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**PROPERTY AND/OR SOVEREIGNTY**

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**Chief Editors:**

**Mihaela GLIGOR  
Silviu G. TOTELECAN**

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# **EDITORIAL**

## **States without Power and Power without States**

**Silviu G. TOTELECAN**  
**Romanian Academy, Cluj-Napoca**

In the spring of 2014, the people of Crimea were the subject of a “self-determination referendum”, held on March 16<sup>th</sup>, in which the population was asked to “freely decide” (many will say that the decision was taken with the gun pointed at their heads) if they want to join Russia as a federal subject, or to maintain their status as a part of Ukraine. Two months later, on May 24<sup>th</sup>, a gunman (member of the Islamic State of Iraq and the Levant) opened fire at the Jewish Museum of Belgium in Brussels and killed four people – that preamble of the Charlie Hebdo shooting and of the November 2015 Paris attacks when the Islamic State killed another 130 people. On December 9<sup>th</sup> 2015, at its 7573<sup>rd</sup> meeting, the United Nations Security Council adopted a historic resolution on youth, peace and security (no. 2250), “which for the first time in its history focuses entirely on the role of young men and women in peacebuilding and countering violent extremism” (press release, [www.un.org](http://www.un.org)).

The cases that these moments represents are neither archetypes nor singularities, but they could briefly outline the large space that exists between the global declarations of life cherishing (such the one of the UN) and the worldwide actions that despised it as much, between the military intervention of a state into the affairs of another one (*states without power*) and the intrusions of the non-states actors (*power without states*) around the globe. Even though it has become clear that the non-state actors, as much as

the nation states, can act and get the same impact over the regional/international/global political environment, unfortunately, the nowadays harmful combination between the emergent side effects of the power loss by states (I have in mind outcomes such as the structural disintegration of the statehood, its division and retribalization, and not necessarily eventual positive effects as the increase of democratic attitudes or decision making at the grassroots level) and the gain of power by infra/supra-national socio-spatial entities has not received yet proper solutions (either peacefully or militarily).

Up to the Syrian case that speeded up the global dynamics, we used to see the dissolution of the states (*e.g.*, it is two decades since the USSR broke up; the breakup of Yugoslavia occurred during the early 1990s; the dissolution of Czechoslovakia took effect on 1 January 1993; in this decade, the Arab Spring, and Arab Winter after mid-2012, started to question and even dissolve the sovereign borders in the Middle East and North Africa), and the worldwide terrorist acts (The terrorism is not a 21<sup>st</sup> century phenomenon, having its roots in the early resistance and political movements, though the use of terrorism to further a political cause has accelerated in the recent years.) as phenomena with their own histories that went alongside without major interferences. The attacks of 11 September 2001, known as 9/11, marked a turning point in world history and the beginning of the 'War on Terror' (which subsequently led to the invasion of Afghanistan in 2001 and Iraq in 2003); from a concentration of terrorist acts in Latin America and Asia (pre-9/11), the shift towards Middle East, US and Europe has brought to the forefront the idea that no place on earth is safe anymore. On the one hand, as individuals, groups, and societies, and, on the other, as citizens, states, and transnational institutions, no such entity can escape from the paradigmatic shift that has in its core the reinterpretation of sovereignty in correlation with the consequences of the nowadays warfare, from the most silent ones, to those full of destructions caused by terrorist acts and military interventions (often claimed to be necessary for peace restoration).

After the increasing number of tragic events that hit Europe and also the whole world, the interest in sovereignty issues and its related aspects has



grown fast everywhere, including Romania; which was not so much the case in the middle of 2013, when we launched the call for the IJHI's 12<sup>th</sup> issue – *Property and/or Sovereignty*. Lacking locally strong academic debates on these sorts of phenomena, we had to wait more than two years until the manuscripts that addressed the topic of this issue have started to come at the editorial board. Consequently, we have had an important delay in publishing our journal, an absence that needs apologies to our readers. Nevertheless, we have the pleasure to offer you a collection of 11 articles (gathered with the help of our colleague Mihai Croitor from Babeş-Bolyai University), which gradually pass from the conceptual broad-spectrum of sovereignty to historical details, factual description, and emphases on various events from the world of the international relations that have challenged and will challenge our existence.

After the post-1648 Westphalian Treaty, the national self-determination has become the principle for state formation (*i.e.*, it represents a nation's or a people's right to govern themselves, without being influenced by foreign powers), and the syntagma of "state sovereignty" became known. It was not like that all the time, argues Marius Nicolae Grad in his article (which guides us through centuries of history, from the 1555 Peace of Augsburg on), emphasizing the fact that the holder of sovereignty was shifting during the epochs from the monarchs to the people and nations (*e.g.*, the French Revolution), and later to states (via self-determination) and international/supranational institutions (of nations).

Step by step, the absoluteness, indivisibility, exclusiveness, etc., the backbone of sovereignty as it was considered in the Westphalian approach, have given way to a fractured or, better saying, complex sovereignty. Various matters have contributed to this trend. The country of Romania, for example, as it is seen by Cornel-Traian Scurt & Ioan-Sorin Semeniuc in their article, on behalf of its economic and social security, was ready to renounce (in a certain degree) to its national sovereignty for the sake of compatibility with the strategies and policies of the EU. Paul Popa's work and also the following article by Marcela Mihaela Stanişte are focusing on the human rights and the responsibility of the states to protect civilians from

areas (and states) where ethics and morality of the authorities (local, regional, or national) endangered the life conditions of their inhabitants.

“Each state is responsible to promote the welfare and development of its population and for protecting the safety and lives of citizens. This responsibility «had three integral and essential components: not just the responsibility to react to an actual or apprehended human catastrophe, but the responsibility to prevent it, and the responsibility to rebuild after the event (Evans, Sahnoun 2001, p. 17)»” (Staniște, *in this issue*).

They both say that the humanitarian intervention has to be done when needed, and especially when the intervention is supervised by the UN Security Council, endorsed by the powers conferred by the UN Charter that can breach the *jus cogens* norms (*i.e.*, from Latin, with the meaning of compelling laws, peremptory norms, principles of international law from which no derogation is permitted) and are superior to any other regulations.

The 2015 European refugee crisis (that turn into the European migrant crisis, with about one million Mediterranean Sea arrivals going to the European Union and applying for asylum), and the calls of some EU member states for a mechanism to force the countries to take an obligatory number of refugees bring up another set of problems that question the issue of sovereignty. As Maria-Mihaela Nistor has noticed in her investigation of the metamorphoses of migration, “States have their own sovereignty and, implicitly, power, to decide on aspects such as the number of immigrants admitted per year, naturalization conditions, integration into the host society, social policies”. True, but, when the immigrants’ affluxes are knocking down your borders, the choices are very limited: either you try to cope with the phenomenon and see the broader picture (*i.e.*, share the responsibilities with others and develop joint strategies able to secure the daily life of your inhabitants as much as the one of the newcomers), or fight against it, lift fences and use water cannons and fire hoses, and who knows what else if that would not be enough.

Two seem to be the major strategic directions followed by the socio-spatial entities in order to better appropriate property and/or sovereignty: *cooperation* and *conflict*. In the history of humankind, the probability of choosing the first direction was, by far, overcome by the second one. A way

in between is Raul-Ciprian Dăncuță's proposal for the creation of an European Common Army, which means that the members of the ECA will give up an essential part of their national sovereignty, their own military powers, but will gain an arrangement of national sovereignties able to fight with tangible and/or abstract enemies. In this way, within Europe at least, the consequences of the never-ending dilemma of "the egg and the chicken" (e.g., who was the first here, who owns the truth of the matter, who is powerful enough to rule and has the right to govern, etc.) could find a partial solution, and the future members of ECA an umbrella for protection from the outside threats. In practice, this is highly important since any bilateral conflicts, *imagined* (as it was the case of the Soviet-Yugoslav ideological war, and the Sino-Soviet split – both cases being presented here by Sanda Borșa & Mihai Croitor), or *real* (as the Nagorno-Karabakh conflict between Armenians and Azeris – illustrated by Alexandru-Vlad Crișan), highlight again and again the double-faced game of a conceptual trio: the historical right, self-determination, and sovereignty.

Last but not least, it was compulsorily to assign of a number of pages in our journal for the impact of the terrorism on the sovereignty issues. Two of the most visible terrorist organizations are analyzed, respectively the Islamic State (in the Raluca Codruța Luțai's work) and Al Qaeda (by Valentina-Tania Duna, Dacian Duna & Adrian Liviu Ivan). The authors fully agree that the role played by these groups/organizations/networks searching for territories, including their claims for the recognition of specific statehood characteristics (*i.e.*, a loyal population, a strong army, a flag, an administrative apparatus, even a monetary system), leads to the reconsideration of the extent to which sovereignty is (or not!) only the privilege of our secularized, democratic, Western world. While the international community is looking after solutions to eradicate the existence of the terrorist entities, we cannot ignore the fundamentalists' side, their view which "rejects the current political state of affairs in the Middle East as being a postcolonial inheritance" (Valentina-Tania Duna, Dacian Duna & Adrian Liviu Ivan, *in this issue*), looking for the international recognition of their sovereignty, but in highly questionable manners, which in our modern world are called crimes against humanity.

\* \* \*

The *International Journal on Humanistic Ideology* (IJHI) is a biannual scholarly journal devoted to the study of humanities and social sciences, the nature and origin of humanistic ideas. IJHI encourages interdisciplinary approaches engaging the following domains: philosophy, philosophy of religions, political philosophy, political science, history, history of religions, history of ideas, history of science, anthropology, sociology, educational science and communications theory. One of its primary aims is the integration of the results of the several disciplines so that its articles will have a synthetic character in order to acquaint the reader with the progress being made in the general area of socio-human studies.

IJHI was established in 2008 by its founding Editor in Chief Dr. Mihaela Gligor. Since 2012, IJHI became the core periodical of the Socio-Human Research Department, “George Barițiu” History Institute of Romanian Academy, Cluj-Napoca. The articles of the journal are hosted by various international data bases, IJHI being regularly indexed and abstracted by C.E.E.O.L., EBSCO and ProQuest. The IJHI's printing house is Cluj University Press.

# **PROPERTY AND/OR SOVEREIGNTY**

## **Sovereignty in the current geopolitical context. New meanings and dimensions**

**Marius Nicolae GRAD**  
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### **Abstract:**

This article addresses the contemporary issues and challenges of the international environment, from the perspective of geopolitics, and focuses on understanding how all these elements affect the states' sovereignty. Thereby, the two main research questions are the following: How the geopolitical context changed after the end of the Cold War? and What are the new meanings and dimensions of sovereignty within the international system? We considered analyzing the geopolitical context after the Cold War being given the fact that the aforementioned moment was the last one that changed profoundly the international structure. Also, we assume that the nature of state sovereignty has altered in the post-Cold War period in order to reflect new trends of a changing global society.

**Keywords:** sovereignty, geopolitics, trends, nation state, Westphalian Peace.

### **Introduction**

The issue of sovereignty is one of great debate and interests to researchers of International Relations and not exclusively. Over time, the

discourse changed and the central issue of this article was analyzed and debated from various perspectives. Although throughout history the context shifted several times, the relationship between sovereignty and nation state remained unchanged. This until nowadays, when new approaches emerged and transformed the way in which state`s sovereignty is addressed. Its complex and multidimensional nature places it at the heart of the geopolitical system and, as such, any changes of the regional or international context, that alter its fundamental construction, stimulate a conceptual rethinking of it.

This article addresses the contemporary issues and challenges of the international environment, from the perspective of geopolitics, and focuses on understanding how all these elements affect the states` sovereignty. Thereby, the two main research questions are the following: How the geopolitical context changed after the end of the Cold War? and What are the new meanings and dimensions of sovereignty within the international system?. We considered analyzing the geopolitical context after the Cold War being given the fact that the aforementioned moment was the last one that changed profoundly the international structure. Also, we assume that the nature of state sovereignty has altered in the post-Cold War period in order to reflect new trends of a changing global society.

In order to provide accurate answers for the research questions mentioned above this article will contain three sections: the first one focused on the notion of state sovereignty as it stood over history; the second one concerned with presenting the new geopolitical landscape, mostly on behalf of the last decade and the third one designed to analyze sovereignty in the current geopolitical context by identifying new meanings and dimensions.

### **Sovereignty – an evolutionary and conceptual approach**

In the history of International Relations is almost impossible to identify a less mentioned and less referred historic event as the Thirty Years War and the peace that followed. The bloody conflagration that marked the history of the European continent of unparalleled destructions in the world history until World War II, the Thirty Years War was the culmination of a

religious-based confrontation that tore Europe apart, a conflict that has its origins in the Reformation and extended long after the Peace of Westphalia (Parker, 1997, p. 192). Even if the event mentioned above is the one considered as being the first step taken in a profound change process related to interstate relations, the massive procedural shift that emerged is also directly related to the religious Peace of Augsburg, 1555 (Blaney, 2000, p. 35). Then, the principle *cuius region eius religio* was introduced in the daily practice of international interactions, shaping the historical context in which the concept of sovereignty came into widespread use.

Like this, in those times, sovereignty was put into practice by restoring properties to many existing feudal entities within their territories (Jackson, 2003, p. 786). It is hard to surmise from those practices any general principle governing the concept of sovereignty, but as the "Peace Treaty Between the Holy Roman Emperor and the King of France and Their Respective Allies" demonstrates it represented the passing of a certain amount of power from the emperor with his claim of holy pre-dominance, to many kings and lords who treasured their own local supremacy. Later, a significant amount of literature deals with the issue and identified some secondary concepts to which it might refer. For example "Historically, sovereignty has been associated with four main characteristics: First, a sovereign state is one that enjoys supreme political authority and monopoly over the legitimate use of force within its territory. Second, it is capable of regulating movements across its borders. Third, it can make its foreign policy choices freely. Finally, it is recognized by other governments as an independent entity entitled to freedom from external intervention." (Haas, 2003). Compared to the previous definition others are more synthetic and abstract: for instance sovereignty can be described as "organized hypocrisy" (Krasner, 2009) or as being "of more value for purpose of oratory and persuasion than of science and law" (Fowler, Bunck quoting Quincy Wright, 1968).

Also, from a different perspective, the concept can be approached as a social construct, being given the fact that numerous practices participate in constructing the social organization of an entity in a specific territory in order to provide sovereignty (Weber, Biersteker, 1996, p. 3). With all these,

is extremely important to mention that the classical image of the state and sovereignty in international relations was changed by the French Revolution by moving the holder of sovereignty from the monarch to the people. In an international environment in which reason and state interests had already entered the current practice, the French Revolution introduced the nation as the ultimate and fundamental principle. Under these circumstances, the state is an expression of national will-will and support that sustain and legitimize its main attributes, including sovereignty (Țuțuianu, 2012, p. 45). With this, the nation was transformed into the core element of a state organization, fact that will change massively the way in which sovereignty is seen and approached.

Later, the Vienna Congress of 1815 shaped the international relations system into a more evolved form, kept in use until the First World War (Schroeder, 1994, p. 575-582). The central principles that have governed the actions of the states were based on the practices imposed by the acceptance and use of the principle known as "balance of power". In those times it was all about power preservation and finding new ways to do that. States behavior on the regional or global scene was mainly determined by the not so dynamic readjustment of power distribution within Europe. With the Congress of Vienna operating rules and principles of international relations system established by the Peace of Westphalia became basic fundamental rules of the international relations system. As such, the core actor of the international context became the state with its defining attributes - independence, integrity, and sovereignty. The principle of equality between state actors became a norm, and the old claims for supremacy based on hierarchical orders that transcend state sovereignty were fully abolished. Also, states were given the right to use force in their foreign policy as a legitimate element in promoting national interests without constraints exercised by a supranational forum. Only states were permitted to enter into treaties, or to create or integrate international organizations (Țuțuianu, 2012, p. 46). This approach was dominating the interaction between states until the end of the First World War.

In the unsettled international environment that emerged immediately after the first global conflagration an intense need of peace transformed the



perception of actors in relation with the use of war as it is seen by Carl von Clausewitz: "War is not merely an act of policy but a true political instrument, a continuation of political intercourse carried on with other means." (apud Jolles, 1943). The idea of creating a permanent supranational/international institution of nations required to prevent the recurrence of a new world war was an evidence of rationality and maturity. The states, or at least some of them, seemed ready to give up to a certain amount of sovereignty (if it is possible to approach it through a quantitative perspective) in order to contribute to international peace. Obviously, the full agreement with the Wilsonian "14 points" would have been translated into a considerable reduction of the states' instruments to promote and satisfy their interests and objectives. Notwithstanding, the proclamation of the right of self-determination was just one element having massively transformed the way states interact. The conceptual and practical impact that Wilson had on the sovereignty was decisive, considering that between the state, nation and sovereignty an inextricable relationship was born. On the other hand, the concept of self-determination opened a Pandora's in international relations, with consequences easy to identify even today (Lansing, apud Burns, 1996, p. 42).

The start of the World War II represented the failure of the Versailles system and another stage of transformation in evolution of sovereignty, both as concept and practice. The start of armed and violent hostilities represented the critical crisis that undermined the international relations of those times. Being given the different nature of the conflict, the implications over national sovereignty were also changed. The image of the post-war world was that of a system of international relations in which the states continued to play the main role, being the ones providing legitimacy for the international bodies and, as also, for the entire system (Țuțuianu, 2012, p. 52) Due to the shape and intensity of the conflict and the size of the repression and violation of any rules in conducting the war, apart from genocide and other atrocities, moments as the Universal Declaration of Human Rights adoption in Paris, 1948, the Atlantic Charter and the establishment of the United Nations in 1945 provided the frame for new ways of exercising the national sovereignty. Moreover, as noted by

Țuțianu the emergence of the idea of universal jurisdiction for crimes against humanity, war crimes and genocide, as well as the creation of the institution of international tribunals were only some of the steps taken by the state in order to avoid further recurrence of such violence (Meron, 1995). From that moment, on the international scene new actors emerged, being mainly concerned with non-governmental activities related to protecting and promoting the human rights and peace.

The post war international context was determined mostly by the political, military, economic and ideological rivalry of the two great powers. The bipolarity of the system and the less violent climate of insecurity determined a long process of maintaining the logic of equilibrium and balance of power. The need of reconstruction and security made the states in Europe to rethink their position and to adopt and assume new rules and procedures imposed by the two rival powers – United States and the U.S.S.R. In those times, being part of one of the two opposing political-military blocs was not considered a weakness but an advantage (considering the Western block). The issue of sovereignty was not discussed in terms of selfish short-terms achievements, but in terms of cooperating and acting as a team. Either way, the approach of each of the rival parties was profoundly different if we consider the sovereignty concept. While the Westerners saw it as a right and together with cooperation and negotiation the only mean to pursue personal/national security without depriving everyone else of it, the soviet position was perfectly summarized by Stalin`s declaration in April 1945 during a meeting with the Yugoslav delegation: "This war is not as in the past. Whoever occupies a territory imposes his own social system as far as his army can reach" (Djilas, 1980, p. 437). In Gaddis` opinion: "Would there have been a Cold War without Stalin? Perhaps. Nobody in history is indispensable. But Stalin had certain characteristics that set him off from all others in authority at the time the Cold War began. He alone pursued personal security by depriving everyone else of it: no Western leader relied on terror to the extent that he did. He alone had transformed his country into an extension of himself: no Western leader could have succeeded at such a feat, and none attempted it. He alone saw war and revolution as acceptable means with which to pursue ultimate ends: no Western leader associated

violence with progress to the extent that he did. (...) Did Stalin therefore seek a Cold War? The question is a little like asking: “does a fish seek water?” Suspicion, distrust, and an abiding cynicism were not only his preferred but his necessary environment; he could not function apart from it" (Gaddis, 1998, pp. 1-25).

More than that, the collapse of colonial empires and the birth of new states in Asia and Africa was an important trait of the international system. Under the doctrine of self-determination, the emergence of new actors took place within the territorial and administrative limits of the former colonies. The issue was that those borders were not drawn considering the local ethnic, linguistic, religious and cultural specificities. As mentioned by Mougala, there were two major problems resulting from this reality (represented by ethnic conflicts, territorial disputes, power rivalries, weak resources accessibility): inherent weakness of the administrative structures and the serious instability of the authority infrastructure. The result was the outbreak of endemic conflicts and confrontation that were perpetuated throughout the Cold War (Mougala, 2007, pp. 121-131). Another feature of the period was the institutionalization and jurisdiction of human rights issue. Experiencing two major phases of development (1945–1966, “norm emergence” and 1965–1989, “norm cascade”) this process of institutionalization of human rights in international relations became a decisive factor in transforming concepts such as national sovereignty or national security (Koenig, 2007, pp. 673-694).

During the Cold War, the regional organization was becoming more prominent as a defining element of overcoming the Westphalian type systemic constraints. The E.U. organization with currency, foreign and common security and defense policy, represented from an institutional perspective a positive and eloquent example of the dilution of the Westphalian system’s anarchic nature (Ionescu, 2005, p. 17). Since that time, sovereignty was the gift offered by states to international structures so these would be able to deal with issues broader than national acting capabilities.

As an overview of this part we can affirm that until the beginning of the World War II and not knowing significant changes by the middle of the

Cold War, sovereignty was one of the most essential and unique features of the state, being represented by the supreme law and policy making authority of the state. Generally speaking it was the only particularity making the difference between the states and all other forms of association. In the past, when someone was addressing the issue of sovereignty was making direct reference to the supremacy and inalienability of the will of the state as it is expressed by its national laws over all the individuals living within its boundaries. Also, the independence against all types of foreign involvement and control or intervention was addressed. But, in the past decades, the international system has changed so deeply that the main features, attributes and characteristics of sovereignty are questioned. Can we still discuss about sovereignty absoluteness, indivisibility, universality, permanence, exclusiveness and inalienability, especially after the end of the Cold War?

### **The international system after the end of the Cold War and the diverse views on sovereignty**

After few decades the conflict ended and a new international context emerged, being defined by different political, military, economic and social parameters. The moment found national security being assessed in a different and more complex way. Regional and international cooperation was mainly characterized by a more institutionalized process, with states giving up to their sovereignty in order to build a more stable and foreseeable environment. The issues of sovereignty and its way of expression, alongside the ones related to human rights were relativizing the national sovereignty. Moreover, at international level, the actors needed to comply with a more evolved legal framework. The state, being an instrument of lawful exercise of sovereignty by the nation, saw its actions as regulated and restricted. Moreover, the very place and role that the state had in the system of international relations were conditioned and surrounded by those obligations, particularly regarding the compliance with human rights. The logical consequence of this line of evolution and this conception of national sovereignty justified intervention in the internal affairs of states in order to ensure the compliance with specific international rules (Țuțuianu, 2012, p. 59). A strong interdependence between the new

meanings of national sovereignty and the emerging security risks and threats appeared, shaping the international relations in a more complex way.

The collapse of communist regimes in Eastern Europe and the USSR, Yugoslavia's dissolution, the inter-ethnic and inter-state conflicts associated with this devolution processes, the major difficulties faced by the ex-communist states in the societal reconstruction started after the change of political and ideological regime (reconstruction aimed at building a market economy and a democratic political system and at re-imposing the values of state), have contributed to the creation of a confusing picture of the emerging security environment and system of international relations (Judt, 2008, *passim*) A new world order was born and the scholars were overcome by the multiple rapid and radical transformations. Several theories have attempted to find and predict the true nature of the new geopolitical context: the triumph of liberalism and the end of the history (Fukuyama, 1994), the clash of civilizations (Huntington, 2001), the emerging multi-polarity (Waltz, 1993), the Jihad vs. McWorld (Barber, 1995) as also "the next anarchy" (Kaplan, 2000). The NATO's enlargement besides the exponential evolution of European integration within the European Union were only some examples of active involvement of international organizations in managing the international security climate. Based on protecting human rights, an important shift in actors' behavior showed up and it was represented by the prevalence of the imperative of respecting the human rights over the national sovereignty – for example Kosovo 1999. Later, the terrorist attacks against the U.S. in 2001 have brought massive mutations in the international relations system, both at theoretical and practical levels.

The enthusiasm for protecting the human rights and the support for a shared global morality and its integration into the international political scene were highlighted by Boutros Ghali in its saying from 1992: "The time for absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality" (apud Weiss, 2011, p. 105). The powerful states have the duty to protect citizens belonging to different sovereign states from harm. This rhetoric was heavily determined by an emerging Global Civil Society movement, inspired by a world community of equal citizens sharing a single morality. This proceed in a Global Civil Society signaled a

withdraw from the classic Realist perspective over sovereignty, state interests and non-interventionism, to a more normative and normalized human rights attitude in which the rights of the individual displace those of the state. From time to time this normative human rights discourse proclaiming that Realism's view and adherence to non-intervention is itself similar to human rights violations (Hehir, 2008, p. 25). Authors such as Thomas Weiss declared that the normative discourse was so effective that it placed respect for human rights alongside four characteristics of state sovereignty- territory, authority, population and independence (Hehir, 2008). More than this, the United Nations properly responded by introducing resolutions outlining the accepted international response to humanitarian intervention (Hogan, 2012).

In Scholte's vision, the end of the Cold War coincided with the massive acceleration of globalization process. He also identifies a transnationalization and deterritorialization of finances and business as also of vulnerabilities, risks and threats to national security. The system, he argues, moved from a statist way to a polycentric approach of global governance (Scholte, 2005). This shift towards a much more pluralistic scene represents the official recognition that not only the nation states could affect the political change (Willetts, 2011). The non-state actors can act and get the same impact over the regional or international political environment in the same extent with the nation states.

Along with these events, the Westphalian system was more and more criticized and the validity of its principles was reconsidered. The skeptical approach was not something new, being rooted in the mid-20<sup>th</sup> century, since when much of the debate was questioning the compatibility between the ideas of internationalism and globalization and the classic view of Westphalian sovereignty. In 1998, the NATO secretary-general Javier Solana affirmed that "humanity and democracy (were) two principles essentially irrelevant to the original Westphalian order", while "the Westphalian system had its limits. For one, the principle of sovereignty it relied on also produced the basis for rivalry, not community of states; exclusion, not integration" (Solana, 1998). In 1999, Tony Blair held a speech in Chicago where he "set out a new, post-Westphalian, doctrine of the international

community” by arguing that globalization had made the Westphalian approach anachronistic (apud Bellamy, Williams, 2010, p. 37). Blair was called as “the man who ushered in the post-Westphalian era.” Others have also argued that globalization has replaced the Westphalian system (Claire, 2001, p. 133-150). After 2000, more specific in 2004, in the aftermath of Madrid terrorist attacks, Lewis Atiyyatullah, an Al-Qaeda representative, declared that "the international system built up by the West since the Treaty of Westphalia will collapse; and a new international system will rise under the leadership of a mighty Islamic state" (apud Yaniv, 2004).

A volume focused on sovereignty evolution, published in 2002, encloses Schermers position. Its critical point of view is summarized under the following quotation: "Sovereignty has many different aspects and none of these aspects is stable. The content of the notion of "sovereignty" is continuously changing, especially in recent years. From the above we may conclude that under international law the sovereignty of States must be reduced. International cooperation requires that all States be bound by some minimum requirements of international law without being entitled to claim that their sovereignty allows them to reject basic international regulations. Thirdly, we may conclude that the world community takes over sovereignty of territories where national governments completely fail and that therefore national sovereignty has disappeared in those territories. The world community by now has sufficient means to step in with the help of existing States and has therefore the obligation to rule those territories where the governments fail" (Schemers, 2002, pp. 185-192).

By resuming we can affirm that the profound changes within the international system occurred with major shifts in the way sovereignty is considered. Being a central element of a state existence, after the Cold War it stayed like this only in those cases where enough power was found to preserve and protect it. During the '80 and in the '90, the effects of globalization and the increasing interdependence between the state actors lead to international integration and the massive erosion of the old Westphalian principles. The realist models of international politics were replaced with new models in which the classic notion of state was rejected. By this, the nation state was not anymore a unitary agent within the

international system. Moreover, the process of globalization leads to the transnationalization and deterritorialization of finances, forcing states to lose the control of money, credit and fiscal policy (Drucker, 1997, p. 160). Being increasingly harder to manage the free flow of capital through the national borders, the state actors have lost a major amount of jurisdiction and influence over the regional and global financial markets. New vulnerabilities occurred and dealing with them was harder and harder. The best example from financial perspective of sovereignty and its major decrease is the Euro-zone debt crisis, managed by the European Union through by-passing elected leaders and the willing of the electorate (Hogan, 2012).

Another consequence of globalization on state sovereignty has been the changing nature of war, from conflicts between states within defined territories, to conflicts between sovereign states and ideological / culturally driven terrorist organizations such as Al Qaeda. In the past the majority of terror organizations were stationed in a single state with grievances against that state i.e. the Irish Republican Army (IRA) and Ireland (Hogan, 2012). Nowadays, terror groups have members that originate from societies all around the world and operate globally, the cause of this stance is believed to be the spread of western liberal ideals and its materialism, which in turn has left some cultures feeling threatened, believing that the only way to preserve their culture is through the use of violence (Kiras, 2011). This caused a change in the way states act against terror groups and a “pooling” of sovereignty for the common good, utilizing military and intelligence power. As such, the concepts of Westphalian, domestic, interdependence and international legal sovereignties (Krasner, apud Luck, 2009) are unqualified to cope with this new global threat and have had to readjust in a positive way for the safety of the global citizenry.

### **The new sovereignty and its place in the current geopolitical context**

From a general perspective, the concept of sovereignty seems frequently to be extremely, and maybe purposefully, misleading, and may be used by politicians and the media to avoid the difficult and very complex thinking that should be assumed for the real policy issues involved



(Fowler, Bunck, 1995). Notwithstanding, the major change that shaped the concept is the trend known as globalization. According to some scholars, sovereignty has two faces. First one is represented by the authority relationship that it builds and the second one is represented by the relationship of formal equality. The latter one is the one that suffered major changes in the past decades. As noted by Waltz in 1977, between sovereign states "none is entitled to command; none is required to obey" (Waltz, 1977, p.88). Is the same issue addressed by Jackson in 1990, who referred at it as juridical sovereignty and the one mentioned by Krasner in 1999 as international legal sovereignty (frequently violated in practice.). Both aspects are inherently joined: domestic hierarchy and international anarchy are different sides of the same coin. As defined, one cannot exist without the other. "Sovereignty is, therefore, an attribute of units, which, depending on the referent, entails relationships of both hierarchy and anarchy. This point is not new and should be obvious, but it is often overlook" (Lake, 2003, p. 305.)

Nowadays, the issue of sovereignty cannot be addressed as the exclusive characteristic of a unitary state, because most of the elements of international interactions are extended beyond the territory of two or more states and because the global context is a direct result of the permanent negotiated agreement between sovereign entities. Legal scholar Kanishka Jayasuriya argues that the notion of the concept analyzed in this work needs to be changed in order to fit the new structure of the global relations. Like this, sovereignty cannot be considered anymore as indivisible (how it is considered in the Westphalian approach) but as a fractured characteristic. The best example to support this vision is given by the tools use by the states in dealing with global markets. "Regulatory agencies within states have become self-regulating "islands of sovereignty" specializing in the regulation of global markets. These agencies interact directly with transnational organizations as well as similar agencies in other states. This essentially "internationalizes" these agencies within the state. One example of this is the development of independent central banks" (Jayasuriya, 1999, pp. 425-426).

This fractured sovereignty is known today as complex sovereignty. Like this the conventional notion that sovereignty is located inside a specific territory is out of proportion. Nowadays, a state` sovereignty is not related to national borders and we need to consider it as a more complex effects producer. We need to consider and asses the regional context and all the interdependencies working within. Yet, the sovereignty that once belonged to a unitary state has not simply been transferred to these global regulatory networks. This would assume that sovereignty is a zero-sum-game where an increase in the sovereignty of global networks results in a loss of sovereignty of the state (Jayasuriya, 1999, pp. 425-456). The state is still very important being given the fact that all decision taken at international or regional levels need to be enforced by the states.

From a different perspective, the multiplication of actors within the international scene determined and favored the prospects on sovereignty mentioned above. It is easy to notice that a certain amount of sovereignty had been transferred to international and regional organization, while other entities gained some own sovereignty – especially transnational corporations. “The range of arguments to support this logic is diverse, starting from the multiplication of the authority and power centers, reduction of states’ capacity to control national economies as a result of globalization and interdependence, the inability to fully control the information and ideas due to technological and scientific revolution, and finishing with states’ increased dependence on foreign natural resources” (Țuțuianu, 2012, p. 73).

Another issue that needs to be addressed is the challenges to sovereignty imposed by the forceful persuasion used nowadays by international actors. In pursuing their objectives and interests, more often, states using the opportunities provided by international structures try to change others behavior. Of course, this has a lot to do with the quality and amount of sovereignty of the targeted actor. Known as “unilateral coercive measures”, they usually refer to economic measures taken by one state to compel a change in the policy of another state. Examples of such measures include trade sanctions in the form of embargoes and the interruption of financial and investment flows between sender and target countries. More recently,

so-called “smart” or “targeted” sanctions such as asset freezing and travel bans, have been employed by individual states in order to influence persons who are perceived to have political influence in another state (UN HRC / 19/33, 2012) As seen in the past decade, mostly, this kind of sanctions were imposed by a group of states, the latest case being related to the Russian intervention in Ukraine. The sanctions were prompted by a number of governments and approved by the United States, the European Union and other countries and international organizations. Even if Russia responded with sanctions against a number of European countries it was impossible to avoid the collapse of the Russian Ruble and the financial crisis that followed. It was a perfect example that sovereignty cannot be seen any more as a unitary concept. More than this it proved that some states can seemingly be more sovereign than other, both if consider the aggression against Ukraine and the international measures taken against Russia.

Also, if we consider the multinational companies and corporations it is easy to notice that they are playing an important role in preserving or deteriorating a state`s sovereignty. As mentioned by the scholars, multinational companies and private firms are profit oriented. They play a prominent role in global economy. Therefore, developing countries are not much benefited in a globalizing world. “Today, few apart from those with vested interests who benefit from keeping out the goods produced by the poor countries defend the hypocrisy of pretending to help developing countries by forcing them to open up their markets to the goods of advanced industrial countries while keeping their own markets protected, policies that make the rich richer and the poor more improvised and increasingly angry” (Stiglitz, 2002, XV). Like this, developed countries gain more than developing countries, being able to preserve and achieve more power resources and tools.

Overall, there are four issues responsible for the changes in the nature of states` sovereignty: the increased interdependence between nation states and the role played by the multilateral trade agreements; the issues related with terrorism and environment changes; the new global governance and the prominent role of non-state actors (Patagundi, 2012, pp. 6-7). Sovereignty of nation states is not absolute since a number of forces of globalization

limits the sovereignty which tends to sharing the decision making power for dealing with the problems. As a result of this, it appears that people have begun to think beyond the nation states expressing their concern for global problems. This thinking is meaningful when it contributes concretely at least to control the global problems. In the initial stage, it may be difficult to expect results due to a number of obstacles. However this can strengthen the process of emergence of global culture.

With all these, nation states continue to play a significant and indispensable role on the international scene, independent of all the limitations and challenges to their sovereignty. As noted by Ferguson: "Certainly the state is not somehow going to disappear, because some national loyalties are deep-seated, some states still do a reasonably effective job at their traditional tasks, a few that started behind are catching up, and – perhaps most important of all – others actors than the same seem either to be threats themselves (for example, criminal and terror networks) or (like most international institutions) are as yet far less organized than the state to deliver the things people and even global markets need and want" (Ferguson, 2006, p. 7).

### **Conclusions**

In the past decades sovereignty experienced new dimensions and transformations. It was not as a result of a wrong organized international system, but a direct consequence of the new international dynamics. The major moments that shaped the insights over the concept of sovereignty were certainly the world wars and the new challenges brought by the Cold War. The new geopolitical context imposed by the fall of the Warsaw Pact is the central element that still erodes the nation states' sovereignty. Like this, in the past decades, the issues responsible for new dimensions of sovereignty limit the supreme power of nation states and are actively contributing to the process of the emergence of global culture. Moreover, globalization creates global culture, while global culture strengthens globalization. In this context, the future of sovereignty will be influenced by a continuously process of transformation and adjustments in order to meet the contemporary needs of the nation states.

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**Economic and social security – defining factor of sovereignty.  
A case study - Romania**

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**Abstract:**

Sovereignty in terms of international relations suffered profound modifications in globalization era, but still remain the central element of international rule of law. The principle's level of manifestation is being influenced by the more and more acute interdependencies, being influenced by an important series of factors. National security and national sovereignty represents the fundamental of the international relations morality and are in close interdependency. Economic security as essential factor of national security, which provides the resources and the dynamic balance of the others components, requires creating a social model, as a liaison element between economy and social systems. The correspondence between needs and possibilities subordinates themselves to the respect of human rights and relies on economic development and social cohesion. The economic security, in the core, aims to assure the conditions for maintaining the economic activities operating within normal parameters and the deterrence of the different types of attacks, the most important of them being the financial frauds, strategic dependence, cyber criminality, industrial espionage, corruption and underground economy.

**Keywords:** sovereignty, national security, economic security, social security, threat, economic policy.

Expressed at the same time as the Westfalian type state and aiming the exclusive prerogative of the State in the exercise of power, sovereignty becomes in the globalized era an concept increasingly controversial, many authors considering that the sovereignty is increasingly insubstantial given that the state has lost its main powers in international relations and would no longer have control over their own destinies under conditions of increasing interdependence (Camilleri, Falk, 1992, p. 12).

In our opinion, sovereignty, understood as independence and security, additional to survival, referred as security and prosperity represents the essence, the rationale morality of international relations if we accept that this morality exists. In this article we intend to approach this controversial concept in terms of economic security. Either is accepted the really generally and condensed meaning of the term or the wider and more complex content, the center of gravity is placed more and more in the economic area. *Economic security* can be understood *stricto sensu* as the economic foundation of military power or, *largo sensu*, a complex dimension of security.

Welfare is equivalent to the potential for mobilization, if not in the short term, at least in the medium or long term. Economic security is a synergistic type and essential, as it gather around and integrates in the same concept of power all other dimensions - human, cultural, social, informational and military - giving them strength and consistency. The economy, without diminish anything to the role of power and support of the state power and army generator, moves to a new dimension, the internationalization and globalization of power pillars. So far, this internationalization is discontinuous and fractal, but it already outlines a reconfiguration not very reassuring of the new pillars and new areas of power.

This reasoning leads to the conclusion that *the economic strength of a nation is inevitably a latent threat for opponents of it*, and within that logic, we may consider that it is not advisable to contribute to the economic development of the opponents / opponent - but rather to establish them trade embargoes (Møller, 2004, p. 80).

The national sovereignty - national security relationship must be seen, in our view, as an essential factor of the state existence, and in this context,



the economic security must be understood as a key factor of the system, which provides resources and dynamic balance of the other components of this system. The limited character and uneven distribution of resources, be it energy resources, raw materials and food and water, seriously damage to the natural balance of the world by environmental degradation, asymmetric development of demographic resources, diseases, extreme poverty, degradation of education or lack of it, acute imbalances between rich countries and poor countries on north-south axis of the planet are as many vulnerabilities with an insufficiently assessed explosive potential, vulnerabilities that manifests themselves in two ways: internally, the consequences can mark increased instability, and externally, their export cannot be stopped, but in the best case, only managed. The economic dimension of security will be determined; it will operate as a national interest of the Procrustean bed (Frunzeti, Zodian, 2011, p. 15).

Economic security complexity derives from the multitude of processes and economic, social, financial phenomena and not only, implied as a result of globalization, seen both as a process and systematic and permanent phenomenon acting on national economies. Its dynamism is given by the alert pace of economic processes and phenomena occurring at national and planetary level.

From national sovereignty perspective, we believe that the economic security should be viewed primarily of the following ways:

- the ability of states to maintain independent production capabilities in a global market;
- the possibility that economic dependence on the global market to be used to achieve political goals;
- the possibility that the overall market to increase economic inequalities between states;
- the risk that economic globalization, which leads to lower economic functions of the state, to generate perverse effects as underground economy, illicit trade, technology traffic, impairment of the environment;
- the risk that the global economy is in crisis due to a weak political leadership, weak international institutions, protectionist reactions, financial instability.

➤ from an operational perspective we believe that, the relationship national sovereignty - the economic dimension of security must consider, along with the geographical area or region-specific factors, the following indicators:

➤ the state capacity to manage issues such as inflation, unemployment, quality of life, unbalanced balance of payments, lack of economic opportunities, the increased protectionism, foreign dependence on natural resources etc.;

➤ the ability of states to maintain military economically production independent, reflecting the relationship between economic and military power;

➤ internationally, the ratio of those who lose and those who gain global market and the pace at which it causes economic inequality;

➤ trafficking of human beings, drugs, small arms, weapons of mass destruction etc.

Romania, along with other Central and Southeast European countries from the former Eastern Bloc, distinguishes herself from the other European countries by several characteristics (Stanislawa, 2009, p. 12);

➤ return to the social security system founded by Bismarck - as a common element of the welfare state in a free market economy;

➤ full access to old-age and sickness pension, invalidity benefits;

➤ radical social reforms in order to increase individual initiative, effective management, including benefiting from the advice and experience of external experts and organizations;

➤ labor market problems resulting from the restructuring of the economy in conditions of globalization and fears of rising unemployment;

➤ population migration often in search of better paid jobs. EU newcomers are the main responsible for this migration;

➤ aspirations of the young generation, benefiting from a high level of education higher than in the old European countries;

➤ demographic movement accelerated in comparison with other European countries;

➤ NGOs with little influence;

➤ corruption;

➤ efforts to reduce poverty and solve problems relating to social exclusion.

These countries must make considerable efforts to achieve economic convergence and social cohesion. Structural funds can contribute to the development of human and physical capital in these countries. Given the fact that integration is a process that develops within social structures, good governance is needed so this social process be accompanied by appropriate policies from public authorities. Under existing powers in the various Member States, local and regional authorities have the necessary policy tools and financial regulators to be utilized appropriately in social policies.

Romania's development in the European context will obviously imply a degree of renouncing national sovereignty and creating and developing compatibility with the strategies and policies of the EU and the adoption of principles, guidelines and Community rules as a necessary but insufficient condition for integration to unique market. At the same time, a global perspective on development in a globalized environment requires Romania to look to the next step and to expand the reference system to the developed countries of the world and rallying to strategies, policies and procedures consistent with the possibilities and national ambitions.

Due to the weak state capacity to finance economic and social programs, a series of reforms in key areas such as health and education have been postponed, and when they started, however, could not be completed. This has led to social tensions, several social categories initiating protests against these changes. A Romanian economic and social development policy, consistent with those of the EU and convergent to the principles and guidelines of European policies (economic crisis has demonstrated the need to reform / reconstruction of these policies) is becoming a necessity for Romania at least from the following reasons:

➤ contribute to greater economic security and achieve the objectives that are based on fundamental values such as larger internal market, opportunities for economic growth, investment and increased profits, all leading towards ensuring individual economic security, and then at the Union level.

➤ develop mechanisms for addressing the challenges of market globalization, mobility of capital (including human) - the association of social mobility solutions of relocation activities type, outsourcing ;.

➤ operationalization of appropriate instruments of national management of global issues, primarily social ones arising from demographic aging of the population, especially the population of the developed countries of Europe - the dissolution of the labour market, migration for work – major differences identified between supply and demand of skills, professions and qualifications on marginal segments of the labour market (high skilled and unskilled workforce), etc.

As such, with the construction of legislative and institutional system to ensure the acting national framework is required the operationalization of some consistent implementation mechanisms with qualified management and financial sustainability.

The core objective which should be a concern for policy makers in Bucharest must, in our view, to pursue the creation of an economic and social system, articulated and advanced through active economic policies coupled with social protection measures and a minimal system of social support (compulsory education, health services package, special services for persons at risk, etc.), developing social responsibility and involvement of civil society in developing a *culture* of social behaviour.

Along with the *central objective*, we consider needed to be followed and some specific objectives such as:

➤ addressing with attitude and responsibility of the role, place and nature of social policies in Romania;

➤ providing a solid foundation for enhancing of national programs aimed at the coherence or interacting with social sector;

➤ outlining areas for joint action by the main social actors, acting as collective agent of the transformation. It is necessary to strengthen collective social cohesion by ensuring and guaranteeing universal access to a minimum package of services and income and to consider transparency, high quality consumer safety and security services.

The main risks (Lindbeck, 2003, p. 14) to be avoided concern:

➤ financial instability to shocks, *financial viability of created models* to withstand shocks such as demographic aging, the slowdown in labor productivity growth, macroeconomic fluctuations, unemployment. The economic dependency ratio (number of inactive and unemployed per 1000 employed persons) was 1313 ‰, higher for females (1704 ‰, compared to 1008 ‰ for men) and rural (1330 ‰ compared to 1299 ‰ in urban areas).<sup>1</sup> Such "turbulence" are usually making impossible the promotion / realization of the promised level of social services, especially social assistance, non-contributory;

➤ misconduct and adverse effects to reform measures. In this regard, it is noted that the inconsistency of reforms in the economic and social field and poor service quality has led to the development of some "adaptation" behaviours in order to avoid the participation in social assistance (evasion, underground economy, substitution processes of production factors etc.). The lack of connections and correlations necessities between economic and social can lead to "conflict" between the social policies and the efficient allocation of resources and the use of production factors (including labour) to a higher capacity;

➤ lack/poor flexibility of the social model components to the actual and further changes (such as increasing participation of women in the labour market, high unemployment, raising education average of the population, increasing international economic integration), with important consequences for the organization of social services. The level of population employment rate in Romania was 65.7%, although increasing by 0.9% over the 2013 still lies at a distance of 4.3 percentage points compared to the national target of 70% set in the Europe 2020 context (Figure 1).

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<sup>1</sup> National Institute of Statistics, press release No. 96, April 19, 2015.

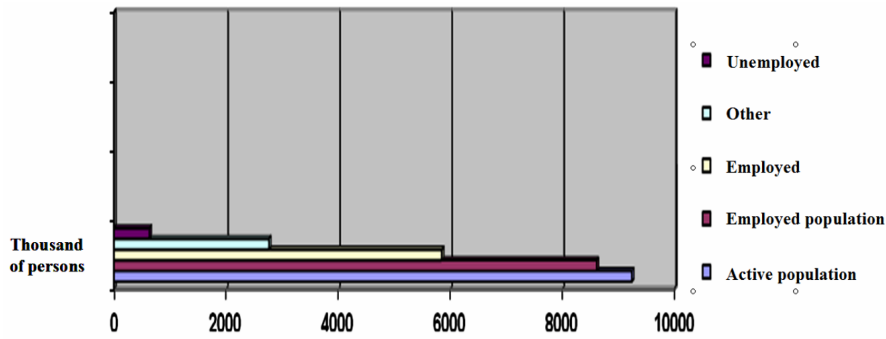


Figure 1. The employment rate of the labor force in Romania in 2014, the National Statistics Institute Source, [www.insse.ro](http://www.insse.ro)

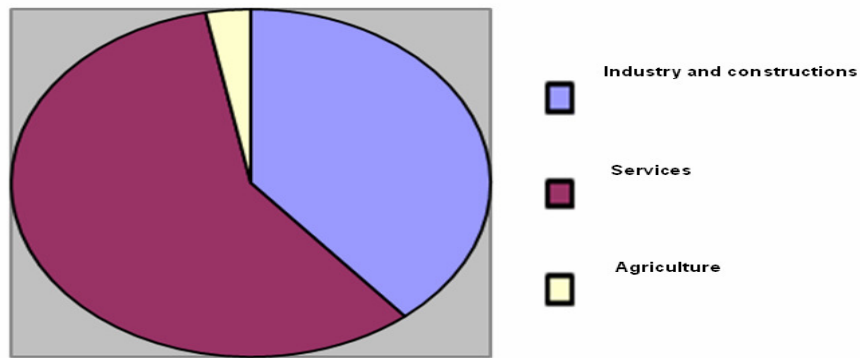


Figure 2. Employment rate of labor force in Romania in 2014, in accordance with occupational areas Source: National Institute of Statistics, [www.insse.ro](http://www.insse.ro)

The experience of European countries in managing these risks promotes the idea that "there are significant needs and opportunities to improve the performance of various European social models - in terms of employment, benefits and social services programs. Social Security<sup>2</sup> aims to reduce economic insecurity, risks and vulnerabilities, particularly those that exceed

<sup>2</sup> Beasley, Timothy, Burgess Robin, Rasul Imran define "safety nets" (safety nets) as "public interventions that are designed to meet two key functions: to play a redistributive role transferring resources to the poorer members of society, to take them out of poverty to provide increased opportunities for individuals to remove and reduce the risks of unforeseen events". This includes assistance and social security, as well as a range of social services.", *Benchmarking Government Provision of Social Safety Nets*", London School of Economics, Department of Economics, London, 2001.

certain limits - normal for a market economy and providing appropriate treatment - services and material aid to those in need. “The question is whether politicians are willing to capitalize the opportunities that often involve both courage and skills to build coalitions (Lindbeck, 2003, p. 23).

The major challenge in reforming the system, congruent with the human rights agenda, is the relevance of the society's response to growing social problems and their integration. The foundation of a competitive economic – social security network, in our opinion, involves multidirectional action, targeting mainly the following:

- in economic and social plan - flexible operation of the labour market, reducing segmentation, creating and strengthening social dialogue institutions, promoting participatory management and entrepreneurial attitudes of individuals towards their work capacity, development of a modern and efficient services network, flexible and tailored regional / local tools to support the development of active protection tools, community involvement and develop a culture of social partnership and volunteering.

- in educational plan – turning lifelong learning into a way of life, culture change, a new culture of social behaviour and not least, a significant financial effort from stakeholders. As the level of education falls, and employment declines. Thus, in 2014 they were occupied 65.0% of those with medium levels of education and only 44.4% of those with low levels of education;

- in health plan – whether in Europe, in 2010 the number of doctors per thousand people was averaging 329, 83 in Romania stood at 225.82. The number of family doctors is below the European average. General expenses connected with health at EU level in 2010 stood around 9.76%, in Romania they represent 5.44 of GDP. Also if the EU health expenditure in 2010 stood at approximate 3152 USD per capita in Romania this expenditure reached 773 USD per capita.<sup>3</sup> Given that in Romania in 2010 abolished hospitals, and the average hospital beds at national level was below average of many European countries (Table 1).

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<sup>3</sup> National Institute of Statistics, demographic statistics and international comparisons on health, [www.insse.ro](http://www.insse.ro).

No.	Country	Hospitals to 100000 citizens	Medics to 100000 citizens	Dentists to 100000 citizens
1	EU	2,67	330,30	66,15
2	Albania	1,38	115,36	32,89
3	Estonia	4,40	326,65	89,24
4	<i>Romania</i>	2,48	225,32	57,98
5	Austria	3,19	477,20	55,86
6	Bulgaria	4,64	368,99	85,60
7	Germany	4,06	363,77	78,52

Table 1. Situation of hospitals, doctors and dentists in some European countries Source: European Health for All Database, 2012

These statistics highlight some pregnant needs to develop preventive measures, broadening the access to general and specific services for risk groups, modernize infrastructure and improve the quality of medical care, promotion of mixed insurance forms and of the partnership in the health services offer. It should also aim to promote a gradual developed guaranteed package - services and material support - responding to various socio-economic needs; proximity services facilitate the access for those in need and prevent their exclusion.

Another line referred to the cooperation of individuals and civil society, organizations and public and private institutions, including religious ones. Sustainability, financing and governance of the state are also key elements of national sovereignty in the economic outlook.

The Romania advantage on reforms struggle in relation to western countries is the experience gained in the course towards democracy and market economy, coupled with efforts to adapt to European requirements. It is generally acknowledged that a greater economic openness drives the innovation and productivity growth that in turn helps create jobs and prosperity leading ultimately to welfare and a better quality of life. Social dialogue is the driving force that ensures the success of economic and social reforms. Negotiations between the social partners are the best way to develop positively on matters related to modernization and change



management. In addition, the European trend for coordination and unity modeled strongly values and freedoms, focusing on socially cohesive society, responsible and fair.<sup>4</sup>

Another sustaining point justifying the need for bridging the economic and social policies in Romania is the social dimension of globalization. Amid a global market, the social system interacts with the economy. The social system increasingly influences economic growth, competitiveness and resilience of the economy, both on European and global sectors. The state, despite some haste to assume the role of actor on international relations scene, has played and will continue to play an essential role (Gilpin, 2000, pp. 231-239).

Socio-demographic and economic development indicates the necessity of increasing the amount needed to implement long-term social policies. At the same time there is a need to rewording “basic coordinates of Romanian social system and social assistance system”. In the first phase Romania needs to modernize its social assistance system, education system and health system to cope with the evolution of society in the post-accession to the European Union.<sup>5</sup>

In conclusion we can say that the area of confluence between economic and social dimensions will occupy a central place in the next decade. The future benefits of the knowledge based economy will depend directly on employment, entrepreneurial culture and capacity for innovation. Flexicurity concept that will dominate the domain will be the tool able to respond adequately to the challenges of new jobs occupation.

The delay in reforms in education, the inadequate correlation between the world of labor and learning, the weakness in anticipation of educational supply domain are just some of the obstacles that restricts individual performance in active life, generates tension in the labor market, increases the demand for social services and the duration of dependence on the

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<sup>4</sup> European Commission, *Consultation on the future strategy “Europe 2020”*, November 2009, pp. 2-4.

<sup>5</sup> European Institute of Romania, *Study no. 4 – The European social model – Implications for Romania*, 2006, p. 34.

system (long-term unemployment, discouragement, poverty), and may also cause social exclusion and migration phenomena.

Although the enduring European social state model based on the spirit of solidarity began to lose force in front of the American model of society – “every man for himself” – with neoliberal supporters in Europe, the European social state idea is still valid. The state remains the guarantor for combating extreme poverty, socio-economic security for all citizens, reducing income inequalities and about equal access to social services of high quality and public health infrastructure development. Often the insistence on imposing or suggesting more or less direct output ways from Keynesianism (elimination of all forms of state intervention in the economy) is not connected with inclinations of stimulating the economy, implementation of modern and effective methods of growth through rapid adaptation to the real and concrete economic situation, but something more subtle expression of economic warfare.

Romania's development in the European context requires compatibility with the overall strategies and policies of the Union and the adoption of principles, guidelines and Community rules as a necessary but insufficient criterion for integration to the single market. At the same time, a global perspective on development in a globalized environment requires Romania to look to the next step and expand the reference system to the developed countries of the world and rallying to strategies, policies and procedures consistent with the possibilities and national ambitions.

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## **Sovereignty in terms of ethics and morality as instruments of humanitarian interventions**

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### **Abstract**

In an international system characterized by interdependencies, morality and ethics have played over time an important role in determining the relations among actors. These concepts may impose responsibility to actors to respect their interactions and this paper aims to make an analysis on how sovereignty is affected by morality and ethics as instruments of interventions in conflict areas.

**Keywords:** sovereignty, morality, ethics, interest, jus cogens norms, interventions.

International interactions always challenged the definition and interpretation of morality and ethics. These can be relative concepts and therefore can be interpreted according to state actors and their values. Establishment of common values are able to maintain continuity and balance in the formation and perpetuation of international relations, but this requires an analysis to determine the moral dilemma of international interventions in conflict areas.

A perspective on international relations suggests that often ethics and morality, in some cases, may represent the exception and not the rule in international interactions. The confrontation of values and principles in

many situations arise the question regarding the existing capacity to achieve ethical conduct among international actors. The main question is whether morality and ethics are more important than rights or if the values of international community can be imposed on a particular case?

Having a subjective interpretation, the actors in international relations can juggle with ethics and morality for their own interest. Thus, the subject on ethics can be relative due to the lack of unity in interpretation, being not only an unfinished plan, but also unreachable.

The global dynamics determines to take into account that the interaction between actors and their behaviour questions the sovereignty itself and its characteristics. Over time scholars have considered defining and redefining sovereignty according to several criteria. It should not be overlooked that these definitions have changed over time, in the way that states have evolved, both internally and in relation to external entities. This suggests that the future definitions of sovereignty, especially the characteristics of statehood may undergo certain modifications. Current perspectives on sovereignty are that it is immovable in terms of international networking.

Obviously, sovereignty must be understood as a tool for analysis of international anarchy, based on the concept of authority as the only foundation of sovereignty. The authority has developed over time from a personal one, projected outside a ruling political center to a one applicable within the borders of a territory. Hence internal authority it's considered as means of expression of sovereignty. In this case, the interest is performed by identity and sovereignty is understood differently: internally as autonomy and the recognition abroad determines interactions between actors (Branch, 2014, p. 23).

Although in an almost unit assertion, the international system is anarchic, imposed by sovereignty, however the universal vision of formal equality determines the belief that every international system has elements of hierarchy. This does not exclude authority, causing a system with anarchic and hierarchical relationships (Lake, 2003, pp. 303-323). This feature of the system, the dual relationships can be determined by how states can relate to their own internal system and especially how to define and manage it in relation to other states.

Thus, although sovereignty causes anarchy in the international system, through its balancing and control mechanisms of equality in the international system also imposes specific means of hierarchy. Paradoxically sovereignty determines both anarchy and hierarchy in the international system by its very existence. In this sense, the belief that sovereignty must be absolute is similar to the fact that its exercise may be subject to such control mechanisms based on formal equality and the existing hierarchy in the international system.

Some mechanisms and means of promoting universal values may adversely affect the sovereignty. Yet sovereignty is rooted in these values, and thus, imposes for evaluation when they cease to be respected. In this respect humanitarian interventions come not only to ensure compliance with international law but especially to ensure the existence of sovereignty itself based on ethics and morality.

For a better understanding we should be consider first of all, the difference between these two key concepts: ethics and morality. For many, these two concepts are identical, and often used as synonyms, because both represent a behaviour or a way of life. Morality comes from the Latin “moralistic” which means a certain conduct that exists in community level. This conduct must be in accordance with a code, doctrine or system of rules. But morality is not universal and accepted by all communities, is different from one group to another.

Representative for our discussion is the great debate about morality in international relations between idealists and realists. While the first highlights the role of morality in international relations in the sense that through it, it can be realized a form of control of the conflicts by underpinning the importance of the humanitarian in foreign policy decision making (Lumsdaine, 1995, pp. 15-31). Idealists see that mutual interests lead to development cooperation between people and countries.

On the other hand, the realist vision was different, in the way they supported the idea that immorality exists in international relations. Realism scholars have described morality as “poisoning for international relations, a source of weakness and failure in foreign policy” (Morgenthau, 1951, pp. 91-92).

Ethics comes from the Greek word “ethos” which is regarded by some as synonymous with the concept of morality, but unlike it, ethics refers more to the study and reflection on moral conduct and its rules, but also represents a form of standardization, “seen as a function or a mechanism used by policymakers to justify their power” (Carr Hallett, 2001, pp.53-55). Realist scholars are taken into consideration ambitions and interests, as being carried out as a zero sum game, whatever one wins, the other loses. An important element to consider for the applicability of morals and ethics in conflict zones is the interest (general or particular). In the international community are transposed concepts like morality, ethics and interests. On the other hand, there is a particular interest of actors in international relations that can have their own ethical system. Institutional architecture formed after the Second World War took into account the common interests of actors, materialized in the interest of the international community. This interest is determined by the common moral values and their application in relations among actors. In this regard, there are a set of rules, even unwritten, in international relations, having precedence over any other rules by which actors are obliged, even to those established among them.

*Jus cogens*<sup>1</sup> norms, refers to those actions or inactions that each state or international relations actor must comply, having a peremptory character<sup>2</sup> and which also highlights the UN Charter principles (Criddle, Fox-Decent, 2012, pp. 332-333). On the other hand, *jus cogens* norms have a peremptory character that implies rights and obligations for the actors. Thus, *jus cogens* prohibits, but especially can be claimed by anyone as rights. In other words, it is the obligation of States not to carry out genocide and it’s also the right

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<sup>1</sup> *Jus cogens* include, at a minimum, the prohibitions against genocide; slavery or slave trade; murder or disappearance of individuals; torture or other cruel, inhuman, or degrading treatment or punishment; prolonged arbitrary detention; systematic racial discrimination and “the principles of the United Nations Charter prohibiting the use of force.

<sup>2</sup> Vienna Convention on the Law of Treaties (with annex); concluded at Vienna on 23 May 1969, Art. 53. Treaties Conflicting with a Peremptory Norm of General International Law (“Jus Cogens”): “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”.



not to be subject to such action in the event of armed conflict. *Jus cogens* norms are generic and primordial rules which defy any international treaty and every state in international relations is bound even without its consent (de Wet, Vidmar, 2012, p. 7). Going forward with the idea, *jus cogens* norms are based on fundamental common values, born of natural law and have established a set of ground rules from which there can be no waiver or compromise.

International value system is closely linked to the UN Charter which is having both a structural and substance role (de Wet, Vidmar, 2012, pp. 4-6). Thus, it was considered in determining the best interest of the international community, reflected in the UN Charter, those values and moral principles common to all actors involved.

All of them admit that there are some fundamental values, requiring certain conduct. Regulating rights and obligations and punishing their violation could only be achieved through universal instrument that best reflects these concepts. The UN Charter became the unit symbol of values and exemplary moral conduct and Article 103 gives the UN Charter the superior character of an international treaty.<sup>3</sup>

Accordingly to Chapter VII of the UN Charter the Security Council has absolute power to "determine the existence of any threat or breach to peace, or any act of aggression."<sup>4</sup> But with his actions the Security Council by the powers conferred by the UN Charter can breach the *jus cogens* norms, which exceed the principles of the Charter, and which are superior to any other regulations.

The concept of obligations *erga omnes* and *jus cogens* norms are examples reflecting international values system. "A sense of international community, which is 'glued' to the international system values" (de Wet, 2006, p. 76). Indeed, the two concepts adopted that certain rules and obligations are of fundamental importance; therefore their violation is not just the concern of an affected state, but the entire international community.

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<sup>3</sup> UN Charter, article 103: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail".

<sup>4</sup> UN Charter, Chapter VII, articles 39-51, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.

Thus, international law embraces the concept of international value system. The question remains whether these values are superiors to of the international norms of a constitutional nature. It is generally accepted that the values of *jus cogens* are basically a reflection of the hierarchy of norms in international law.<sup>5</sup> They are able to operate vertically in the context of Article 53 of the Vienna Convention on the Law of Treaties (VCLT)? If so, what are the limits of this superiority? If not, the debate on international constitutionalism is inappropriate and *jus cogens* hierarchical superiority as a simple normative hierarchy of treaty law? Moreover, it is possible to extend this hierarchy with international norms and rules of *jus cogens* beyond constitutional? If so, how can identify hierarchical superiority of the rules?

In this context we are having in consideration the norms of *jus cogens* and their superiority, also found in the UN Charter, being peremptory and mandatory for all actors in international relations. However Charter enhances the superiority of the UN Security Council to decide and to act to protect peace. But, can peace be protected even if norms of *jus cogens* norms are violated? Thus, we start from the assumption that in case of intervention actions determined by a Security Council resolution to protect peace and security, *jus cogens* norms can be violated. In this sense, European Court of Justice in connection with the conflict between EU law rules and principles of the UN Charter (Security Council resolutions by default), stated<sup>6</sup> that the European Union is not bound by the UN Charter of the United Nations or it's secondary law (here with reference to UN Security Council Resolutions) if the actions affect the norms of *jus cogens*.

Here, some questions about the ideological conflicts may arise in the interpretation of interventions in conflict zones. It is known that it requires

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<sup>5</sup> International Law Commission, Fragmentation of International Law: Difficulties arising from the diversification and Expansion of International Law- UN Doc A/CN.4/L.682, p. 365.

<sup>6</sup> European Court of Justice, Joined cases C-402/05 P and C-415/05 P Kadi and Al Barakaat International Foundation v. Council of the European Union and Commission of the European Communities: “must be considered to be the expression, in a Community based on the rule of law, of a constitutional guarantee stemming from the EC Treaty as an autonomous legal system which is not to be prejudiced by an international agreement.”

exceptional measures in exceptional circumstances, so that an intervention made under a resolution of the UN Security Council, can affect the ordinary human rights such as freedom of expression or association (Criddle, Fox-Decent, 2012, p. 385).

Or, if an autonomous legal system such as the European Union recognizes the superiority of the norms of *jus cogens* if violated by interventions made under United Nations Security Council Resolutions, then a State under its sovereignty could easily reject a resolution of the UN Security Council in order to protect *jus cogens* norms.

In this case the morality of interventions in conflict areas can be analyzed both in terms of actors carrying out such a mission, and in terms of its so-called beneficiaries. The current UN system, when the international community is a state-centered system, most often, only morals and ethics may represent the common language for actors. In this sense, we appreciate that superiority of *jus cogens* norms are determined by universal moral values and are on top of the obligations and rights in international relations. The ability and capacity of the UN Security Council as the guarantor of international peace and security must be compliance with them. Also in relations among states or between states and the UN operates *pacta sunt servanda*, as a principle of good faith. Or, in this case it's still about morality behaviour and ethics that should be played by actors in international relations.

However this is difficult to achieve because of many compromises to be taken by states. The essential aspect of identity and values determine the states to pursue their own interests, which in most cases is intended as priority over common interests. In this case, the numerous situations envisage interaction sovereignty under the authority and foreign domestic interests. Promoting diversity should be one of the pillars consolidating a common identity conditioned by the absence of interferences on own identity and values. A dynamic and effective approach to this process requires the establishment of mechanisms and means for implementation of various policies and necessary rules.

In order to acquire the defining elements of the general framework of interaction between individuals and consequently between countries, these

interactions are also to be defined depending on the identity, values and norms. Interaction is based on knowledge and requires a historical approach. This captures how interactions today are created and developed. We must consider establishing the existence and the interaction among identities (O'Hagan, 2007, pp. 17-25). Thus, knowledge in particular aspects of an individual's identity or defining a group or a community can determine how they were born and their values perpetuated.

For an analysis of this perspective in terms of individual behaviour or states in international relations, must keep in mind how these identities have been understood over time. The overall picture must capture resilience, how they were determined by identities or have been defined or redefined in a certain context. The main target is to assess the evolution of these identities, the extent to which they manage to keep their values in order to determine the interaction necessary to preserve identities in a community and in the international system (O'Hagan, 2007, pp. 27-29).

Perspectives of ancient sources are most able to trace the general principles to be followed, regarding morality and interactions among identities. History shows us that over the centuries identities were copied or borrowed or even imposed, but keeping them unspoiled, offers the legitimacy in interactions with others.

Identity not only establishes the past, formation and determination of behaviour, but it explains how the interactions are established and will also explain how they will evolve. In the absence of historical criteria we can't define identity needed to recognize their values in order to build human consciousness for every community or state. The superiority of values determines the very existence of a hierarchy in the international system that comes in contradiction with the anarchic character based on sovereignty in most cases. Although controversial in most cases, just by its nature, sovereignty itself best explains how the international system continually redefines the interaction among states.

This hierarchy of *jus cogens* sustained by sovereignty is continuously challenged. The UN Charter while maintaining the formal equality of states and implicitly supports the existence, promotion, consolidation and respect for the common interest, fails, in some cases, to protect the interest of the

states. In this regard, many countries resort to attitudes and behaviours that may question this balance of formal equality. Driven by their own interest, the power of some states in international relations can shape situations where sovereignty determines both an balanced and unbalanced process, committed by the anarchic nature of the international system and the power imposing process of states. For example, from European Union policies in recent years, it can be clearly observed that there is a desire to establish better links with all countries of the old continent, even more, to integrate in its structures, more Eastern European countries. Maybe for economic principles, social or political, these efforts have often tested the patience of the Russian Federation, that feeling cornered and without his classic spheres of influence, counterattacked, establishing its own program of cooperation in different regions around the world.

Without going into the details of these reasons, which certainly can be the subject of another paper, we confine ourselves to saying that this is a situation able to explain itself. Thus, just as some actors seeks to expand their influence in MENA, to the detriment of the Russian Federation, based on aspects of globalization, fundamentally rights, energy, etc., also Moscow believes, for example, that Syria's issues should be analyzed and scheduled with Kremlin.

On an analysis strictly on ethics in relations between states we can see that attitudes have been created over time in the areas of influence linked through the geographical, historical, economic, cultural etc. aspects, that set specific custom designed to maintain a balance of power, a convenience unstable but desired. Thus, one can say that it is a kind of "gentlemen's agreement" at the macro level, as a matter of ethics in international relations, to stay out of the sphere of influence of your rival.

So when customary arrangements are put to the test, along with a reaction, there must be a counter-reaction. EU and NATO efforts in recent events expanding their influence in MENA could not remain without consequences, given that this diminishes the sphere of influence of Russia. In this case, however well-intentioned Western attitudes are, they implicitly affect Russian interests, and when this happens it violates predefined arrangements. In this respect, any humanitarian intervention to protect the

interests of the international community can be reduced if private interests are injured. Thus, in analyzing the role that ethics and morality play in international relations it is necessary to consider the interests and power of each state.

Morality as an instrument of humanitarian interventions alongside a conduct based on ethics doesn't enjoy exclusivity in international relations. Even if there is a characteristic of hierarchical international system caused even by sovereignty and rules of *jus cogens*, feature anarchic thereof is supported by personal interests, authority and power by which sovereignty is used in two ways: to create balance and equality to protect the common interest and used in order to promote by states their own interests.

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# **Humanitarian interventions, responsibility to protect versus state sovereignty. The BRICS countries perspectives**

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## **Abstract**

The rise of emerging powers is challenging the current traditional world order dominated by the Western powers. Countries like the ones in the BRICS claim a greater role in the formulation of international politics and in the main international institutions based on their increased economic power. This paper aims to analyze their perspectives on humanitarian interventions and Responsibility to Protect. The BRICS are traditional countries in terms of state sovereignty and rejected the concept from the beginning (2001). In 2005, the five countries signed for the implementation of the concept and agree with the first two pillars of the concept, but disagree with the implementation of the third pillar, the actual military interventions.

**Keywords:** intervention, state sovereignty, R2P, BRICS.

## **Introduction**

“«Humanitarian intervention» has been controversial both when it happens, and when it has failed to happen” – Report of the International Commission on Intervention and State Sovereignty.

The world we live in today is in constant change and the international system is increasingly more complex. The events of the 20<sup>th</sup> and 21<sup>st</sup> centuries changed the world order and the international actors have to deal with different types of issues and challenges. The emerging economies surprised the world with high economic growth rates even during the

economic crisis of 2008. From their first summit in Ekaterinburg, the BRICS affirmed their objectives: to obtain a greater role in the formulation of international politics and in the main international institutions.

In 2003, the Goldman Sachs analysts advised that four of the BRICS countries (except South Africa) will be among the six largest economies in the world by 2050. The rise in economic power should be seen in the political order of the international system. The BRICS have different principles for conducting the international politics, even though some of the member countries have democratic forms of government. This can also be seen regarding the concepts analyzed by this paper: the humanitarian interventions and Responsibility to Protect.

The paper will begin by defining the analyzed concepts and with a short description of the emerging powers group: the BRICS. In the second part, the paper analyses the countries perceptions on the Responsibility to Protect. The main concern of the BRICS is that the third pillar of the Responsibility to Protect can be misused by Western powers and used as pretext to intervene in sovereign countries.

### **State sovereignty, humanitarian interventions and Responsibility to Protect**

In order to analyze the BRICS countries perspectives on humanitarian interventions, responsibility to protect and state sovereignty we must begin with the definitions of these terms. According to James Roberts, the term of *state sovereignty* appears at the same time with the creation of the modern nation state, often associated with the year 1648 and the Treaty of Westphalia. The treaty ended the Thirty-Year War and proclaimed the national self-determination as principle for state formation. The most common and accepted definition in international relations would imply having supreme political authority on a delimited territory and the population within it (Roberts, 1998). Besides defined territory and population, in order to be sovereign a state also needs the international recognition of other states as it is ruled in international law. Article 2 of the UN Charter states that “The Organization is based on the principle of the sovereign equality of all its Members” (United Nations). This means that

the states are regarded as equal in terms of rights and obligations in the international system regardless of their size or wealth. The other dimension of sovereignty is also stated in the UN Charter and refers to the principle of nonintervention. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter, but this principle shall not prejudice the application of enforcement measures under Chapter VII” (United Nations). A sovereign state is empowered to exercise exclusive and total jurisdiction within its territorial borders but has the obligation not to intervene in the internal affairs of another state (Evans, Sahnoun, 2001, p. 12). The aspect of nonintervention is the most controverted one especially in the countries that don’t protect their citizens and don’t respect their human rights. Some past events, like those in Rwanda, Kosovo or Bosnia demonstrate the need to establish methods or different ways of intervention in countries that fail to protect their population and stop the internal conflicts.

Before defining the Responsibility to Protect we need to define the humanitarian interventions. James Pattison describes the four defining conditions of humanitarian intervention. The first one is that the intervention is military and forcible (non-forcible means should be considered as humanitarian assistance). The second one is that “it takes place where there is actual or impending grievous suffering or loss of life”. The third condition implies that the humanitarian intervention has to be conducted by an external agent. The last one is in my opinion the most important and is about the humanitarian intention of an intervention (Pattison, 2010, pp. 25–27). According to these four conditions, Pattison defines the humanitarian intervention as “forcible military action by an external agent in the relevant political community with the predominant purpose of preventing, reducing or halting an ongoing or impending grievous suffering or loss of life” (Pattison, 2010, p. 28).

The former Canadian Foreign Affairs Minister Lloyd Axworthy initiated the International Commission on Intervention and State Sovereignty (ICISS) and after several meetings with representatives from

governments, organizations, civil society and universities (over 200 people), the Commission issued a report entitled *The Responsibility to Protect* (2001). In this report they argue for the reconceptualization of the term “humanitarian intervention”, suggesting the “responsibility to protect” expression or “intervention for human protection purposes”. The argument was that the word “humanitarian” isn’t appropriate to describe a military intervention and that instead of talking about the “right to intervene” it’s better to think in terms of responsibility to protect the human beings suffering in civil wars, insurgencies, state repression and state collapse. The ICISS report presents the four objectives that each intervention on human protection grounds should meet:

1. “to establish clearer rules, procedures and criteria for determining whether, when and how to intervene;
2. to establish the legitimacy of military intervention when necessary and after all other approaches have failed;
3. to ensure that military intervention, when it occurs, is carried out only for the purposes proposed, is effective, and is undertaken with proper concern to minimize the human costs and institutional damage that will result; and
4. to help eliminate, where possible, the causes of conflict while enhancing the prospects for durable and sustainable peace” (Evans, Sahnoun, 2001, p. 11).

The ICISS also suggest a new meaning for state sovereignty, suggesting that states should think about sovereignty as a responsibility not as control of a certain territory or population. Each state is responsible to promote the welfare and development of its population and for protecting the safety and lives of citizens. This responsibility “had three integral and essential components: not just the responsibility to *react* to an actual or apprehended human catastrophe, but the responsibility to *prevent* it, and the responsibility to *rebuild* after the event (Evans, Sahnoun 2001, p. 17)”. However, the most difficult question still remains and it’s about the circumstances in which the responsibility to protect should be exercised. In September 2005, the heads of state and government agreed to the following

texts on the Responsibility to Protect (paragraphs 138-139 of the World Summit Outcome Document):

138. “Each individual state has the responsibility to protect its populations from genocides, war crimes, ethnic cleansing and crimes against humanity... We accept that responsibility and will act in accordance with it”.

139. “The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council ...”

At the first sight, the two concepts: humanitarian intervention and state sovereignty seem antagonistic. If sovereignty is the state authority to a delimited territory and population, the intervention of an external actor would seem as a violation of this authority. The Secretary-General Kofi Annan manage to answer this with a question: “if humanitarian intervention, is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?” (Evans, Sahnoun, 2001, p. VII). After World War II, the United Nations was formed to promote peace and stability in the international system and in some cases this implies intervening in civil wars, genocides and ethnic conflicts in sovereign countries. After the end of the Cold War and the dissolution of the Soviet Union we can see in more countries a tendency for liberalization and democratization, which also means more concerns in terms of respecting the human rights. As Aidan Hehir affirms “the logical consequences of the march of liberalism were increased tensions between ostensibly liberal and illiberal states, and occasionally, the determination that particular instances of human rights violations had to be stopped by external military action or humanitarian intervention” (Hehir, 2010, p. 3). The main issues with the humanitarian interventions are the past events where those who intervened in poor or undeveloped countries have been hiding their real objectives or interests behind “humanitarian intentions”.

### Short description of the BRICS group

The aim of this paper is to analyze the BRICS countries perspectives on the Responsibility to protect, as we know that some of the countries in the group still are great supporters of the state sovereignty. The BRICS group is known as the group of emerging powers or economies and it is composed of five countries: Brazil, Russia, India, China and South Africa. BRIC was the acronym used by Jim O’Neil, an economist from Goldman Sachs to define the four largest emerging economies in the world in 2001. At the time he projected that the real GDP growth in large emerging markets will exceed that of G7 by 2010. Brazil, Russia, India and China managed to exceed Jim O’Neill’s 2001 expectations, as he affirms “looking back, those earliest predictions, shocking to some at the time, now seem rather conservative” (O’Neill, 2013, p. 8). According to the author the total GDP of the four BRIC countries has close to quadrupled since 2001 and a third of the world growth came from the BRICs. In 2003, Dominic Wilson and Roopa Purushthaman, Goldman Sachs analysts, provided a new report regarding the future of emerging markets called “Dreaming with BRICs: The Path to 2050”. They then advised that by 2050, the G6 will look totally different than in 2003 and the sixth largest economies will be: China, US, India, Japan, Brazil and Russia. Some observers say that these projections are by far too optimistic and exaggerated. In the table below we can see the BRICS countries indicators in terms of population, Gross Domestic Product and economic growth rate in 2014 and we can see that only China and India managed to keep their high economic growth rates.

Table 1. BRICS countries indicators (Source: World Bank)

	Population (2014)	GDP	Growth rate
Brazil	206.1 million	2.346 trillion	0,1%
Russia	143.8 million	1.861 trillion	0,6%
India	1.296 billion	2.067 trillion	7,4%
China	1.364 billion	10.36 trillion	7,4%
South Africa	54 million	349.8 billion	1,5%

Either way, what was at the beginning an economic construct and an attempt to identify new investment markets for the developed countries, became a political platform in 2009, when, at the invitation of Russia, the leaders of Brazil, Russia, India and China met for the first time in Ekaterinburg. In 2011, South Africa was invited to join the group and the BRIC became the BRICS. In terms of economics, some of the BRICS countries managed to keep their high economic growth rates even during the economic and financial crisis of 2008 and have exceeded the results of western countries, even of some G7 countries. However, the group wants that this new global economic order to be also reflected in the political order. From their first annual summit, the purpose of the group was clear: to obtain a greater role in the formulations of international politics and in the main international institution.

Most observers consider the BRICS as an odd group, mostly because of the large differences between the member countries and as Francesca Beausang affirms, “the BRIC grouping is not a natural, historical, cultural, political or linguistic construct” (Beausang, 2012, p. 2). This is why the most common opinion on the BRICS was that the group won’t last for long. This paper will focus on their perspective on the responsibility to protect and sovereignty and we will be able to see that even in this area the countries have different points of view, but still, they appear to continue and deepen their collaboration, meeting in annual summits since 2009 and trying to find alternatives to the existing world order. The first real step in this direction was the creation of their first real institution: the New Development Bank, in order to support infrastructure programs in developing countries.

### **The BRICS countries perspective on the Responsibility to Protect and sovereignty**

During the Cold War the international system was bipolar and the world was dominated by two superpowers: the US and the Soviet Union. The two powers also represented two different forms of government and while the US and the other western countries were democratic, the Soviet Union and

the eastern countries were communist. Nowadays, we can see the wide spread of the democratic system in Eastern countries and a rise in human rights protection. As we advised before, the BRICS member countries also have different forms of government and different opinions regarding the discussed concepts. Andrew Garwood describes the BRICS countries as states that “espoused a strict Westphalian interpretation of state sovereignty which emphasizes the principle of non-interference in the domestic affairs of other states” (Garwood-Gowers, 2013, p. 11). He also advise that the BRICS oppose to the doctrine of humanitarian interventions and in recent terms to the Responsibility to Protect, maybe mostly because of their distrust in the intentions of western countries for conducting interventions. In 2001, when the Responsibility to Protect was first proposed, China and Russia rejected it firmly, but in 2005, all the BRICS countries approved at least formally the implementation of the concept.

We must start by saying that the five BRICS countries are key members of the United Nations, with China and Russia as permanent members of the UN Council, with veto power. Most of them have contributed to UN peacekeeping actions by providing troops, training or by voting for supportive mandates and are trying to play a greater role within the UN framework. The BRICS countries support the idea of a reform in the UN, especially the idea of attributing a more important role to emerging powers: Brazil, India and South Africa consider themselves great candidates for a permanent position in the Council (without veto power). The economic and financial crises also affected the peacekeeping operations and countries are constrained in terms of the costs of these actions and this makes each contribution valuable, especially from emerging powers. However, if the western countries are more open to support interventions for human rights purposes, the BRICS countries are reticent and this can be seen when voting for military intervention, most probably because of their past history as “victims of external power interventions” (Haibin, 2013, p. 2). A deeper analysis of the BRICS will show that even though they support the same kind of sovereignty and are reticent to military intervention, they still have different points of view. The democratic countries (India, South Africa and Brazil) have a more open attitude towards it.



## **Brazil**

Even though, Brazil has a traditional approach towards state sovereignty, we can see an evolution regarding the Responsibility to Protect concept. Michael Kenkel describes the Brazilian foreign policy as security culture with the following characteristics: “the enshrinement of non-intervention, coupled with an interpretation of state sovereignty almost exclusively focused on the inviolability of borders, as a foundation of international engagement; a very strong repudiation of the use of force and emphasis on the pacific resolution of disputes; and a strong dedication to the multilateral form” (Kenkel, 2015, pp. 1–2). Brazil, as the other BRICS, couldn’t consider the human rights above the state sovereignty and when the Responsibility to Protect concept was proposed in 2001, they rejected it. In 2004, the country shifting stance on intervention and use of force was evident when it engaged in the UN peace-keeping mission in Haiti (Garwood-Gowers, 2013, p. 16).

Brazil saw the third pillar (the responsibility of the international community to take timely and decisive actions to prevent and stop genocide, war crimes, ethnic cleansing and crimes against humanity if a state fails to protect its population) of the Responsibility to Protect as “offering a pretext for Western powers to interfere in the domestic affairs of other states” (Laskaris, Stamatis & Joakim Kreutz, 2015, p. 4). Still, in 2011, Brazil was the first of the BRICS that came with an initiative to further develop the concept, suggesting a complementary term “Responsibility While Protecting” which involves “establishing basic criteria to assure that interventions by force always do the smallest damage possible” (Stuenkel 2012). The concept seeks to “strengthen the commitment to seek peaceful means of addressing grave threats to populations, and to enhance the accountability of those who use force, as a last resort, in the name of the United Nations” (Welsh et al., 2013). Oliver Stuenkel considers this a good alternative for the emerging powers who consider it’s important to protect threatened population but also think that military intervention should be reduced.

## **Russia**

Russia's attitude against the Responsibility to Protect concept is similar to China's: it approves the first and second pillars but is sceptic about the implementation of the third. The country accepted the concept, as all the other BRICS, but explicitly emphasized that the criteria for action needs to be the UNSC authorization (Laskaris, Stamatis & Joakim Kreutz 2015, p. 6). Russia is a supporter of the traditional state sovereignty and is against intervention in the internal affairs of countries. The country agrees with the concept idea and the need to protect the human rights of the people in civil wars, genocides, ethnic cleansing, but considers that the concept can be used by the Western powers as pretext to intervene in sovereign countries and purpose their own objectives. Russia rejected the Responsibility to Protect in 2001 and then invoked the same principle in 2008 in its intervention in Georgia and again in 2013 in Ukraine and Crimea. Observers have argued that Russia uses the concept as a veil for pursuing its goals and objectives in Eurasia.

In the Syrian and Libyan crisis, Russia acted in accordance with China, and was against any intervention or implementation of the Responsibility to Protect in Syria. The country abstained from voting on the resolution for Libya and made it clear that it would oppose any similar measures in Syria. Russia suggested that the best way to intervene in the Syrian conflict would be by encouraging negotiations in order to settle the crisis (Laskaris, Stamatis & Joakim Kreutz, 2015, p. 6).

## **India**

India has the third largest deployment of peacekeeping troops in the UN and seems to agree with the concept of Responsibility to Protect but disagrees with the way of implementation. India shares the same point of view with the other BRICS, defending the traditional state sovereignty and advocating against interventions. "The evolution of India's position on R2P at the international stage can be characterized in two stages as mentioned before - marked by initial skepticism shifting to limited engagement" (Mohan, 2014, p. 3).

India approved the first and second pillar, but never ceased to show reservations on the term. India is sceptic mostly because of the possibility for misusing the concept and agrees with the fact the states have the primary responsibility to protect. At the beginning of the Libyan crisis, India was positive about the implementation of sanctions and did not oppose to the use of force. However, during the intervention, the country expressed criticism and this made it to push for the end of violence in Syria (Laskaris, Stamatis & Joakim Kreutz, 2015, p. 7).

### **China**

According to Goldman Sachs, China will be the largest economy in the world by 2050, based on its GDP. China is the largest emerging country that manages to keep high economic growth rates even after the economic crisis of 2008, despite more pessimistic prognosis. The country has a permanent position and veto power in the Security Council. According to an Economist article, from 1990 to 1996, China abstained from votes, accounting two-thirds of all abstentions by the permanent members (The economist 2015). The same article presents the change in China's behavior in its relation with the UN in the recent years: in 2015 was responsible for 5% of UN revenues, it has 3000 soldiers and policeman deployed with the UN and wants to increase the number to 8000 as part of the permanent UN peacekeeping force. However, China also rejected the Responsibility to Protect from the beginning as the other BRICS, mostly for the same reasons, but in 2005, signed for the implementation of the concept. China approves to the need to prevent and to rebuild but has an issue with the third pillar and proposes the term of "Responsible Protection". The concept is based on "six principles:

1. Object of intervention must clearly be to protect the people of the target country;
2. The legitimacy of the 'protection executors' must be established
3. The means of protection must be strictly limited;
4. Purpose of protection must be clearly defined; the patient must not be 'killed' as a result of intervention;

5. Protectors must be responsible for post intervention reconstruction;
6. The UN should establish mechanisms for supervision, outcome evaluation and post-factum accountability” (Banerjee, 2013).

China has the same traditional views regarding the state sovereignty and sees the military intervention as a violation of the countries authority. “The non-interference in domestic affairs has been a cornerstone of Chinese foreign policy since the establishment of the People’s Republic in 1949” (Laskaris, Stamatis & Joakim Kreutz, 2015, p. 8). This is why China is very supportive of the first pillar of the Responsibility to Protect, which states that the state has the responsibility to protect its populations. Throughout the Syrian crisis, the country exercised its veto repeatedly against resolutions on Syria and has not accepted any type of foreign intervention. China explained the reasons behind its veto: the necessary condition for Responsibility to Protect have not been met and the relevant regional organizations didn’t support the actions (Qian Xia, p. 3). However, China did not veto the establishment of a no fly zone in Libya, in order to protect civilians in Benghazi.

### **South Africa**

South Africa joined the BRICS group in 2011 and its participation to the group was controversial. Compared to the other member countries, South Africa was the most open to the concept of the Responsibility to Protect and its implementation in the Libyan conflict. The country has a positive approach regarding human rights, democracy, justice and conflict resolution through regional peace interventions (Laskaris, Stamatis & Joakim Kreutz, 2015, p. 9). The difference is that the country attributes the main responsibility to regional organizations and not to all UN member states. The South African leaders were open to accept a different interpretation of state sovereignty (Garwood-Gowers, 2013, p. 17).

### **Conclusions**

Initially the BRICS appeared to have a common position towards the Responsibility to Protect: the five countries are supporters of the traditional

Westphalian model of state sovereignty are against military intervention and in 2001 rejected the concept. In 2005, the five countries signed for the implementation of the concept with skepticism, mostly because of the distrust in Western powers. All five BRICS see the concept as a pretext of the Western countries to intervene in the internal affairs of other states in order to pursue their interests.

In the present, the BRICS support the concept of Responsibility to Protect and the need to protect the human rights, they support the need to prevent and rebuild in countries threatened by civil wars, genocides and ethnic cleansing, but they don't agree with the third pillar or mostly to the ways of implementing the military interventions. After the events in Libya, China and Russia were against the intervention in Syria and vetoed any resolution in the Security Council of the UN as permanent members with veto power. Brazil, India and South Africa appear to be more open to the concept and Brazil even proposed a complementary concept: The Responsibility while Protecting.

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## **(Up)Rooting Sovereignty through the Metamorphoses of Migration**

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### **Abstract**

This article emphasizes some key aspects of sovereignty in a brief synchronic analysis, insisting on the dynamic denotations the concept has in the actual global framework. Aspects related to asymmetric interactions of the migrants with the host society in a rather cosmopolitan world, where the nation-state is only one of the omnifarious actors involved in the policy- and decision making process are underlined, primarily in constructivist terms.

**Keywords:** sovereignty, migration management, security, constructivism, threats, integration, globalization

In time, the concept of post-Westphalian sovereignty has been embodied in omnifarious *Gestalts*, sometimes being invoked so as to gain further territories or to engage actors (primarily states) in conflicts against more or less imagined threats of the “Other(s)”, especially when connected to the national interest. From the Dolphin’s absolutist slogan *L’état C’est Moi* to Marshall McLuhan’s metaphor of *the global village*, sovereignty has been, *grosso modo*, protected by realists in Machiavellian manners and underpinned by liberalists in favour of consensus and global peace. Its denotations have been de- and reconstructed within various contexts, so as to fit patterns of leadership or anarchy. Strongly rooted in the national identity, sovereignty has become more than a key word in anti-supra-federal and anti-immigrant rhetoric, being, to some actors, a unique *modus vivendi*,

not complementary with, but mutually exclusive to any further debate on the integration of images of alterity. Even the global neighbourhood of a rather borderless cyberspace is still being confronted to constructed borders that aim at annihilating any attempt at “unity in diversity”.

“At the dawn of the information age, a crisis of legitimacy is voiding of meaning and function the institutions of the industrial era. Bypassed by global networks of wealth, power and information, the modern nation-state has lost much of its sovereignty” (Castells, 2011, p. 419).

Stanford Encyclopedia of Philosophy (2010) underlines that “sovereignty, though its meanings have varied across history, also has a core meaning, supreme authority within a territory. It is a modern notion of political authority. [...] The state is the political institution in which sovereignty is embodied. An assemblage of states forms a sovereign states system”. Be it *de jure* or *de facto*, sovereignty is explained in the traditional approach in connection to state legitimacy and authority, “mostly used as state sovereignty and referring to the idea that national states have exclusive authority within their own borders” (Robinson, 2010, p. 220). Not few were the times when the principle of sovereignty was invoked even so as to surpass the borders for reasons of territorial expansion, this being strongly related to notions such as security and welfare.

Buzan and Little (2009, p. 280) emphasize, in a rather optimistic manner, that “sovereignty shifted from the leaders to the people, with the development of the modern state from the absolutist one”. The Global Age has somehow led to a paradigmatic shift in this respect, since “sovereignty is neither inherently territorial nor is it exclusively organized on a state-by-state basis” (Agnew, 2005, p. 437). Still, the hypothesis that “sovereignty is not necessarily predicated on and defined by the strict and fixed territorial boundaries of individual states” (Agnew, 2005, p. 438) lacks acceptance and effective implementation. Therefore, “the negotiation and redefinition of political authority in geographically complex ways suggests the need to change the terms of debate about sovereignty” (Agnew, 2005, p. 438). Within the framework of such a multiplicity of state and non-state actors at the turn of the millennium (be they supra/federal or intergovernmental institutions, international NGOs or multinational companies whose GDPs



surpassed those of many states), sovereignty is transferred at various levels, as Andrew Moravcik has underlined in many of his articles.

The rise of globalization parallels the decline of the state, especially of the welfare state, with further implications: “the crisis of the welfare state means that a fundamental component of the legitimacy and stability of the nation-state fades away, not only in Europe but throughout the world” (Castells, 2010, p. 314).

In *Contracting States: Sovereign Transfers in International Relations*, Alexander Cooley and Hendrik Spruyt propose “hybrid sovereignty arrangements involving transaction-specific assets” (2009, p. 23). Despite the traditional actors’ need to monopolize sovereignty, “a stable hybrid sovereignty arrangement might emerge if joint gains are available and few alternative contracting parties exist” (Cooley, Spruyt, 2009, p. 23).

Migration might be perceived as an issue that threatens the structural stability of the state –and, implicitly, its sovereignty and security- primarily when considering the high social dominance theory: “High Social Dominance oriented individuals hold unfavorable attitudes toward *immigrants* because they hold zero-sum beliefs about the relationship between immigrants and non-immigrants (both in terms of resources and values), because they do not see immigrants as part of their national group” (Esses et al., 2013, p. 524). In other words, the more the Other gains, the more the Self loses. Still, it has been proven that “migration is not a zero-sum game” (Transatlantic Trends, 2010) and should be rather perceived as opportunity than as threat to the state’s structural stability.

It must be underlined that an actor’s structural stability can be both internal and external. To Alexander Wendt, “internal structural stability sources refer to factors inherent to actors that make them not wish change [or are rather reluctant to it, I would suggest]. This tendency is rooted in the human need for ontological security that creates a generalized preference for order and predictability” (Wendt, 2011, p. 331). Immigrants might be considered threats to the ethno-cultural and religious structural stability of a state, but may also be thought of as representing a danger at the economic and political level. “External structural stability sources are factors within the system that inhibit change even if actors want it. Institutions such as

sovereignty and balance of power are two examples that reward some practices and punish others” (Wendt, 2011, p. 332). A counter-argument in this respect would be Moravcsik’s theory of sovereignty transfer.

The highly debated issue of migrants (especially of unwanted ones, the ones that would not substantially contribute to brain gain) must be briefly presented within the wider framework of sovereignty. A potential answer to why liberal states accept unwanted immigrants is offered by Saskia Sassen’s argument of global constraints on states’ sovereignty, constraints such as economic globalization and the rise of a human rights regime. To prove the insufficiency to Sassen’s arguments, Joppke underlines the continuity of economic transactions that are not new and, further on, appeals to Soysal’s idea thesis that “devoid of hard legal powers, the international human rights regime consists of the soft moral power of discourse” (Sassen, apud Joppke, 1998, p. 268). Joppke’s thesis is that the acceptance of unwanted immigrants should not be attributed to globally-limited sovereignty, but rather to a “self-limited sovereignty” of the state. “The universalistic idiom of liberalism prohibits the political elites in liberal states from addressing the ethnic or racial composition of migrant streams” (Joppke, 1998, p. 270). Still, Joppke underlines particularities of liberal states in managing immigration issues: “in a guest-worker regime such as Germany’s the state at one point actively lured (de facto) immigrants into the country and thus is morally constraint not to dispose of them at will”, whereas “in a postcolonial regime such as Britain’s, immigration was never actively solicited but passively tolerated for the sake of a secondary goal—the maintenance of the empire”.

States have their own sovereignty and, implicitly, power, to decide on aspects such as the number of immigrants admitted per year, naturalization conditions, integration into the host society, social policies. Still, the wider international framework can be both supportive of and demanding, should there be the case of highly significant number of refugees, for example.

So as to effectively manage migration-related issues, one should primarily consider the resort institutions and the role they play in the sovereignty question. Even if “advocacy for an international organization dealing with labour issues began in the nineteenth century, led by two

industrialists, Robert Owen (1771-1853) of Wales and Daniel Legrand (1783-1859) of France” (ILO), an International Association for Labour Legislation was founded at the turn of the twentieth century in Switzerland. Awareness concerning global migration and its management has grown after World War I, with the founding of the International Labour Organization in 1919, a part of the Treaty of Versailles.

The end of World War II led to the creation of another resort institution, namely the International Organization for Migration, initially known as the Provisional Intergovernmental Committee for the Movement of Migrants from Europe and created “to help European governments to identify resettlement countries for the estimated 11 million people uprooted by the war” (ILO). With the actual name since 1989, the International Organization for Migration is engaged, among others, in humanitarian emergencies, counter-trafficking, immigration and border management, migration policy and research, International Dialogue on Migration, assisted voluntary return and reintegration (ILO).

Despite the fact that, at global level, the existence of the International Migration Law is acknowledged, this is rather a legal framework under construction, “an umbrella term covering a variety of principles and rules that together regulate the international obligations of States with regard to migrants” (IOM). In 2004, the International Migration Law Unit was established. Its main functions, as stated in their official web site, are to:

- compile the migration related legal instruments at international, regional and national levels and make them easily accessible,
- disseminate this information and thus enhance the understanding of IML,
- organize training seminars and capacity building activities in the field of migration law
- promote IML as essential component of comprehensive migration management frameworks.

With regard to this normative framework, The International Organization for Migration states that this can be perceived from two complementary angles, namely “the principles deriving from state sovereignty (the right to protect borders, to confer nationality, to admit and

expel foreigners, to combat trafficking and smuggling and to safeguard national security)” and “the human rights of the persons involved in migration” (IOM). Sometimes other levels appear, as well, and a relevant example in this respect is the European Union.

At the UN High Level Dialogue on International Migration and Development in October 2013, an eight-point agenda for action has been set. It includes:

- protect the human rights of all migrants;
- reduce the costs of labour migration;
- eliminate migrant exploitation, including human trafficking;
- address the plight of stranded migrants;
- improve public perceptions of migrants;
- integrate migration into the development agenda;
- strengthen the migration evidence base;
- enhance migration partnerships and cooperation.

As it can be noticed from this list, much has yet to be done in terms of managing migration. It is acknowledged such aspects are necessary for successfully dealing with omnifarious migration issues, but, once again, these goals lack the SMART character and nothing about their potential means of implementation is mentioned.

‘Unhomeliness’ is perceived by notable critics in the field of spatial theories -such as Homi Bhabha in his well-known book *The Location of Culture* as “the condition of extra-territorial and cross-cultural initiations” (Bhabha, 1994, p. 9). Since one’s location is automatically perceived as part of one’s being, defining, to a certain extent, one’s identity, Bhabha mentions that there are three conditions for the overall comprehension of the ‘process of identification’, namely:

1. to exist in to be called into being in relation to an otherness, its look or locus; it is always in relation to the place of the other that colonial desire is articulated;
2. it is not the colonialist Self or the colonized Other, but the disturbing distance in-between that constitutes the figure of colonial otherness;
3. the question of identification is never the affirmation of a pre-given identity, never a self- *fulfilling* prophecy- it is always the production

of an image identity and the transformation of the subject in assuming that image. The demand of identification - that is, to be *for* an Other – entails the representation of the subject in the differentiating order of otherness. Identification [...] is always the return of an image of identity that bears the mark of splitting in the Other place from which it comes (Bhabha, 1994, pp. 44-45).

Relevant to the development of identity studies, Homi Bhabha's theory about the third space can also be contextualized in a theory about a third individual that belongs to neither the home nation, nor the host one, since 'the two original moments' are used as matrices out of which the third, unique individual emerges. In today's world of megacities, this individual is primarily an urban one.

The multicultural mosaic of a state's immigrants is, in most cases, a result of intertwining patterns. Analysing the actual migration processes, some vectors need to be considered. David Held et al. (1999, p. 283) enumerate the following variables:

- Extensity;
- Intensity;
- Velocity of migration;
- Impact on home and host societies;
- Infrastructure of transportation and communications;
- Institutions involved in the management of migratory flows.

To these, the (in)existence of socio-economic networks, sometimes at transnational level, can be added, acting as promoter or, the other way around, as antagonist of migration and, further on, of integration and (in)security. The theory of social networks shall be analysed later on and its application is indubitable, since "networks produce the institutionalization and expansion of migration" (Horváth and Anghel, 2009, p. 36), contributing to the integration or, on the contrary, to the segregation of immigrants.

István Horváth and Remus Gabriel Anghel (2009, p. 18) propose a nuanced reinterpretation of traditional migration typologies according to the following criteria:

- the nature of the borders that have been crossed (internal versus external migration);
- the temporal framework of migration (temporary versus permanent migration);
- the degree of freedom the migrants have (voluntary versus forced migration);
- the legal status of the migrants (legal versus illegal migration);
- the degree to which migration is organized (spontaneous versus contractual migration).

With regard to the first criterion, beside borders' permeability and penetrability, acknowledged as key elements in structuring and organizing international migration, it should be stated that the very idea of "border" is, in some cases, subject to interpretation, it being applied not only to states. For instance, is migration from Romania to Germany internal or external? The answer is double-folded and depends on the perspective this question is answered from: the border is external when perceived from a state perspective but internal at the level of the European Union. Further mentions derive from the development of the migration process in itself. An initially spontaneous act of migration can turn into a contractual one, temporary migration can become permanent.

Analyzing the post-Cold War context of the migration-security nexus, Thomas Faist (2004) states that "[i]nternational migration has served as a convenient reference point for unspecific fears" and "securitizing migration reinforces the very stereotypes about cultural fears and clashes that politicians publicly deny and abstain". Furthermore, some unintended consequences of this securitization "may lead governments to continue presenting transnational movements as grave security risks. In the end, this may create incentives for political actors to engage in symbolic meta-politics". This way, a whole scenario is created and re-created, so as to augment a rather imagined struggle of 'them' against 'us', of protecting 'our values' against 'their threats'.

As argued in previous articles, as well, an optimal integration of immigrants into the host societies would considerably diminish potential enmities and cleavages. Still, should this be only limited in practice, one

could further consider Alexander Wendt's hypothesis that "what offers a state sovereignty under conditions of internal division is an organized structure of *non-rival, unified authority* that allows all parts to work together as a unity or team" (Wendt, 2011, p. 216).

Despite the positive theoretical framework of interaction among various groups of immigrants and the host society, there is still room for improvement in terms of managing migration and, further on, integration of immigrants. With regard to migration, a more liberalist approach of the human beings as citizens of the world is recommended. Furthermore, in case of unpredictable waves of irregular migration from conflict areas, collaboration among all actors involved and rejection of any extremist approach are required.

I argue that integration management can be efficiently done within the wider framework of multi-level governance in a rather decentralized context. "At the centre, the permutation or the transformation of elements is forbidden. [...] Thus it has always been thought that the centre, which is by definition unique, constituted that very thing within a structure which governs the structure, while escaping structurality. [...] the centre is not the centre" (Derrida, 1970, p. 1).

In this wider framework of globalization, sovereignty remains a concept acknowledged as such, but not mutually exclusive to tolerance, intercultural awareness or responsibility. Therefore, without neglecting the traditional *raison d'État*, one should consider the existence of what Philip G. Cerny (2010) calls *raison du Monde*, the two terms requiring positioning in no divergent, but in a rather complementary approach.

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# **The European Common Army – Between European Unity and National Sovereignty**

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## **Abstract**

This paper takes into discussion the proposal of establishing, into a progressive manner, of a Common European Army, an institution having a collective defense role, imposing the European interests and maintaining the European unity, in the context in which the member states of the EU want to maintain their distinct elements that belonged to the national sovereignty. Or, the army meaning is - beyond its role of “leading the struggle” – “national sovereignty”. In order to sustain its international role – maybe, to increase it – EU needs a deeper integration of the member states and it must create institutions capable to design its interests internationally. The establishment both of Common Foreign and Security Policy and of the European External Action Service is an insufficient approach, as long as it has no real elements able to achieve its objectives. According to these general considerations, the paper aims to identify which could be the relation between the existence of a common European army and the sovereignty of member states, taking into account the socio-cultural context of partners within the EU and, especially, the new challenges that EU will have to face and to solve in the next period.

**Keywords:** sovereignty, European unity, European Common Army, Common Foreign and Security Policy, especially to the Common Security and Defense Policy.

## **Introduction**

The dynamics of the international situation in the context of globalization, the economic crisis and especially, the crisis from the Eastern Europe and from the Middle East, generates more heated debate within the

EU on its future role. As it is expected to be, the discussions were gathered around the two main currents: the one which promotes a deeper integration of member states and eventually, militates for an enlargement; and the one (represented by Eurosceptics) which sees a Union bankrupt institutionally and being in recession in confrontation with the sovereign states. Contrary to forecasts launched by Eurosceptics, the EU leadership insisted (in the context of a deeper-and-deeper economic crisis and, in particular, of the sovereign debt, specific to some EU member states) on profound integration measures of states, both institutionally and politically. In this regard, we believe that the Stability and Growth Pact (EU Council Directive no.85, 2011) and establishing the European Stability Mechanism (Treaty ESM, 2012) could become the forerunner of measures that would open the Union for a deeper integration.

Even if the road to a (con)federal entity such as the United States of Europe is still long, and its direction is quite unpredictable, there are enough signs to show us that, this will be the only way able to sustain the geopolitical and security interests of Europe in the world. The establishment, together with the adoption of the Lisbon Treaty, the European Council Presidency, and especially the European External Action Service (EEAS) has moved the EU in the direction for establishing fundamental institutions: a permanent presidential institution, a EU ministry of foreign affairs, having as main task the elaboration and the implementation of a coherent single foreign policy, beyond national interests of states and the needed security training institutions.

According to the overall mission of the EEAS, we believe that this can be considered an embryo of a European foreign minister, a defense ministry and an intelligence service. However, the establishment of the European External Action Service seems to be so far an insufficient step, as long as it has no real means able to support their mission. In this context, briefly expressed, we estimate that the gradual establishment of a European Common Army (ECA), an institution subordinated to the Common Foreign and Security Policy (CFSP), especially to the Common Security and Defense Policy (CSDP), can lead to reach the political and

security goals of the Union, both externally and internally, to strengthen the European unity and the creation of a European identity.

The main objective of this research is taking into analyze the fact if, the establishment of a European Common Army can be done without affecting national sovereignty of member states. We consider that the solving of this dilemma could be the beginning of the establishment of European institutions regarding ECA. We must underline the fact that, our proposal concerning the manner in which ECA will become a reality is a new one, not debated in public until now: an ECA consists of European citizens.

The pillars on which we will base our research are: the description of historical way regarding the concept of European unity; the presentation of the current situation on the Common Security and Defense Policy, focusing on outlining the legal framework that could sustain such an approach; the analysis of the relation between ECA and national armies.

### **Overview regarding the need to establish an ACE**

The negative economic developments, through which the European zone has been transiting, raised, more than ever, the question of reducing the national defense budgets. Although it is suggested that the real reason for these cuts is determined by the decrease of the military potential of hypothetical enemies, it is obviously that the new developments, particularly those in Eastern Europe, contradict this theory. Although the EU countries invest annually about 300 billion in defense domain (SIPRI, 2013) this effort is not reflected in the affirmation of the EU as a political and military entity clearly outlined<sup>1</sup>. On the other hand, the military dependence of Europeans towards US increases, as long as the EU does not manage to form its own value combative capabilities similar to those of Americans.

In addition, there are estimated risks and threats to the European security, in the medium and long term, to which the EU will be asked to respond and, in such situation it will be forced to turn to other entities (US and NATO) in order to cope. This would put the EU in a position of

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<sup>1</sup> Compared to US 711 billion \$, China 143 billion \$, Russia 72 billion \$.

inferiority and obvious dependence to the main partner, but, at the same time, economically competitive, USA. In fact, NATO also depends on US military force, even if a significant number of member states also belong to NATO<sup>2</sup>.

The international developments for about 20-50 years, suggest an increase in political and economic influence of the important players belonged to the emerging area: China, India, Brazil, Iran and, in a consisted measure, Russia (Frunzeti, Oprescu, 2013, p.13-38). The effects of this influence have begun to be more visible both economically and politically, and, of course, militarily. The competition for control the vital resources of the planet and the global market will be certainly held with the help of armed forces. Or, Europe lacks just that issue: an instrument of force that would allow it to have - according to its own interests - economic, technological and scientific advantages.

If we analyze this fact from the perspective of medium and long-term developments, we can say that the main risk to the European security could be generated by reducing the US military presence in Europe. And this, not as a result of tensions between the two actors, but due to an insignificant US involvement in European affairs, together with a significant involvement of the US in Asia-Pacific and, perhaps, in the Middle East (Clinton, 2011). The US Defense Strategy promoted by the Obama administration (US Department of Defense, 2012), already confirmed this (CSIS, 2012). The economic crisis has already shown that US military effort can be influenced, in a significant manner, by this. Already, the USA decreased with 9% the defense spending during 2012-2017. This state of facts is joined by political and media pressures existed within the American society, which generates the proper framework in order to reduce the US presence in Europe (U.S. Department of Defense, 2010).

An important question will rise: what the EU would do in such circumstances? Having at the East a Russian Federation increasingly unpredictable, decided to melt the frozen conflicts - created also by it - looking to expand territorial, political and military control on neighboring

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<sup>2</sup> 22 from 28 EU member states are also NATO members.

states, but also with a fragile democracy, favorable to the emergence of an authoritarian regime; with a China increasingly interested in the issue of the Pacific, Asia, Africa and the Middle East, in order to reach resources and to expand the markets; with an India characterized by a high growth, influenced by population growth and interested in finding new resources, what the EU would do? In this context, Europe may remain a team of players without a common objective, and therefore, it is possible to miss the chance of turning into a major international player. Although the triad formed by UK-Germany-France continues to impose some relevance political, military and economic affairs in Europe, it is obvious that their potential will decrease comparing with that of major global players.

### **From the European Unity to the National State and Back**

Although it is almost impossible to reach exactly the paternity of the idea of European unity, we cannot avoid pointing out the defining moments that marked this idea that led, at the end to the establishment of the European Union.

From the Greeks and the Romans remained the fundamentals of the idea of European geographic unity on the territory that we identify as belonging to Europe. On the one hand, the Greeks defined from geographic perspective the European space, and the Romans gave him space unit “during the Roman era imperial unit of Eastern and Western Europe will prevail over the idea of unified policy” (Vese, Ivan, 2001, p. 10). The next attribute that supports the idea of European unity in the presented geographical area is given by the Christian religion (Herlea, 2010). This is included into the European area taking into advantage the political and administrative expansion of the Roman Empire and the overwhelming influence that it had on peoples from the North part of the Danube.

An elaborated plan which forecasted the construction of European unity – focused on establishing of a common army – was elaborated by Maximillian de Bethune, Duke of Sully and minister of the king of France, Henry IV, in the first part of the seventeenth century. From his point of view, Europe had to be consisted of 15 member states, Catholic, Lutheran and Calvinist. They were to be equal in rights and represented by a

Christian Council. Russia would be accepted if the Tsar became a Christian belonged to one of the three faiths. Turkey was excluded. In order to sustain the strength and unity, the new confederation would rely on an army consisted of 270,000 common infantrymen, cavalrymen 50,000, 200 cannons and 120 warships (Ivan, 2007, p.18). The hidden part of the plan stipulated the elimination – in favor of France – of Spanish and Habsburg threat. That’s why the project was given up.

In 1693 the English philosopher, William Penn, brought into discussion the idea of a European Union of States. Although it had not a major impact, Penn’s idea was to create types of prevention of conflicts among the European states. Essentially, Penn intended to establish a European Parliament aimed to solve the conflicts using the debate (Shareholder, 2013, p.109). The idea had a major impact on the contemporary European construction.

The gradual withdrawal of Catholicism from the forefront of political life led, inevitably, to its disappearance as a catalyst for the idea of European unity; it was replaced by philosophical debates of the eighteenth and nineteenth centuries.

The French Revolution’s ideas brought into discussion the role of the nation- state, and in this context the idea of European unity being abandoned. It is interesting that the sunset of the great multinational empires of Europe is marked by the debate federalism vs. national state. The end of World War will impose the victory of European system centered on national state, but it brings to the surface the serious contradictions among the European nations. Federative ideas would be diluted by the wave of revanshardism supported by nationalism.

Promoter of European unification, the Austrian Count Coudenhove-Kalergi summarized the vision of Europe's future in a famous expression: “Europe's problem is concluded into two words: unification or collapse” (Coudenhove-Kalergi, 1922). But the most pragmatic initiative of that time was released by Aristide Briand. He proposed within the General Assembly of the League of Nations to create, among the European states, a federal-link that does not affect the national sovereignty. The memorandum proposed by Briand on the organization of a European federal union was

welcomed with reservations and even with opposition by the leaders of European states (Briand, 1930).

The debate on European unification is revived at the end of the last World War. Trauma that had governed Europe would gradually lead to the conclusion that Europe had lost its primordial position in world affairs due to a perpetual state of conflict in which evolved the European nations. Moreover, the massive presence of Red Army's troops in central Europe had to be counterbalanced by an American military presence. In that circumstances the Europe has been seen as the center of a confrontation within its states were to play a complementary role. However, Germany continued to be perceived as the main threat – in terms of security – especially by the Western states.

Although the military security context was extremely complicated - millions of people still being under arms - the catalyst role for debate on European unity was held by the poor economic condition specific for the European states at that moment. Another catalyst role for debate on European unification was generated by the internal threat - represented by the increasing importance of the communist parties, directly connected with Moscow. In this context, the idea of European unity was generated by the need of cooperation having as ultimate goal the achieving of economic integration, political and social. It is worthy to note the fact that both the debate and European construction stages were marked by the perception of common threats to security in all its dimensions, and later, by assuming the common European values.

Regarding this latter idea about the relationship between European unity and common European institutions, we should stress that ECA may contribute both to strengthening European unity and to maintain it. Army was always the representative institution with the role of achievement and maintaining the unit. It's more than likely that ECA will have the same role in ensuring European unity.

## **The National Sovereignty of EU Member States in the European Integration Context**

The road to European unity, based on European construction, had to face a delicate problem, linked to reconcile between national sovereignty and the principles of supranational integration. From here it results the two opposing conceptions that were the basis for drafting the European unity: supranationalism / federalism and intergovernmentalism. Both of them tried to reach the idea of national sovereignty while maintaining the idea of altogether European states in a continuous process of integration.

The Federalist and Supra-nationalist theories tried to define the European Community in terms of a potential federal state or a supranational one (Pelkmans, 2003). Federalism believes that the nation state has been compromised by the two world wars (Ivan, 2007, p. 51), and currently fails to face the new context of international relations, marked by globalization. The Federalists want a European Constitution in order to have an institutional architecture, with the European Parliament in its center (Ivan, 2007, p. 52). In their opinion, the other EU institutions should have legitimacy within the European Parliament. However, for a proper functioning of the federal state it is necessary to implement the principle of subsidiary, so, the supranational state is endowed with only those skills that are required to operate it, and it has almost the abilities required by a proper function of the institutional system (Prisecaru, 2013, p.3). For a good and fair functioning, the European federal state should have an economy and a common army, both based on common principles. The ideal of Federalist - United States of Europe - represents the political finality of European integration. They believe that federation requires an agreement among sovereign states, which leads to a new type of sovereignty, within the central government shares the power with the systemically units under a constitution (Herman, 1994). The model for these kinds of federations and federal unions is, in our opinion, the Swiss Confederation and the United States.

It can be noted the fact that, the Union lacks important attributes in order to be considered a federation, states being the entities with many prerogatives of sovereignty. They have a total freedom for adoption,



revision or cancellation of treaties regarding even their belonging to the Union. Secondly, from a fiscal point of view, the Union has not its own system of taxes and imposes which allows it to implement a unified economic and fiscal policy. Thirdly, the Union's executive institutions are not the direct or indirect result of European citizen's option (Herman, 1994, p. 2-3). The simultaneous election of the European Parliament's members seems to be an intermediate step to achieving this target. The increase of citizens' public involvement is meant to help the increase of the efficiency and performance of federal structures.

On the other hand, intergovernmentalism treats especially states and national governments as being main actors within the European integration (Dragan, 2005, p.7). The political promoter of intergovernmentalism was the French president Charles de Gaulle, who had a crucial role in adoption of intergovernmental cooperation method regarding the European construction (Rosamond, 2000, p.74). Within the European integration process, the followers of intergovernmentalism intend to reduce the role of European institutions – the supranational ones, Commission and Parliament – and to consolidate the prerogatives of European Council and of Council of Ministers. Analyzing the EU Treaties, we can observe that the foreign and security policy of the Union are negotiated and imposed by the national governments through the intergovernmental institutions such as the Council of Ministers and the European Council. However, a question is rising up: would accept the EU member states to assign a single European intuition for managing the common army and to decide the using of this far away from the European territory?

In conclusion, we can say that the intergovernmentalism represents the only form capable to ensure the fulfillment of member states' national proud and the preservation of national sovereignty elements.

### **The European Legislative Framework that could Support the Establishment of ECA**

Surprise or not really, the current European legislative framework can support the inclusion of establishment of ECA on the agenda of European institutional construction. In the center of this framework is the Treaty of

Lisbon. Entered into force on 1 December 2009, the Treaty of Lisbon brings substantial modifications to the existing European treaties. One of the most important things is that the European Union got legal personality and became an actor of international law.

Concerning the Common Security and Defense Policy, due to the Treaty, the EU set itself ambitious objectives in accordance with the European values: to contribute to world peace and security; to take part in the sustainable development of the planet; to contribute to solidarity and mutual respect among the peoples; to help strictly for observance and development of international law in accordance with the UN Charter principles (Treaty of Lisbon, Title V, art. 21/1). In this regard, EU calls for common policy towards ensuring a high level of cooperation in all domains of international security. The objectives assumed are: to safeguard the European values, the fundamental interests, the security of the Union and the independence and integrity of it. According to maintaining the peace and strengthening the international security they will only happen in accordance with the purposes and with the principles concluded into the UN Charter, with the principles assumed by the Helsinki Final Act, the objectives of the Paris Charter, including those regarding the external borders (Treaty of Lisbon, Title V, art. 21/2).

Regarding the CFSP, the Treaty has maintained it in the intergovernmental zone, strengthening the role of High Representative for Foreign Affairs and Security Policy, assisted by a European External Action Service. The subject concerning the establishment of a European army does not appear explicitly in the Treaty. Regarding the defense and security, the Treaty uses the phrase: progressive definition of a common defense policy that might lead to a common defense (Treaty of Lisbon, Title V, art. 24/1). Moreover, the common defense is considered part of the European defense. Treaty states that the Union has competence in matters of common foreign and security policy, in all areas of foreign policy and all questions relating to the Union's security.

The Treaty provides the transformation of ESDP into the Security and Common Defense Policy (CSDP), which remains an integral part of CFSP (Treaty of Lisbon, Title V, art. 42/1). In order to implement the CSDP, the

states must provide for EU civilian and military capabilities for achieving the objectives set by the Council. It stimulated the establishment of common military forces. For development projects belonged to military area and for improvement of these is designated the European Defense Agency (EDA) (Treaty of Lisbon, Title V, art. 42/1).

The Treaty also includes the vision of transition for defining the common European defense, leaving for European Council to adopt such a decision unanimously (Treaty of Lisbon, Title V, art. 42/2).

We estimate that this fact can allow the opening of political dialogue meant to initiate steps on the establishment of ECA. The specificity given by the intergovernmental character of the Treaty is underlined by the maintaining the specification that the individual security needs of member states are recognized and respected, and CFSP will not interfere in these arrangements. This allows the keeping of national armies even if it moves to the establishment of ECA.

We conclude that the provisions of the Treaty of Lisbon regarding CFSP and CSDP lead to the strengthening of the role and visibility of the EU in the world. New tools are intended to support EU in its external action in the security field. The EU becomes more capable in the field of security and its own policies. Important is the fact that, even if there are no explicit provisions on the establishment of common military structures, the Treaty allows Member States, through the European Council, to proceed with the establishment of these forces. The size, type and leadership of this force will be decided by Member States in the European Council.

### **ECA and National Armies**

Because the giving up to the national army currently seems a dream extremely difficult to fulfill, it is preferable that, for a specific period of time the national armies (restructured and with a reduced effectives) operate parallel with ECA. We believe that national armies can be kept as part of preserving national sovereignty by supporting national interests, other than the common European ones, but also as element for generating ECA's force. They can be integrated into the wider strategy for ensuring the European security. The size and the financing manner of for that will be the

national states attribute. At the same time the national armies can be used as structures for generating and regenerating ECA's forces. In the first 20 years the national armies will be the suppliers of the most part of ECA. Also, national armies will provide the most viable models DOTMLP<sup>3</sup> for choosing the most appropriate policies, structures and doctrine for the proper functioning of ACE<sup>4</sup>.

If we refer strictly to the ECA, the former EU High Representative and former Secretary General of NATO, Javier Solana, recommended a "European Union defense". This would allow the EU to have a "political and military skill which enables it to carry out independent intervention operations, outside Europe" (Solana, Blockmans, 2015). Solana underlined the fact that European leaders disagree with 70% of the EU population, which supported a larger project of common European defense. Besides, the extra costs incurred by overlapping defense spending of member countries were in 2013 at 26 billion € per year (similar data were included in a report presented to the European Parliament in 2013) and could rise to € 130 billion due to deterioration of the international security environment (Ballester, 2013, p.15).

### **Conclusion**

From our perspective, the major issue that will be required in the circumstances of establishing an ECA could be the giving up to an essential part of national sovereignty, more exactly, to its own military power. It is obvious that the EU member states' national interests do not always coincide, but it is estimated that in the medium and long term, they will concur mostly. As a result, the national armies, due to the super-technologies of military actions will lose from their own importance.

Simply, just few European countries will afford in the future the luxury of owning significant armed forces, credible, equipped according to the latest requirements of technology and military science. However, we

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<sup>3</sup> NATO acronym: Doctrine, Organization, Training, Material, Leadership, Personnel, Facilities - Interoperability.

<sup>4</sup> *Acronyms & Definitions*, North Atlantic Treaty Organization, Allied Command Transformation, Published on 13 July 2011, <http://www.act.nato.int/acronyms#D>, accessed September 10<sup>th</sup> 2015.

believe that the national army will be maintained as power able to generate ECA, at a size agreed by the European treaties. On the other hand, ECA will thus be able to take on the role of national armies in generating forces available to NATO, or to execute missions to the EU. However, the system of democratic control and the adoption of the EU decision will not allow ECA to not be involved in “military adventures” with harsh consequences for the Union.

Even if currently, the risks and threats to European security seem to not create the necessary excitement for initiating the establishing of an ECA, we consider that the economic developments and the security evolution – in the medium and long term – will determine the Europeans to adopt such measure. Taking into account that such a construction cannot be done in a short time, requiring the involvement of at least two generations of Europeans, we consider that the period of “transition” will allow the animosities generated by the giving up of the primary role of national armies to be overcome through discussion and negotiation.

In conclusion, we can say that member states could achieve much more in defense domain than what results from the spending of € 190 billion needed to maintain the 28 national armies, consisted in 1.5 million soldiers. Besides the high economic costs, the political imperatives, moral and strategic oblige the EU to increase its efforts in full coordination with NATO. If we take into consideration that the Treaty of Lisbon allows for much broader approach regarding the establishment of a common military force, including an ECA, we cannot avoid the question: what determines the European leaders to hamper this process?

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**A Soviet-Yugoslav ideological war:  
the exchange of letters of April-June 1958**

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**Abstract**

In 1954, Nikita Khrushchev was making the first step towards the normalization of the Soviet-Yugoslav relations, which intensified significantly between 1955 and 1956. And yet, in 1958, the two sides engaged in a sarcastic exchange of letters regarding the draft programme of the 7<sup>th</sup> Congress of the LCY. Relying on documents from the Romanian archives, the present paper is trying to illustrate the main ideological differences marking the abovementioned exchange of letters.

**Keywords:** ideology, LCY, CPSU, 7<sup>th</sup> Congress of the LCY, Nikita Khrushchev, Josip Broz Tito.

Josip Broz Tito's refusal to accept Moscow's guardianship would start a Soviet-Yugoslav schism in 1948.<sup>1</sup> However, after Stalin's death (on March 5, 1953), the new power structure installed in the Kremlin would gradually bring the Soviet-Yugoslav relations onto a normal path. The artisan of this political shift was Nikita Khrushchev, who in June 1954 started an exchange of letters with Josip Broz Tito aimed at normalizing the relations

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<sup>1</sup> See on this topic: Leonid Gibianskii, "The Soviet Bloc and the Initial Stage of the Cold War: Archival Documents on Stalin's Meetings with Communist Leaders of Yugoslavia and Bulgaria, 1946-1948", in *Cold War International History Project Bulletin*, No.10, 1998, pp.115-116; Idem, "The Soviet-Yugoslav Split and the Cominform", in Norman Naimark, Leonid Gibianskii (ed.), *The Establishment of Communist Regimes in Eastern Europe, 1944-1949*, Westview Press, Boulder, 1997, pp. 297-298.

between the two states and the two political parties. Belgrade's reaction was positive, but, unlike the Soviet regime, the Yugoslav leadership made clear that they wanted first to enhance the relations between the two countries before trying to normalize the relationship between the two parties, as the latter would require a more gradual process.<sup>2</sup> Thus, Nikita Khrushchev's visit to Yugoslavia (between May 27 and June 2, 1955)<sup>3</sup> and Tito's visit to the Soviet Union (in June 1956)<sup>4</sup> undoubtedly contributed to the revitalization of the relations between the Federal People's Republic of Yugoslavia (FPRY) and the Soviet Union. But the ideological differences between the League of Communists of Yugoslavia (LCY) and the Communist Party of the Soviet Union continued. The opposing views of the Soviet and the Yugoslav governments regarding the Hungarian revolution<sup>5</sup>, as well as the LCY's refusal to attend the Moscow Conference of the Communist and Workers' Parties<sup>6</sup> increased the tension between the two countries (the FPRY and the USSR) and the two Communist Parties (the LCY and the CPSU).

And yet, despite these developments, the leaders of the two countries refrained from making public statements concerning the Soviet-Yugoslav

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<sup>2</sup> See: "Document No.1: Letter from Nikita S. Khrushchev, First Secretary of the Central Committee of the Communist Party of the Soviet Union, to Josip Broz Tito and the Central Committee of the League of Communists Of Yugoslavia, 22 June 1954", "Document No.2: Letter (Cable) from the Central Committee of the Communist Party of the Soviet Union to Tito and Central Committee of the League Of Communists Of Yugoslavia, 24 July 1954", "Document No.3: First Letter from Tito and the Executive Committee [Politburo] of the CC LCY to Nikita Khrushchev and Central Committee of the Communist Party of the Soviet Union, 11 August 1954", "Document No.4: Third Letter from Nikita S. Khrushchev, First Secretary of the Central Committee of the Communist Party of the Soviet Union, to Tito and the Executive Committee of the Central Committee of the League of Communists of Yugoslavia, 23 September 1954", "Document No.5: Fourth Letter from Nikita S. Khrushchev, First Secretary of the Central Committee of the Communist Party of the Soviet Union, to Tito and the Executive Committee of the Central Committee of the League of Communists of Yugoslavia, 27 September 1954", in *Cold War International History Project Bulletin*, No.12-13, 2001, pp. 319-323.

<sup>3</sup> See on this topic: National Central Historical Archives (hereafter, ANIC), CC of the RCP Fund – Foreign Relations Section, dos.21/1955, ff.8-15.

<sup>4</sup> See: ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, ff.112-122.

<sup>5</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.10/1956, ff.2-17, 68-91, 113-130.

<sup>6</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, ff.176-177.

ideological differences. But the summoning of the 7<sup>th</sup> Congress of the LCY would lead to a public polemic. On February 17, 1958, the LCY invited the communist and workers' parties to attend the meetings of the LCY Congress planned for April 1958.<sup>7</sup> A month before the summoning of the 7<sup>th</sup> Congress of the LCY, the Belgrade government disseminated among the communist and workers' parties the draft programme that was meant to be adopted at the congress.<sup>7</sup>

To the astonishment of the Yugoslav decision-makers, on April 5, 1958, Nikita Khrushchev sent a sarcastic letter to Belgrade expressing his disapproval of some of the ideological principles included in the LCY draft programme. Although the Soviet leader made very clear since the beginning that he did not want to intrude in the internal affairs of the Yugoslav state, he expressed his discontent with the draft programme by claiming that it was containing false allegations about the foreign policy of the USSR and about the "experience" of the CPSU and the international communist movement.<sup>8</sup> First, Khrushchev was bothered by the fact that the issue of the "fundamental contradiction of the contemporary social development" (i.e. "the contradiction between the capitalist system and the socialist one") had not been included in the draft programme and was replaced with the "thesis of the division of the world into two antagonistic military and political blocs."<sup>9</sup> Visibly upset by that, the Kremlin leader stated: "By concealing the aggressive nature of the policies of imperialistic powers and, above all, of American imperialism, which poses the main threat of war and is the greatest enemy of peace and Socialism, this draft programme considers the struggle for spheres of influence between the two blocs as the main cause of international tensions."<sup>10</sup> Khrushchev openly challenged the statement made by the Yugoslav government that the division of the world into spheres of influence had been addressed also during the inter-allied conferences of Tehran (1943), Yalta (1945) and Potsdam (1945). The Soviet leader qualified this allegation as an "attempt to misrepresent the position of the

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<sup>7</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.7I/1944-1965, f.111.

<sup>7</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.8/1958, ff.1-133.

<sup>8</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.62/1958, f.1.

<sup>9</sup> *Ibidem*.

<sup>10</sup> *Ibidem*, ff.1-2.

Soviet Union at those conferences”, knowing that “at those conferences, the USSR fought a fierce battle against the Anglo-American imperialism for the national and social liberation of the European and Asian nations, not for the purpose of gaining a sphere of influence, but in the interest of international Socialism”<sup>11</sup>. The Kremlin leadership was equally discontented about a provision of the LCY draft programme according to which “the inclination to hegemony and the exploitation of small countries” was manifest in the communist bloc as well, which was contrary to the principles of “proletarian internationalism” and “fraternal mutual assistance”.<sup>12</sup>

As a conclusion, the Soviet leader pointed out that under the given circumstances, the “CPSU deemed more appropriate not to send its delegation to the 7<sup>th</sup> Congress of the LCY” and authorized the Soviet ambassador to Yugoslavia to attend the congress as an observer.<sup>13</sup> In fact, shortly afterwards, the Kremlin’s example was followed by all the communist and workers’ parties<sup>14</sup>, except for the ones in Denmark and Norway.<sup>15</sup>

Belgrade’s reaction to the Soviet letter of April 5, 1958 was prompt. On April 12, 1958, Josip Broz Tito sent Nikita Khrushchev a letter of response in which he expressed his indignation at the attitude of the Soviet government towards the draft programme of the LCY. Tito qualified the observations of the Soviet leader as “superficial” and “inaccurate”, emphasizing that the draft was not final and it could be modified, if needed.<sup>16</sup> Hence, discarding the Soviet allegation that the draft did not refer to the “contradiction between the capitalist system and the socialist one”, the Yugoslav leader claimed that “the idea of peace and Socialism, on the one hand, and the question of war and capitalism, that is to say imperialism, on the other hand, [was] the leitmotif of the entire programme.”<sup>17</sup> As

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<sup>11</sup> *Ibidem*.

<sup>12</sup> *Ibidem*, ff.2-3.

<sup>13</sup> *Ibidem*, f.4.

<sup>14</sup> See, for example: ANIC, CC of the RCP Fund – Foreign Relations Section, dos.6C/1950-1959, f.61.

<sup>15</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.12/1958, f.4.

<sup>16</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, ff.154-155.

<sup>17</sup> *Ibidem*.

regards the decision of the Kremlin not to send a CPSU delegation to the 7<sup>th</sup> Congress of the LCY, the Yugoslav leader feared that such a decision would be an impediment to the progress of the Soviet-Yugoslav relations. Tito was also concerned about the articles published in the Soviet press which criticized severely the LCY.<sup>18</sup>

In spite of the response from the Yugoslav leader, the Soviet regime and Moscow's satellites maintained their decision not to send delegations to the 7<sup>th</sup> Congress of the LCY, organized in Ljubljana on 22-27 April 1958.<sup>19</sup> Moreover, on May 9, 1958, the CC of the CPSU sent another incisive letter to the CC of the LCY stating: "It should be noted that both the draft programme and the main speeches that were delivered at the 7<sup>th</sup> Congress of the LCY are, first of all, contrary to the Declaration of the Conference of the Communist and Workers' Parties from the socialist countries, which was approved by the entire international communist movement; second, they are outrightly directed against the Soviet Union and the CPSU. The allocutions of most of the LCY leaders at the congress were made under the auspices of unfriendly and malicious criticism of the Soviet Union, of our Party and of our fraternal communist parties."<sup>20</sup> The Soviet government reiterated the accusations laid down in the letter of April 5, 1958<sup>21</sup> regarding the absence from the LCY programme of any reference to the "fundamental contradiction between the capitalist system and the socialist one" and the fact that it was replaced with the "thesis of the division of the world into two antagonistic military and political blocs", the "misrepresentation" of the principles underlying the relations between the socialist states and the "false" presentation of the position adopted by the USSR during the inter-allied conferences in Tehran, Yalta and Potsdam.<sup>22</sup> However, unlike the letter of April 5, 1958,<sup>23</sup> in the letter of May 9, 1958 the Soviet leaders made two new accusations: "We indignantly reject as direct calumny against our Party the statement included in the draft

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<sup>18</sup> *Ibidem*, f.156.

<sup>19</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.12/1958, f.1.

<sup>20</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, f.172.

<sup>21</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.62/1958, ff.1-4.

<sup>22</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, ff.178-179.

<sup>23</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.62/1958, ff.1-4.

programme according to which during the personality cult period in the USSR there was a «pragmatic revision of fundamental scientific Marxist-Leninist theses». (...) The orientations of state capitalism in the contemporary capitalist society are described (in the draft programme – a/n) in an anti-Marxist spirit. This resumes the old opportunistic thesis of the possibility of a «peaceful integration» of capitalism in Socialism.”<sup>24</sup> In the end of the letter, the Kremlin reinforced its intention to cancel the visit planned in the FPRY by Kliment Voroshilov.<sup>25</sup>

The Yugoslav government replied in a letter dated June 14, 1958, in which it analysed precisely the main accusations expressed by the Soviet regime. In response to the accusation concerning the absence from the LCY programme of the “fundamental contradiction between the capitalist system and the socialist one”, the Belgrade government was clear-cut: “The entire LCY Programme is based on the contradictions between the capitalist system and the socialist one, on the inevitable collapse of capitalism and on the victory of the socialist social relations.”<sup>26</sup> As regards the accusation of the Soviet government that the principles underlying the relations between the socialist states were “misrepresented”, the Yugoslav leader stated: “The programme of the League of Communists of Yugoslavia criticizes the negative phenomena and the unjust practice in the relations between the socialist countries. Such facts occurred in the past and are still present today, as demonstrated by the current campaign against socialist Yugoslavia. To criticize these facts means not to identify the policies of the socialist countries with the policies of big imperialist states, but to recognize these facts in a constructive manner, to search for their causes and to remove them gradually.”<sup>27</sup> At the same time, Belgrade gave a clear-cut answer to the accusation of the Soviet leader regarding the statement included in the draft programme of the LCY that “during the personality cult period in the USSR there was a «pragmatic revision of fundamental

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<sup>24</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, f.179.

<sup>25</sup> *Ibidem*, f.182.

<sup>26</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.7I/1944-1965, f.88.

<sup>27</sup> *Ibidem*, f.89.

scientific Marxist-Leninist theses»”.<sup>28</sup> In response to that, the Yugoslav leadership wrote: “We firmly believe that a revision was indeed performed.”<sup>29</sup> As for the Soviet accusation regarding the issue of the “peaceful transition” from capitalism to socialism, the Belgrade leadership explained: “The possibility of a peaceful transition to Socialism does not mean at all that the working class must give up revolutionary methods in the struggle for Socialism, particularly when the sharpening of the internal contradictions and other circumstances demand such measures, that is when the reactionary leaders command this solution by means of their policies.”<sup>30</sup> Finally, the cancellation by the Soviet authorities of the visit by Kliment Voroshilov to Yugoslavia, Belgrade replied: “this action is insulting for every sovereign state and shows that the methods which are being introduced in our mutual relations are not in the interest of the prestige of Socialism.”<sup>31</sup>

Following the exchange of letters between the two sides, the press from both countries started a violent ideological polemic. Hence, it is not surprising that the Yugoslav “revisionism” received special attention in the text of the 1960 Declaration of the Communist and Workers’ Parties: “The communist parties condemned unanimously the Yugoslav version of international opportunism, a concerted expression of the «theories» of contemporary revisionists. By betraying Marxism-Leninism and declaring it outdated, the LCY leaders placed their anti-Leninist revisionist programme in opposition to the 1957 Declaration, opposed the LCY to the entire international communist movement, broke off their country from the socialist bloc and made it dependent on the so-called «assistance» from the American and other imperialists, thus risking to lose the revolutionary conquests gained through the heroic struggle of the Yugoslav peoples. The Yugoslav revisionists are undermining the socialist bloc and the global communist movement. Pretending to lead a policy of non-participation to blocs, their actions are affecting the unity of all the peace-loving forces and

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<sup>28</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.9U, f.179.

<sup>29</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.7I/1944-1965, f.98.

<sup>30</sup> *Ibidem*, f.100.

<sup>31</sup> *Ibidem*, f.106.

states. The constant exposure of the Yugoslav revisionist leaders and the active defence of the communist and workers' movement from the anti-Leninist ideas of such leaders should be necessarily embraced by all Marxist-Leninist parties.”<sup>32</sup>

However, the Soviet-Yugoslav polemic would lose prominence at the beginning of the 1960s, when the Communist bloc began to experience the emergence of the Sino-Soviet split.

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<sup>32</sup> “Declarația de la Moscova (noiembrie 1960)”, in: Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, Ed. Mega, Cluj-Napoca, 2012, p. 486.



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**The Nagorno-Karabakh Conflict:  
The principle of sovereignty and  
the right to self-determination**

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**Abstract**

This paper tries to shed some light on the aspects in regard to the principle of sovereignty and the right to self-determination as decisive elements in the course of the Nagorno-Karabakh war. Defining sovereignty and the right to self-determination as well as linking them to the conflict in Transcaucasia is the first part of this paper. Likewise, the reactions of the Azeri government and civil society are also analysed, as well as the factors which influenced the outcome of the conflict. Simultaneously, we shall analyse how the structure of the political power of the two states was formed as a result of the conflict in Mountainous Karabakh. Last but not least, the relation between the central leadership of the USSR with Azerbaijan and Armenia will be analyzed.

**Keywords:** sovereignty, self-determination, Nagorno-Karabakh, army, state, protest, Armenia, Azerbaijan, power

**Introduction**

When we speak about the Nagorno-Karabakh conflict, the opinions are divided and often quite partisan. Taking into account that this conflict traces its roots to the beginnings of the formation of the Soviet system, the data at our disposal is not the most objective and this is due to the bureaucratic modus operandi of the ones responsible with the Soviet archives and also due to the tension between Armenia and Azerbaijan regarding the subject.

The Nagorno-Karabakh issue is a very sensitive one and the mere trial of distinguishing between the positive actions of the Armenians as well as the Azeris, can lead to bias; for this reason, in this research paper we shall avoid as much as possible direct comparisons and judgment in respect to morals.

The central theme of this research is represented by the analysis of the war and its consequences: the Nagorno-Karabakh conflict seen through the lens of the principle of sovereignty and self-determination. To do this, we shall analyze and identify the events which unfolded alongside the Armeno-Azeri dispute until the year of 1990, after which we will focus on the period of war (1991-1994). The post crisis analysis shall follow to complete the research paper on the Nagorno-Karabakh Conflict. (Kakachia et al., 2013, p. 46).

Regarding the principle of sovereignty and its post conflict applicability, we have two vehement points of view, arisen of course from the two parties which took part in the conflict. On one side, the Armenian representatives claim that in the 2<sup>nd</sup> decade of the previous century a terrible injustice has been committed, more precisely when the Soviet commissars reorganized the administrative composition of the USSR while not considering the ethnic composition of the Mountainous Karabakh, which was majoritarian Armenian; this region has later been incorporated in the SSR of Azerbaijan. Due to these reasons, the Armenians claim that all their efforts after Joseph Stalin's death were aimed at reuniting the Armenian people on the basis of their historical right and the principle of self-determination. In the year of 1988, according to Soviet statistics of the time, the population of Nagorno-Karabakh was clearly majoritarian for the Armenian side: 77% Armenians and 22% Azeris. Thus, from the Armenian perspective, the historic right and the principle of self-determination are elementary in the formation of their political and military actions (de Wall, 2002, p. 45).

On the other side, the representatives of Azerbaijan claim ever since before and after 1991 that Nagorno-Karabakh was and still is a component of Azerbaijan; whether it was called the SSR of Azerbaijan or the Republic of Azerbaijan, Nagorno-Karabakh must belong in constitutional terms to the Azeri state. In the 1920's and even in 1936 when the Soviet administration finalized the process of political-administrative reorganization of the USSR,

the SSR of Azerbaijan agreed without objections. Due to these reasons, Azerbaijan was the republic which could exercise sovereignty *de jure* over the autonomous Nagorno-Karabakh region, within the limits of international law. Azerbaijan claims that the actions of Armenia and those of the separatists in the Mountainous Karabakh region are illegal and that they cause severe infringements to the international legislation and that Azerbaijan is the victim of the aggression stemming from Armenian separatists. This is the legal and identity framework in which the actions of both parties took place regarding the Nagorno-Karabakh region, each trying to consolidate and to legitimize its actions and position in the face of international law.

Another very important element which we will take into consideration during this research is the way in which the USSR failed to manage the conflict even in its first phases of occurrence and by not doing so, indirectly contributed to its spreading. With all the *high-politics* attributes of the USSR at the time, the constant hesitation of Soviet authorities in regard to the Nagorno-Karabakh conflict is still unexplained. It is a very important factor that must be taken into consideration, because the USSR was the central authority at the time of the outbreak of the conflict, thus it was in its full legislative power and authority to manage the Transcaucasian problem. This factor, the Soviet authorities' relation to the Nagorno-Karabakh conflict, shall receive a great deal of attention in this research paper.

### **The Principle of Sovereignty in relation to the Mountainous Karabakh conflict**

Sovereignty is a concept that became widely known with the Treaty of Westphalia in 1648. At the time, in the aftermath of the 30 year war between the Catholics and the Protestants, a new series of principles and laws have been enacted, that would change the very structure of Europe. With the concept of sovereignty, authority and the jurisdiction of kings was recognised over territories under their rule, in detriment to religious power held by the Holy See, the one which until the time benefitted of universal authority over the secular entities. One of the most important elements which have been adopted with the Treaty of Westphalia, was the principle

of external uninvolvedness in internal affairs of a republic, kingdom or principality, following that the king or prince can exercise supreme authority over a respective territory becoming thus sovereign.(Griffiths and O'Callaghan, 2002, p.296) In the 19th and 20th century the concept of sovereignty began to be exploited by nationalism, which legitimized the cultural hegemony of a majority over a territory of any given state.(Griffiths and O'Callaghan, 2002, p.296)

„The concept of sovereignty, in its classic form, has 6 defining elements:

1. All states are equal among each other;
2. Each and every state has full sovereign rights over their respective territories;
3. Each and every state is obliged to respect the judicial statute of other states;
4. The integrity and independence of every state are inviolable;
5. Each and every state has the right to choose its own form of political, cultural, economic and social systems;
6. Each and every state has the obligation to meet in a conscious way the obligations stated by international law and to peacefully coexist with other states” (Griffiths and O'Callaghan, 2002, p. 297).

Nowadays, the subject represented by sovereignty has had many intense debates at various different levels. Many scientists claimed that in the contemporary era, the classic principle of sovereignty has suffered major changes, first of all due to globalization. Also, a question frequently addressed in the post-Cold War period is the following: If a state, systematically commits abuses in relation to human rights, can it still benefit from full sovereignty in the international system? (Griffiths and O'Callaghan, 2002, p. 298) It is one of the post-modern dilemmas, one which we will come across in the analysis of this paper.

Hrust Hannum, in his work entitled “Autonomie, suveranitate și autodeterminare, aplanarea drepturilor conflictuale” (Autonomy, sovereignty and self-determination, settlement of conflicting rights), claims that: “Sovereignty is an attribute of the state and only states can be sovereign. Sovereignty is a principle which upholds that within one

community, if that exists in the first place, a supreme authority has to exist". (Hannum, 1990, p. 30) Given these definitions we can claim that sovereignty is directly linked to the independence of a state because only independent states can truly be sovereign. In the present case, the two parties involved in the conflict, Armenia and Azerbaijan respectively, both claim that righteousness is on their side. The theme of sovereignty can adopt strange connotations such as: the Azeris claim that Nagorno-Karabakh was always a legitimate part of Azerbaijan and that the Armenian separatists committed severe abuses in relation to that, violating the sovereignty and integrity of the Azeri state. On the other side, the Armenians invoke without restraint the right to self-determination of the Armenians in the Nagorno-Karabakh and that through the separation of the autonomous region from Azerbaijan; a grave historical mistake has been repaired. Now if we try to look from an objective standpoint at the two parties involved in the conflict, we observe that both of them make full use of the principle of sovereignty when it comes to justifying their cause. Therewith, the Armenians as well as the Azeris have been juggling with the stipulations of the Soviet legislation at the end of the 1980s, as well as with the international legislation at their own accord. (Kruger, 2010, p. 21)

The Armenians in the Nagorno-Karabakh as well as the Armenian authorities have intensified their demands, based on the Soviet constitution beginning with 1988, on top of which they started military and political actions. Such actions were used by Azerbaijan as well in their conflict with the Armenians, and the aftermath of the struggles is the current *de facto* state of affairs in Nagorno-Karabakh. Ever since 1994, since the armistice treaty was signed, the problem hasn't been solved; on the contrary, it only complicated even more the situation between Armenia and Azerbaijan. As a mere conclusion to the definition of the principle of sovereignty in the Nagorno-Karabakh issue, the Armenian hard-power prevailed and it was through military action that the status quo was able to change; military power toppled the sovereignty argument.

### **The principle of self-determination in relation to the Nagorno-Karabakh War**

For many people the principle of self-determination is a very important factor, which can provide justification when it comes to violent or non-violent actions. Without question, this principle was dominant during the 20th century and it found itself at the basis of the initiation of national movements, especially the ones who were directed against the status quo (Hannum, 1990, p. 31).

Martin Griffiths and Terry O'Callaghan in their work entitled „International Relations: The Key Concept” claim once more that with the end of the 20th century, the principle of self-determination needs a more flexible and creative approach, because the actual state of affairs in the international arena demands this. This is given by the idea that after the Cold War, self-determination was almost entirely limited to the process of decolonization. Nowadays, this principle of self-determination is often proclaimed by people who do not have a state, such as the Kurds, the Palestinians, the Basques and the Tibetans. Although the international community recognizes most of their demands, these are not put into motion (Griffiths and O'Callaghan, 2002, p. 294). In the logic of democracy, this principle can better be explained like this: “Let the people have a voice!” Given all these, there are serious questions involving the numbers and affiliation of the one able to pronounce themselves in these matters. Likewise, self-determination must not become a synonym with irredentism and secession. Self-determination has to be characterized in the context of complex ethnical situations, through the promotion of the rights of ethnic minorities, decentralization, federalism and through a greater recognition of human rights (Griffiths and O'Callaghan, 2002, pp. 294-295). Hrust Hannum, in the work mentioned above, offers us a very intelligible interpretation of the principle of self-determination, one that according to the author is strongly grounded in the international context of the times when it was formulated. Thus, Hannum, quite firmly states the following: “The principle to self-determination represents a nation’s or a people’s right to govern themselves, without being influenced by foreign powers. The principle to self-determination often takes the place of sovereignty in



international practice [...] (Hannum, 1990, pp. 33-34). The principle to self-determination was first elaborated for the people under empires and colonies, so that they would have the legal right to break away from this domination” (Hannum, 1990, p. 34).

Given the above definition of the principle of self-determination, we observe the power of propaganda. This principle has come to mix up with that of 20th century nationalism; this is because Woodrow Wilson was the first promoter of this principle with the coming to an end of the First World War. This principle grasped the ideas and the imagination of a vast majority of people who were ruled by a foreign power, such as the ones under the Ottoman Empire, The Habsburgic Empire and the Russian Empire. The right to self-determination redrew the map of the world and under its guidelines populations of the same ethnic groups were reunited under one flag (such was the case of Romania on the 1st of December 1918). Even the founder of the Soviet Union, Vladimir Illyich Lenin, was a vehement supporter and promoter of Wilson’s ideas in regard to self-determination (Ulam, 2009, p. 362). As a matter of fact, the principle of self-determination had a tremendous impact on all of the former territories of the Russian Empire, and once the Civil War of 1917 broke loose, the Bolshevik administration promoted the right to self-determination and as a result, most of the Transcaucasian people declared their independence. In 1918 the following republic were born: The Republic of Georgia (26 may 1918 – 16 February 1921), The Republic of Armenia (28 may 1918 – 12 march 1922), the Republic of Azerbaijan (28 may 1918 – 15 September 1920). All of the three Transcaucasian Republics declared their independence, initially in the framework of the Federal Republic of Transcaucasia, which only last a couple of months over the course of 1918, and which was later divided into 3 separate republics (Biagini, 2005, p. 103). Lenin was a firm supporter of self-determination, whether from strategic or tactical beliefs, within a socialist state where class struggle was the guiding principle. Lenin believed in the self-determination principle although that, in his acceptations, preliminary conditions had to be met before such maneuvers could take place, like the abolition of the bourgeoisie and the capitalist system (Martel, 2007, p. 147).

We can claim without a doubt that the principle of self-determination was one the most frequently used principles in order to justify action on behalf of the Armenians in relation to the Nagorno-Karabakh issue and its integration in the SSR of Armenia, following the split from the SSR of Azerbaijan. All of Armenia's lobby actions have had a firm grounding in this principle, starting with the 1960s of the previous century, the historical, moral and judicial actions were justified by this principle.

### **The Historical Right**

Perhaps in no other conflict after the Second World War, the historical right, taken as a legitimate basis, was invoked in order to justify the actions and/or reactions of both parties (Armenia and Azerbaijan) in the Nagorno-Karabakh conflict. The sensitivity of this matter, the historical right, is so high that for example when one of the parties publishes a material in regard to it, it inevitably causes a firm reaction from the other party. For the Nagorno-Karabakh region, over 20 websites exist in Armenia as well as Azerbaijan, which present with detailed arguments the primacy of one cause over the other (Racheru et al., 2012, p. 95).

The historical right represents the summum of archeological discoveries, literary texts and other cues of a nation on a particular territory, and the invocation of such elements can lead to the claim and/or consolidation of that territory. The historical right is not defined and thus it has no juridical value and it mostly used to justify through interpretation, by politicians and other statesmen (Isac, 1992, p. 69).

Given the tensions between Armenia and Azerbaijan on the Nagorno-Karabakh conflict, the historical right, as an element, has been introduced in this paper in order to better understand a series of events and state of affairs in this region and a series of actions taken by both parties at hard power level and soft power level.

For example, in the work entitled "Hanatul Irevan, Ocupația Rusă și Strămutarea Armenilor în Teritoriile din Azerbaijanul de Nord (The Yerevan Khanate, Russian Occupation and the relocation of Armenians in Northern Azerbaijan territories)" coordinated by the historian Yagub Mahmudov, member of the National Academy of Sciences in Azerbaijan,

one of the most prominent voices concerning Azerbaijan's history, hundreds of referrals are made in over 10 chapters, 584 pages long, concerning the historical right of the Azeris in the present date territory of Armenia and in Nagorno-Karabakh respectively (Mahmudov, 2011, p. 309). Such works exist in Armenia as well, and they treat exactly the same theme; therefore we realize that the partisan pathos exists even in the highest levels of intelligentsia of the two nations, in order to justify the primacy of one cause over the other, particularly related to Nagorno-Karabakh.

On the Armenian side, the separatist movements in the Nagorno-Karabakh began in 1987 in Stepanakert (the most important city in the region), through manifests and letters for the regional government of SSR of Azerbaijan. All of these actions invoked the Armenians' historical right in the region, based on the Armenian ethnic proportionality in the Nagorno-Karabakh region. In Armenia, the right to self-determination is similar if not the same to the right of sovereignty. This is the version which Thomas de Waal proposes in his work entitled "Armenia and Azerbaijan through Peace and War" (de Wall, 2002, p. 124).

These would be just a few examples which can argue very well why the historical right is so important in this political-ethnic conflict. This historical right, as a whole, offers a very solid basis among the populations of the two states, making any attempt for reconciliation almost a futile enterprise. Another important link is the relation between the historical right and nationalism. In Armenia, as well as in Azerbaijan, nationalism is the principle ideological vehicle of the governing parties, and this nationalism causes the historical right to be the fundamental base for internal as much as external action of the two nations.

We can claim without doubt that the 3 principles which we analysed in the first part of this paper, sovereignty, self-determination and the historical right are inextricably linked together by the Armenian determination, translated in the desire for the reunification of the people, which can cause extreme measure on one side, only to be counter by even more extreme measures by the other side.

Thomas de Waal presents a very important fact, which at first might be overlooked. Regardless of the tensions between Armenia and Azerbaijan

between 1991 and 1994, how come ever since then no other armed struggle has taken place between these two nations? From Waal's analysis, the defining factor in this complicated equation is the Russian Federation, the legitimate successor of the USSR, and the only actor capable of settling the tensions before they escalate beyond control. It can be said that this state of affairs had beneficial consequences for both parties, given the fragile armistice which was signed (de Wall, 2002, p. 130); Russia intervened at the request of one of the two or together with France and USA through the Minsk OSCE Group.<sup>1</sup> Wall states that the Russian Federation still has a considerable degree of informal authority and sovereignty over the Armenia and Azerbaijan, an authority which is also recognized by the two parties involved in the Mountainous Karabakh conflict.

In the present state of affairs, the complicated relationships among the nations who had been involved, whether directly or indirectly in the Nagorno-Karabakh conflict, are still due to be settled. While negotiations for the Nagorno-Karabakh have been going on for several years, there are still a considerable amount of geopolitical issues which presents them as an obstacle to any form of agreement. The Russian Federation still remains the primary actor when considering a settlement in respect to the Nagorno-Karabakh issue. Russia's primary goal in the region, even during the times of the Soviet Union, was to advance its interests while blocking the interests of other nations. Given the heavy pursuit of the Transcaucasia nations by the West, particularly Azerbaijan, due to its rich fossil fuel deposits, and its geostrategic position (bordering Russia as well as Iran), the quest for domination and influence is very much alive in this region. In relation to Nagorno-Karabakh, Russia might appear at the surface to be doing the best it can to reach an agreement, while in reality, their efforts are concentrated in doing the best they can to prevent such a thing from being reached. As long as Nagorno-Karabakh remains a complicated issue, then Azerbaijan's access to the West is blocked; thus creating a very intriguing chess board, where the initiative seems to have the edge.

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<sup>1</sup> Minsk OSCE Group – a group created in 1992 with the scope of solving the Nagorno-Karabakh problem.

### **The Nagorno-Karabakh problem and the legitimization of power in Armenia and Azerbaijan**

Ileana Racheru presents us in a very interesting way how the elites from Armenia and Azerbaijan legitimized their actions in the Nagorno-Karabakh War. This type of legitimization we can integrate it into the three principles outlined above (the historical right, self-determination and sovereignty). „The actual elite from Yerevan is the result of a coalition created in the 1990s, between the nationalists and the post-communists. The political group which now holds power in Armenia is the result of a fusion between the military elite which fought in Nagorno-Karabakh in the 1990s and the political entities which stabilized itself in Yerevan after obtaining independence. The power structure from Yerevan remained unchanged in 20 years since the proclamation of independence; the elections were won by the president or the prime minister in office. The rule of succession of the prime minister to the president’s office is also consistent even when the elections were unconstitutional; such was the case in 1998, when Robert Kocharyan came to power through a *coup d’etat* which overthrew the president of the time, Levon Ter-Petrosyan. The power structure in Yerevan used its victory against Azerbaijan to its utmost potential, by enforcing the authorities’ control through coercion, which was put into practice in the early stages of 2000, when a series of protests have been annihilated” (Racheru et al., 2012, p. 43).

According to the 2005 constitution, Armenia is a semi-presidential republic, however, informally the power is concentrated in the hands of the president in office. This situation is better understood if we look at Armenia’s Soviet past, when the image of a powerful leader supported in turn by a group of leaders, had to deal with internal as much as with external pressures. The actual political power is centered on the president, a situation determined by the necessity to have a powerful leader whom to negotiate the resolution of the Nagorno-Karabakh conflict and also to use it as a pretext for the consolidation of power (Racheru et al., 2012, p. 44). The networks of power of the Yerevan regime are inherited from the Soviet period which adapted itself after obtaining post-communist independence. The Armenian transition did not entail all of the soviet institutions after

1991; on the contrary, the focus was on preserving the state structures so that formal and informal control can still be exercised. Most of the current government officials have a warrior past. The constant hold on power since 1991 onwards, have created the right environment to form two sorts of loyalties; on one side we have the bureaucrats and on the other side we have the oligarchs which greatly benefited from mass privatization. The consolidation of power in Yerevan can also be understood through the actions of the opposition, which formed close relations with the power holder, thus reducing its role of opposition to a mere facade (Racheru et al., 2012, p. 46- 47).

In Azerbaijan, the Nagorno-Karabakh problem is similar to the one in Armenia, at least in political terms. This is because the leadership from Baku dates from 1993 onwards and it came to power as a result of the Mountainous Karabakh conflict. Due to bad crisis management on behalf of the government led by Abulfaz Elchibey representing the Azerbaijani Popular Front Party (a party with powerful extreme-right elements), the NAP (New Azerbaijan Party) led by Heydar Aliyev come to power by overthrowing the president Elchibey. The Heydar succession is still in place, since Heydar Aliyev's son, Ilham Aliyev, took over power from his father and is now the acting president of Azerbaijan (Cornel, 2011, p. 65). What the Aliyev government tried was to restore a lasting peace after the war as well as to restore economic growth in Azerbaijan.

Thus, we can observe how in Azerbaijan, the legitimacy and even the state sovereignty is closely linked to the Nagorno-Karabakh. Especially in the international arena, the representatives of Azerbaijan often quote the constitution of the USSR and that Armenia caused severe infringements by supporting the separatists in Karabakh (Cornel, 2011, pp. 78-79). We can observe that in Armenia, as well as in Azerbaijan, the Nagorno-Karabakh problem is not solely a military one, and that its implications reverberate in nationalistic issues used by both sides. Even the sovereignty of the power holders in both countries, legitimize themselves by invoking this issues; it only shows the importance of this conflict to both states.

### **The conflict period in Nagorno-Karabakh and its implications on Armenia's and Azerbaijan's sovereignty**

The Nagorno-Karabakh conflict was the first armed conflict between two union republics of the Soviet Union. Nagorno-Karabakh was at the time an autonomous region within the SSR of Azerbaijan, which consisted 77% of Armenians (Zurcher, 2007, p. 152), whereas the whole of the population counted around 189.000 inhabitants (Zurcher, 2007, p. 152). Although the problems between the Armenians and the Turkic people date from the Middle Ages, the main events between the two took place between 1915 and 1918, when over 1,5 million Armenians were relocated in the deserts of Mesopotamia; during this deportation, over 1 million Armenians have died and according to Armenian sources this was the first genocide in history (Taylor, 2010, p. 53). Beside these events, during 1918 and 1920, the Armenian-Azeri war took place, a conflict which left serious marks on the conscience of both nations. The Armenians occupied the city of Baku, and for a few months they even controlled the entire northern region of Azerbaijan. Everything ended in 1920 with the intervention of the Red Army. Following this, in 1922, after the Kars Treaty of the same year between the USSR and Turkey, the Republic of Armenia was abolished and its territories were integrated in the USSR and Kemal Ataturk's Turkey respectively (Taylor, 2010, p. 72). These events had a tremendous echo across the end of the 1980s and the beginning of the 1990s because the historical identitarian resorts crystalized the radical positions of both the Armenians and the Azeris, becoming important arguments in the respect of the historical right over some territories in Transcaucasia.

On the 3rd of July 1920, Kavbiuro (the Caucasian branch of the USSR Communist Party) elaborated a new plan for political and administrative reorganization of Transcaucasia under the direct supervision of Stalin, then a commissar for nationalities within the Bolshevik government. This plan consisted in the inclusion of Nagorno-Karabakh in the SSR of Armenia. After two days, Kavbiuro turned on its decision, now the principal decider being Ordjonikidze, which transferred the Karabakh region in the SSR of Azerbaijan, due to the region's economic dependency on Azerbaijan (Zurcher, 2007, p. 154). Later, on July 1923, the Karabakh region becomes

fully autonomous within the SSR of Azerbaijan without any link to the SSR of Armenia. This situation will last for over 70 years, time in which according to the Armenians, some rights such as education and maternal language were denied by the central Azeri government (Zurcher, 2007, p. 155). The first moment when the Armenians of Karabakh underwent an action against the status-quo from Transcaucasia was in the year of 1963, when 2.500 Armenians from Karabakh signed a petition based on the right to self-determination, demanding the region to be transferred to the administration of the SSR of Armenia. This demarche was bound to fail because the central authorities in Moscow refused any sort of revision of borders within the USSR (Zurcher, 2007, p. 156).

The decisive period towards separatism began in the year of 1987, when the protests from Stepanakert that took place on the 17th of October, protests which demanded the transfer of Nagorno-Karabakh from Azeri administration to Armenian administration. The next year brought an increase in demand from the Armenians, although their previous requests were denied by the SSR of Azerbaijan as well as Mikhail Gorbachev. In February 1988, SSR of Armenia, based on the principle of self-determination, passes Nagorno-Karabakh in its administrative sphere. This event directly violated the sovereignty of Moscow, an act unseen until the time by a small union republic from Transcaucasia (Zurcher, 2007, p. 157), ignoring the authorities from SSR Azerbaijan and the Politburo. Although the situation stabilized and the administration prior to this was restored, the tensions grew considerably, as much as on the 18th of February 1988 at Sumgait, an Azeri industrial center on the banks of the Caspian Sea, a series of atrocities took place on behalf of the ethnic Azeris against the Armenians, which left 26 dead. This event led to reactions in Armenia, which quickly invoked the events from 1915; thus the escalation of the conflict took unseen amplitudes (Zurcher, 2007, p, 158). In Yerevan, large protests began which supported the cause of the Armenians from Karabakh, protests which were encouraged by the political class.

On the 21st of June 1989, the Karabakh Soviet demands the Supreme Soviet that the Nagorno-Karabakh region should pass into the SSR of Armenia administration. This motion was rejected during the 19th Congress



of the Communist Party of the. In response, on the 12th of July 1989, the Karabakh Soviet, unilaterally declares that it unites with the SSR of Armenia, thus violating again the central power of the USSR in a matter of months (Zurcher, 2007, p. 159). In the second half of the year 1988, violent clashes erupt between the Armenians and Azeris in the Nagorno-Karabakh region and not only. November 1988, was the moment when the Azeris reacted vehemently, so that 500.000 persons protested in front of the regional government in Baku against the Armenian separatists. On the 12th of January 1989, the first firm reaction came from Moscow because Nagorno-Karabakh was temporarily transferred in its hands, however the impact of its reaction was poor and it only highlighted its lack of solutions to the real problem, a fact which only contributed to the outburst of the conflict (Geukjian, 2012, p. 141). The regional Karabakh government clandestinely chose its own governmental structure and on the 24th of August, the so called National Council of the Nagorno-Karabakh only recognized the SSR of Armenia as the sole representative of the Armenians (Geukjian, 2012, p. 143).

As a response, the Supreme Soviet of the USSR voted on the 28th of November 1989 with 340 votes, against 5, that the special administrative regime of the Nagorno-Karabakh to be ended and that it shall return to the administration of the SSR of Azerbaijan (Geukjian, 2007, p. 166). This act had also direct consequences, and a police-administrative response was declared by the Azeri, cutting all lines of communication between the SSR of Armenia and Nagorno-Karabakh, an act doubled by the cutting of communication lines with the rest of Azerbaijan as well, which led to the even greater radicalization of the Armenians which were preparing for war. As a response to the mobilization and the resistance of the Armenians, on the 12th of January 1990, a serious protest took place in Baku against the Armenian separatist movements in the Karabakh region, and these tensions soon escalated in violence against the Armenians of Baku; as a result 13.000 Armenians fled Baku and either emigrated towards the SSR of Armenia or the Nagorno-Karabakh (Zurcher, 2007, p. 167). Meanwhile, the clandestine traffic of arms and resources between the SSR of Armenia and the separatists in the Nagorno-Karabakh intensified, so that paramilitary

groups from Karabakh began to execute operations against the ethnic Azeris in the region. The Soviet and Azeri security forces launched Operation Koltso on the 30th of April 1991, which sought to disarm the paramilitary groups and to eliminate the separatists from the region (Zurcher, 2007, p. 168). This operation had success in the plains of Nagorno-Karabakh and in the cities; however the resistance was fierce in the mountain regions where paramilitary groups supported by the SSR of Armenia created the hardcore of the Karabakh future forces. On the 2nd of September 1991, the Nagorno-Karabakh authorities organized a referendum for independence, whose result was positive, and after just one day, Nagorno-Karabakh declared its independence on the basis of self-determination (Zurcher, 2007, p. 169).

Surprisingly, the Supreme Soviet failed to manage and resolve a minuscule problem in relation to its power; Nagorno-Karabakh had at that time, 189.000 inhabitants spread over a territory of 4,400 km<sup>2</sup>. The sheer devotion and determination of the Armenians was truly impressive; conscious of their numerical inferiority, they insisted in supporting the cause of separation from the SSR of Azerbaijan. The climax of this period prior to the war was the 12th of July 1989, when Nagorno-Karabakh unanimously declared its unification with the SSR of Armenia, therefore defying the USSR's central authority. Surely, the actions of the National Council of the Republic of Nagorno-Karabakh knew how to further entrench this decision based on Article 72 of the USSR of 1977.<sup>2</sup> Besides this, we must look closely to the state of affairs in the Soviet Union of the 1980s. Although the Soviet state was in crisis and Gorbachev's reforms didn't have the desired effect, still we cannot say that the central power in USSR didn't have the resources and instruments to tackle the Transcaucasian fiasco. The central Soviet government based in Moscow didn't consider that the Nagorno-Karabakh issue was a serious one, while taking decisions meant to appease the Armenians without really considering the deeper issues which caused the upset and turmoil. What we have to remember from this part of the Nagorno-Karabakh conflict are the following: A state's sovereignty does not only entail its constitution,

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<sup>2</sup> Art. 72 of the USSR form 1977 clearly states that each and every region has the legal right to secession form the Union.

because the laws without grounding such as the smart-power have no real power. Another important fact is that identity problems, of ethnic or political nature cannot be solved by simple decisions without a firm back-up in executive power. What the Supreme Soviet of the USSR did was to issue decisions without having the firm conviction and will to mobilize the necessary resources to support those decisions. Thus, we observe an erosion of a state's sovereignty, by chance super-power, due to convenience and negligence. On the other side we observe how the exploitation of the weaknesses of a system by a relatively small but determined group can cause surprising results. What we must highlight on the Armenian side is their capacity for intuition alongside their determination, in the sense in which they used the principles of the historical right and the right to self-determination in order to further their goals.

The actual war started with Operation Koltso and with the latter Armenian response, a response which came with the *de facto* independence of the Transcaucasian republics in the later half on 1991. On the 15th of May 1992, in Tashkent, a treaty was signed which divided the arsenal of the Red Army amongst the former soviet socialist republics; Armenia and Azerbaijan took possession of military technology and equipment of amplitude (Geukjian, 2012, p. 165). At the beginning of 1992, the Armenian forces capture Steparkert, and in February they attack the Khojali village close by the regional airport, where Azeri civilians are massacred; according to official Armenian data, over 485 civilians were killed and according to Azeri date, 600. This bloody episode will weigh heavily upon Armenia event on this present date (de Wall, 2002, p. 178). In May, Armenian troops, supported by the 366 Regiment of the Soviet Army take control over Shusa, the most important strategic center in Nagorno-Karabakh<sup>3</sup>. In the meantime, Azerbaijan's president Mutallibov demanded that Soviet troops leave Azerbaijan, an act which caused the relation between the two nations to reach a low level; after this, the Russian Federation informally supported Armenia (de Wall, 2002, p. 181). Further, in June, the Azeris took control over Madrakert, and important urban center

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<sup>3</sup> The 366 Regiment of the Red Army was stationed in Azerbaijan during the war, later it supported the Armenian cause.

in the North, however, in July the Armenian forces retook it and extended its control until Kelbajar (Zurcher, 2007, p. 170). In the year of 1993, the Armenians took over strategical positions in the Nagorno-Karabakh and not only, the Lachin corridor was also secured (a 20 km stretch of land which links Armenia with Nagorno-Karabakh); furthermore they also took control over 16% of Azerbaijan's territory, a state of affairs which withstands until nowadays (Zurcher, 2007, p. 171). The offensive actions of the Armenian army caused Azerbaijan to be in a perilous situation in relation to Armenia and as a result, Azerbaijan's president Heydar Aliyev together with his Armenian homologous signed the Treaty of Peace at Tashkent in May 1994, under the watchful eye of the OSCE Group, a treaty which is still valid today (Zurcher, 2007, p. 172). The most striking fact of this war was the way in which the Russian Federation swapped sides once all of the former Soviet republics became independent.

### **Conclusions**

The relations between the SSR of Azerbaijan and the central authority in Moscow have become worse, first of all due to Azerbaijan freshly won independence from the USSR and secondly because of the actions of the 366 Regiment of The Red Army, who was stationed in Yerevan; the Azeris claimed that the regiment supported the Armenian war effort (de Wall, 2002, p. 193). More than that, the Azeri president Ayaz Mutalibov, publicly demanded The Red Army stationed in Azerbaijan, to leave the country and later signed a treaty of cooperation with the Turkish Republic, who was already in a tensioned relationship with Armenia. This state of affairs could have degenerated in a regional conflict which in turn would have affected the Russian Federation's interests in the region. With all these events in mind, Russia's position drastically changed so that later in the conflict they supported the Armenian cause at the expense of the Azeri one (de Wall, 2002, p. 194). Thomas Waal claims that between the SSR of Armenia and the SSR of Russia, the relationship has been very good even during the times of the USSR. The leader of the SSR of Russia, Boris Yeltsin, supported the Armenian cause in the Nagorno-Karabakh during the Supreme Soviet in 1989; it seems due to its very good personal relationship

with the leader of the National Armenian Movement, Levon Ter- Petrosyan (de Wall, 2002, p. 196).

We observe the character of the Soviet power system, where personal friendships and lobby actions can have very good results for the one initiating them. Let's not forget that the Armenian diaspora in the United States managed to attract funds worth over 1,5 billion \$ at the beginning of the 1990s, a financial aid which lasted until 2008. Just for the Nagorno-Karabakh region, the US financial aid between 1998 and 2008 was around 28 million \$. Another important fact as a result of the Armenian lobby in the USA was the enactment of the Section 907, a document which stated that the US shall not provide military assistance to Azerbaijan (Racheru et al., 2012, pp. 124-125). This document was signed in 2002 and was later suspended by the US president at the time due to the geopolitical context of Afghanistan and Azerbaijan's geostrategic position in relation to it. Although the act has been suspended, even to this day it has not been eliminated (Racheru et al., 2012, p. 141). Armenia's capacity for lobby on the international stage has been indeed of great effect. Very important as well was the way in which the Azeri leaders from 1992, Ayaz Mutallibov as well as his predecessor Abulfaz Elchibey have committed grave errors, the most striking of which was the worsening of Azerbaijan's relations with the Russian Federation. The latter Azeri president also made some surprising statements in 1993, such as favouring the recreation of the, 'Whole Independent Azerbaijan'<sup>4</sup>. Given these declarations and the fact that in the Iranian Azerbaijan some protests took place, Iran changed its policy towards Azerbaijan, initiating cooperation with Armenia, one which last to the present day; since 1992 onwards, there were no formal visits between the president of Iran and the president of Azerbaijan respectively (Racheru et al., 2012, p. 147). These political diplomatic events cause Azerbaijan to become isolated on the international stage. Even though, Azerbaijan fostered closer ties with Turkey, the relationship with Russia deteriorated because of this; Moscow saw this movement as a threat to its sovereignty

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<sup>4</sup> Whole Independent Azerbaijan' means The Great Azerbaijan; it represents the territories of the Medieval Azerbaijan, made up of the actual territory plus that of the Iranian Azerbaijan which now is part of the I.R. of Iran.

meant to weaken Russia's position in Transcaucasia, a direct threat to its 'Close Vicinity' (Geukjian, 2012, p. 211).

Thus, we observe how a relatively small conflict can cause severe disruptions in its region, a state of affairs primarily caused by the actions of leaders which lacked experience, and that put their states' sovereignty in jeopardy. This is because of the political-military-ethnic context of the Caucasian space during the beginning of the 1990s, where any initiative in the region would have alarmed Russia, in respect to its geopolitical interests. We mustn't forget the fact that at the time Russia had already problems in Daghestan, in Chechnya, but also in Georgia (the autonomous republics of South Ossetia and Abkhazia). We see that Russia's position in the entire Caucasus was endangered and given the context we can understand why some of the politically-diplomatic actions by Baku only inflamed the already potentially explosive situation in the region (Nygren, 2007, pp. 133-134).

Back to the Nagorno-Karabakh problem, we have to underline the principle of self-determination which was so often used by Armenia in order to justify the modification of the status-quo in the region. During and after the war, the Armenians used this rhetoric based on self-determination and historical right. For example, in 1997, the current Armenian president, Serzh Sargsyan, then a high ranking official in the Ministry of Defense, claimed during an interview by Thomas de Waal, that for the Armenians in the Nagorno-Karabakh the right to self-determination represented the most legitimate basis of changing the status-quo of the respective zone, change which would inevitably have taken place even by military means (de Waal, 2002, p. 153). The same discourse we meet at other Armenian leaders such as Ter-Petrosyan or Robert Kocharyan, both uphold the idea under the right to self-determination and the Constitution of the USSR, Nagorno-Karabakh had every legitimate right to pass over to Armenian administration, because it didn't leave the USSR, it just used its entitled constitutional right (Kruger, 2010, p. 41). What is surprising is the fact that Azerbaijan's response to the Armenian actions has been very slow. Every time the Azeris were obliged to respond to the Armenian actions, they never really gained the initiative in the politically-administrative conflict and the same can be

said about the whole course of the war from 1991 to 1994. In SSR of Azerbaijan and in the Republic of Azerbaijan, after the independence, the state leaders didn't succeed in using their constitutional or military levers in order to maintain the integrity of the state's sovereignty. Especially after the cooling of relationships between the Azeris and the Russians from 1992 onwards, Azerbaijan, found itself in a precarious political position. This is because it lost the entire control over the region of Nagorno-Karabakh as well as other territories in its northern vicinity. It also lost its support from Russia and Iran and therefore it failed to promote its interests abroad concerning Nagorno-Karabakh; even though it managed to foster closer relationships with the Republic of Turkey (Cornel, 2011, p. 94).

Christoph Zurcher presents a very detailed standpoint of how the conflict and its effects were used by different political leaders in Azerbaijan in order to obtain political capital and in order to obtain different positions within the state. For example, Abulfaz Elchibey, the leader of the Azerbaijani Popular Front Party, confronted the president in office at the time, Mutallibov, because of the defragmentation of the state and lack of coherent decision on behalf of the Baku power holders. Elchibey demanded that for a change in government as well (Zurcher, 2007, p. 171). We can observe how the rhetoric based on self-determination and sovereignty was used to its full in order to obtain power position within the state. The moment in which Heydar Aliyev, former KGB leader in Azerbaijan, came to power in 1993, it represented a severe crisis for Azerbaijan, a moment when the loss of control over Nagorno-Karabakh and its adjacent territories and the uprising of minorities against the central rule in Baku (such as the Talishe population in southern Azerbaijan) rocked the very foundation of the Azeri state. This moment when Heydar Aliyev overruled Elchibey from presidency, was strictly linked to the integrity problems of the Azeri state.

On the Armenian side, the situation was quite different since they managed to create a common front in regard to the Nagorno-Karabakh issue and that of the identity of the Armenians in the region. Whether we speak about intellectuals such as Zori Balayan or artists such as Zhanna Galstian or Armenians from diaspora like Monte Melkonian, they all united their efforts in creating a united front around the idea of national unity and self-

determination. For the Armenians, problems existed as well, but not in what concerned the mobilization of the masses, but in appeasing them especially the leaders of the paramilitary groups who were the most determined supporters of the self-determination

When speaking about the perception and the justification of the legitimacy of one side over the other, starting with the year of 1995, we can say that both parties did their utmost in promoting these images. The referrals to historical right in public discourses have dominated the Armenian side as well as the Azeri side, whether we speak about scientists, politicians, intellectuals, or other state functionaries. This rhetoric shows us that at the moment there is no such thing as dialogue and that the arguments involving history and demographics still dominate the spectrum of oration.

The Russian Federation is at the moment the true depositary of informal sovereignty in regard to Transcaucasia and this is because of the tendency of both leaders, Armenian and Azeri, to consult Moscow in regard to the Nagorno-Karabakh; between 1995 and 2010, over 50 meetings have taken place between the Russian presidents and the leaders of Armenian and Azerbaijan, whether at bilateral or multilateral levels. Even after the downgrading of the Russian-Azeri relationships, starting with 1992, a state of affairs provoked by Mutallibov, Azerbaijan did not adopt a firm stance in relation to Russia. Azerbaijan might have tried to blackmail Russia with its treaties signed with Turkey. All this aside, the communication between Russia and the two parties continued to exist, which clearly shows that the informal capacity of Russia to exercise its sovereignty in the former Soviet space.

Finally we shall take a look at the geopolitical characteristics of the Transcaucasian region, so that we can better understand the forces which were modelling the conflict as well as the forces which were modelled by the conflict itself. Transcaucasia or better said the South Caucasus, is a region located between the Black Sea and the Caspian Sea. It spans alongside Caucasian mountain chain and it consists of rough and difficult terrain which makes it very hard for telecommunications to be in place. It basically consists of three small states, Georgia, Armenia and Azerbaijan which are squeezed into the region by 3 large states, Turkey, Iran and the



Russian Federation. With the fall of the Soviet Union in 1991, the European Union and the Russian Federation have launched an unofficial “battle” for control and influence in the region. With the Eastern Partnership in store, the EU and the United States of America have tried to bring Armenia onto the path of the West, but this exercise has been futile in many respects. With 3000 Russian troops on Armenian soil, it is very hard to negotiate. Above all, Russia assures Armenia with a level of protection which the West cannot deliver even if it wanted. This is a reality which takes root in geopolitics, where the relation of space and community is central. Russia borders the Transcaucasia while the West does not. On the other hand, Azerbaijan is an atypical Caucasus country and this is because it is fairly rich in fossil fuels, from the Caspian Sea especially. This economic asset allows the Azeris to play a different game on the world stage, one which allows for a certain degree of self-interest to be promoted. On top of this, their strategic partnership with Turkey, derived from both an economic sense and a historical one, given that Turkey supported Azerbaijan during the Nagorno-Karabakh war, is adding more tension to the already complicated geopolitical frame. Due to its relative economic muscle, Azerbaijan has a higher degree of independence from Moscow than for example Armenia does. The Transcaucasia triangle is further complicated by Georgia, which is declared pro-Western for more than a decade. Georgia can be seen as a relay for the West in respect to the Transcaucasia, completed by the fact that it acts as a gateway for Azeri fossil fuels to the European market. In the last decade, its constant provocation of the bigger northern neighbor eventually erupted in the 2008 invasion and this was indeed a painful lesson in geopolitics. Even though, officially, Georgia declared itself to be pro-Western, it yet failed to join NATO, and with Russia being close by geography had the final answer.

It is obvious that the power game in this region is a very complicated one, where the complex web of alliances contributes to the state of affairs of the region, a geopolitical cauldron that can easily go overboard. The Nagorno-Karabakh issue is still present and its frozen state at the actual moment, in the diplomatic sense, can later be used as a pretext by any power in the region in order to intervene and promote its interests.

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**In the name of Marxism-Leninism:  
ideological debates during the early '60s<sup>1</sup>**

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**Abstract**

Although perceptible since 1957, the Sino-Soviet ideological disputes became public only in 1960. The main bilateral ideological dissensions were ignited by topics such as: the significance of the 20<sup>th</sup> Congress of the CPSU for the international communist movement, the nature of the contemporary era, questions of war and peace, the doctrine of peaceful coexistence and the forms of transition from capitalism to socialism. Based on a series of inedited and edited documents, the present paper aims at recollecting the main ideological divergences manifested between the CPSU and the CCP at the beginning of the 1960s.

**Keywords:** Sino-Soviet split, CPSU, CCP, Marxism, peaceful coexistence, revisionism, De-Stalinization.

At the beginning of the 1960s the condemnation of the “Yugoslav revisionism” within the communist bloc started to lose momentum, although it was never completely eradicated from the ideological debates. This was due precisely to the rise of the Sino-Soviet ideological antagonism. Further on, we propose to illustrate briefly the highlights of the

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open expressions of the Sino-Soviet divergences and to analyse the content of these ideological differences.

Although perceptible since November 1957 at the Moscow Conference of the Communist and Workers' Parties, the Sino-Soviet ideological polemic had not transcended yet the framework of bilateral relations. It was only in 1960 that this controversy became public. The reason for the sharpening of the relations between the Communist Party of the Soviet Union (CPSU) and the Chinese Communist Party (CCP) was a booklet called "Long Live Leninism!" published by the political regime in Beijing. Although this booklet did not condemn directly the Soviet ideological principles, it pleaded for a comeback to "Leninist orthodoxy", which opposed to the interpretations given by the Kremlin to topics such as the "nature of the contemporary era", "questions of war and peace", the "doctrine of peaceful coexistence" or the "forms of transition from capitalism to socialism".<sup>2</sup> Moscow's reaction to the "Chinese ideological heresy" was prompt, the Soviet leaders summoning an urgent Conference of the Communist and Workers' Parties in Bucharest on 24-26 June 1960. All the delegations of the communist and workers' parties (except for the Albanian one) who were present in Bucharest adhered to the anti-Chinese rhetoric advocated by the Kremlin (Croitor, 2013, pp. 66-306). Consequently, the Sino-Soviet ideological dispute intensified during the Moscow Conference of November 1960 (Croitor, 2009, pp. 188-206). It reached a climax in 1963, when a vast public debate emerged between the CPSU and the CCP.<sup>3</sup>

Which were the main ideological principles that divided the two sides? Essentially, the ideological polemic revolved around five distinct topics: the significance of the 20<sup>th</sup> Congress of the CPSU for the communist international movement, the nature of the contemporary era, questions of

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<sup>2</sup> Actually, the booklet consisted of three articles: "Long Live Leninism", first published in *Hongqi* magazine, "Forward along the Path of the Great Lenin", first published in *Renmin Ribao* newspaper and "Unite Under Lenin's Revolutionary Banner" by Lu Dingyi. On this topic, see also: *Long Live Leninism*, Foreign Languages Press, Peking, 1960, passim

<sup>3</sup> See for example: National Central Historical Archives (hereafter, ANIC), CC of the RCP Fund – Foreign Relations Section, dos.61/1963, ff.2-68; *The Polemic on the General Line of the International Communist Movement*, Foreign Languages Press, Peking, 1965, passim

war and peace, the doctrine of peaceful coexistence and the forms of transition from capitalism to socialism.

During the 20<sup>th</sup> Congress of the CPSU, in a secret encounter on February 25, 1956, Nikita S. Khrushchev condemned partially Stalin's abuses.<sup>4</sup> While the communist and workers' parties united along the same path soon after the de-Stalinization process set off by the Kremlin, the Chinese communist leaders took a different stand. Thus, on April 5, 1956, the *Renmin Ribao* newspaper, with full support from the Political Bureau of the Central Committee of the CCP, published an article called "On the Historical Experience of the Dictatorship of the Proletariat", which stated the following: "Some people consider that Stalin was wrong in everything; this is a grave misconception. Stalin was a great Marxist-Leninist, yet at the same time a Marxist-Leninist who committed several gross errors without realizing that they were errors."<sup>5</sup> Essentially, the above-mentioned article reiterated the belief expressed by Mao Zedong during the meetings of the Central Secretariat of the CCP (organized in March-April 1956), according to which 70% of Stalin's actions had been positive, while his mistakes accounted for only 30% (Jian, 2001, p.65). And yet, in 1956, given the consistent economic assistance provided by the Soviet government, the Beijing regime refrained from condemning openly the de-Stalinization process launched by Nikita Khrushchev at the 20<sup>th</sup> Congress of the CPSU. In fact, in September 1956, during the 8<sup>th</sup> Congress of the CCP, Mao Zedong emphasized that at the 20<sup>th</sup> Congress of the CPSU "many just political decisions (...) were made, and the shortcomings within the Party were criticized."<sup>6</sup> Moreover, in November 1957, at the Moscow Conference of the Communist and Workers' Parties, the CCP delegation led by Mao Zedong signed the declaration adopted on that occasion, which read: "The historical decisions of the 20<sup>th</sup> Congress of the CPSU are not only extremely important for the CPSU and for the build-up of communism in the USSR, but they also mark the beginning of a new era within the international

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<sup>4</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.23/1956, ff.1-61.

<sup>5</sup> "On the Historical Experience of the Dictatorship of the Proletariat, April 5, 1956", in: *The Historical Experience of the Dictatorship of the Proletariat*, Foreign Languages Press, Peking, 1959, p. 18.

<sup>6</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.61/1963, f.36.

communist movement, contributing to a new development stage based on Marxism-Leninism” (Croitor, 2012, p.445). Subsequently, on September 6, 1963, on the background of the emerging Sino-Soviet public dispute, the Beijing regime explained the position it had adopted in Moscow in November 1957 in relation to the significance of the 20<sup>th</sup> Congress of the CPSU by invoking the compromise solution, given the “difficult” situation faced by the Soviet government. The Chinese decision-makers claimed that in November 1957 in Moscow, “the delegation of the CCP made some necessary compromises. (...) we did not agree with the reference to the 20<sup>th</sup> Congress of the CPSU and suggested changes. But out of consideration for the difficult position of the leadership of the CPSU at the time, we did not insist on the changes.”<sup>7</sup> Thus, the CCP described the 20<sup>th</sup> Congress of the CPSU as “the first step towards revisionism” of the Soviet leadership who, “under the pretense of eradicating the personality cult”, was denying the role played by Stalin in the international communist movement.<sup>8</sup> Moreover, in a commentary entitled “On the Question of Stalin”, published in *Renmin Ribao* and *Hongqi* on September 13, 1963, the Chinese authorities emphasized criticism against the significance of the 20<sup>th</sup> Congress of the CPSU: “Comrade Khrushchev completely negated Stalin at the 20<sup>th</sup> Congress of the CPSU. He failed to consult the fraternal Parties in advance on this question of principle which involves the whole international communist movement, and afterwards tried to impose a fait accompli on them. Whoever makes an appraisal of Stalin different from that of the leadership of the CPSU is charged with «defence of the personality cult» as well as «interference» in the internal affairs of the CPSU. (...) Stalin’s merits and mistakes are matters of historical, objective reality. A comparison of the two shows that his merits outweighed his faults. He was primarily correct, and his faults were secondary.”<sup>9</sup>

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<sup>7</sup> “The Origin and Development of the Differences between the Leadership of the CPSU and Ourselves, September 6, 1963”, in: *The Polemic on the General Line of the International Communist Movement*, p. 74.

<sup>8</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.71/1963, f.5.

<sup>9</sup> “On the Question of Stalin”, in: *The Polemic on the General Line of the International Communist Movement*, pp. 118, 121.



“The nature of the contemporary era” was another cause of divergence present in the Sino-Soviet ideological dispute. The 1960 Moscow Declaration, which was approved by all the communist and workers’ parties (including the CCP), emphasized the following: “Our era, whose main concern is the transition from capitalism to socialism opened up by the Great Socialist October Revolution, illustrates the struggle between two opposite social systems; it is the age of socialist and national liberation revolutions, of the collapse of imperialism, of the eradication of colonialism, of welcoming more and more nations along the path of Socialism, it is the triumph of socialism and communism at global scale” (Croitor, 2012, p. 447). In the framework of the emerging Sino-Soviet polemic, the Kremlin accused the Chinese communist leaders of promoting a unilateral approach of the “nature of the contemporary era” when describing it merely as “the age of imperialism, wars and revolutions”: “Defining the contemporary era strictly as a period of imperialism, wars and revolutions does not account for a multilateral Marxist-Leninist analysis, as it fails to consider the complexity of the relationships involving all contemporary social classes, some of the biggest social migrations and the changes occurring in the power ratios worldwide in favor of socialism. Our era is not simply the era of imperialism and wars, it is the era of imperialism, the era of revolutions, the era of transition from capitalism to socialism, the era of setting up and reinforcing the global socialist system.”<sup>10</sup>

The Sino-Soviet diverging views concerning the “nature of the contemporary era” would cause naturally different interpretations of the issue of “war and peace”. In the Moscow Declaration of 1957, it was emphasized that “in the case of a new world war, unless an agreement on the prohibition of atomic weapons [was] signed, an atomic war, unprecedented due to its destructive force, [would] be inevitable” (Croitor, 2012, p. 434). However, the declaration also revealed that by then, “the multiplication of peace forces [was] such that war [had become] highly avoidable, as demonstrated convincingly by the failure of the aggressive

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<sup>10</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.33/1960 , f.12.

plans of the imperialists in Egypt” (Croitor, 2012, p. 434). With these statements (resumed in the Moscow Declaration of November 1960) (Croitor, 2012, pp. 465-467) the Soviet communist leaders were criticizing the CCP for rejecting as “illusion” the possibility of preventing world war.<sup>11</sup> The Beijing government denied the Soviet accusations claiming that although it recognized it was possible to prevent a new world war, the outburst of such an event had to be considered seriously. For instance, in the booklet entitled “Long Live Leninism” published in April 1960, the Chinese communist leaders would note: “We consistently oppose the launching of criminal wars by imperialism, because imperialist war would impose enormous sacrifices upon the peoples of various countries (including the peoples of the United States and other imperialist countries). But should the imperialists impose such sacrifices on the peoples of various countries, we believe that, just as the experience of the Russian revolution and the Chinese revolution shows, those sacrifices would be rewarded. On the debris of imperialism, the victorious people would create very swiftly a civilization thousands of times higher than the capitalist system and a truly beautiful future for themselves.”<sup>12</sup> This argumentation was reiterated by the CCP leaders in an article published in *Renmin Ribao* and *Hongqi* on November 19, 1963: “Marxist-Leninists hold that while pointing to the possibility of preventing a new world war, we must also call attention to the possibility that imperialism may unleash a world war. Only by pointing to both possibilities, pursuing correct policies and preparing for both eventualities can we effectively mobilize the masses to wage struggles in defence of world peace. Only thus will the socialist countries and people and other peace-loving countries and people not be caught unawares and utterly unprepared should imperialism force a world war on the people of the world.”<sup>13</sup> As regards the Soviet leaders, they believed that the ideological convictions disseminated by the Chinese communist regime with regard to questions of war and peace were due to the fact that they

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<sup>11</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos. 33/1960 , f.12.

<sup>12</sup> *Long Live Leninism*, p. 22.

<sup>13</sup> “Two Different Lines on the Question of War and Peace, November 19, 1963”, in: *The Polemic on the General Line of the International Communist Movement*, pp. 238-239.

“overrated the possibilities of imperialism and underestimated the force of the global socialist system.”<sup>14</sup> Yet, the Beijing government refuted the Soviet views of war and peace, stating the following: “Khrushchev and others are against exposing the danger of a new war which the imperialists are plotting. According to them, imperialism has actually become peace loving. This is helping the imperialists to lull the masses and sap their fighting will so that they will lose their vigilance against the danger of the new war the imperialists are plotting.”<sup>15</sup>

The principle of peaceful coexistence was also subject to different interpretations by the CPSU and the CCP, as both invoked the Leninist heritage in support of their own argumentation. The Soviet regime described the principle of peaceful coexistence as “the general line of the foreign policy of the socialist countries”, thus rejecting the Chinese statement that “unless capitalism and imperialism [were] completely eradicated all over the world, the alternation of war and peace [would] be permanent and inevitable.”<sup>16</sup> In turn, the CCP leaders accused the Kremlin of abandoning the Leninist interpretation of the principle of peaceful coexistence. In an article published in *Renmin Ribao* on December 12, 1963, the Chinese argued: “Lenin’s policy of peaceful coexistence proceeds from the historical mission of the international proletariat and therefore requires the socialist countries to give firm support to the revolutionary struggles of all the oppressed peoples and nations while pursuing this policy, whereas Khrushchev’s peaceful coexistence seeks to replace the proletarian world revolution with pacifism and thus renounces proletarian internationalism. Khrushchev has changed the policy of peaceful coexistence into one of class capitulation. In the name of peaceful coexistence, he has renounced the revolutionary principles of the Declaration of 1957 and the Statement of 1960, robbed Marxism-Leninism

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<sup>14</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.33/1960, f.18.

<sup>15</sup> “Two Different Lines on the Question of War and Peace, November 19, 1963”, p. 239.

<sup>16</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.33/1960, ff. 24-25.

of its revolutionary soul, and distorted and mutilated it beyond recognition. This is a brazen betrayal of Marxism-Leninism!”<sup>17</sup>

A last point of contention in the Sino-Soviet ideological clash was “the transition from capitalism to socialism”. The differences of opinion between the CPSU and the CCP regarding this matter appeared in November 1957, during the preparation of the Declaration of the Communist and Workers’ Parties. Essentially, the Soviet leaders endorsed the possibility of peaceful transition from capitalism to socialism, a so-called “peaceful revolution” consisting in a silent seize of power in the Parliament. In turn, the Chinese claimed that no such precedent had been recorded in history and pleaded for an alternative – the “violent revolution”.<sup>18</sup> By the end of 1957, the Sino-Soviet dispute on this topic was toned down, once the possibility of a “violent revolution” was stipulated in the declaration, and the following statement was introduced: “Leninism teaches us – and experience confirms – that leading classes never relinquish power willingly” (Croitor, 2012, p. 443). However, in the context of the emerging Sino-Soviet public polemic, the tone of the dispute between the two parties intensified, as each of them accused the other of exaggerating their own interpretation of the transition from capitalism to socialism. For instance, in March 1964, the Chinese communist leaders synthesized the bilateral ideological dispute with the CPSU as follows: “Now the leaders of the CPSU have the impudence to say that the October Revolution was «the most bloodless of all revolutions» and was «accomplished almost peacefully». Their assertions are totally contrary to the historical facts. How can they face the revolutionary martyrs who shed their blood and sacrificed their lives to create the world’s first socialist state? When we point out that world history has thus far produced no precedent for peaceful transition from capitalism to socialism, the leaders of the CPSU quibble, saying that «practical experience exists of the achievement of the socialist revolution in peaceful form».”<sup>19</sup>

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<sup>17</sup> “Peaceful Coexistence – Two Diametrically Opposed Policies, December 12, 1963”, in: *The Polemic on the General Line of the International Communist Movement*, p. 278.

<sup>18</sup> ANIC, CC of the RCP Fund – Foreign Relations Section, dos.8C/1960, f. 94.

<sup>19</sup> “The Proletarian Revolution and Khrushchev’s Revisionism, March 31, 1964”, in: *The Polemic on the General Line of the International Communist Movement*, p. 378.

Revealed to the public starting with 1960, the ideological disputes between the CPSU and the CCP intensified, leading to a Sino-Soviet split. Both parties would blame each other for perverting the Marxist-Leninist principles: the Soviet regime accused the Chinese communists of producing “scission”, while the latter condemned the “revisionism” promoted by the CPSU.

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## **The Islamic State – aspects of sovereignty**

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### **Abstract**

Taking back the classic interpretation of the concept of sovereignty, the paper aims to analyze this concept in the light of the terrorist group ISIS. Methodologically speaking the analysis is based on content analysis tool. Starting with a discussion related to the concept of sovereignty and terrorism, and after a brief history of this group, the paper focuses on how the idea of sovereignty is reflected in the recently promoted magazine of the Islamic State group.

**Keywords:** Islamic State, state, sovereignty, DABIQ

### **Terrorism and sovereignty**

The expression of terrorism is triggering many situations that require a reinterpretation of the fundamental principles in international relations. It should be noted that this phenomenon is not temporary due to the extent of its determination and effects, and thus it questions, in the most serious manner, the ability of states to be able to respond adequate. We appreciate that terrorism will redefine the identity of state actors and non-state actors in the international system.

Terrorist groups undoubtedly can be included in the category of non-state actors although they not always have characteristics and features of such entities. Terrorism brings new perspectives, and states are facing with supranational organizations whose behavior falls within globalization. This means first of all that terrorism naturally evolves with global identity.

In this era, sovereignty is increasingly restricted through voluntary participation of states within international and regional organizations by giving up some of their prerogatives. This comes along with the need of implicit association for a strategic response to the challenges. Terrorism, among others, we can say that is born as a critical alternative to globalization, and thus a consequence of it.

First, the identity crisis may be determined by the fact that some actors, state and non-state, fail to grasp the whole phenomenon of globalization and each group or party tends to rebel against a trend that is inevitable. Invoking their own principles and values lead to a contradiction to everyday “homogenization”. The consequence is to revolt against inequality and determines inevitable identity frustration that can be manifested in the form of terrorist behaviors that seek to invoke their own characteristics<sup>1</sup>. On the other hand even if it is intended as a criticism to globalization by keeping their own developments in proximity of a communion trend, terrorism begins to have more identity in some situations than sovereignty. The dynamics that are on the international relations scene in which various entities have a role in creating mechanisms of decision, leads to reconsider the extent to which sovereignty can be invoked in confronting transnational terrorism.

Everyday cooperation to combat and prevent common threats determines that personal interests identify with common interests, so sovereignty has become, in some cases, symbolic. However, we can state that before being considered a right by scholars, sovereignty is an inherent part of the state. Thus sovereignty cannot be affected as long as actors in the international system, under the rule of the UN Charter, are classified as state actors or non-state actors.

The impact of terrorism on the sovereignty envisages that in this global dynamic, various transnational terrorist groups can claim and assign certain specific statehood characteristics assuming in this regard the exercise and role not of a non-state actor but of a state actor instead. New situation is determined by the beliefs underlying the manifestations of these entities and

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<sup>1</sup> Becker, Tal, *Terrorism and the State. Rethinking the rules of state responsibility*, Hart Publishing, 2006, p. 11.



their purpose. Sure, that over time there have been several situations, remaining until now, in which certain political organizations have assumed sovereignty from other states or similar entities. In the case of terrorism, we can mention by exemplifying the Islamic State, which in its very name, assigned to a status similar to that of state actors.

If we were to consider the components of a state: territory and population along with the subjective factor, related to the identity and common symbolism<sup>2</sup>, we believe that this kind of group try, and in some cases fulfill, to accomplish these elements. But the necessary conditions for the implementation and creation of a state must be filled with other elements, and sovereignty, as fundamental trait, enjoys criteria of independence, recognition and respect for other international actors and the principles of law which governs it.

### **From Al Qaida in Mesopotamia to the establishment of the Caliphate**

The Islamic State is no more a collection of psychopaths. It is a group with carefully considered religious beliefs fighting against the infidels for achieving one of the oldest Islamic ideals: the establishment of the Caliphate. In other words, the Sunni fundamentalist group hopes that through the power he holds with the support of Allah, they will be able to create an Islamic state that will bring all Muslims under the umbrella of Islam.

ISIS is a Sunni jihadist group born in 2004 in Iraq. Known at the time as a cell of al-Qaeda - Al Qaeda in Mesopotamia, the group acted under the leadership of Abu Musab al-Zarqawi during the US invasion of 2003. It waged a terrorist-guerilla war against the American and coalition forces and against the Shi'ite population. Immediately after the death of the group leader, the cells know a new stage in its history. Al-Qaeda in Mesopotamia changed its name to ISI - Islamic State in Iraq and begins to act as an umbrella for several terrorist organizations, continuing guerilla warfare against the United States and against the Shiite population.

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<sup>2</sup> Agnew, John, *Globalization and sovereignty*, Rowman & Littlefield Publisher, 2009, p. 45.

The moment that changed the local politics of the group and strengthened its position in the region is generated by the withdrawal of US troops from Iraq and the outbreak of civil war in Syria. Taking advantage of the unstable situation from Syria, the ISI branch in Syria establishes a new group called the Al Nusrat Front ("front support"). Dissension broke out between ISI and its Syrian branch, leading to a rift between ISI and Al-Qaeda and the establishment of the Islamic State in Iraq and Greater Syria (ISIS). In this aftermath the group is progressing with sensational conquest of Iraqi and Syrian territory, which culminated in the successful takeover of Mosul, the second largest city in Iraq. This was when the ISIS established its control center in Al-Raqqah, a city in the eastern part of Syria. In the wake of this success, ISIS declared the establishment of an "Islamic State" (IS) (or "Islamic Caliphate") headed by ISIS leader named Abu Bakr al-Baghdadi (*"The historical roots and stages of development of ISIS"* <http://www.crethiplethi.com/the-historical-roots-and-stages-in-the-development-of-isis/islamic-countries/syria-islamic-countries/2015/>).

Starting from the establishment of the Caliphate, the Muslim version of the idea of state sovereignty, in what follows we will analyze how the Islamic State regards the subject of sovereignty. In this direction we will use a primary source of information, DABIQ, the main publication of the Islamic State.

### **The Islamic State: terrorist organization or a sovereign state?**

Glimpsing the symbiotic relationship between terrorist and the world of media, terrorist organizations have learned to use the media to spread fear among a target group, to attract and mobilize supporters or to undermine the ability of governments to ensure the safety of its citizens. More than that, they use this kind of publication for marketing and as a news source for their supporters.

DABIQ is the most recent publishing success of the most disputed terrorist group - the ISIS. The journal is the result of combining two reports that were issued periodically by the group. It is the Islamic State News (ISN), a journal that records, starting from May, the military successes of the group and the Islamic State Report (ISR) a magazine that debuted in

early July, which includes in its pages a political report of the group. Currently, the magazine brings together under one title – DABIQ, the two magazines to which adds a religious comments section.

The publication that has arrived to its sixth issue is edited by Al Hayat Media Center of ISIS. The mission of this organization is to translate in as many languages as possible ISIS's messages in order to unifying the Muslim under one flag. Al Hayat Center boasts that produce audio, video and written about the concepts of Tawhid, Hijrah or Jihad.

The name chosen by the editors is with apocalyptic overtones and is explained since the first issue. According to the authors, DABIQ is the name of a town in northern Syria where was held one of the most important battles between the Crusaders and Muslims, a point which paved the way for the Muslim to conquest the Constantinople. DABIQ is a city in Syria considered by group leaders as the place where the Armageddon will start, where the West and the Muslim will clash in a battle that will end with a victory for the Muslims.

The first issue of the magazine is released online on 5<sup>th</sup> of July 2014, a month after the fall of the Iraqi city of Mosul in the hands of ISIS. The first issue announces the restore of the Caliphate in a fully symbolic day: the first day of the Ramadan. The first day of Ramadan is a time for the whole Muslim world that opens a solemn and spiritual purification period. In this solemn moment ISIS group's leaders have chosen to announce the establishment of the Islamic state and Caliphate: “Raise your head high for today, by Allah s grace, you have a state and Khilafan, which will return you dignity, might, rights and leadership”<sup>3</sup>.

Convinced that one of the main attributes of a sovereign state is its population, the leader of the group, through the editor’s voice, calls all believers in the newly born state: “Rush of Muslim to *your state*. Yes it is your State! Rush, because Syria is not for Syrians and Iraq is not for the Iraqis (...) The State is a state for all Muslims”<sup>4</sup>. According to the authors, the Islamic Caliphate is where Muslim brothers from Middle East and those from other parts of the world, “are defending and guarding each other and

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<sup>3</sup> *Dabiq*, Issue 1, 1435, p.4.

<sup>4</sup> *Ibidem*, p. 6.

scarifying themselves for one another”<sup>5</sup>. A new era of might and dignity for the Muslims is thus announced: “The call of jihad has risen, the glad tidings of good is shining. Triumph looms on the horizon. The signs of victory have appeared”<sup>6</sup>. Moreover, the speech promoted by the group leaders appears to us that the vision they have of the future state is not local, but global. The Islamic State is a place of diversity: “it is a state where the Arab and the non-Arab, the white man and the black man, the easterner and the westerner are all brothers”<sup>7</sup>.

This new Islamic state is portrayed in DABIQ second issue as Noah's Ark in which believers must climb to avoid being destroyed by the deluge that awaits the Westerners and all others who do not believe in the word of Allah's law. The alternative is simple: It's either the State or the Islamic flood. The flood imagined by those who have written articles comes to clean all the sin and to open a new era in human history, an era in which Islam leads. Beyond the metaphor topic it is not hard to imagine the vision of this new state about the world. Like Noah, the Islamic State will be the actor who will “wash away” all the problems the world faces.

The first pages of the first issue are clearly clarifying how the Islamic State is no longer a state in name only but a physical thing, a reality on the ground. The first articles clears out that: “ISIS no longer exists in small cells that can be neutralized by missiles or small groups of commandos. It is now a real and unrecognized state actor”<sup>8</sup>. This proclamation is, in their vision, the first step towards the unification of all Muslims under the Caliphate authority, Caliphate that has to be honored by Muslims around the world: “The obligation is now clearer than ever before for all Muslims to raise their voices and pledge their allegiance to the Khilafan and Abu Bakr al Baghdadi”<sup>9</sup>.

From the territorial perspective, one of the central elements of sovereignty is met. The Islamic State has a capital and a controlled territory. Like the first years of the Westphalian state, Islamic State is in the process

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<sup>5</sup> *Ibidem*, p. 7.

<sup>6</sup> *Ibidem*, p. 9.

<sup>7</sup> *Ibidem*, p. 4.

<sup>8</sup> *Ibidem*, p. 17.

<sup>9</sup> *Ibidem*, p. 40.

of expanding. This process of expansion and conquest is recorded in each issue DABIQ in a detailed report that includes pictures in places where the new state flag comes to be raised. The XXI century world is a world where borders and territorial issues are not necessarily a relevant issue because generations for centuries fought for the world to know the boundaries you know today. The Islamic State brings back the issue of borders and territories through their many conquests. Taking advantage of the unstable situation in the territory and using their strong financial resources, the Islamic State came to gain more territory in Sinai, Yemen, Libya or Afghanistan.

The big challenge they have to face is the manner in which ISIS will gain its legitimacy in these territories. The main vector in this process is the right religion and the word of Allah. The group leaders are convinced that humanity is at a crossroads where the soldiers of Allah will conquer the world: “O soldiers of the Islamic State, o youth of Muhammad...Today we are upon the doorstep for a new era, a turning point for the map of the region, rather the world. Today we witness the end of a lie called western civilization and the rise of the Islam giant”<sup>10</sup>.

Another element worth discussing when we talk of territorial expansion linked to sovereignty is undoubtedly the army. The armed forces of any sovereign state are a central element because it ensures the safety and security of the territory and is often considered a vector by which the national interest is promoted. The Islamic State certifies the international community that the Islamic State is a real state with a great army ready to die for its ideals. DABIQ magazine eloquently shows that the army is a pillar of the newly created state.

The element of originality that brings the terror group proclaimed a state in this context is the fact that the army does not have a homogeneous composition and a national element because this is something still confusing but a multinational composition. Soldiers fighting for the Islamic State against infidels come from populations not only in Iraq and Syria but also in the Western world. It remains to be seen if the Islamic State will change how

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<sup>10</sup> *Dabiq*, Issue 4, 1435, p. 4.

we see the armed forces or what we are witnessing today is just an episode in which jihadi groups are differently interpreting the power they hold.

Like any state that respects itself, besides a stable territory, a loyal population and a strong army, Islamic State reveals in DABIQ magazine that owns an incipient administrative apparatus that manages not only the social aspects of the new state but also other issues. An important section of each issue of the magazine is devoted to administrative issues concerning the Islamic State. Readers can learn through these administrative reports the "good deeds" which the authorities are doing in helping orphans, their efforts to reduce crime rates and ensure the physically or food security for its citizens. The Islamic State presents how Sharia is implemented, how the courts are operating and it promotes activities in the education for the people who they consider to be disconnected from Allah because they were in the hands of the infidel: "Islamic State actively works to educate its citizens, enhance their strict adherence to the Islamic obligation, judges the disputes, implements Sharia, incite the people to Jihad and call them to unite behind the Khalifah"<sup>11</sup>. The publication records that the Islamic State has a great sanitary system ready to cope with all requirements. Retirement homes and orphanages centers are also often presented in the journal chapter of administrative reporting. The pictures show the good treatment they hand both the elders and orphans but also ordinary people running in the streets where sanitation services are doing their job properly.<sup>12</sup>

Besides the health system, a strong military, social and justice system and, things that are certifying that the terrorist group has surpassed the status of a fighting group against the infidels and turns into a state, is the fact that since 2015, the Islamic State has introduced its own monetary system.

The number five of DABIQ magazine announces the initiative of reintroduction of precious metal coins that will somehow remember the first coin issued in 77 BC. The Shura Council, one of the Islamic State governing bodies, decided that the state financial transactions will be carried out through gold, silver and bronze coins.

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<sup>11</sup> *Dabiq*, Issue 3, p. 17.

<sup>12</sup> *Dabiq*, Issue 4, pp. 27-29.

The symbolism of currencies is taken from the Qur'an and Sunnah and remembers the old system of medieval kings. The reasoning behind this decision, to bring old gold silver and bronze coins, is given the distrust that the Islamic State leaders have in any monetary system. The challenge that state leaders have to face is link to their ability to enforce the currency across all territories, especially when everything is paid in US dollars. Beyond the difficulties that this change poses, this decision has a great impact in the way the international community sees this state namely: the Islamic State is a state in the true sense of the word because it has its individually monetary and financial system.

A final sign that deserves to be noted and that gives the Islamic State some identity is the flag that is present not only in the hands of fighting soldiers of the army but also in its the institutions. The flag of the Islamic State is charged by a special symbolism that reinforces the religious nature of Islamist ideology promoted by the state.

If you were to make a check list of the most important aspects that characterize a sovereign nation state like the Islamic State as we find out from the pages of the journal we will come to the next conclusions:

- The Islamic State is the first successful Mujahedeen attempt to remake the historic Caliphate;
- It has a capital city- Al Raqqa;
- It has an accepted leader Abu Bakr al-Baghdadi;
- State area is in constant expansion (the state is built on the territory of Iraq, Syria, Lebanon and Afghanistan);
- The state population is not homogeneous and does not have a clear common identity (that's why in every issue of the magazine the Muslims from all over the world are called to come back home, in the Islamic State);
- It has a social, a financial and legal systems that are stable and efficient;
- Has his currency;
- Holds and trains a great army;
- Has his own flag.

Judging by the aspects listed above the assertion that the Islamic State has ceased to act as a terrorist group and turns into a sovereign state appears to be valid. The criticisms that can make this claim binds that Islamic State

needs to meet an important criterion to be considered a sovereign state. This criterion is related to the international recognition, recognition of which will never come, especially given that the international community seeks solutions to eradicate their existence. The strategies that the UN and other countries concerned about the escalated situation and the wave of violence which the Islamic State promotes are elements that underlines clearly and rightly that the Islamic State will not be recognized as a real and independent state.

Even if the fate of the group remains for us, the outsiders, uncertain things seem to be sharper than we think. Number five DABIQ magazine presents in an editorial called “Remaining and expanding” the leadership vision on the future course of state: “And indeed the Islamic State will remain. It will remain because it was built upon the corpses of martyrs. It will remain because the success granted by Allah in this Jihad is more obvious than the sun is the center of the sky. (...) It will remain because it is the supplication of the oppressed, the scream of the prisoners and the hope of the orphans. The Islamic State is here to stay even all the Christians, Jews and apostates despite such. *And it will continue to spread to all corners of the Earth*”<sup>13</sup>.

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<sup>13</sup> Dabiq, Issue 5, 1436, pp. 32-33.



## **Approaching Al Qaeda terrorism and the war on terror: a just war perspective**

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### **Abstract:**

The third millennium A.D. was expected to bring peace and to solve many of humankind's problems, from security to health or environment - to name a few. Instead, a black day came in the history of mankind (as Pope John Paul II once called 9/11)<sup>1</sup> and the dogs of war have been once again unleashed, starting a sequence of events that lead to chaos in the Middle East and the establishment of ISIL. This paper approaches two of the most important events of the beginning of the 21<sup>st</sup> century, the terrorist attacks of September 11, 2001, and the war(s) on terror, from the perspective of the just war theory and tradition. The most important finding is that both the 'Al-Qaeda terrorism' and the 'war on terror' are not justified even by the standards imposed by the Catholic Catechism or the Qu'ran regarding the just cause for waging warfare. However, a traditional characteristic of state sovereignty (waging war) is no longer exclusively associated with the nation-state. It is already shared with non-state actors aspiring more or less to statehood.

**Keywords:** just war, terrorism, war on terror, US, Islam, Afghanistan, Iraq, secularization, de-secularization, sovereignty

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<sup>1</sup> "Un giorno buio nella storia dell'umanità: 11 settembre 2001" (editorial), *La Civiltà Cattolica* IV, October 6<sup>th</sup> 2001.

## Introduction

In December 31, 2000, the world celebrated the passing of a century of bloodshed and the coming of a new century and a new millennium with hope and optimism in a new beginning for humanity. It seemed that the advancements in the fields of science and technology, communication and information made all the difference between us and our ancestors. The world is more globalized than ever, we can even speak of a global real time juxtaposed over the local times. Many hoped in a better world, more capable in dealing with its past challenges. It was precisely the same hope that the builders of *Titanic* had in 12 April 1912 when the celebrated steamer left Southampton.

Nine months later the entire world witnessed the horrors of global terror: the twin towers of WTC and the Pentagon were hit by unprecedented terrorist attacks. The impact was higher than ever before since the events had been watched in real time by the whole world. It was like someone could have watched the beginning of the First World War in live coverage. Probably if the 'Great War' could have been broadcasted live to the entire world the even more terrible Second World War might have been avoided.

The horrors of 9/11 seemed taken out of a science-fiction script. The terrorists could not use nuclear weapons or modern technology. They just took some flight lessons, breached the US security systems, hijacked four airliners and managed to hit at the very heart of America. The shock surpassed the attack on Pearl Harbor (December 7, 1941) or the Cuban missile crisis of 1962, probably the hottest moments in the history of the US national security. Cuba is approximately 145 km away from the US border, but the attacks of 9/11 were the first to have hit inside the continental borders of America. The twin towers of World Trade Center symbolically represented the hardcore of the global trade and their destruction meant not only an important number of casualties<sup>2</sup>, but also an attempt to destroy the globalized economy lead by the United States.

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<sup>2</sup> The number of victims is devastating: 246 passengers from the hijacked planes, 2,606 victims in New York and 125 at the Pentagon. In comparison, the number of American killed in the attack on Pearl Harbor is 2,402, but they were mostly from the military, while in the case of September 11, most victims were civilian.

The events of 9/11 have led to the ‘War on Terror’ waged by the Bush Administration since the fall of 2001, with its two more known episodes: the Afghanistan War (launched in 2002) and the Iraq War (launched in 2003). On the long run, the high costs of the two military adventures<sup>3</sup> have affected indirectly the global economy leading it to an unprecedented economic crisis<sup>4</sup>. Not long ago, the protests against the poverty created by the high costs of the two wars ‘against terrorism’ have crystallized into the *Occupy Wall Street* movement<sup>5</sup> that expanded throughout the world.

The justification on the Afghanistan War is clearer than in the case of Iraq. Here there were the bases of Al Qaeda, the terrorist organization claiming responsibility for the 9/11 attacks<sup>6</sup>. One can argue, using the just war tradition, that the war on Afghanistan was a punitive war. Al Qaeda’s leader, Osama bin Laden, had been on the top of the US blacklist for international terrorists since the early 1990s and he was sheltered by the Taliban regime of Kabul. Even though Bin Laden was eventually killed by the US Special Forces in Pakistan, in May 2, 2011, his legacy throughout the Middle East will endure for a long time.

However, the war on Iraq is far less justified. It was initially launched in 2003 following the allegation that Saddam Hussein held WMDs - posing a serious threat for the US national security. It was a preemptive war. The follow-up of its initiation was the development of the Bush Doctrine of preemptive strikes. Nevertheless, apart from its terrible human cost, the Iraq War unintentionally started a sequence of events that led to the escalation of sectarian violence in Iraq and its spreading throughout the Middle East. It soon became a war of Islamic insurgence and allowed violent philosophies

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<sup>3</sup> See the website *Cost of War* for continuous updates on the US costs related to the war on terror, [www.costofwar.com](http://www.costofwar.com).

<sup>4</sup> The idea that 9/11 and the war on terror lead to the ongoing global economic crisis (2008) is controversial. However, one must recall the succession of crises that perpetrated since 2002. First of all, it was the energy crisis of the 2000s with the price of oil peaking at about 146 USD/barrel. Secondly, the US immense debt accumulated over time since 1980s and rocketing after the wars of Afghanistan and Iraq leading to the decision of the Federal Reserve Bank to depreciate the dollar etc.

<sup>5</sup> See the website *Occupy Wall Street*, [www.occupywallst.org](http://www.occupywallst.org).

<sup>6</sup> The significance is connected to the emergency number in the US – 911, the attacks taking place in the 9<sup>th</sup> month, 11<sup>th</sup> day, 9 hours and 11 minutes.

to materialize in a ‘new’ form of Islamic statehood based on Shari’a: Islamic State of Iraq and the Levant (ISIL).

The facts succinctly presented here are just the framework for the actual objective of our paper: approaching ‘Al Qaeda terrorism’ and the war on terror from the perspective of the just war tradition and theory, mainly developed in the Catholic space, yet with some similarities in the Islamic tradition. Even though the just war theory comprises three branches, this paper will be focused more on the *jus ad bellum* and the problem of the ‘just cause’ since this issue is still haunting us since September 11, 2001, the subsequent wars on Afghanistan and Iraq and their aftermath, the establishment of the Islamic State of Iraq and Levant.

### **1. The Western just war tradition**

Humans and human societies have always tried to justify war and violence, both in defensive or offensive postures. It is part of our complex socio-psychology, driven both by conflict and the fear of being a victim of it. This might explain why different cultures from different ages have always tried to legitimize their warfare conduct and behavior.

The idea of a ‘just war’ (if the war can ever be just...) can be traced in the Judeo-Christian culture, with earlier expressions in the Greek-Roman thinking, but also with resembling ideas in the Islamic, Buddhist, or Hindu cultures. In fact, the ethical and moral dimensions of war are defined since the Ancient to the modern times, from Lao Tzu or Cicero to the more recent Geneva Conventions. From a juridical point of view, the just war tradition involves three branches of law expressed in the Latin language, strongly related to the just war tradition and modern just war theory: *jus ad bellum*, *jus in bello*, and *jus post bellum*.

*Jus ad bellum* literally refers to the right to resort to war, or the right to resort to force, which regards the state as the only legitimate actor that has the monopoly of violence in international politics. *Jus in bello* establishes the limits to the use of force on the battlefield, answering on how the war is conducted or what are the mutual agreed rules of engagement. The latter, *jus post bellum* describes the necessary conditions to end a war and maintain the peace.

### **1.1. The Catholic just war doctrine**

The Catholic just war tradition is one of the most important sources for the modern just war theory. The Catholic Church developed a just war doctrine by prominent philosophers and theologians ('Doctors of the Church') like Augustine, Gratian or Thomas Aquinas, based on identifying the just cause for waging war. Some early Christian thinkers such as St. Ambrose had a certain contribution to that. The body of knowledge regarding the laws of war proposed by them had been melted within the canonic law of the Middle Ages, becoming the object for the jurists of the Church. The 'Doctors' have developed an ethical perspective on the war deeply rooted not only in the Christian thinking, but also in the war ethics of the Ancient Greek, Roman, or Hebrew thinkers.

The peaceful message of Christ seems to contradict the 'just war' doctrine later developed by the Church: "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, do not resist one who is evil. But if any one strikes you on the right cheek, turn to him the other also.'" (Matthew 5:38-39) or "Those who live by the sword shall die by the sword" (Matthew 26:52). However, there are several passages in the Gospels that had been used by the proponents of the just war doctrine<sup>7</sup>. In fact, two passages are of particular importance for the development of the Catholic just war tradition: "Then give to Caesar what is Caesar's, and to God what is God's" (Luke 20:25) and the 'Great Commandment' or 'Golden Rule' to love your neighbor as you love yourself (the reciprocity principle), which is inscribed in the Catholic catechism since 1567<sup>8</sup>. Apostle Paul later defined the purpose of the state authority and the obligation of citizens to be subject to 'higher powers'. These ideas form the bedrock of Augustine's just war teachings: "Let every soul be in subjection to the higher authorities, for there is no authority except from God, and those who

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<sup>7</sup> See the list of scriptural passages compiled by rev. Mark Ainsworth, "Christian responses to war", All Hallows Church, <http://www.allhallowswyncote.org/rector1.html> (accessed December 31, 2011).

<sup>8</sup> The idea, common to many people and religions, is developed by Jesus in many of his sayings, most notably "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets" (Matthew 7:12) or the famous parable of the Good Samaritan.

exist are ordained by God. Therefore those who resist the authority, withstands the ordinance of God; and those who withstand will receive to themselves judgment. For rulers is not a terror to the good work, but to the evil. Do you desire to have no fear of the authority? Do that which is good, and you will have praise from the same, for he is a servant of God to you for good. But if you do that which is evil, be afraid, for he doesn't bear the sword in vain; for he is a servant of God, an avenger for wrath to him who does evil" (Romans, 13:1-4).

As long as Christianity has been an underground movement, Christian thinkers have not had the problem of questioning the morality of war, since the war was waged by a heathen empire and its pagan neighbors, being considered invariably unjust. The real problem came after the Roman Empire proclaimed Christian faith as the only official faith. The 'Doctors of the Church' have had to deal with a new spectrum of problems, including how to define the relations between the Church and the State. Neutrality was no longer an issue, especially after all other religions were banned and the entire military and administrative apparatus was supposedly Christian. One must remember that the Empire was no longer in a state of expansion but entered into the phase of defense.

St. Ambrose<sup>9</sup> (340-396 AD) is one of the first theologians to define the Christian ethic of war. He argues, like Cicero (106-43 BC) in favor of justice and justifies the acts of soldiers risking their life in order to protect the innocent (Hellberg, 2009), formulating in fact the just cause for waging wars. St. Ambrose (c. 339-397) was inspired by an early Christian thinker, Clement of Alexandria, who introduced two criteria for just war: the defense of the Empire (just cause), on the authority of the emperor (right authority). He completed some of Cicero's ideas: the war should be defensive, agreements should be honored (*pacta sunt servanda*), mercy for the defeated. Ambrose also justified war to protect Christianity, an idea that was used centuries later by the Church in justifying the crusades.

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<sup>9</sup> St. Ambrose (Aurelius Ambrosius) was an important officer in the Roman imperial administration and later the bishop of Milan.

St. Augustine<sup>10</sup> (354 – 430 AD) was a converted and a disciple of St. Ambrose from whose ideas he inspires in furthering the development of the just war doctrine. St. Augustine's *De Civitate Dei*, his most comprehensive and influential work, deals with just war among other considerations. The work was written about the time Rome was sacked by the Visigoths (410) and therefore is imprinted by the dark impressions left by the failure of the earthly and imperfect city of the Caesar. In fact, Augustine contested the very notion that Rome was a 'state' or 'commonwealth' before Christianity became its official religion, since it was unjust.

Elements for the Augustinian just war theory can be identified in other of his works: *On Free Choice of the Will (De libero arbitrio)*, *In Answer to the Letters of Petilian, the Donatist, Bishop of Circa (Contra Litteras Petiliani Donatistæ Cirtensis, Episcopi)*, *Reply to Faustus the Manichaean (Contra Faustum Manichæum)*, *To Marcellinus (Letter 138)*, *To Boniface (Letter 189)*, *Questions on the Heptateuch (Quaestionum in Heptateuchum)*, and *To Darius (Letter 222)* (Mattox, 2006, p. 45).

Some Augustinian arguments on the just war are derived from the words of St. John the Baptist quoted in the Gospel of St. Luke<sup>11</sup>. Augustine took the term 'just war' from the Roman law sources (*bellum justum, jus gentium, jus naturale*) and exposed it to the Christian ethic, thus forming a synthesis. However, it must be noted that the expression 'just war' was attributed by some to Aristotle, even though it was transmitted further by the Romans (Cicero). Augustine argued that military life and hence waging wars is legitimate if the end is the re-establishment of peace, order, and the punishment of injustice. He also added that a just war must be fought with Christian love for the enemy and it must involve a just cause. He implied also three criteria for a war to be just: proportionality between the sacrifices

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<sup>10</sup> Augustine was bishop of Hippo, a town in North Africa, remaining known in the historiography also as Augustine of Hippo.

<sup>11</sup> The words of St. John the Baptist show a vengeful, prosecutor Jesus, a soldier for the truth: "John answered, saying unto them all, I indeed baptize you with water; but one mightier than I cometh, the latchet of whose shoes I am not worthy to unloose: he shall baptize you with the Holy Ghost and with fire: Whose fan is in his hand, and he will thoroughly purge his floor, and will gather the wheat into his garner; but the chaff he will burn with fire unquenchable" (Luke, 3:16-17).

and goals of war, last resort, and the goal of achieving peace. Augustine proposed a thorough investigation of the ‘just war’, approaching also other important issues such as discrimination and good faith (Mattox, 2006, passim). His definition of the ‘just war’ emphasizes, just like in the case of Isidore, the necessity of a just cause: “Those wars are customarily called just which have for their end the revenging of injuries, when it is necessary by war to constrain a city or a nation which has not wished to punish an evil action committed by its citizens, or to restore that which has been taken unjustly” (Johnson, 1998). In the end, probably related also to the tribulations of his epoch, Augustine’s influence was all but forgotten until his thought was revived by the jurist Gratian and his canon law in the 12th century (Duncan, 2003).

The Italian legal scholar Gratian was the founder of the canon law<sup>12</sup>. He defined just war by quoting two authoritative figures from the past, St. Augustine and Isidore of Seville, who wrote around 600 AD. According to Isidore, “A war is just when, by a formal declaration, it is waged in order to regain what has been stolen or to repel the attack of enemies” (Johnson, 1998).

Thomas Aquinas or Thomas of Aquino (1225-1274) resumed the Augustinian arguments in his masterpiece *Summa Theologiae* (worked from 1266 through 1273). Aquinas was inspired from the work of Gratian, but his sources of inspiration are not entirely Christian. In fact, he greatly inspired from Aristotle. Aquinas argues that the military profession may be legitimate if it defends the common good, the poor and the oppressed, the cult due to God and the Church. Aquinas restored the three conditions of just war envisaged by the Roman just war theorists and later by his Christian predecessors: (1) War must be declared by a legitimate authority; (2) The cause must be just; (3) The war must be waged with good intentions. These conditions are still considered to be fundamental in justifying warfare, even by contemporary standards. In fact, beneficiating from the canon law, Aquinas brings together brilliantly all the important contributions towards the Catholic just war doctrine.

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<sup>12</sup> Around 1140 Gratian, a Benedictine monk, compiled a comprehensive collection of ecclesiastical norms, becoming the father of the canon or canonical law. His argument on what he terms the natural law come from the Gospels, especially from the ‘Golden Rule’.



The Catholic canon law of the Middle Ages was an attempt to conciliate the Church with the State. Its perspective on the just war became a doctrine that justified the medieval warfare, including the role and deeds of the knights or even the code of knighthood. One must remember the most sounding wars waged by the Christians in this age, the Crusades, waged in the name of protecting the faithful pilgrims on their path towards the Holy Land<sup>13</sup>. In reality, the crusades left deep scars in the Middle East for centuries, departing significantly from what was termed ‘just war’. Also, the just war rhetoric of ‘protecting the innocent’ is recurrent in the modern warfare initiated by the West (see ‘Operation Iraqi Freedom’).

The Spanish Roman Catholic theologian and jurist Francisco de Vitoria<sup>14</sup> (1483 –1546) wrote in a time of Spanish *conquista*, marked most notably by the encounter between the Old and the New World and the moral ambivalences brought by the Reformation and subsequently the Western schism. Religion just seemed not to be anymore the moral ground to justify war. Vitoria questioned the justification of the war against the American ‘Indians’ in the name of religious difference and the need to convert them to Christianity, arguments used by his contemporaries (Johnson, 1998). Clearly influenced by Aquinas, Vitoria formulated a definition of just war based not only on moral, but on legal grounds (in fact on the natural law): “The victor must think of himself as a judge sitting in judgment between two commonwealths, one the injured party and the other the offender; he must not pass sentence as the prosecutor, but as a judge. He must give satisfaction to the injured, but as far as possible without causing the utter ruination of the guilty commonwealth” (Vitoria *apud* O’Donovan, 2003, pp. 22-23). This perspective puts Francisco de Vitoria in the ranks of the (pre)modern thinkers, anticipating the international law. Hugo Grotius,

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<sup>13</sup> St. Bernard de Clairvaux, even while writing a letter calling the Christian princes in a 2<sup>nd</sup> crusade, asked for the cessation of violence and killings against the Jews of Palestine that was exercised during the 1<sup>st</sup> crusade: “The Jews must not be persecuted, slaughtered, nor even driven out.” (See also St. Bernard of Clairvaux, “Letter Promoting the Second Crusade”, 1146, Crusades – Encyclopedia, <http://www.crusades-encyclopedia.com/psbernardcallforcrusade.html> (accessed December 30, 2011)).

<sup>14</sup> This Dominican friar is also the founder of the so-called ‘school of Salamanca’, which supported and redefined natural law, stating that each human being is entitled to life and liberty.

the famous Dutch jurist founder of the international law, though a Protestant, was most certainly influenced by the Spaniard.

Francisco de Vitoria noticed that sometimes it was extremely difficult to establish the justice of the cause of both parties involved in a conflict. The solution cannot be found in *jus ad bellum*, but in *jus in bello*, meaning imposing limits for the conduct of war on the battlefield (Johnson, 1998).

### **1.2. Hugo Grotius and the laws of war**

Hugo Grotius (1583-1645) was a great Dutch philosopher that lived during the “Eighty Years War” of secession between Spain and the Netherlands (1568–1648), and the “Thirty Years War” between Catholics and Protestants (1618-1648). He wrote *De Jure Belli ac Pacis* (“On the Law of War and Peace”), a systematic attempt to limit the resort to violence on moral bases. He based his assumptions on the natural law that applies to all people (this idea can be found also in the work of Francisco de Vitoria and Francisco Suarez (1548-1617) who justified the Spanish *conquista*). The second volume addressed the “jus ad bellum” problematic. Grotius, like Aquinas, proposes three just causes for war: (1) self-defense; (2) reparation of injury; (3) punishment. He presented several circumstances in which the war might be justified. Grotius’s works have inspired the emergence of the modern international law.

### **1.3. Islam and just war**

‘Just war’ may be an expression depicted from the political vocabulary of the Western Judeo-Christian culture, but one that it is identifiable in many other cultures and traditions. Interrogations on the morality of war can be identified also in the Islamic, Buddhist, or Hindu traditions.

Islam has developed its own just war tradition since its early beginnings. It is one based on *Shari’a* reasoning. For Islamic thinkers such as Malik ibn Anas or from those of the Iraqi school (Abu Yusuf, al-Shaybani) there was necessary for the soldier of the Islam to respect some clear moral rules that observe the *Qu’ran* and *Shari’a*, before the fight, during fighting and even after the end of hostilities (including how the conquered territory will be administered).

According to the Muslim beliefs the world is organized in two main divisions or ‘houses’, namely the “house of peace” (*Dar al-Islam*)<sup>15</sup> and the “house of war” (*Dar al-Harb*)<sup>16</sup>, though there is a later intermediary division: “house of safety” (*Dar al-Amn*)<sup>17</sup>. The primary group in the House of Peace are the Muslims, but there are also the so-called “protected people” (*ahl al-dhimma*), comprising the Jews, the Christians, the rebels, the apostates, or the brigands.

War is not an end in the Islamic culture, but a means to a political end – “the establishment and governance of a political-territorial association governed by Islam, an Islamic state (Kelsay, 2009, pp. 99-100). The Muslim resort to war is a pragmatic one that should consider the probability of success in attaining the goal (similarly with the predicaments of the Western just war theory regarding the probability of success). Rules that the Muslim soldiers have to obey (*jus in bello*) are established in the Qu’ran. For instance: “Fight in the name of God and in the path of God. Combat those who refuse to acknowledge God. Do not cheat or commit treachery. Neither should you mutilate anyone or kill children. Whenever you meet your enemies, invite them to adopt Islam (...) If they refuse the invitation to Islam, then call upon them to pay tribute” (Sorabji et al, 2006, p. 64) or “March in the name of Allah, and with the succor of Allah and over the religion of the Messenger of Allah, kill not the emaciated old, nor the young children, nor the women and deceive not; collect your booty, do good and show kindness, because Allah loves those who do good to others” (Chaudhry, 2000).

The Islamic just war tradition contains elements of similarity with the Christian just war tradition, obviously different in religious terms: Right authority; just cause; righteous intention; resort to war must follow an attempt to pursue legitimate goals by nonlethal means (Western just-war criterion of last resort); the overarching purpose of fighting is to restore

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<sup>15</sup> This is the territory in which Muslim believers can practice freely their religion, usually countries with Muslim majority.

<sup>16</sup> This is the land in which the Muslim law is not in force.

<sup>17</sup> Where Muslim believers are free to practice their religion but are minorities.

peace, order, and justice to the territory of Islam; the security of the territory of Islam and its inhabitants (Kelsay, 2009, pp. 101-105).

Just like in the case of the Christians, the Muslims had their own difficulties in agreeing on what means a just war. Their greatest controversy regards the *Jihad*<sup>18</sup>. Prophet Muhammad made the distinction between an *al-jihad al-akbar*, or greater *jihad*, and an *al-jihad al-asghar*, or lesser *jihad*. The greater Jihad, the duty of every Muslim believer is widely regarded as “an inner struggle to overcome personal temptations and the carnal self as a necessary part in the process of gaining spiritual insight” (Batley, 2003, p. 2). The lesser Jihad seems to be related to the Islamic just war tradition, since it involves the defense of the Islam, the fight against injustice and oppression etc. However, the lesser Jihad continue to produce vivid debates inside the Islam, the most enduring one being between those who see Islam as a peaceful religion and those who support a more militant way.

## 2. Modern just war theory

Important international events since the war in Vietnam until the wars from former Yugoslavia, the war on terror and the wars from Afghanistan and Iraq have revived the debates on the just war theory. The debate ranges from pacifist thinkers to supporters of the preemptive warfare, from non-intervention or limited intervention to intervention in the name of democracy, from Catholic and Protestant theologians to secular thinkers.

Two of the most illustrative figures in the modern just war theory are Paul Ramsey and Michael Walzer. Ramsey, a Protestant theologian and ethicist, although argued about the improbability of a just war due to the modern weapons of mass destruction, preached for a responsible use of weapons in the course of war (*jus in bello*) (Ramsey, 1968), engaging some prodigious debates with theologians, philosophers, and political scientists such as Herman Kahn, Thomas Schelling, Robert W. Tucker, Elizabeth Anscombe, or Walter Stein.

The major contribution of Michael Walzer was his book *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (Basic Books: New

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<sup>18</sup> Jihad literally means fighting. After the Crusades, Muslims began to translate Jihad with the appellative ‘holy war’ under the influence of the Crusaders.

York, 1977). The book restores most of the themes and topics developed by the just war tradition, including such categories as ‘aggression’ and ‘defense’ for justifying the war, emphasizing that the principles of the just war are a response for various forms of evil. Walzer stressed the importance of leadership’s full responsibility for waging wars which can be considered unjust. Basing his premises on the Nuremberg trials, he argued that aggressive leaders, who launch unjust wars, commit “crimes against peace”. He identified a customary law of war, comprised in what he called “the war convention”, described by him as “the set of articulated norms, customs, professional codes, legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgment” (Walzer, 1977, p. 44) of the ethics of war and peace.

### **3. Explaining 9/11: the Islamic resurgence**

If one seeks for the origins of the terrorist attacks of 11 September 2001, one may not trace them in the realist<sup>19</sup> or liberal<sup>20</sup> thinking, but in an idea neglected for centuries, ever since the birth of the Westphalian nation-states system. Among the factors that could influence a state, religion was least counted, due to the phenomenon of secularization that took place since the Westphalia Treaty (1648). Al Qaeda, an organization clearly motivated by religion, openly defied the Westphalian international system. Clearly, not the religion itself is to be blamed for terrorism, but those who would twist its meanings for justifying their political ambitions. They contested the modern Western type of state and the Western society of nations in favor of an actually old idea of statehood, based on the religious law, an Islamic theocracy. Its roots are rather Medieval than modern.

Some authors argued that at present humanity is confronting the phenomenon of secularization and decline of religion (Philpott, 2002, pp. 66-67). According to Philpott (2002, pp. 68-69) secularization is manifesting in three forms:

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<sup>19</sup> Realism affirms that state is the main actor in international relations, but the events of September 11, 2001 have not been determined by the specific action of a certain state, action that might involve issues of national security or certain systems of alliances.

<sup>20</sup> Liberalism emphasizes the international organizations and regimes, but Al-Qaeda is at most a transnational non-governmental organization.

- erosion of the faith in an ultimate ground of existence, a deity, a God;
- those who do not go to church but continue to believe;
- in politics – religion interacts less and less with governmental institutions, moreover the political ideologies influence more and more loyalties, channeling them towards anything else except God.

Other authors emphasize the existence of a phenomenon opposed to secularization, namely de-secularization or the ‘revenge’ of God. Among them is Peter Berger, sociologist of religion, one of the promoters of secularization in the 1960s. In one of his articles (published in 1999), Berger claims that that the statement ‘we are living in a secularized world’ is wrong (Berger, 1999), rejecting his former beliefs. Philpott identified also three tendencies of the de-secularization phenomenon (Philpott, 2002, pp. 82-83):

- the religious organizations influence more and more both the public opinion and the government’s policies;
- the religious organizations exercise an increasing transnational influence upon the policies of other states;
- sometimes, religion influences even the constitution of certain states, most eloquently being the case of the Muslim world.

The events of 9/11 could induce easily the association between religion and violence: for religious fanatics violence for a superior cause has always been a sufficient justification. However, in order to produce violence, the religious factor is not enough: this often intersects with territorial disputes, unstable and oppressive institutions, economic and social inequalities, ethnic, cultural and linguistic barriers (Banchoff, 2008, p. 3).

The terrorist attacks on WTC may have been triggered by what Bernard Lewis calls a tendency of returning towards the values of the past within the Muslim world (Lewis, 2010, p. xii) or more exactly the resurgent Islam, which alongside Pentecostalism represent some of the most dynamic religious movements of today (Berger, 2003). These tendencies have emerged as a result of the rejection of Western values that had entered the Muslim world but had been embraced only by small elites. Most of the Muslim people have not identified with them because the promises of a

Westernized life have not been fulfilled for them. Some just rejected them due to the education they were exposed to.

Osama bin Laden, the defunct leader of Al Qaeda, could be an appropriate example for the arguments presented above. In a letter from 23 February 1998 published in London by the newspaper *Al-Quds al-'Arabī* (*Arab Jerusalem*), bin Laden signed the “Declaration of the World Islamic Front for Jihad against the Jews and the Crusaders. He pretended that he was disturbed by the fact that the Americans have spread ‘like locusts’ in the Arabian Peninsula, occupying holy lands and now they pillaged and humiliated its inhabitants<sup>21</sup>. According to him, such deeds were no more and no less than a declaration of war made by the Americans against God (Allah), his Prophet and against the Muslims.

When the enemies attack holy lands, bin Laden continues, each Muslim has a personal duty to go to Jihad (Lewis, 2010, pp. 1-4). The enemy of Osama has changed his appearance over time (Temes, 2003, pp. 16-17). When he wanted to control Afghanistan, Soviet Union was the enemy. In 1991 bin Laden appealed to Saudi Arabia to save Kuwait from the Iraqi troops in the name of Islam. When he saw that the Saudis missed the chance, leaving the initiative to the Americans, Saudi Arabia became his enemy while the US became the embodiment of evil itself, his greatest enemy. What Osama bin Laden really hated was the idea of the modern state, the three ‘enemies’ having not, most certainly, a common religion.

But what was the story of Osama bin Laden? He was the 17<sup>th</sup> out of the 57 children of Muhammed bin Laden, a poor immigrant from Yemen that got rich in Saudi Arabia working in the field of constructions. After his father died in a helicopter crash, Osama inherited the sum of 1 million dollars per year. He studied engineering and management in Mecca and Jeddah. In Jeddah he was taught by Sayyid Qutb’s brother Muhammad Qutb (Burleigh, 2006, p. 460).

Like millions of Muslims from around the world Osama bin Laden was impressed and influenced by one of the most important contemporary ideologists of Islam. For his legacy and the influence of his works and

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<sup>21</sup> Osama bin Laden was a Saudi, a member of the notorious family ‘bin Laden’.

teachings upon the personality of Osama bin Laden, we think that it is important to reflect upon the personality of Sayyid Qutb.

Sayyid Qutb was born in 1906 in an Egyptian village. When he was ten years old he already had memorized the whole of *Qu'ran*. In 1933 he graduated the prestigious college *Dar al-Ulum* of Cairo, where he remained professor, beginning at the same time his literary career. His political views have placed him in opposition, as a vehement critic of the Egyptian monarchy. In 1948 the Ministry of Education had sent him to America to study, hoping that Sayyid will change his political views. America disappointed him and he decided to return to Egypt in 1951. In 1953 he joined the Muslim Brotherhood.

A decree of the Revolutionary Command Council that came to power following the coup of July 1952 dissolved the Muslim Brotherhood arresting his leaders. Sayyid Qutb was sentenced to 15 years in prison. Here he wrote his *Milestones*, a work that became famous throughout the Muslim world. Qutb concluded that both Nasser's Egypt and the rest of the Muslim world were in a state that he calls *Jahiliyyahh* (see Khatab, 2006) – word used by the Prophet to designate the heathen Arabia before the Islam. His solution: replacing *Jahiliyyahh* with an Islamic state. But, this thing could not be done unless faithful and dedicated believers would have observed the ideological program and protect the cause in case of danger.

After a short period of freedom in 1964, Sayyid Qutb is sentenced to death and executed in August 1966 by hanging. His tragic end was to make him, in the eyes of many Muslims, a martyr of Islam.

In 1979 the Islamic Revolution of Iran - whose voice was Ayatollah Ruhollah Khomeini - was bringing to forefront the Shi'a minority of the Islam. In the same year, Soviet Union invaded Afghanistan, making possible for Sunni Saudis (known as Wahhabi<sup>22</sup>) to be noticed in the fight against a Marxist atheistic enemy. Among their ranks, Osama bin Laden distinguished himself as an excellent organizer in the fight against the Soviets in Afghanistan. Here he founded *Al-Qaeda* (in English translation

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<sup>22</sup> Wahhabism is one of the most fundamentalist sects from the Sunni Islam.



‘The Base’) together with Ayman al-Zawahiri or Abu Musab al-Zarqawi (Burleigh, 2006, p. 463).

When Iraq invaded Kuwait in 1990, bin Laden offered his support to the Saudis in case Saddam Hussein would have attacked Saudi Arabia. However, the Saudi monarchy turned towards the US making possible for American troops to ‘occupy’ (like Osama bin Laden has written in his jihad declaration) holy lands of Islam. Here there are already two issues that can be found in Sayyid Qutb’s teachings: ‘the danger’ – the occupation of the holy lands by enemies (the Americans) and implicitly ‘the need to protect the cause’. In 1990 Osama bin Laden fled to Sudan, but his attempt on the life of the Egyptian president Hosni Mubarak (1995) led to pressures from Egypt and Saudi Arabia on the Sudanese government. In 1996 bin Laden returned to Afghanistan and organized an entire network of terrorist camps. By 1999 he already started planning the attacks using hijacked commercial planes to hit pre-established targets. The rest is well known.

### **5. From 9/11 to the war on terror: a just war perspective**

The attacks of September 11, 2001 have shown that the history did not end as Francis Fukuyama once suggested in his 1992 book suggestively entitled *The End of History and the Last Man* (New York: Macmillan). Neither the clash of civilizations theory (Huntington, 1996) does not fully explains what happened, since Samuel Huntington argued that Islam and the West are both homogeneous. Clearly, the Al-Qaeda terrorists are just a tiny faction within the Islamic world. Most of the Muslims actually condemned the terrorist attacks. This is proven by the attitude of the 56 member states of the Organization of the Islamic Conference during the meeting in Qatar of October 10, 2001. They clearly condemned the actions of Osama bin Laden, considering him a terrorist. While they had not explicitly sanctioned the Anglo-American action, they tacitly agreed with the armed military intervention (Macchi, 2001, p. 298). One must remember that the wars on Afghanistan and Iraq waged by the Bush Administration were not welcomed throughout the entire Western world, not even at home in the US. Maybe Benjamin Barber understood better the picture, capturing

the image of the modernizing forces of the 'McWorld' as opposed to the fundamentalist forces of 'Jihad' (Barber, 1995).

The September 11<sup>th</sup> 2001 moment has brought two certainties on the international political arena: terrorism has become the real enemy of democracies and the US had become for a while a *de facto* global hegemon (Gray, 2010, p. 277), ready to act at its own chosen time to satisfy its own version of international security. The way the Bush Administration had formulated its doctrine on the war against terrorism strikingly resembles the enemy imagined by George Orwell in *1984*<sup>23</sup>: "either you are with us or against us" or in Bush's terms: "either you are with us, or you are with the terrorists". For George Bush, the war on terror was reduced to a fight between good and evil (the evil axis – a clear allusion to other historical evil axes such as Rome-Berlin-Tokyo). According to Kellner, the Bush doctrine was a "simplistic, moralizing, absolutist and extremely dangerous doctrine" (Kellner, 2002, p. 153). Throughout history there have been many changes in how a war can be justified (both at local or global level) and in the level of abstracting: from personal motivation (honor, glory), a practical one (pillage) to a philosophical one (democracy).

The Briand-Kellogg Pact of 1928 attempted to outlaw war in a just war manner (*jus ad bellum*). Any use of force should have been defensive or to respond to the aggression uttered by another state, otherwise was to be considered illegal. The pact was intended to increase the sense of security both in Europe and the rest of the world (Das, 2003, pp. 547-550). However, events such as the Italian invasion of Ethiopia in 1935 or the Japanese invasion of Manchuria in 1931 rendered the pact invalid since Italy and Japan were among its signatories and the League of Nations failed to punish the aggressors. Such events showed the limits of the international law of war and stimulated the revival of a Kantian thesis – *pax democratica*<sup>24</sup>.

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<sup>23</sup> The three slogans of the party imagined by Orwell speak for themselves: "War is peace. Freedom is slavery. Ignorance is strength". The first one meant that waging war against other entities ensures peace at home.

<sup>24</sup> A thesis developed by the liberal school of international relations affirming that democracies will not go to war against each other thus claiming that if democracy will become universal war will be rendered obsolete.

The follow-up of the failure of the League was the Second World War (1939-1945) and since then the development in the Western thought of the idea to justify war against dictatorships (humanitarian intervention). Also, the ideological content of this idea made the war not a limited affair for relative gains (as the just war tradition would have implied), but a fight for absolute gains in a purely Kantian manner, a war fought to the bitter end of the opponent (e.g. the unconditional surrender involved in the war against Nazi Germany).

In the *Catechism* of the Catholic Church (Benedict XVI, 2005) in regard to the 5<sup>th</sup> commandment (do not kill), there are certain references to peace and war one can approach here:

1. First of all, peace in the world does not assume only the absence of war or the existence of a power balance among adversaries. In order for the human life to develop something else is necessary: «“the tranquility of order” (Saint Augustine), “the work of justice” (Isaiah 32:17) and the effect of charity. Earthly peace is the image and fruit of the peace of Christ».
2. In order for peace on the earth to exist, the following are necessary: “the equal distribution and safeguarding of the goods of persons, free communication among human beings, respect for the dignity of persons and peoples, and the assiduous practice of justice and fraternity”.
3. The use of the force is moral only when: “a) the suffering inflicted by the aggressor must be lasting, grave and certain; b) all other peaceful means must have been shown to be ineffective; c) there are well founded prospects of success; d) the use of arms, especially given the power of modern weapons of mass destruction, must not produce evils graver than the evil to be eliminated”.
4. Concerning the appropriate authority that can use the force implied in the point 3, the Catechism specifies: “this responsibility belongs to the prudential judgment of government officials who also have the right to impose on citizens the obligation of national defense. The personal right to conscientious objection makes an exception to

this obligation which should then be carried out by another form of service to the human community”.

5. Regarding *jus in bello*, “even during a war the moral law always remains valid. It requires the humane treatment of noncombatants, wounded soldiers and prisoners of war. Deliberate actions contrary to the law of nations and the orders that command such actions are crimes, which blind obedience does not excuse. Acts of mass destruction must be condemned and likewise the extermination of peoples or ethnic minorities, which are most grievous sins. One is morally bound to resist the orders that command such acts”.
6. In order for the war to be avoided, “because of the evils and injustices that all war brings with it, we must do everything reasonably possible to avoid it. To this end it is particularly important to avoid: the accumulation and sale of arms which are not regulated by the legitimate authorities; all forms of economic and social injustice; ethnic and religious discrimination; envy, mistrust, pride and the spirit of revenge. Everything done to overcome these and other disorders contributes to building up peace and avoiding war”.

If one approaches the Iraq War from the point of view of the morality of using force (the just cause) as specified in the third point of the Catholic Catechism there are certain assertions that one can make: a) the morality of the reasons for waging war on Iraq seems doubtful. If the Afghanistan War could be partly justified by the fact that there it was the alleged hiding place of Osama bin Laden, the aggressor responsible for having inflicted a lasting, grave and certain suffering to the American people<sup>25</sup>, it is another thing with Iraq. The only initial justification given for the invasion of Iraq was the suspicion that Iraqi regime was hiding weapons of mass destruction

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<sup>25</sup> Michael Walzer states that: “in fighting against terrorists, we must not aim at innocent people (that is what terrorists actually do)” and this is what makes us different: “ideally we should get close enough to the enemy, or to his supporters, so that we are quite sure not only that we are aiming at them but also that we are hitting them”. This is what happened in the case of Afghanistan (Walzer, 2004, p. 136).

(a vague term) that could have been eventually used against the US<sup>26</sup>; b) the peaceful means have never been shown to be ineffective since there was no concrete reason for them to be used – it was believed that in Iraq there are WMDs; c) there was no effective strategy to end war quickly, the prove being that the Allied troops are still there. This has in turn affected the American economy impoverishing the US and not only US citizens; d) the weapons used in the war provoked an even greater evil than the one that needed to be eliminated, since Iraq could not inflict any direct damage to the US territory, assuming that it ever intended to attack America using WMDs (there was not even a specification of their nature).

If we use the just war conditions considered by the Catholic Church than preemptive war is definitely immoral (*La Civiltà Cattolica*, 2008). Iraq had at most a few ingredients necessary for the development of nuclear, chemical or biological weapons. For instance, the Duelfer Report of 2004 announced the ending of the search for WMDs in Iraq, concluding that they were found no WMDs on the Iraqi soil<sup>27</sup>.

The preemptive strike doctrine was based on the history facts regarding Saddam Hussein, such as the Anfal Campaign<sup>28</sup>, the genocide of Halabja<sup>29</sup>, or the invasion of Kuwait (1990). Thus, if Saddam had been capable to kill his own citizens with chemical weapons, what would have happened if he would have attacked the United States?<sup>30</sup> That is how what originally began as a war against weapons of mass destruction had turned into the operation

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<sup>26</sup> In 2002 President Bush stated that the objective of the US policy on Iraq is regime change, which is an even less justified goal in terms of just war theory.

<sup>27</sup> See the interview with Jude Wanniski, “The (Bogus) Case against Saddam” in O’Huallachain et al, 2007, pp. 3-4.

<sup>28</sup> Al-Anfal is the 8<sup>th</sup> Sura of the Qur’an. This chapter was written by Prophet Muhammad in the recollection of the Al-Badir victory of the 319 Muslim believers over more than 900 ‘infidels’. ‘Anfal’ means “spoils of war”. In this Sura, the Muslim believers are urged to fight against the ‘infidels’ until achieving victory. The final victory meant either the elimination of the enemy or forcing him to adopt the Muslim religion and faith. The Baath regime legitimated its genocidal policy adopting the Islamic name ‘Anfal’ for this campaign. The Iraqi government attempted to compare the Kurds with the ‘infidels’ or pagans, trying to justify the campaign from a religious point of view.

<sup>29</sup> According to Pat Lancaster (“Remembering Halabja”, *The Middle East*, March 2008, p. 29), during the first stage of the Anfal campaign (23 February 1988 – 19 March 1988), the bombing of the town Halabja, it claimed the lives of between 5,000 to 80,000 inhabitants.

<sup>30</sup> An interview with Jude Wanniski, 15-69.

“Iraqi Freedom”, the liberation of Iraq from the dictatorship of Saddam Hussein. One must not forget also the punitive dimension that has been given to the Iraq War in the speeches of President Bush or those of Prime Minister Tony Blair (O’Driscoll, 2008, p. 18).

After the dissolution of Soviet Union, America has remained the only superpower in the global politics. After 9/11 the US had started to manifest imperial and hegemonic tendencies. If the invasion of Afghanistan enjoyed a prudent but steady support from the European and non-European countries, the invasion of Iraq has brought to a torrent of protests from many nations, including from the American public opinion that lost easily its confidence in the US intervention in Iraq after seeing the horrors of this war recalling them the horrors of Vietnam. Not the justifications of the intervention have been generally put under scrutiny (though they were analyzed especially by the just war theorists) but the unilateralism exercised by the US without the consent of the international community.

### **Conclusions**

Even if our world may seem in the eyes of the beholder far superior to any of our past worlds, even if we have technology that would be considered witchcraft for a man living in the Ancient or Middle Ages, the gap between rhetoric and action still describes our way to politics. The rhetoric of war based on just war conditions is clashing with the political-military actions that seem still driven by power.

The events of September 11<sup>th</sup>, 2001 and the subsequent war on terrorism initiated by the US Administration (with its phases, the Afghanistan and Iraq Wars) are some of the most controversial moments of our times. They showed that far from evolving towards universal peace and prosperity, as envisaged by the supporters of globalization, the world remains still anarchic and war-prone. Both parties – Al-Qaeda (‘the terrorists’) and the US (‘the West’) – have tried to justify their appeal to violence using their own just war traditions, the Western and the Islamic one. If we look carefully inside the just war tradition and its predicaments, neither Osama bin Laden’s terrorist attacks nor the American military interventions in Iraq, Afghanistan and limited in Pakistan, do not observe the rules of just war.

Nobody fought for God, but pretended to believe it did. War has turned out to be as messy as always.

If somebody is changing the 'scenario' and uses power to understand why bin Laden attacked America and Bush attacked Afghanistan and Iraq it may discover that the explanation may not be less valuable or refutable. Osama bin Laden noticed that the Islamic world lacked a center of gravity. He probably thought the Muslims needed a Jihad to unite around a certain character, like him. The US was the wounded eagle after the 9/11 events. It needed revenge and an action to restore its lost credibility as the dominant power in world affairs.

The only conclusion and solution we are giving here is the following one: most of the historical conflicts or wars had been due to the lack of communication, positive interaction, misunderstandings, and miscalculations. Currently, we are living in a global system whose transnational networks have long since exceeded the formal institutionalized system. This system dates back to 1945. It needs to be updated in order to satisfy the evolution of humanity. A multi-level dialogue should be opened for bridging cultures all across the world. Even in the field of warfare there are certain elements that have similar expressions in secular and non-secular societies. They could be used to prevent rather than to preempt the war. Through ecumenism the main religions of the world may promote peace as the only game in the 'global village', yet this is not enough.

Another element which underlines the topic under scrutiny here is sovereignty. States usually make war because they can. Later they try to justify them since they live in a society of states where the deviant behavior from the international rules may not escape unpunished. The norms of sovereignty have not changed significantly, each large group of people aspiring towards nationhood and statehood in order to enjoy the presumable benefits of national sovereignty. However, there is a fundamental clash between the Westphalian type of sovereignty supported by the West and the Islamic sovereignty supported by fundamentalists. The later ones reject the current political state of affairs in the Middle East as being a postcolonial inheritance. Terrorists of the sort of bin Laden or al-Zawahiri are poised to

follow a different path, based on an Islamic state utopia dreamt by ideologists and theologians such as Abul A'la Maududi, Ayatollah Ruhollah Khomeini, Israr Ahmed, or Sayyid Qutb. It is another episode of an ancient battle between the secularized and de-secularized societies, between democracy and theocracy.

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