without claiming to answer this question in full, this paper will attempt to contribute to the ongoing debate using evidence from the CEELI experience.

Part One will situate the CEELI initiative against the backdrop of the American rule of law promotion efforts that preceded it, highlighting the principles and practices that CEELI representatives championed and the geopolitical conditions that favored its success.

1 CEELI would later be renamed the "Central European and Eurasian Law Initiative," and in 2006 would be amalgamated into the ABA's Rule of Law Initiative (ROLI) along with four other regional rule of law programs worldwide.

2 James R. Silkenat, "The American Bar Association and the Rule of Law," *SMU Law Review* 67, no. 4 (2014): 753, doi:10.1163/187633309X421157.

3 Wojciech Sadurski, "Transitional Constitutionalism: Simplistic and Fancy Theories," in *Rethinking the Rule of Law after Communism*, ed. Adam Czarnota, Martin Krygier, and Wojciech Sadurski (Budapest: Central European University Press, 2005), 9.

4 *Ibid.*, 11-12.



Part Two will inquire further into the obstacles the project faced and the critiques lodged against it, including accusations of “cultural blindness” and even forms of legal imperialism. Ideally, an understanding of CEELI’s successes and shortcomings could be instructive in the assessment of more recent and current legal reform efforts.

While rule of law promotion is closely related to the study of democracy promotion, the development movement, and transitional theory, it also raises particular questions about the role of law in various societies, many of which have longstanding legal—and extra-legal—traditions that differ from those of the United States. Furthermore, the unique ideological principles driving CEELI’s approach to rule of law promotion, and the extent to which they were actually realized, could offer useful lessons for future international legal aid efforts. This study will draw upon CEELI reports from the first few years of its existence, compiled in 1993, to derive the mindset, values and goals of its founders. Additional reflections of CEELI participants, written some years later, will also be included in order to show how the initiative developed and how they evaluated it in retrospect.

## THE HISTORY OF AMERICAN LEGAL REFORM AID

At a conference in 2009, CEELI’s founders—Sandy D’Alemberte, Homer Moyer and Mark Ellis—stressed that sending American legal specialists abroad was a “radical” notion, and that “there was a great deal of suspicion within the American Bar Association about this kind of extraterritorial adventure.”<sup>5</sup> But the concept was nothing new; the American legal aid movement can be traced all the way back to the 1960s, when a similar wave of volunteers embarked for Asia, Africa and Latin America to facilitate the Third World’s transition to modernity.<sup>6</sup>

At the time, when the optimism of the “law and development movement” combined with Cold War ambitions to bolster American

influence abroad, the ABA had no qualms about “extraterritorial adventures.” One ABA president exclaimed: “[T]he legal profession of the United States has a greater opportunity and a graver responsibility than has rested upon the members of any profession in the history of the world.” Another declared: “Because of the strength and position of America, we, the lawyers of America, face an opportunity to take a decisive part in shaping the future of the world.” Justice William O. Douglas observed: “At Moscow and at Prague and now at Havana the Communists have established comprehensive programs for the indoctrination of foreign students in their form of revolution, development and government.”<sup>7</sup> There is a certain irony in the fact that less than thirty years later, American legal experts would travel to Moscow, Prague and eventually Havana to preach their own ideas of the rule of law.

In his classic work *Legal Imperialism*, James Gardner describes the older movement’s failure: “American legal assistance was inept, culturally unaware, and sociologically uninformed. It was also ethnocentric, perceiving and assisting the Third World in its own self-image.” Some of the Third World beneficiaries accepted advice when it served their interests, while others resisted, even asking the Americans to leave the country. The volunteers returned home “frustrated and chagrined.”<sup>8</sup>

In their book *Plunder: When the Rule of Law is Illegal*, Ugo Mattei and Laura Nader describe the dark side of rule of law promotion, tracing it from its roots in European colonialism through its expansion as a tool of American imperialism. Americans insisted that the rule of law was indispensable for a civilized society and inseparable from market liberalization. Promoting the rule of law abroad, then, was a “civilizing” gift that also opened foreign economies to American exploitation. Even today, the American legal worldview is characterized by a “theory of lack” that erases indigenous legal traditions and serves as justification for intervention and legal transfer. Due to the complex and multi-tiered nature of the American legal system, “American attorneys already enjoy a legal culture and discourse that is broader than jurisdictional limits”:

5 “Rule of Law Symposium: The History of CEELI, the ABA’s Rule of Law Initiative, and the Rule of Law Movement Going Forward,” *Minnesota Journal of International Law* 18, no. 2 (2009): 308.

6 James A. Gardner, *Legal Imperialism: American Lawyers and Foreign Aid in Latin America* (Madison, WI: University of Wisconsin Press, 1980), 8.

7 *Ibid.*, 36-37.

8 *Ibid.*, 9-11.

In this scenario, the theoretical or practical “annexing” of one more jurisdiction, whether located in Afghanistan, Eastern Europe, or Iraq, does not particularly change the US lawyer’s strongly functionalist way of reasoning. This is why American lawyers, under World Bank, International Monetary Fund (IMF), or American Bar Association (ABA) sponsorship, can frame a constitution or a bankruptcy code during a week-long stay in some remote corner of the world, with no expertise whatsoever in the local legal system, which simply gets erased.<sup>9</sup>

The CEELI lawyers may have benefited from this American ability to conceptualize general, broadly applicable legal issues, but they aimed to create an initiative quite different from those described by Gardner, Mattei and Nader.

## CEELI METHODS AND PRINCIPLES

With a “liaison” in each country to coordinate its efforts, CEELI sponsored technical assistance workshops, provided legal specialists, assessed draft laws, compiled concept papers, and established law school exchange programs. Beyond these initiatives, several specific priority issues were identified in each country. These often included judicial reform, criminal law and justice reform, the creation or reform of bar associations, local government restructuring, and constitutional reform. Many of the organization’s methods in achieving these goals turned upon securing judicial independence and the standardization of legal ethics.

As CEELI’s founders expressed at the 2009 symposium, the initiative prided itself on a set of core principles that guided all its activities in Europe. Each of these will now be examined in turn.

### I. RESPONSIVENESS

Most importantly, the project was meant to be “responsive,” providing assistance based solely on request. There proved to be no

shortage of requests; Mark Ellis recalls being “overnight inundated with requests from eight, nine, ten countries that were asking CEELI for assistance.”<sup>10</sup> Specifically, they were asking for advice on their new constitutions. CEELI required them to draft their constitutions before sending copies to American experts for comment, and when CEELI’s experts traveled to a host country to meet with the drafting committee, they served only as a “sounding board.” CEELI experts provided other forms of assistance, such as commentary on draft laws, in a similar fashion: after consulting with government leaders and legal associations, or upon their request. The 1993 reports show that demand for legal specialists and other services regularly surpassed the organization’s financial ability to supply them.

### II. POLICY NEUTRALITY

By remaining “policy neutral,” CEELI founders hoped to limit the role of the initiative’s participants to that of technical consultants rather than advocates of any particular policy. As Homer Moyer put it:

We could make available people who had wonderful experience and expertise in different areas of the law and make them available as resources. But to do that, not by way of handing a recipe or a plan to any of these countries, but to facilitate the process of their making their own decisions about how they wanted to structure their own governments, legal systems and laws.<sup>11</sup>

“Policy neutrality” and CEELI’s implementation of it, along with “responsiveness,” will be evaluated further in Part Two.

### III. PRO BONO

The organization also developed “fairly draconian conflict of interest rules” for its own participants to ensure that American lawyers participated in the program on a strictly pro bono basis and not in pursuit of any business

9 Ugo Mattei and Laura Nader, *Plunder: When the Rule of Law is Illegal* (Blackwell Publishing: Malden, MA, 2008), 145.

10 “Rule of Law Symposium,” 307-8.

11 *Ibid.*, 309.

interests of their own.<sup>12</sup> In addition to sending experts abroad for short-term visits to consult in particular fields of law, CEELI came to rely on its “liaisons”—volunteers who would live in the host countries and coordinate CEELI activities, generally for six months or a year at a time. These liaisons, often highly idealistic and enthusiastic to take part in a “legal Peace Corps,” would become a hallmark of the organization’s approach. Because they often served terms in more than one country, they brought with them a wide variety of experiences as they grappled with issues common throughout the region.

Though the volunteers served pro bono, it should be noted that the program relied on funding from the United States Agency for International Development (USAID). Some time after CEELI’s establishment, USAID support began to tip in the favor of paid specialists and for-profit firms, a strategy Homer Moyer described as giving USAID “more control” over their activities abroad. Mark Ellis said the shift “diminished the unique part of service that lawyers bring to these types of legal assistance programs,” adding that “today’s approach simply does not have the magic that it did when we were calling on lawyers to serve pro bono.”<sup>13</sup>

One CEELI participant who spent time in Ukraine recalled that USAID also tended to focus on economic development; as a result, rule of law projects were “constantly getting cut, reinstated, cut, programs get dropped, you plan things, you can’t do them.” At one point the USAID director for Ukraine expressed his intention to phase out the rule of law projects altogether in favor of economic programs—though he was eventually persuaded that this would cause the kind of economic lawlessness that had recently broken out in Russia.<sup>14</sup>

Rule of law initiatives faced similar funding challenges in Serbia. According to Milica Golubovic, who worked in CEELI’s Belgrade office for several summers, CEELI worked on a human trafficking project with the Magistrates’ Association of Serbia for two years—until “USAID changed its focus and looked to fund more projects aiming at economic development.”<sup>15</sup> Ultimately, whether or not CEELI was truly “policy neutral” was in large part the decision

of USAID.

#### IV. COMPARATIVE APPROACH

CEELI’s final core principle was that the United States should not be the only model for the post-communist states. Mark Ellis commented:

[W]e knew the CEELI “voice” needed to be a voice that included non-U.S. expertise. And so we did an extraordinary thing, at least at that time. We went out and brought in Europeans as part of the CEELI team. This was extraordinary because we were being funded at that time by the U.S. government.<sup>16</sup>

The main sources of exposure CEELI offered to other legal systems were its technical assistance workshops. Four to six lawyers or judges, “usually including one from a civil law country,”<sup>17</sup> participated in each workshop. Presenters frequently discussed Western European legal systems in addition to that of the United States; CEELI’s reports indicate that Western European experts were sometimes present to offer their perspectives. More often, the Americans presented their own knowledge of various legal systems or provided their host countries with literature on foreign law. At other times the meetings focused on comparing American systems with their equivalents in the host country. In addition, CEELI sponsored some workshops jointly with foreign and international foundations and legal organizations.

Alternative legal models were also addressed in concept papers meant to provide “comparative analysis of leading world models with supporting materials, without judging which model would be best for the host country.”<sup>18</sup> One concept paper, still in progress in 1993, “analyze[d] and compare[d] the treatment of judicial ethics in the United States,

12 Ibid., 308-10.

13 Ibid., 325-26.

14 Ibid., 321.

15 Milica Golubovic, “Judicial Professional Associations: Fostering Judicial Reform Through Civil Society Development,” *Southeastern Europe* 33, no. 1 (2009): 60, doi:10.1163/187633309x421157.

16 “Rule of Law Symposium,” 310.

17 Mark Ellis, comp., *Country Strategies for the Rule of Law Program for Albania, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, and Slovakia*, report (Washington: American Bar Association Central and East European Law Initiative, 1993): 16, [http://pdf.usaid.gov/pdf\\_docs/PNABZ142.pdf](http://pdf.usaid.gov/pdf_docs/PNABZ142.pdf).

18 Ibid., 19.

Austria, Hungary, Germany, and Italy.”<sup>19</sup>

Finally, CEELI drew from the legal communities of multiple countries to form working groups to address specific issues. In Estonia, CEELI brought together American professors with comparative law experience and Canadian professors to comment on Estonia’s new Civil Code; they sought to bring in “other foreign experts ... as the need arises.”<sup>20</sup> As of 1993, the organization also sought to create a Latvian Constitutional Working Group from “U.S. and Western European constitutional law experts.”<sup>21</sup>

CEELI’s 1993 report acknowledged that it was up to the individual countries to decide which models to use, and that many of them were looking at others besides the United States. In Albania, for example, some prosecutors believed they should be placed under the Ministry of Justice, “as in some European countries,” while others displayed a “strong interest in the American model, under which the prosecutor is an independent public official.” Albania’s Penal Code Revision Committee, at the time of the CEELI report, was examining the Italian Penal Code as a potential model to compete with the American approach.<sup>22</sup> And Albania’s constitutional drafting committee was “considering inclusion of some aspects of Western European law.”<sup>23</sup>

In the Czech Republic, the Ministry of Justice was considering moving toward the adversarial system and was reviewing Italy’s similar move in 1988. Meanwhile, the Czech Criminal Procedure Drafting Group was looking toward Hungary for inspiration.<sup>24</sup> Hungary’s Constitutional Court was also noted as “widely respected by Hungarians generally and looked to as a model for emulation by other Eastern European countries.”<sup>25</sup>

By using European rather than American models, many of the newly independent states could also draw upon centuries of historical connections on the continent. The report on Estonia, for example, acknowledged that “European tradition” and especially “the German code also [was] regarded as a model for the draft Estonian Criminal Procedure Code

due to the historical relationship between Germany and Estonia.”<sup>26</sup>

As these examples make plain, post-communist countries were not simply blank slates waiting for Western donors to point them in the right direction. They came to the table with reform agendas based on past experiences and visions for the future. Across the region, the new nations sought to distance themselves from past conflicts and achieve a state of “normalcy” equivalent to “the (real or imagined) state of affairs in Western Europe or North America.”<sup>27</sup> Mark Ellis relates how, despite possessing a “very solid legislative grounding in the former Yugoslavia,” Bosnia, Croatia, Slovenia and Macedonia “did not want to adopt any of the federal laws from the former Yugoslavia. They wanted to create their own base of law because they simply wanted a clean break from their Yugoslavian history.” And according to Scott Boylan, CEELI’s country director in the Czech Republic, “[m]oving away from the inquisitorial system is a means by which the Czechs have attempted to distance themselves and their legal system from Soviet/Russian domination.”<sup>28</sup>

Meanwhile, many post-communist countries aspired to join the European Union, and they accordingly set about incorporating EU law into their national legal infrastructures. Romania, for instance, included the European Convention on Human Rights as its own bill of rights in its constitution. Sandy D’Alemberte believed “this play of European judicial power ... helped move the [rule of law reform] process quite nicely.”<sup>29</sup> Mark Ellis, on the other hand, recalled:

There came a point where their focus was solely on joining the EU. That’s what was on their minds. And actually it became a challenge for CEELI because the countries we were assisting were interested in simply adopting EU legislation as required by the EU. Our concern was whether they had a basic understanding about what they were adopting.<sup>30</sup>

19 Ibid., 35.

20 Ibid., 73.

21 Ibid., 92.

22 Ibid., 7-8.

23 Ibid., 10.

24 Ibid., 54.

25 Ibid., 80.

26 Ibid., 69.

27 Sadurski, 9.

28 Scott P. Boylan, “The Status of Judicial Reform in Russia,” *American University International Law Review* 13, no. 5 (1998): 1331, <http://digitalcommons.wcl.american.edu/auilr>.

29 “Rule of Law Symposium,” 323.

30 Ibid., 339.

It could perhaps be argued that the requirements for EU accession themselves were part of a broader scheme of coercion, offering all the benefits of membership in exchange for enhanced economic access to the new member states and the loss of their legal individuality. But so far as CEELI was concerned, the countries of Central and Eastern Europe controlled their own decisions respecting EU accession. It was in the realm of more specific legal reforms that CEELI's expertise was requested—and in which it carried potential policy implications.

## RESPONSIVENESS IN PRACTICE

While the CEELI reports show great enthusiasm in Central and Eastern Europe about the potential of American assistance, there are a number of examples to the contrary. The report on the Czech Republic conceded that, "due to several factors, foreign legal assistance is not as eagerly solicited as it is in other countries in the region."<sup>31</sup> Another report read: "Providing assistance in Poland can be particularly difficult due to the official Polish bias against 'outside' assistance."<sup>32</sup> In Latvia, "concern [was] expressed in the Ministry of Justice on the relevance of the American system to the Latvian system," though the new minister of justice seemed more receptive.<sup>33</sup> And the Hungarians were found to be "generally reluctant to share information," a fact attributed to "their communist legacy."<sup>34</sup> It is worth noting that while such sentiments may have represented general trends, they did not stop reform-minded individuals within these countries from eagerly seeking advice on certain issues.

There are also examples of specific CEELI efforts that met with particular resistance. For instance, as new law schools appeared in Bulgaria and CEELI set about recruiting them for its Sister Law School project, "neither the Ministry of Education nor Sofia University (until 1991 the only Bulgarian law school) were inclined to assist the new law schools in contacting a Western group such as CEELI."<sup>35</sup> Also in Bulgaria, "resistance within parts of the Bar to a code of professional responsibility

[was] widespread."<sup>36</sup> And in Romania, it was noted: "President Iliescu and his party (which has a plurality in Parliament) do not seem fully committed to reform. Their interest in a truly independent judiciary is minimal."<sup>37</sup>

Despite CEELI's attempt to legitimize its efforts by acting only on request, any given request was unlikely to meet with unanimous approval within the host country. Where disagreement existed, whose request was sufficient to legitimize CEELI's involvement? The problem was particularly contentious in countries where the new balance of powers was rapidly tipping toward presidentialism. The case of Romania's President Iliescu illustrates the potential result when political power is concentrated in the hands of legal reform's opponents. Using Romania as an example, Thomas Carothers and Paula Newberg have written that the lack of decentralization of power in the post-Soviet states has limited the effectiveness of American assistance:

"American efforts to support greater independence of the Romanian judiciary, which have consisted primarily of support for improved judicial training, have been neutralized by the unavoidable fact that the Romanian government has little interest in ceding its political influence on, or even control of, the judiciary at certain levels."<sup>38</sup> Though CEELI did play a role in constitutional drafting processes—including Romania's—the drafting committees of the host countries ultimately had the final say. Mark Ellis recounted:

Actually, I recall instances where I thought the ultimate decision by the drafters would cause problems in the future for the particular country. I remember that very well in Romania. They had failed to engage civil society in the drafting process. They didn't have a referendum on the Constitution, which I thought caused real concerns because citizens were not able to truly say that the Constitution was theirs. And sure enough they did have problems.<sup>39</sup>

31 Ellis, *Country Strategies for the Rule of Law Program*, 49.

32 Ibid., 135.

33 Ibid., 93.

34 Ibid., 78.

35 Ibid., 22.

36 Ibid., 22.

37 Ibid., 144.

38 Thomas Carothers and Paula R. Newberg, "Aiding—and Defining: Democracy," *World Policy Journal* 13, no. 1 (1996): 103, <http://www.jstor.org/stable/40209465>.

39 "Rule of Law Symposium," 321-22.

In keeping with its policy to act only as a “sounding board,” CEELI respected the decisions of the authorities who had requested its assistance—in this case, Romania’s constitutional drafting committee. Indeed, CEELI’s core tenet of “responsiveness” is apparent throughout the organization’s records. The 1993 reports are careful to specifically mention that legal specialists and other services were provided “upon request,” and they frequently name the individual or government agency that requested them. But in the case of Bulgaria, the 1993 report seems less committed to the need for local consent, and in fact describes obtaining it rather forcefully. For instance, “CEELI succeeded in convincing the Bulgarian Bar of the necessity of adopting a code of professional responsibility” only “[a]fter months of persistent lobbying” and in spite of the fact that “resistance within parts of the Bar ... [was] widespread.”<sup>40</sup>

In summary, CEELI generally acted only on request, but the forms of assistance requested were not necessarily condoned among the country’s political leadership, throughout its legal community, or even in public opinion. This observation, combined with CEELI’s actions in Bulgaria, raises questions about another of its key tenets: that assistance should be “policy neutral.”

## NEUTRALITY IN PRACTICE: THE PROBLEM OF ETHICS

A crucial characteristic of the CEELI project was that it was supposed to be “policy neutral”—in other words, that it would provide purely technical expertise without interfering in substantial policy decisions. Instead of offering ready-made blueprints based on American models and ideals, CEELI experts and liaisons were to help post-communist countries be the architects of their own legal systems. This principle relied, however, on the notion that “technical” expertise could be free of cultural assumptions and inherent policy recommendations.

Ethics is one of the categories that most challenges this perception, as CEELI’s experience in Bulgaria makes abundantly clear. The 1993 report openly states: “Given the ideals to which the ABA subscribes, the ABA

has an obligation to promote a professional, independent bar in Bulgaria. For this reason, the CEELI has taken a more aggressive role in promoting change in the Bulgarian Bar than in other areas of its work.”<sup>41</sup> The establishment of a judicial code of ethics was identified as a priority in 1993, but it would take more than a decade for Bulgaria’s Union of Judges to approve it. A 2004 CEELI report offers some insight as to why:

Over the years, Bulgarian judges have equated ethics with morality. Since they know the difference between right and wrong, they believed a code of ethics was unnecessary. However, they finally overcame their resistance and recognized that a code is useful in addressing ethical challenges that arise in the daily work of every judge.<sup>42</sup>

The same report states that “[t]he perception of corruption in the courts is as insidious as corruption itself, for both have the effect of undermining the public’s trust in the justice system.” It also remarks, rather paradoxically, that “[t]here is no fundamental belief in Bulgaria that ethical behavior matters.”<sup>43</sup> Clearly there are a variety of perceptions at play here about ethics, morality, and the role they play in society and in law. In these areas, CEELI’s reform efforts may have clashed with local culture and legal traditions. This section will address societal impediments to legal reform generally in post-Soviet countries, suggesting that in places like Bulgaria, the issue was not that ethical behavior didn’t matter, but that ideas about ethical behavior were informed by different factors and manifested differently—sometimes contradicting CEELI’s ideals. This inconsistency suggests that CEELI’s expertise on legal ethics did, in fact, come attached to a “plan” or “recipe” for standardization and reform.

Virtually every author who has written about rule of law aid has emphasized the need to adapt to local cultures, histories and traditions. At the same time, certain characteristics of

41 Ibid., 21.

42 Mary Noel Pepys, comp., *Judicial Reform Index for Bulgaria*, report, vol. 2 (Washington: American Bar Association and Central European and Eurasian Law Initiative, 2004), 32. <http://www.americanbar.org/content/dam/aba/directories/roli/bulgaria/bulgaria-jri-2004.authcheckdam.pdf>.

43 Ibid., 31-32.

40 Ellis, *Country Strategies for the Rule of Law Program*, 22.



these very cultures, histories and traditions can undermine the establishment of the rule of law as foreign reformers conceive of it. In his analysis of the impact of various cultural practices on the rule of law, David Pimentel captures this exactly: While "culture, and more specifically the legal tradition, of any society is a major ingredient in the elixir that will, hopefully, produce the Rule of Law there," it is also true that "[s]ome cultures have components that are inherently destructive of the Rule of Law, such as a longstanding tradition of public corruption."<sup>44</sup>

The post-Soviet space is a particularly interesting one in which to examine corruption and its influence on the rule of law. In the Soviet Union, practices that American observers would call corrupt were quite routine in both the judiciary and in the public at large. For instance, the courts, like every other department of the government, were under the supervision of the Communist Party, and Party leaders would frequently telephone judges and instruct them on how to rule. While this "telephone justice" may seem authoritarian and oppressive, it is important to remember that it was the Party that set the ideological standards by which Soviet society was supposed to live. In fact, it was far more highly regarded than the courts themselves. This was the reverse of the American system, in which the courts keep the government in check based on ideological principles enshrined in law. In James Diehm's words: "This was, in the purest sense, the rule of the state rather than the rule of law."<sup>45</sup> This is not to say that the "rule of the state" was absolute, however, and the cultural legacy of citizens' distrust of or even resistance to the Soviet legal system held significant consequences for attempted reform. In 1993, CEELI reports inevitably complained that in each former Soviet republic or satellite state, the judiciary had always been held in low regard as nothing more than an extension of the prosecutorial arm of the state.

When American lawyers working on CEELI projects encountered difficulties in their programs, they may at times have been unable

to detect the underlying cultural nuances. The 2004 report on Bulgaria stated: "The failure of parties, their attorney and witnesses to appear in court is a long-standing problem within Bulgaria's justice system," resulting in "considerable case delays, which are one of the major factors the public cites as evidence of judicial corruption." Judges, for their part, had failed to use their powers to create consequences for such behavior: "The delays in enforcing judgments, often intentional, render many judicial decisions meaningless" and "give rise to the public's disrespect for the judicial system."<sup>46</sup>

According to Wade Channell, reform efforts seeking to address these problems in the Balkans often overlook their cultural significance. The "culture of delay" in these countries "arose, to some extent, during period in which judges and attorneys for private sector litigants attempted to mitigate authoritarian rule by hobbling the state's ability to prosecute claims through the courts. Judges and lawyers won respect by protecting individuals, not by efficiently enforcing unpopular policies." To illustrate the cultural salience of this concept, Channell cites a Bulgarian short story from 1950 about a farmer called Andreshko. While driving his horse cart one day, he picks up a stranger on the road, only to learn that the man is an enforcement judge on his way to Andreshko's own village to seize a neighbor's assets. Rather than turn his friend over to the law, the farmer drives into a swamp and rides off, leaving the cart—and the judge—behind. According to Channell, Andreshko remains a popular character, and "[o]vercoming his legacy will not be met simply through better written laws."<sup>47</sup> In fact, in addition to "fines and other sanctions," CEELI did advocate new laws that would reduce delays "if vigorously enforced."<sup>48</sup>

Adreshko's story demonstrates distinctly negative attitudes toward the law. More specifically, however, it shows a system of ethics that places higher value on personal relationships than on codified rules. As Janine Wedel has put it: "In a system in which nearly everyone engaged in 'dirty togetherness,'

44 David Pimentel, "Culture and the Rule of Law: Cautions for Constitution-making," *Fordham International Law Journal Online* 37 (2013): 117, [http://works.bepress.com/david\\_pimentel/13/](http://works.bepress.com/david_pimentel/13/).

45 James W. Diehm, "The Introduction of Jury Trials and Adversarial Elements into the Former Soviet Union and Other Inquisitorial Countries," *Journal of Transnational Law and Policy* 1 (2001): 25-26.

46 Pepys, *Judicial Reform Index for Bulgaria*, 16.

47 Wade Channell, "Lessons Not Learned about Legal Reform," in *Promoting the Rule of Law Abroad: In Search of Knowledge*, ed. Thomas Carothers, (Washington: Carnegie Endowment for International Peace, 2006), 137-59, 147-48.

48 Pepys, *Judicial Reform Index for Bulgaria*, 16.



people developed ethical systems in which legality was seen to diverge greatly from morality. Their experiences of law and morality did not stem from fixed notions of justice and its universal applications."<sup>49</sup> The phrase "dirty togetherness," borrowed from Polish sociologist Adam Podgorecki, refers to "cliquishness and close-knit networks in the context of scarcity and distrust of the state."<sup>50</sup>

In Russia, this phenomenon was known as *blat*; Alena Ledeneva, perhaps the foremost expert on the subject, has defined it as "the use of personal networks and informal contacts to obtain goods and services in short supply and to find a way around formal procedures."<sup>51</sup> Though condemned as corruption in official state discourse, it was rarely prosecuted, and for most people it seemed perfectly natural, even necessary for survival. *Blat* was practiced throughout the Soviet Union, under a variety of names—not only in Russia, Bulgaria and Poland, but farther east as well.<sup>52</sup> In Mongolia, a Soviet satellite state, it overlapped with the older cultural tradition of *tanil tal*, a system of "reciprocity and obligation" among relatives, friends and acquaintances that involves the reciprocal giving of goods and services. In his revealing study, Brent White notes that *tanil tal* networks may influence judicial proceedings. For example, if a judge's family member is ill and an official at the Ministry of Health helps procure treatment, the judge will be obligated to rule favorably for him in court, as it would be "more dishonorable for a judge to ignore the [needs] of a family member than [not] to abide strictly by the law." This alternative to a Western-style rule of law also has implications for judicial independence and the separation of powers:

Additionally, most judges secure their positions in the first place through *tanil tal* and have reciprocal obligations to those who put them there—including notably the President. Because

repaying reciprocal obligations is such a deeply internalized social norm, when the individual to whom the judge is beholden suggests either directly or indirectly that the judge render a particular decision, the tendency is to comply. In such circumstances, formal guarantees of judicial authority and life tenure may have minimal appreciable impact on judicial independence.<sup>53</sup>

While White does not mention CEELI specifically, his article is a relevant illustration of the existence of cultural alternatives to imported legal ethics. He also points out that corruption in post-communist societies cannot automatically be ascribed to communism itself; rather, as in Russia, much of today's corruption originated in the economic upheaval of the transition period. When international donors arrived on the Mongolian scene in the early 2000s, corruption had already taken root, especially among the new elites. But foreign reformers assumed the rampant bribery was left over from the Soviet era, masking the possibility that the transition to democracy had actually created new hurdles for the rule of law.<sup>54</sup> According to Ivan Krastev, "the monetarization of *blat* relations and replacement of *blat* by bribe"—that is monetary bribery not justified by personal relations, as *blat* had been—was the driving force behind the widespread public perception in the post-Soviet sphere that the post-communist period is, in fact, more corrupt than the communist period.<sup>55</sup> The judiciary is not spared from this lack of faith, undermining the rule of law in society generally.<sup>56</sup>

These examples highlight some key factors that may have affected American rule of law efforts in the 1990s, including the historically different role of the judiciary in the Soviet Union; culturally ingrained negative attitudes toward the legal system; and alternative codes for ethical behavior like *blat* and *tanil tal*, which may conflict with written law. Against this backdrop, it is difficult to argue that CEELI's campaign to standardize legal ethics did not constitute

49 Jane R. Wedel, "Corruption and Organized Crime in Post-communist States: New Ways of Manifesting Old Patterns," *Trends in Organized Crime* 7, no. 1 (2001): 12.

50 *Ibid.*, 10.

51 Alena Ledeneva, *Russia's Economy of Favours: Blat, Networking, and Informal Exchange* (Cambridge: Cambridge University Press, 1998), 1.

52 Ivan Krastev, "Corruption, Anti-Corruption Sentiments, and the Rule of Law," in *Rethinking the Rule of Law after Communism*, ed. Adam Czarnota, Martin Krygier, and Wojciech Sadurski, (Budapest: Central European University Press, 2005), 323-39, 332-33.

53 Brent T. White, "Putting Aside the Rule of Law Myth: Corruption and the Case for Juries in Emerging Democracies," *Arizona Legal Studies* (March 2009) 26-28, doi:10.2139/ssrn.1359338.

54 *Ibid.*, 13.

55 Krastev, "Corruption, Anti-Corruption Sentiments, and the Rule of Law," 332-33.

56 *Ibid.*, 337.

a pre-written “recipe” for success, especially given the significant policy implications of judicial independence. It entailed a great deal of change in legal culture—even in the role of the law itself—and the problems CEELI still faced in Bulgaria in 2004 suggest that its approach may have benefitted from greater allowance for local variation. The next section will further illustrate the consequences of following a reform agenda without adapting it sufficiently to local context.

## NEUTRALITY IN PRACTICE: “COOKIE CUTTER SYNDROME”

The previous section detailed specific cultural phenomena that may have clashed with CEELI’s conception of legal ethics and the rule of law, impeding its efforts at reform. This supports the common mantra that reform programs need to be tailored to their local environments—a task rendered more difficult when the reformer is following an inflexible agenda. As this section will show, CEELI has received mixed reviews in this respect.

James Diehm, who was sent by the CEELI to work with the Ukrainian and Russian governments for three months, commended the initiative’s “invaluable contribution” and its ground-up approach to legal reform:

During this time I was continually impressed by the sensitivity of those involved in the project to the history, culture, and legal traditions of the countries of the former Soviet Union and their knowledge and understanding of the inquisitorial system of criminal justice.<sup>57</sup>

But James Moliterno, who was affiliated with CEELI as a legal education consultant in Georgia and Armenia, expresses a very different perspective. Writing in 2010, after CEELI had been absorbed into the ABA’s Rule of Law Initiative, he alleges that despite ABA ROLI’s many successes, “in one respect, the work of these and other such projects is sometimes tinged with cultural imperialism.” Specifically, exported ethics codes paid “too little attention” to “local culture” and had “no real relationship with lawyer culture outside

the United States.”<sup>58</sup> According to Moliterno, American lawyers abroad were embarrassingly ignorant of justice systems outside their own, especially civil law systems, which have predominated in Europe for centuries. This ignorance, he suggests, manifested in the policies of the post-communist states the ABA purported to help. In Armenia, for example, Moliterno learned that “the main court [was] now about to begin operating as a common law court. But no one, including the lawyer for the government in the constitutional court, could seem to explain why.”<sup>59</sup>

Homer Moyer recalled in 2009 that when it came to the differences between civil and common law systems, “most of the issues we dealt with really didn’t create a problem in that respect.”<sup>60</sup> And yet, Moliterno is not the only scholar who has expressed concern about the effect of these differences on reformers’ activities abroad. Philip Genty, for example, has addressed the disconnect and potential solutions within the realm of legal education. American clinical teachers, he argues, “do not typically have a sufficiently deep and nuanced understanding of the civil law systems with which we work ... In attempting to ‘transplant’ models of clinical legal education developed in the United States into these civilian educational settings, we often overlook the ways in which these models may be inappropriate to the receiving societies.”<sup>61</sup> While general “interactive teaching methods” like those introduced by CEELI have been beneficial,<sup>62</sup> American-style clinical teaching—based on reasoning skills and collaborative participation—was less relevant to legal practitioners in civil law countries, who were more interested in doctrine, substantive law, and lecture-based learning. The first step in “overcoming cultural blindness,” Genty writes, is to “educate ourselves about what clinical models are currently in place in the civil law countries.”<sup>63</sup> Only then might clinical training be successfully adapted to serve the needs of Central and Eastern European students.

58 James E. Moliterno, “Exporting American Legal Ethics,” *Akron Law Review* 43 (2010): 767-68.

59 *Ibid.*, 768.

60 “Rule of Law Symposium,” 338.

61 Philip M. Genty, “Overcoming Cultural Blindness in International Clinical Collaboration: The Divide Between Civil and Common Law Cultures and Its Implications for Clinical Education,” *Clinical Law Review* 15 (October 30, 2008): 155, server05productnNNYC15-1NYC101.txt.

62 *Ibid.*, 148.

63 *Ibid.*, 155.

57 Diehm, “The Introduction of Jury Trials,” 2.

Milica Golubovic has gone even further in her critique of CEELI: "In ABA/CEELI's RIBA (Regional Institution Building Advisors) project, the training seminars more often than not presented solutions that would work better for American civil society organizations than Serbian professional associations." Just as a shallow understanding of local conditions could have a negative impact on its educational endeavors, it had a similar "copy and paste" effect on civil society. In Golubovic's view, CEELI was limited by its liaisons' lack of local expertise: "Each individual post is not enough for them to learn about the particular circumstances and the climate in which programs are implemented, and they inevitably draw on US and other regional experiences when cooperating with local partners."<sup>64</sup>

In her article "The Cookie Cutter Syndrome: Legal Reform Assistance Under Post-Communist Democratization Programs," Cynthia Alkon describes what is perhaps the most common criticism of Western legal reform initiatives. In short, the donors' approach "fails to look at the individual differences of the specific countries receiving rule of law development assistance," instead imposing ready-made Western models.<sup>65</sup> She credits CEELI with "taking the lead" in the development of the Judicial Reform Index (JRI) and CEDAW Assessment Tool, which "both represent a good step towards increasing understanding of the current environment in particular countries," thus "changing one of the fundamental flaws of the Cookie Cutter System: a failure to fully assess the situation in a particular country."<sup>66</sup> Highly critical of typical, litigation-based approaches to legal reform, Alkon also argues that integrating Alternative Dispute Resolution (ADR) "can help effect change in legal cultures, and, within the context of legal development programs, could move post-communist legal cultures further on the road towards rule of law."<sup>67</sup> She notes that CEELI took steps to

implement two ADR methods—negotiation and facilitation—into its programs.

But Mattei and Nader warn that one must be cautious in advocating ADR as a method for increasing cultural sensitivity:

The Western mainstream still largely perceives non-Western legal systems as a caricature-like image of the Qadi (Islamic judge) dispensing (expediency-based) justice sitting under a tree, made famous by Max Weber and once used even by US Supreme Court Justice Felix Frankfurter. Thus ADR, with its emphasis on informality and case-specific justice, is deemed congenial to local needs, because it is closer to what is stereotyped as "oriental" mentality.<sup>68</sup>

According to the authors, "legal reforms worldwide increasingly standardize and ritualize ADRs ... to fit global power strategies in a manner that erases differences caused by uneven power or diverse or competing cultural styles."<sup>69</sup> This analysis recalls the fundamental tension that exists within any attempt to "localize" legal reform efforts, and which was presented at the beginning of this study using "simplistic" and "fancy" theories of transition: An American legal reform policy that recreates foreign legal systems in its own image, ignoring or stamping out local differences, would certainly smack of imperialism; but exaggerating or assuming the dominance of local customs in legal settings risks patronizing and stereotyping them.

In conclusion, CEELI was commendable and generally successful in its attempts to be responsive to host countries' needs by operating solely upon request. But with new national leaders and legal communities frequently at odds, the Americans apparently collaborated with anyone who was willing. Additionally, despite their goal of "policy neutrality," there is evidence that they sometimes followed a reform agenda based on their own values, especially where ethics were concerned. CEELI likely viewed strict ethical codes a necessary step in the elimination of

64 Golubovic, "Judicial Professional Associations," 59.

65 For an interesting parallel critique of EU-specific reform efforts, see Tanja A. Börzel and Thomas Risse, "One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law," Proceedings of Workshop on Democracy Promotion, Oct. 4-5, 2004, Stanford University, <https://www.researchgate.net/publication/228768742>.

66 Cynthia Alkon, "The Cookie Cutter Syndrome: Legal Reform Assistance under Post-Communist Democratization Programs," *Journal of Dispute Resolution* 2002, no. 2 (2002): 361, <http://scholarship.law.missouri.edu/jdr/vol2002/iss2/2>.

67 Ibid., 329.

68 Mattei and Nader, *Plunder*, 78.

69 Ibid.

arbitrariness from the legal system, inherent in and inseparable from its understanding of the rule of law. Nevertheless, some critics accused the initiative of practicing a “cookie cutter” approach without sufficient regard for local cultural and legal traditions.

Despite CEELI’s attempt to avoid the kind of “legal imperialism” that characterized the “law and development” movement of the 1960s, there were many similarities between the two. The “transfer of legal concepts and models” occurred “indirectly”—to borrow Gardner’s term—through “legal values or ideas, jurisprudential or professional models,” as opposed to the “direct transfer of specific legal institutions and instruments.” The two movements both used arguably “ethnocentric” methods, including the promotion of American-style legal education, “the distribution of untranslated American legal texts,” and bringing local lawyers to law schools in the United States.<sup>70</sup> Some CEELI liaisons actually thought of themselves as missionaries. Jim St. Clair, who spent a year as CEELI’s liaison in Bosnia and taught in Ukraine, Kazakhstan and Kyrgyzstan, said he was motivated by

“[a]dventure, love of travel, a desire to help other lawyers, a willingness to endure loneliness and hardships—the same motives that drive all missionaries. I love being a legal missionary.”<sup>71</sup>

But the CEELI project has two significant defenses against accusations of legal imperialism. First was the uniquely conducive historical moment at which it took place. Numerous post-communist countries were undergoing extensive restructuring simultaneously, and they faced a real and urgent need to consider various options for reform. Eager to transition away from communism, reformers often looked toward Western systems as functional democracies that could serve as models for their own countries. In some areas of law, there truly had been a “lack” under the previous regime; for example, Americans were often asked for advice on how to best approach privatization. Unfortunately, this was not to last: CEELI’s leaders recognized in 2009 that worldwide “high regard” for American leadership simply no longer exists as it did in the 1990s; nor does the “unsullied concept of rule of law” that prevailed at the time.<sup>72</sup> Since

then, other American rule of law efforts around the world have drawn more charges of “legal imperialism” than CEELI ever did.

The second major factor of CEELI’s success, however, offers a more lasting lesson for the future: the need to adapt to the newly globalized nature of rule of law reform. The proliferation of international legal aid from many quarters, after all, has been well documented. As Thomas Carothers noted in the late 1990s, Russia alone had received funds from the United States, Germany, Great Britain, the Netherlands, Denmark, and the European Union, as well as international organizations like the World Bank, and each donor believed itself to be uniquely suited to the task: “Transitional countries are bombarded with fervent but contradictory advice on judicial and legal reform.”<sup>73</sup> In Central and Eastern Europe, as countries responded to this multiplicity of models and motivations for reform, it is difficult to claim that any one decision was the product of any one Western power’s imperial project; recall, for instance, that the Czech Republic adopted elements of an adversarial system in part to distance itself from its communist past.

Time and time again, CEELI acknowledged that the American model was only one of many that post-communist countries could choose to follow—even if its members tended not to thoroughly understand these other models, such as civil law systems. Given its federal funding, it is perhaps understandable that CEELI could only bring in a few Western European experts to participate in technical workshops, and that its advice tended to be U.S.-centric. But these problems, should they arise again in future legal reform assistance projects abroad, may not be without solutions. It would be highly beneficial, for example, to engage experts with comparative training and knowledge of a wide variety of legal systems, including that of the host country, Western European nations, and non-Western countries that CEELI neglected entirely. As Genty suggests, the first step in educating others is to better educate ourselves.

This is especially important given the ABA’s expansion of its rule of law programs into other regions of the world, where they are sure to

70 Gardner, *Legal Imperialism*, 245.

71 George Harvey Cain, *Turning Points: new Paths & Second Careers for Lawyers* (Chicago: ABA Publishing, 2009), 38-39.

72 “Rule of Law Symposium,” 330.

73 Thomas Carothers, “The Rule of Law Revival,” in *Promoting Democracy Abroad: In Search of Knowledge*, 3-13 (Washington: Carnegie Endowment for International Peace, 2006): 11, first published in *Foreign Affairs* 77, no. 2 (1998): 95.

encounter new challenges to the universality of the American idea of the rule of law. At the 2009 symposium, CEELI's founders, with China in mind, pondered whether democracy and free markets need always accompany the rule of law. And Mark Ellis questioned "whether or not Islamic countries would see the rule of law, at least the way we define it, as universal."<sup>74</sup>

In addition to allowing reformers to formulate more relevant and individualized ways to present American legal practices to foreign audiences, greater focus on thorough understanding would allow American lawyers to be exposed to foreign alternatives. Moyer recalled of the CEELI initiative: "It caused you to think differently about your own country, ask questions about issues you had taken for granted, whether there's a different or a better way to do what we do."<sup>75</sup> A collaborative and interactive approach to legal reform, by fostering a heightened awareness of other legal systems as well as cultural practices that might inform the rule of law, could provide all participants with an opportunity to learn and improve.

*Rachel Margolis graduated from Brown in spring 2016, majoring in history.*

<sup>74</sup> "Rule of Law Symposium," 340.

<sup>75</sup> *Ibid.*, 325.

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# KING DEMOCRACY:

## DO DEMOCRATIC NATIONS MITIGATE CONFLICT OVER TRANSBOUNDARY FRESHWATER RESOURCES BETTER THAN OTHER NATIONS?

### ABSTRACT

The prospect of water wars and conflict over water are ideas that are frequently dramatized in media and also studied by scholars. It is well-established that bona fide wars are not started over water resources, but conflict over water does exist and is not well understood. One would suppose, as scholars often do, that dyads composed of two democratic nations would be the best at mitigating conflict and promoting cooperation over freshwater resources. General conflict research supports that supposition, as does the argument that democracies must be best at avoiding conflicts over resources because they excel at distributing public goods. This study provides empirical evidence showing how interstate dyads composed of various governance types conflict and cooperate over general water and water quantity issues relative to each other. After evaluating the water conflict mitigating ability of democratic-democratic, democratic-autocratic, and autocratic-autocratic dyads, this study finds that democracy-autocracy dyads are less likely to cooperate over general water issues and water quantity issues than the other two dyad types. Nothing certain can be said about how the three dyad types compare to each other in terms of likelihood to conflict over water quantity issues. However, autocracy-autocracy dyads seem to be most likely to cooperate over water quantity issues. These findings support the established belief that democratic-autocratic pairs struggle to cooperate while also encouraging greater scrutiny of the belief that democracies must be best at cooperating over water resources.

### INTRODUCTION

At one time the literature on water cooperation and conflict was fraught with predictions of devastating water wars in the coming millennium.<sup>1</sup> Those fears may have subsided over time (as humanity has not yet experienced a water war), but the study of water cooperation and conflict has grown substantially. Some aspects of the field have remained the same. For instance, there are still many varying definitions of water scarcity and stress, and scholars continue to praise democratic governments as handling the complexities of water the best.<sup>2</sup> Discussions of conflict, water availability, and water resource management are all important conversations to have as the world's population increases and climate change threatens freshwater systems.

With increasing demand for and decreasing supply of water, more people might experience the strains that come with forgoing certain uses of water and even restricting water use to basic needs. The world is already seeing this phenomenon happen. For example, it is now acceptable for residents of California to report their neighbors for improper water use.<sup>3</sup> Israel has experienced tension with neighboring nations accusing it of wasting its limited water on agriculture.<sup>4</sup> Debate over the

1 Joyce R. Starr, "Water Wars," *Foreign Policy* 82 (Spring 1991): 17-36.

2 Frank R. Rijsberman, "Water Scarcity: Fact or Fiction?" *Agricultural Water Management* 80, no. 1-3 (February 2006): 5-22; Nils Petter Gleditsch, "Armed Conflict and the Environment: A Critique of the Literature," *Journal of Peace Research* 35, no. 3 (May 1998): 381-400.

3 The City of San Diego, "Pure Water San Diego," 2015, <http://www.sandiego.gov/water/purewater/purewatersd/index.shtml>.

4 Eran Feitelson, "Implications of Shifts in the Israeli Water



proper use of water resources has the potential to ignite conflict, promote cooperation, or cause both in sequence. In addition, water use can be a pawn in more complex cooperation or conflict events between nations.

Transboundary freshwater resources have the potential to influence the dynamics between nations, which must decide whether to conflict or cooperate over them. This conflict need not arrive in the form of full-blown warfare. Instead, the conflict is often acted out through political maneuvering and choice statements made through the press.<sup>5</sup> This paper aims to investigate whether the occurrence of cooperative and conflictive events over transboundary freshwater resources is related to the governance structure of nations; do democratic nations really mitigate conflict over transboundary freshwater resources better than other nations?

## LITERATURE REVIEW

General conflict studies have existed for many generations, in both philosophical and empirical forms. The study of government interaction and conflict is also fairly well-developed. However, it tends to focus more on public goods distribution, treaties, and sanctions than on specific environmental considerations. The literature that does emphasize water and other environmental considerations concentrates on the idea of resource curse in addition to water quantity and location. General conflict studies have only recently begun to incorporate environmental considerations such as water resource management and distribution. Many variables influence how governments interact with each other over the issue of transboundary freshwater resources. This paper aims to empirically address freshwater conflict as it relates to governance and thus requires a review of governance literature.

Many are quick to laud democracies as being the best at mitigating interstate conflict over natural resources.<sup>6</sup> However, very little thought is given to the possibility that autocracies might be better than democracies

at handling interstate transboundary freshwater resource conflict. Autocracies might, in fact, be better at handling this type of conflict because they are very centralized and have meticulous distribution systems and networks. Perhaps they are better at distributing water and, thus, better at mitigating conflict over it. Because there are so few studies that analyze governance structure as it relates to conflict and water, it is important to look generally at the strengths and weaknesses of various governance structures to determine whether democracies really are superior cooperators in the case of transboundary freshwater resources.

Democracies are known for being good at distributing public goods. One study by Benjamin A. Olken compared direct, election-based plebiscites in Indonesian villages to representative meeting forms of government in other Indonesian villages and found that the election-based plebiscites yielded more cooperation and higher satisfaction ratings. The plebiscites and their less democratic counterparts, the representative meetings, were tasked with community-based development projects aiming to improve distribution of public goods. This study shows that the more democratic a system is, the better it will be at promoting cooperation over public good distribution.<sup>7</sup> Connecting the Olken study to discussions about democracy and cooperation over the distribution of water is simple. However, one must keep in mind that the Olken study covered very local, small-scale projects that did not necessarily focus on water distribution but instead covered a wide range of public goods.<sup>8</sup> There are other studies that look at democracies and public good distribution that encompass a broader scope.

For instance, Robert Deacon compared democracies and dictatorships on an interstate level and found that national-level democracies are better at distributing public goods. However, Deacon does not take conflict or cooperation over public good distribution into account. His paper also looks at public goods generally, not water specifically.<sup>9</sup> Once again, though, it is

Discourse for Israeli-Palestinian Water Negotiations," *Political Geography* 21, no. 3 (March 2002): 293-318.

5 Anna Kalbhenn, "Liberal Peace and Shared Resources—A Fair-Weather Phenomenon?" *Journal of Peace Research* 48, no. 6 (November 2011): 715-35.

6 Gleditsch, "Armed Conflict and the Environment," 381-400.

7 Benjamin A. Olken, "Direct Democracy and Local Public Goods: Evidence from a Field Experiment in Indonesia," *American Political Science Review* 104, no. 2 (May 2010): 243-67, doi:10.1017/S0003055410000079.

8 Ibid.

9 Robert Deacon, "Dictatorship, Democracy, and the Provision of Public Goods" (working paper, Department of Economics, University of California, Santa Barbara, 2003).

easy to see how the findings of his study could be extrapolated to water resources.

Democracies also excel at cooperating with each other. In a study that encompassed thirty-five years of international conflict data, John R. O'Neal et al. found that country-pairs consisting of two democracies cooperate better than all other country-pairs.<sup>10</sup> The study found that democracies are most cooperative with each other over trading, which involves high levels of interaction.<sup>11</sup> Unlike this paper, O'Neal does not differentiate between country-pairs that consist of only one or fewer democracies.<sup>12</sup> While it is important to note that democracies are good at cooperating with each other, one must also consider the reality that they do not do well at cooperating with non-democracies.

A good mechanism to look at interactions between democracies and non-democracies is through sanctions. David Lektzian and Mark Souva provide a thorough review of sanction literature. Their most relevant insight is that most sanctions that exist in the world fall into the category of democratic states sanctioning non-democratic states. They also find that the most common reason for failed sanctions is that democratic nations do not target the elite of the non-democratic nations properly and thus do not get the economic and political outcome that they desire.<sup>13</sup> This discussion of the successes and failures of democracy is very relevant to an analysis of conflict between basin-sharing dyads. If interactions between democracies and autocracies usually fail to produce the intended results, then perhaps democracies and autocracies cannot cooperate over freshwater resources through the simple mechanism of frequent interactions as the Nils Petter Gleditsch et al. findings would suggest.<sup>14</sup>

The literature on public goods distribution and sanctions just reviewed could be used to support the argument that two democracies must be better at mitigating conflict over water

than two autocracies or a democracy and an autocracy. Since most of the literature in favor of that argument also draws on philosophy, those philosophical arguments deserve some examination.

The debate on the merits of democracies and autocracies can be traced back to Locke, Hobbes, and Kant. A myriad of other thinkers have refined and added on to those Enlightenment ideas throughout the years. A good review of the history of those arguments may be found in Kant, Liberal Legacies, and Foreign Affairs by Michael W. Doyle. The most relevant philosophical arguments in favor of democracies being best at mitigating conflict over water are that liberal democracies are war averse and more bonded than an established liberal democracy and an autocracy.<sup>15</sup> Ultimately, both the empirical and philosophical literature lead many to conclude that democracies must be best at mitigating transboundary freshwater resource conflict and avoiding water wars.

Near the turn of the millennium, many speculated that one of the largest problems of the twenty-first century would be water wars. Academics predicted conflicts the likes of which the world had never seen centered on shared waterways between nations.<sup>16</sup> The world has not seen water wars quite yet, but that does not mean that examining the relationship between water and conflict is not relevant. Integrating the water-conflict nexus with governance structure allows us to question our traditional views of "good government" in new and interesting ways. This paper will attempt to do just that by investigating the relationship between governance structure and conflict over transboundary freshwaterways.

## METHODOLOGY

This paper will investigate the relationship between instances of conflict and cooperation over transboundary freshwater resources among country pairs and the governance structure of those countries. Control variables will include previous history of conflict, various measures of water scarcity and water stress, geopolitical variables, levels of development, and press neutrality (because the conflict

10 John R. O'Neal, Francis H. O'Neal, Zeev Maoz, and Bruce Russett, "The Liberal Peace: Interdependence, Democracy, and International Conflict, 1950-85," *Journal of Peace Research* 33, no. 1 (February 1996): 11-28.

11 Ibid.

12 Ibid.

13 David Lektzian and Mark Souva, "An Institutional Theory of Sanctions Onset and Success," *Journal of Conflict Resolution* 51, no. 6 (December 2007): 848-71.

14 Nils Petter Gleditsch, Kathryn Furlong, Håvard Hegre, Bethany Lacina, and Taylor Owen, "Conflicts over Shared Rivers: Resource Scarcity or Fuzzy Boundaries?" *Political Geography* 25, no. 4 (May 2006): 361-82.

15 Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs," *Philosophy & Public Affairs* 12, no. 3 (Summer 1983): 205-35, <http://www.jstor.org/stable/2265298>.

16 Starr, "Water Wars," 17-36.

and cooperation data originates from press reports). The goal of this investigation is to answer the question: "are pairs of democracies better at mitigating conflict over transboundary freshwater resources than other co-riparian country pairs?"

This paper will attempt to answer that question by investigating the following hypotheses:

## HYPOTHESES

H<sub>1</sub>: A democratic-autocratic country pair is the worst at avoiding and mitigating conflict over transboundary freshwaterways relative to democratic-democratic country pairs and autocratic-autocratic country pairs.

H<sub>2</sub>: An autocratic-autocratic country pair is not as good at avoiding and mitigating conflict over transboundary freshwaterways as a democratic-democratic country pair, but it is better at avoiding and mitigating conflict over transboundary freshwaterways than a democratic-autocratic country pair.

The above hypotheses address the claim that democracies are better at avoiding conflict over transboundary freshwaterways.

H<sub>3</sub>: A democratic-autocratic country pair is more likely to conflict over water quantity issues related to transboundary freshwater resources relative to democratic-democratic country pairs and autocratic-autocratic country pairs.

While the first hypothesis addresses all cooperation and conflict over transboundary freshwater resources, this hypothesis specifically investigates conflicts over water quantity.

H<sub>4</sub>: An autocratic-autocratic country pair is more likely to conflict over water quantity issues related to transboundary freshwater resources than a democratic-democratic country pair but it is less likely to conflict over the quantity of transboundary freshwater resources than a democratic-autocratic country pair. While the second hypothesis address all cooperation and conflict over transboundary freshwater resources, this hypothesis specifically investigates conflicts over water quantity.

H<sub>5</sub>: A democratic-autocratic country pair is less likely to cooperate over water quantity issues related to transboundary freshwater

resources relative to democratic-democratic country pairs and autocratic-autocratic country pairs. This hypothesis specifically investigates cooperation over water quantity.

H<sub>6</sub>: An autocratic-autocratic country pair is less likely to cooperate over water quantity issues related to transboundary freshwater resources than a democratic-democratic country pair, but it is more likely to cooperate over the quantity of transboundary freshwater resources than a democratic-autocratic country pair. This hypothesis specifically investigates cooperation over water quantity.

The third through sixth hypotheses address the pro-democracy public goods distribution argument by focusing on water quantity events. All hypotheses will be tested by a multivariate analysis of the following variables.

## DATA<sup>17</sup>

The dataset used in this paper comes from Gleditsch et al.,<sup>18</sup> Kalbhenn,<sup>19</sup> Monty Marshall and Ted Gurr,<sup>20</sup> J. David Singer, Stuart Bremer, and John Stuckey,<sup>21</sup> and Douglas M. Gibler.<sup>22</sup> The Gleditsch et al. paper investigates the role that rivers as borders play in conflict between basin-sharing dyads.<sup>23</sup> The Kalbhenn paper specifically investigates conflict and cooperation over transboundary freshwater resources.<sup>24</sup> Marshall and Gurr created the Polity IV dataset, which provides governance and political stability variables.<sup>25</sup> Singer, Bremer, and Stuckey created the National Material Capabilities dataset, which includes information on population and development.<sup>26</sup> Finally, the Gibler dataset provides information

17 This section draws heavily on Gleditsch et al., "Conflicts over Shared Rivers," 361-82; Kalbhenn, "Liberal Peace and Shared Resources," 715-35; Monty G. Marshall and Ted Robert Gurr, "Polity IV Project: Political Regime Characteristics and Transitions, 1800-2013," last modified June 5, 2014, <http://www.systemicpeace.org/polity/polity4x.htm>; J. David Singer, Stuart Bremer, and John Stuckey, "Capability Distribution, Uncertainty, and Major Power War, 1820-1965," in *Peace, War, and Numbers*, ed. Bruce Russett (Beverly Hills: Sage, 1972), 19-48.

18 Gleditsch et al., "Conflicts over Shared Rivers," 361-82.

19 Kalbhenn, "Liberal Peace and Shared Resources," 715-35.

20 Marshall and Gurr, "Polity IV Project," <http://www.systemicpeace.org/polity/polity4x.htm>.

21 Singer, Bremer and Stuckey, "Capability Distribution," 19-48.

22 Douglas M. Gibler, *International Military Alliances, 1648-2008* (Washington D.C.: CQ Press, 2009).

23 Gleditsch et al., "Conflicts over Shared Rivers," 361-82.

24 Kalbhenn, "Liberal Peace and Shared Resources," 715-35.

25 Marshall and Gurr, "Polity IV Project."

26 Singer, Bremer and Stuckey, "Capability Distribution," 19-48.

on alliances.<sup>27</sup> The dependent conflict/cooperation variable is negative for cases of conflict and positive for cases of cooperation. The magnitude of the absolute value of the variable increases as conflict or cooperation gets more intense. Instances of conflict and cooperation over transboundary freshwater resources and their intensity were determined from interpretation of news articles written on the subject (Appendix A)\*. Most water conflict studies look at non-water specific conflicts and control for river basin-sharing. Because this study uses water-specific conflict and cooperation events (a less common choice), common conflict and geopolitical control variables could behave differently than would be expected.

The control variables for conflict include binary variables that describe whether the countries are found in the Middle East/North Africa or Sub-Saharan Africa; a binary variable that describes whether the countries are considered to be "major powers"; a binary variable that describes whether the countries in the dyad have an alliance; and a binary variable indicating inconsistent regimes.<sup>28</sup> Controls for location in the Middle East/North Africa or Sub-Saharan Africa were included because these regions have more pronounced resource stress than others.<sup>29</sup> A country's status as a major power is also important because major powers have the most resources and broadest international interests.<sup>30</sup> Alliances are important to consider because they control for the presence of amicable relationships (or lack thereof) between states.<sup>31</sup> Finally, the inconsistent regimes variable controls for the increased conflict that those governments are often associated with.<sup>32</sup>

To control for water scarcity and water stress, the natural log of the area (km<sup>2</sup>) of the river basin located in the upstream state and

a binary measure of dryness based on rainfall measures are used. Both of those variables have been found to be significantly correlated with the onset of fatal militarized interstate disputes (MIDs).<sup>33</sup>

The geopolitical controls include system size, the natural log of the distance (km) between the capital cities of the states, natural log of population, and a measure of contiguity. System size was included to control for the finding that conflict decreases between non-neighboring countries as the number of non-neighboring dyads increases.<sup>34</sup> The natural log of the population in the dyad is included because it has been found to be significantly correlated with conflict.<sup>35</sup> The natural log of energy consumption per capita in the dyad, and the square of that value, control respectively for the effects of development on conflict and the idea of the environmental Kuznet's curve.<sup>36</sup> Finally, the type of news source is included as a variable to control for the fact that not all news sources used to retrieve conflict/cooperation information were independent.<sup>37</sup>

The Middle East/North Africa, Sub-Saharan Africa, major power, alliance, contiguity, and system size variables were not found to be significantly correlated with conflict in the Gleditsch et al. study. However, those variables will be included in this paper's analysis because they have been found to be significant in conflict literature of the past.<sup>38</sup> For more summaries of the aforementioned variables, please see Appendix B.

Two strengths of this analysis are that it takes a plethora of variables into consideration and actually considers water events instead of general conflict events. While many control variables are used, it is impossible to address all the factors that are known to influence conflict and water-sharing dynamics. In some cases, such as that of water scarcity and stress, there is not even an academic consensus on the proper

27 GIBLER, *International Military Alliances*.

28 Marshall and Gurr, "Polity LV Project."

29 Fred Halliday, "Military Conflict: War, Revolt, Strategic Rivalry," in *The Middle East in International Relations* (Cambridge: Cambridge University Press, 2005), 167-92.

30 Håvard Hegre, "Gravitating toward War: The Gravity Model of Trade and the Liberal Peace" (3rd General Conference of the European Consortium of Political Research, September 2005).

31 Gleditsch et al., "Conflicts over Shared Rivers," 361-82.

32 Håvard Hegre, Tanja Ellingsen, Scott Gates, and Nils Petter Gleditsch, "Toward a Democratic Civil Peace? Democracy, Political Change, and Civil War, 1816-1992," *The American Political Science Review* 95, no. 1 (March 2001): 33-48.

33 Gleditsch et al., "Conflicts over Shared Rivers," 361-82.

34 Arvid Raknerud and Håvard Hegre, "The Hazard of War: Reassessing the Evidence for the Democratic Peace," *Journal of Peace Research* 34, no. 4 (November 1997): 385-404.

35 Gleditsch et al., "Conflicts over Shared Rivers," 361-82.

36 Ibid.

37 Kalbhenn, "Liberal Peace and Shared Resources," 715-35.

38 Halliday, "Military Conflict," 167-92; Hegre, "Gravitating toward War"; Josh A. Vasquez, "Why Do Neighbors Fight? Proximity, Interaction, or Territoriality," *Journal of Peace Research* 32, no. 2 (August 1995): 277-93; Raknerud and Hegre, "The Hazard of War," 385-404.

\*Due to space constraints, appendices are not printed. They can be viewed in the paper's online version, at [yris.yira.org/essays/1902](http://yris.yira.org/essays/1902)

way to measure these variables.<sup>39</sup> Therefore, it is possible that the unintentional omission of important variables could lead to biased results. Another weakness of this analysis is that the conflict/cooperation variable only covers a ten-year time span (from 1997-2007) and originates from reviews of news coverage. Thus, the sample size is not very large and could be biased towards events that tend to attract more media coverage, such as ones that occur in densely populated areas or affect a large number of people. Sampling bias also seems to favor democratic-democratic pairs because they make up the largest proportion of dyad type in the dataset.

The variables that originated from the Gleditsch et al. 2006 dataset only covered years through 2001. In order to be able to analyze a ten-year span of data, the maximum value was coded for the contiguity, proportion of the basin in the upstream state, distance between capital cities, major power, Middle East, Sub-Saharan Africa, and system size variables. That decision was made because it seems unlikely that any of those values would change between 2001 and 2007. However, there is a chance that those values did change and, thus, it is important to consider the possibility that the assumptions necessary to increase sample size might not accurately reflect the reality of some of the geopolitical factors in consideration.

## MODELS

To test the hypotheses, six multivariate linear regressions were run on the IRCC conflict/cooperation variable controlling for the variables described above. The models were conditioned upon the governance structure of the country pairs: democratic-democratic, democratic-autocratic, and autocratic-autocratic as determined by the Polity IV dataset.<sup>40</sup> The equations describing the

regressions that were run can be found below.

## TESTING THE HYPOTHESES

H<sub>1</sub>: A democratic-autocratic country pair is the worst at avoiding and mitigating conflict over transboundary freshwaterways relative to democratic-democratic country pairs and autocratic-autocratic country pairs.

In this model, the sign and significance on the coefficient of the variable will indicate an increase or decrease in the conflict/cooperation outcome relative to other dyadic governance relationships. ={-6,-5,-4,-3,-2,-1,0,1,2,3,4,5,6} as defined by the IRCC database (Appendix A).<sup>41</sup>

H<sub>2</sub>: An autocratic-autocratic country pair is not as good at avoiding and mitigating conflict over transboundary freshwaterways as a democratic-democratic country pair, but it is better at avoiding and mitigating conflict over transboundary freshwaterways than a democratic-autocratic country pair.

In this model, the sign and significance on the coefficient of the variable will indicate an increase or decrease in conflict/cooperation probability relative to two democracies. ={-6,-5,-4,-3,-2,-1,0,1,2,3,4,5,6} as defined by the IRCC database (Appendix A).<sup>42</sup>

H<sub>3</sub>: A democratic-autocratic country pair is more likely to conflict over water quantity issues related to transboundary freshwater resources relative to democratic-democratic country pairs and autocratic-autocratic country pairs.

In this model, the sign and significance on the coefficient of the variable will indicate an increase or decrease in the conflict outcome relative to other dyadic governance relationships.  $Y_{it}$  denotes the instance of a conflict specifically over water quantity.

H<sub>4</sub>: An autocratic-autocratic country pair is more likely to conflict over water quantity issues related to transboundary freshwater resources than a democratic-democratic country pair, but it is less likely to conflict over the quantity of transboundary freshwater resources than a

39 For example, the *Falkenmark indicator* defines countries that cannot sustain 1700 cubic meters of water per capita per year as water stressed (see Malin Falkenmark, Jan Lundquist, and Carl Widstrand, "Macro-Scale Water Scarcity Requires Micro-Scale Approaches: Aspects of Vulnerability in Semi-Arid Development," *Natural Resources Forum* 13, no. 4 (November 1989): 258-67). Meanwhile, the International Water Management Institute (IWMI) differentiates between physical water scarcity and economic water scarcity, thus placing value on a country's means (see Rijsberman, "Water Scarcity," 5-22). The Water Poverty Index focuses on water security at the household level (see Rijsberman, "Water Scarcity," 5-22).

40 Marshall and Gurr, "Polity IV Project."

41 Kalbhenn, "Liberal Peace and Shared Resources," 715-35.

42 Ibid.

democratic-autocratic country pair.

In this model, the sign and significance on the coefficient of the variable will indicate an increase or decrease in conflict probability relative to two democracies.  $Y_{it}$  denotes the instance of a conflict specifically over water quantity.

$H_5$ : A democratic-autocratic country pair is less likely to cooperate over water quantity issues related to transboundary freshwater resources relative to democratic-democratic country pairs and autocratic-autocratic country pairs.

In this model, the sign and significance on the coefficient of the variable will indicate an increase or decrease in the cooperative outcome relative to other dyadic governance relationships.  $Y_{it}$  denotes the instance of cooperation specifically over water quantity.

$H_6$ : An autocratic-autocratic country pair is less likely to cooperate over water quantity issues related to transboundary freshwater resources than a democratic-democratic country pair, but it is more likely to cooperate over the quantity of transboundary freshwater resources than a democratic-autocratic country pair.

In this model, the sign and significance on the coefficient of the variable will indicate an increase or decrease in cooperation probability relative to two democracies.  $Y_{it}$  denotes the instance of cooperation specifically over water quantity.

## RESULTS

### GOVERNANCE TYPE AND WATER EVENT SCORES

**Table 1** shows the results of the multivariate regression testing  $H_1$ . This hypothesis contends that a democratic-autocratic country pair is the worst at avoiding and mitigating conflict over transboundary freshwaterways relative to democratic-democratic country pairs and autocratic-autocratic country pairs. The results show that dyad pairs of one democracy and one autocracy are slightly more likely to conflict over transboundary freshwaterways than the other

two dyads in question. That finding conforms with established beliefs on the instability and disagreement-ridden nature of democracy-autocracy relationships.<sup>43</sup> The majority of independent variables used in this regression yields significant coefficients, half of which has anticipated signs and half of which does not. Population, basin, and dryness coefficients are all negative. Those findings are consistent with Gleditsch et al. findings.<sup>44</sup> Gleditsch et al. found system size to be indicative of cooperation,<sup>45</sup> but these results do not. Alliance, capital city distance, and independent news coefficients are all positive, as expected. Those factors are known to be indicators of cooperation.<sup>46</sup> On the other hand, the Kuznet's control variable, which is usually indicative of cooperation, takes a negative value in this regression. The four variables with positive coefficients where negative coefficients were expected (major power, contiguity, Sub-Saharan Africa, and partially-independent news) are relatively large in magnitude. The result for contiguity is especially surprising because it is known to be one of the strongest indicators of conflict, not cooperation.<sup>47</sup> However, it is possible that the relationship between contiguity and conflict differs when only water events are considered. The unconsolidated regimes and Middle East/North Africa variables are not significant and the dyad development variable is omitted because of collinearity.

$H_2$  posits that an autocratic-autocratic country pair is not as good at avoiding and mitigating conflict over transboundary freshwaterways as a democratic-democratic country pair, but it is better at avoiding and mitigating conflict over transboundary freshwaterways than a democratic-autocratic country pair. The results from the multivariate

43 David Lektzian and Mark Souva, "An Institutional Theory of Sanctions Onset and Success," *Journal of Conflict Resolution* 51, no. 6 (December 2007): 848-71.

44 Gleditsch et al., "Conflicts over Shared Rivers," 361-82.

45 Ibid.

46 GIBLER, *International Military Alliances*; Marshall and Gurr, "Polity IV Project"; Kalbhenn, "Liberal Peace and Shared Resources," 715-35; Gleditsch et al., "Conflicts over Shared Rivers," 361-82; Halvard Buhaug and Nils Petter Gleditsch, "The Death of Distance? The Globalization of Armed Conflict," in *Territoriality and Conflict in an Era of Globalization*, ed. M. Kahler and B. Walter (Cambridge: Cambridge University Press, 2006), 187-216.

47 Vasquez, "Why Do Neighbors Fight?" 277-93; Gleditsch et al., "Conflicts over Shared Rivers," 361-82; Kathryn Furlong, Nils Petter Gleditsch, and Håvard Hegre, "Geographic Opportunity and Neomalthusian Willingness: Boundaries, Shared Rivers, and Conflict," *International Institutions* 32, no. 1 (2006): 79-108.



**Table 1. Testing the relationship between governance type and water event scores.**

Variable	H1	H2
<b>Unconsolidated Regimes</b>	-0.12 (0.14)	-0.12 (0.16)
<b>Development</b>	Omitted	Omitted
<b>Dyad Size</b>	-0.14*** (0.043)	-0.14*** (0.043)
<b>Major Power</b>	0.42*** (0.13)	0.36*** (0.14)
<b>Alliance</b>	0.21*** (0.067)	0.20*** (0.068)
<b>Distance</b>	0.13** (0.052)	0.13** (0.052)
<b>Contiguity</b>	0.65* (0.34)	0.71** (0.34)
<b>System Size</b>	-0.40*** (0.11)	-0.41*** (0.11)
<b>Middle East/North Africa</b>	0.15 (0.095)	0.075 (0.11)
<b>Sub-Saharan Africa</b>	0.51*** (0.12)	0.51*** (0.12)
<b>Basin Upstream</b>	-0.033*** (0.0079)	-0.034*** (0.0079)
<b>Dryness</b>	-0.33*** (0.76)	-0.31*** (0.077)
<b>Kuznet's</b>	-0.67*** (0.024)	-0.053** (0.026)
<b>Partially Ind. News</b>	0.28*** (0.10)	0.28*** (0.10)
<b>Independent News</b>	0.36*** (0.11)	0.39*** (0.11)
<b>Democracy-Autocracy</b>	-0.19** (0.076)	-0.094 (0.097)



<b>Autocracy-Autocracy</b>		0.19 (0.12)
<b>Constant</b>	1.77* (0.69)	1.91*** (0.69)
<b>N</b>	3858	3858
<b>R-squared</b>	0.095	0.095

\*p < 0.1, \*\*p < 0.05, \*\*\*p < 0.01, standard error in parentheses

regression run to test that hypothesis can be found in **Table 1**. Neither of the governance variables is significant in this regression output, but most of the control variables are. Once again, dyad size, alliance, capital city distance, basin, dryness, and independent news variables yield expected results. Major power, contiguity, system size, Sub-Saharan Africa, Kuznet’s, and partially independent news variables do not. Contiguity boasts the largest coefficient and dyad development is once again omitted due to collinearity. The unconsolidated regimes and Middle East/North Africa variables are, again, not significant. This regression did yield very similar coefficient values as H<sub>1</sub>, and, for the most part, the standard errors are not as large relative to those from H<sub>1</sub> outputs.

GOVERNANCE TYPE AND WATER QUANTITY CONFLICT

H<sub>3</sub> states that a democratic-autocratic country pair is more likely to conflict over water quantity issues related to transboundary freshwater resources relative to democratic-democratic country pairs and autocratic-autocratic country pairs. **Table 2** shows the results from the multivariate analysis testing H<sub>3</sub>. The democracy-autocracy outcome is not significant and fewer control variables are significant than in the larger-sample size H<sub>1</sub> and H<sub>2</sub>. The unconsolidated regimes, dyad size, Sub-Saharan Africa, and dryness variables all yield the expected positive coefficients and are significant. The Kuznet’s coefficient is significant and unexpectedly positive while the major power, alliance, and Middle East/North Africa variables are significant and unexpectedly negative. Once again, the largest significant coefficient is one with an unexpected sign; major power is usually an indicator of conflict

because of the large military capabilities of major powers.<sup>48</sup>

H<sub>4</sub> states that an autocratic-autocratic country pair is more likely to conflict over water quantity issues related to transboundary freshwater resources than a democratic-democratic country pair, but it is less likely to conflict over the quantity of transboundary freshwater resources than a democratic-autocratic country pair. The results from the multivariate regression analysis testing H<sub>4</sub> can be found in **Table 2**. All of the patterns established in the results from H<sub>3</sub> in terms of significance and anticipated sign of coefficients hold true in the results from H<sub>4</sub> except that the unconsolidated regimes variable is not statistically significant in this model. The major power variable once again has the largest magnitude coefficient and is shown to be negatively correlated with conflict, which is not consistent with previous findings.<sup>49</sup> H<sub>3</sub> and H<sub>4</sub> employ a smaller sample size than H<sub>1</sub> and H<sub>2</sub>, but the R-squared values are slightly larger.

GOVERNANCE TYPE AND WATER QUANTITY COOPERATION

H<sub>5</sub> posits that a democratic-autocratic country pair is less likely to cooperate over water quantity issues related to transboundary freshwater resources relative to democratic-democratic country pairs and autocratic-autocratic country pairs. The results of the multivariate regression testing that hypothesis are shown in **Table 3**. The results show that democracy-autocracy pairs are slightly less likely to cooperate over water quantity than the other dyad types in question. In this model the unconsolidated regimes, major power, alliance,

48 Hegre, “Gravitating toward War.”  
49 Ibid.

**Table 2. Testing the relationship between governance type and water quantity conflict events.**

Variable	H3	H4
<b>Unconsolidated Regimes</b>	0.12* (0.63)	0.13 (0.080)
<b>Development</b>	Omitted	Omitted
<b>Dyad Size</b>	0.080*** (0.024)	0.079*** (0.024)
<b>Major Power</b>	-0.28*** (0.070)	-0.29*** (0.077)
<b>Alliance</b>	-0.12*** (0.038)	-0.12*** (0.039)
<b>Distance</b>	-0.050 (0.032)	-0.049 (0.032)
<b>Contiguity</b>	-0.15 (0.15)	-0.15 (0.15)
<b>System Size</b>	0.056 (0.072)	0.055 (0.072)
<b>Middle East/North Africa</b>	-0.11** (0.048)	-0.12** (0.055)
<b>Sub-Saharan Africa</b>	0.23*** (0.067)	0.23*** (0.068)
<b>Basin Upstream</b>	-0.0015 (0.0056)	-0.0015 (0.0056)
<b>Dryness</b>	0.20*** (0.040)	0.20*** (0.040)
<b>Kuznet's</b>	0.032*** (0.012)	0.034** (0.014)
<b>Partially Ind. News</b>	-0.030 (0.050)	-0.030 (0.050)
<b>Independent News</b>	-0.088 (0.061)	-0.087 (0.061)
<b>Democracy-Autocracy</b>	0.050 (0.037)	0.058 (0.053)
<b>Autocracy-Autocracy</b>	_____	0.013 (0.066)

<b>Constant</b>	-0.35 (0.34)	-0.34 (0.34)
<b>N</b>	1125	1125
<b>R-squared</b>	0.10	0.10

\*p < 0.1, \*\*p < 0.05, \*\*\*p < 0.01, standard error in

Middle East/North Africa, Sub-Saharan Africa, dryness, and independent news variables are significant with the major power and Middle East/North Africa variables having an unexpected sign. The major power and Middle East/North Africa coefficients are both positive in these results, leading to the interpretation that they are indicators of cooperation. As has previously been noted, those two variables have classically been thought of as conflict indicators. Once again, the major power coefficient was the largest, but its effect is not as pronounced in this model and it is in previous models.

H<sub>6</sub> argues that an autocratic-autocratic country pair is less likely to cooperate over water quantity issues related to transboundary freshwater resources than a democratic-democratic country pair, but it is more likely to cooperate over the quantity of transboundary freshwater resources than a democratic-autocratic country pair. The results from the regression ran to test that hypothesis are found in **Table 3**. Results show that a dyad composed of two autocracies is more likely to cooperate over a water quantity event than a dyad composed of two democracies. Four control variables are found to be significant and have expected coefficient signs: alliance, Sub-Saharan Africa, dryness, and independent news (largest coefficient in magnitude). The R-squared value from this regression is slightly better than that from the regression testing H<sub>5</sub>.

### COMPARING GOVERNANCE AND CONFLICT/COOPERATION OUTCOMES

To have a reference, the mean of the three types of events studied (IRCC, conflict over quantity, and cooperation over quantity) was found for each dyad type (**Table 4**). In each case a dyad composed of two autocracies showed the strongest trends towards cooperation. Democracy-democracy dyads show the strongest trends toward conflict in all three cases. It should be noted that the two-autocracy

dyads are by far the least common, followed by the democracy-autocracy dyads.

### CONCLUSION

Two of the three hypotheses comparing democracy-autocracy dyads to democracy-democracy and democracy-autocracy dyads are affirmed by the results of the multivariate regression analyses. Dyads composed of one democracy and one autocracy are more likely to conflict in general freshwater interaction events and less likely to cooperate in quantity-focused freshwater interaction events. There is no evidence to indicate that democracy-autocracy dyads conflict more than other dyad types over freshwater quantity events.

Of the three hypotheses that posit dyads of two democracies conflicting less than other dyad types, only one is affirmed by the results of the multivariate regression analysis. Results are not significant enough to yield an answer to the question of how democracy-democracy dyads compare in the case of general freshwater events and the question of how democracy-democracy dyads compare in the case of freshwater quantity conflict events. However, the results of the final regression show that autocracy-autocracy pairs are significantly more likely to cooperate over water quantity issues than democracy-democracy pairs are. The democracy-autocracy variable is not significant in the water quantity cooperation regression. Thus, no comparison can be made between all three dyads in that case.

The interaction results for governance and conflict/cooperation variables show that interactions between two autocracies are, on average, more cooperative than any other interaction type considered. In general, all three dyad types cooperate over water quantity much more than they conflict, and they all conflict over water quantity about equally as often.

Six control variables stand out as worthy of further discussion after regressions were run on

**Table 3. Testing the relationship between governance type and water quantity cooperation events.**

Variable	H5	H6
<b>Unconsolidated Regimes</b>	-0.15** (0.068)	-0.057 (0.087)
<b>Development</b>	Omitted	Omitted
<b>Dyad Size</b>	-0.014 (0.026)	-0.016 (0.026)
<b>Major Power</b>	0.19** (0.076)	0.13 (0.083)
<b>Alliance</b>	0.14*** (0.041)	0.12*** (0.042)
<b>Distance</b>	0.011 (0.034)	0.018 (0.034)
<b>Contiguity</b>	0.16 (0.16)	0.23 (0.16)
<b>System Size</b>	-0.048 (0.077)	-0.06 (0.078)
<b>Middle East/North Africa</b>	0.091* (0.052)	0.038 (0.060)
<b>Sub-Saharan Africa</b>	-0.16** (0.072)	-0.15** (0.073)
<b>Basin Upstream</b>	-0.0069 (0.0061)	-0.0071 (0.0061)
<b>Dryness</b>	-0.15*** (0.043)	-0.15*** (0.043)
<b>Kuznet's</b>	-0.015 (0.013)	-0.0012 (0.015)
<b>Partially Ind. News</b>	0.065 (0.054)	0.063 (0.054)
<b>Independent News</b>	0.16** (0.065)	0.17*** (0.066)
<b>Democracy-Autocracy</b>	-0.090** (0.040)	-0.017 (0.057)

<b>Autocracy-Autocracy</b>		0.13* (0.071)
<b>Constant</b>	0.51	0.58
<b>N</b>	1125	1125
<b>R-squared</b>	0.058	0.073

\*p < 0.1, \*\*p < 0.05, \*\*\*p < 0.01, standard error i

the dependent variables when the governance type was known (Appendix C). Water scarcity is a conflict indicator for general water events regardless of the governance type. However, it seems to have a more prominent effect when at least one autocracy is present (C-1). Vally Koubi et al. found water scarcity to be a driver of cooperation, but they were not looking at water-specific events.<sup>50</sup> Dyad size is negatively correlated with water quantity cooperation when at least one autocracy is present (C-3). It is positively correlated with all conflict types and negatively correlated with water quantity cooperation in democracy-autocracy pairs. This trend consistent with the Gleditsch et al. findings that show likelihood of militarized interstate disputes (MIDs) increasing with increasing population.<sup>51</sup> The percent of the river basin in the upstream state is positively correlated with all types of cooperation and negatively correlated with water quantity conflict in democracy-autocracy pairs. That is not consistent with Gleditsch findings, which found the basin variable to be an indicator of increased MIDs.<sup>52</sup> The alliance and contiguity variables are positively correlated with all types of cooperation and negatively correlated with water quantity conflict in democracy-democracy dyads. The alliance outcome is to be expected from studies of general conflict, but the contiguity outcome is surprising.<sup>53</sup> Finally, the only valid variable related to development, the Kuznet’s variable, is the only one that is not significant in any of the cases

(C-1, C-2, C-3).

The results of this study could have important implications for the selection of control variables in water conflict studies.

### DISCUSSION

Democracies are frequently lauded as paragons of cooperative behavior and a sound control for peace in analyses of freshwater conflict.<sup>54</sup> The justification for those statements and uses are sound: democracies promote the liberal peace and cannot be matched in their ability to distribute public goods.<sup>55</sup> As has been mentioned before, freshwater poses a unique case. It cannot be solely defined as a public good nor examined with a resource curse eye.<sup>56</sup> The consideration of the presence of democratic government as a stabilizing factor in studies of freshwater conflict should be scrutinized.

The results of this paper show that “the stabilizing force of democracy” might not be as relevant as previously assumed in the case of freshwater interaction events. Dyads composed of two autocracies were shown to cooperate more than democratic pairs over water quantity events and generally showed more cooperative trends. Those results call into question the validity of the public goods distribution argument that praises democracies for their ability to handle issues of water

50 Vally Koubi, Gabriele Spilker, Tobias Böhmelt, and Thomas Bernauer, “Do Natural Resources Matter for Interstate and Intrastate Armed Conflict?” *Journal of Peace Research* 51, no. 2 (August 2013): 227-43, doi:10.1177/0022343313493455.  
 51 Gleditsch et al., “Conflicts over Shared Rivers,” 361-82.  
 52 Ibid.  
 53 Vasquez, “Why Do Neighbors Fight?” 277-93; Gleditsch et al., “Conflicts over Shared Rivers,” 361-82; Furlong, Gleditsch and Hegre, “Geographic Opportunity and Neomalthusian Willingness,” 79-108.

54 Gleditsch, “Armed Conflict and the Environment,” 381-400; Gleditsch et al., “Conflicts over Shared Rivers,” 361-82.  
 55 Gleditsch, “Armed Conflict and the Environment,” 381-400.; Gleditsch et al., “Conflicts over Shared Rivers,” 361-82; Olken, “Direct Democracy and Local Public Goods,” 243-67; O’Neal et al., “The Liberal Peace,” 11-28; Doyle, “Kant, Liberal Legacies, and Foreign Affairs,” 205-35.  
 56 David Zetland, “Water and the Economy,” *Growing Blue* (blog), June 27, 2012, <http://growingblue.com/blog/economics/water-and-the-economy/>; Koubi et al., “Do Natural Resources Matter,” 227-43.; Jeffrey D. Sachs and Andrew M. Warner, “The Curse of Natural Resources,” *European Economic Review* 45 (2001): 827-38.

**Table 4. Mean water event outcome by dyad type.**

	IRCC	Conflict over Quantity	Cooperation over Quantity	Number of Observations
<b>Democracy-Democracy</b>	1.46	0.097	0.30	2191
<b>Democracy-Autocracy</b>	1.57	0.070	0.31	1136
<b>Autocracy-Autocracy</b>	1.70	0.038	0.74	531

quantity. That is not surprising considering the fact that freshwater is frequently not a public good.<sup>57</sup>

It should be noted that this analysis did employ a small sample size with especially small occurrences of democracy-autocracy and autocracy-autocracy dyads. A number of variables that are typically strong indicators of conflict were actually found to be relatively strong indicators of cooperation in this study. That could be a sign of errors in the model. Or it could be a side-effect of the fact that water events are very unique and might not be directly comparable to other interaction events such as wars and conflicts over expensive, point resources. Variables that should be investigated more include water scarcity measures, the percent of the river basin in the upstream state, and contiguity because they seem to interact with water events differently than they do with general conflict events. Those variables, in addition to dyad size and the presence of an alliance, should continue to be used in water conflict studies because of their consistent significance and influence. Future studies would do well to employ a greater sample size with more accurate post-2001 geopolitical variables than this study. Or, perhaps even better, future studies could investigate the use of different conflict and geopolitical control variables because traditional ones do not seem to be as relevant to water conflict as is thought.

The results of this study show that greater scrutiny is required in the selection of control variables for freshwater conflict studies. The “stabilizing force of democracy” might not be as relevant as scholars argue. Generally, there is a need for better control variables that more accurately represent the dynamics of water-

specific events. Perhaps, once appropriate control variables are found, transboundary freshwater conflict studies can yield robust results that pave the way for tangible improvement in water conflict-stricken areas.

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57 Zetland, “Water and the Economy.”

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