MIR

April 2014

Letter from the Editor-in-Chief

The McGill International Review was established for the very purpose of setting precedence in the world of undergraduate academia, with the vision to create an accessible outlet for student-led dialogues in international relations. This year's journal has endeavoured to continue this decades-long tradition of providing fresh perspectives to the current and past challenges of the global political arena.

This year's MIR seeks to provide insight into the diverse array of issues that make up the international relations discourse. Tim's excellent and insightful piece on Moldova argues that ethnofederalism may not deserve the bad reputation that it has accumulated. Lili traces the history of China and Vietnam's conflictual history, and finds that it is rooted in a long-lasting power asymmetry. Thoroughly reviewing the history of Somalia and Somaliland, Valentin analyzes the reasons why the latter has yet to achieve statehood, despite its impressive socioeconomic development. Nima presents a defence of natural law—or what he terms inherent law—as the basis of an international legal order. Through careful archival research, Disha traces the ways in which Jawaharlal Nehru left his indelible mark on his country's foreign policy. Lastly, Matthew argues that British interests dominated Allied strategy in the early phases of WWII, while American needs were satisfied in the latter years.

A special thank you is reserved for the members of the editorial board, who have enlightened me with such insight and dedication for the academia of international relations. To Ameya Pendse and Alex Langer, thank you for expanding MIR's potential to find a new platform for student voice. To our wonderful Jimmy Lou, who has become the single strongest source of light in the darkness that is the publication design hell, thank you. This publication, physically and aesthetically, would not have been possible without your professionalism, sanity, and supernatural ability to stay awake for days on end.

And finally, the journal's true leadership lies with Chris Liu. From the hours he has poured into editing every submission to meet the Canadian Press Style Guide and endless enthusiasm for the academia, to his untiring patience with every frustrations and unfiltered reflections, Chris has envisioned this year's MIR into life. Thank you.

Esther Lee, Editor-in-Chief

Words from IRSAM

The McGill International Review (MIR) is the publication of IRSAM, the International Relations Students' Association of McGill. The annual peer-reviewed journal has existed for over a decade and exemplifies some of McGill University's best undergraduate work in the field of international relations.

Along with the MIR Online, The McGill International Review enables students from around the world to get involved in international relations, in the form of writing.

On behalf of the IRSAM Board of Directors, I would like to take this opportunity to thank the Editorial Board and writers for their hard work and dedication over the lasts few months and would like to congratulate them on this issue.

Thank you,

Ameya Pendse

Vice President of
Internal Operations

Letter from the Managing Editor

How can civil conflict be prevented? To what extent can a leader shape her country's foreign policy? Is international law bound by the demands of sovereignty, and is sovereignty determined within the constraints of international law?

These are the kinds of questions actively being debated in the international relations literature. These are also the questions our authors have sought to answer.

In doing so, they exemplify the ability of McGill students to engage and grapple with complex issues—not as undergrads, but as scholars.

My vision for MIR has been not only to continue our tradition of showcasing the very best cross-disciplinary work in international affairs done by McGill students, but in doing so, to also set a high standard of scholarship for our peers. Often times, there can be an unfortunate disconnect between international relations as practiced in academia and international relations as it is taught to undergraduates. Far too few bridges exist to help students cross this chasm.

MIR stands as a wholly student-initiated endeavour—all of our articles are written by students and have been reviewed by students. The journal is a testament to the members of the editorial board who put in hard work and considered effort to review each submission against the most rigorous standards of scholarship. It is a testament to the talent and knowledge of our authors, who have successfully navigated their (presumably) first experience with peer review—and hopefully not their last. And of course, it is a testament to all social science and humanities students at McGill—present and future—who, facing a hands-off institutional culture, can nevertheless thrive.

In this admittedly ambitious endeavour, I had the easy part. Without our wonderful Editor-in-Chief Esther Lee, this journal—and my sanity—would not exist; MIR's successes are entirely hers. We also owe a lot to Jimmy Lou and Heather Lee, who both stepped in to help with the fantastic design.

Enjoy the 2014 McGill International Review. It's a goodie. We hope you'll be back.

Chris Liu, Managing Editor

The Editors

Faraz Alidina is a U2 Joint Honours student in Middle East Studies and Political Science and this is his second year as an editor with the McGill International Review. He has previously worked for the Institute for Middle East Studies Canada and the Montreal Institute for Genocide and Human Rights Studies. His main academic interest is the comparative politics of the Middle East and specifically, the intersection between politics and Islam. When not studying, Faraz can be found travelling abroad, reading, or playing soccer.

Marta Canneri is a U2 student pursuing a Joint Honours History and Classics degree with a minor in International Relations. Outside of MIR, she also staffs IRSAM's two Model UN conferences and travels on their delegations team. Besides IRSAM, she is involved with the History Students' Association and interns with the Montreal Institute for Genocide and Human Rights Studies as a Desk Officer for Mali. Her academic interests in international relations are primarily focused on the politics of intervention, particularly in post-colonial Africa. She is particularly interested in the debate surrounding recent developments in intervention policy, such as the Responsibility to Protect doctrine.

Nicole Georges was born and raised in Kitchener Ontario. She spends her time dabbling in the fields she really loves: politics and history. Her past experiences include internships with a Senior Fellow at the Centre for International Governance Innovation, the Brookings Institute at the University of Waterloo, and a law firm in Ottawa. She hopes to pursue these passions—wherever they lead her—after her time at McGill. She is excited to be part of the McGill International Review this year as she believes it is an expose of McGill's talent, reflecting the diverse, serious, and challenging dialogue that seems to be innate among McGill students.

Simon Ledsham is a U2 student majoring in Political Science and minoring in Middle East Studies. Born in Lincolnshire, U.K. during his father's military exchange with the Royal Air Force, he moved to Canada a year later and has been living in Ontario and Quebec since then. Simon is a passionate Montreal Canadiens fan who plays recreational league hockey. He is interested in international relations, law, and Middle East politics.

Esther Lee is a U2 Joint Honours student in International Development and Sociology, with a minor in International Relations. This is her second year on the editorial board for the McGill International Review. Her main academic interests include post-conflict refugee resettlement and rehabilitation, and public policy. Esther will be interning with the Oslo Scholars Program founded by the Oslo Freedom Forum, an annual human rights conference that aims to challenge and exchange ideas for global justice.

Chris Liu is a U3 Honours Political Science student with a minor in Philosophy. His research interests include public opinion and foreign policy, Chinese politics, and security issues in East Asia. Next fall, Chris will be a PhD student in the political science department at the University of Pennsylvania.

Jimmy Lou was born in Taiwan and raised in Vancouver. He is completing his final year (U3) in Political Science and Economics. In previous summers, he's interned with the United Nations at New York and LegalZoom in Los Angeles. His research interests include international political economy and public policy. Passionate about editorial experiences, Jimmy also serves as the Editor-in-Chief for the McGill Journal of Political Studies. Following graduation, he looks forward to further refine his academic skills in influential think tanks and eventually pursue a career in law.

Jacklyn Majnemer completed her BA at McGill last semester, majoring in Political Science and minoring in Religious Studies. She is interested in deterrence theory, with a particular focus on Weapons of Mass Destruction and nuclear weapons sharing.
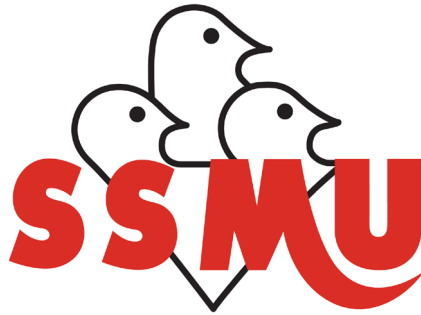
Arezu Riahi is currently completing her undergraduate degree with a Joint Honours in Middle East Studies and Philosophy and a minor in Gender Studies. Of Iranian descent but raised in various parts of North America, she is interested in understanding the evolving relationship between the East and the West through academia but also experience—particularly travel, fine arts, and new friendships. After McGill, Arezu hopes to pursue a career as a humanitarian lawyer with a focus on refugee women from the Near East in particular.

Minu Walia was born and raised in Mississauga, Ontario. She is in her 4th year of her BA and is a double major in Political Science and Canadian Studies. Minu is a passionate individual that is committed to promoting change in the world. Minu has been an active member in variety clubs and programs throughout campus, such as the International Relations Student Association of McGill, and the Eating Disorder Program. Aside from life at McGill, Minu enjoys constantly challenging herself by working out at the gym and learning new sports.

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Jimmy Lou
Heather Lee

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Moldova: Autonomy and Conflict

Tim Logan

The author reviews recent literature on ethnofederalism and considers its applicability to secessionist movements in Moldova. He finds that the literature on ethnofederalism is divided on the relationship between autonomy and conflict. The author then discusses the experiences of the Gagauzia and Transnistria regions of Moldova, and finds that it reveals mixed successes for theories that predict autonomy to result in more conflict. While autonomy was followed by continued secessionism in Transnistria, autonomy helped to resolve the crisis in Gagauzia. The author concludes by discussing the importance of elite incentives and international support in explaining the success of certain ethnofederalist measures to achieving stability.

Since the fall of the Soviet Union, Moldova has dealt with Gagauzia's and Transnistria's calls for secession. Gagauzia's interactions with the Moldovan central government have been peaceful, though tense at times. On the other hand, there has been violent conflict between Transnistria and Moldova since the former declared independence in 1990. They remain in a state of 'frozen conflict;' observing the ceasefire that ended the violence of the 1992 Transnistrian war but not the war itself. So far, the conflict has resisted all attempts at resolution.[1]

Svante Cornell argues that territorial autonomy for an ethnic minority makes secessionist conflict more likely.[2] Yet this does not seem to be the case in Moldova, where the initially secessionist Gagauzia region of Moldova peacefully subordinated itself to the central government, though Transnistria—Moldova's other secessionist region—remains officially at war with the centre. This paper argues that while Cornell's hypothesis has theoretical merit, it is an ill fit with the experience of Moldova. Further, it focuses attention in the wrong direction; elite incentives and international support, the forces behind these conflicts, have more explanatory power. This paper begins with a brief overview of Cornell's argument and other recent work. Then, the case of Moldova is used to illustrate why a focus on autonomy is unproductive.

Autonomy: Help or Hindrance?

Autonomy is a feature of ethnofederalism, a system of government in which at least one administrative subunit of the state is a semi-autonomous 'ethnic homeland.'[3] According to Cornell, this mode of government has multiple drawbacks. First, he claims that ethnofederalism undermines the central government by basing its legitimacy in areas composed of the majority ethnic group, thus diminishing whatever civic character the central government has. It can also entrench historical differences between groups, and the differential treatment of one group may draw protest from others. Paradoxically, ethnofederalism can further isolate the minority by abridging national political participation. Regarding secessionism in particular, Cornell theorizes that autonomy increases a minority group's cohesion and its willingness to secede, while the political institutions that autonomy establishes increase a group's capacity to challenge the centre. Moreover, the elite incentives that it creates make nationalist escalation far more likely than decline, since elite power increases with more autonomy. Lastly, because autonomous regions have 'superior' international standing, Cornell argues that international support is more likely to be forthcoming.[4]

Cornell's argument joins a flurry of recent work contending that ethnofederalism increases the likelihood of future conflict. For example, Rothchild and Roeder argue that the short-run benefits of peace and stability are outweighed by the long-run costs of ethnofederal measures.[5] Elsewhere, Roeder argues that ethnofederal arrangements "structure politics … in ways that bring political instability."[6] Likewise, Jenne argues that "segregationist state institutions tend to undermine the state by weakening or even eviscerating the central government."[7] Empiri-

cally, a large-N review by Parinandi, Uzyonyi, and Wells finds that ethnofederal structures increase the likelihood of secessionist wars,[8] and Deiwiks, Cederman, and Gleditsch conclude that along with economic and political asymmetries, regional autonomy has a positive impact on the outbreak of secessionist conflict.[9]

The 50-year debate over ethnofederalism has yielded a divided literature. While the aforementioned works are firm in their rejections of ethnofederalism, other recent pieces advocate for ethnofederalism as part of a wider solution. Bakke's study of the Punjab region concludes that ethnofederalism's impact is not inherently negative, but dependent on context and the ethnofederal institutions themselves.[10] Similarly, Wolff concedes that although ethnofederalism "on its own is unlikely to provide sustainable conflict management … it can be a valuable mechanism within a broader package of measures."[11] Increasingly, the answer to the question of whether ethnofederalism exacerbates or ameliorates conflict seems to be dependant "on factors that are external to the design of federalism itself."[12] Cameron phrases this more strongly: "It seems reasonable to conclude that the likelihood of [conflict] … turns more on how people are treated than on whether or not they are federally governed."[13] Treisman, in a thorough theoretical and empirical study of ethnofederalism, concludes that there are no generalizable rules about conflict, violent or otherwise.[14]

More recently, Grigoryan has provided a detailed and robust rejection of the empirical findings against ethnofederalism—despite interesting theoretical arguments, their real-world case is severely lacking.[15] Briefly, his critique has four main components. First, these studies fail to see ethnofederalism as an outcome of bargaining and therefore overlook other factors, such as the role of the central government. Second, they use the wrong baseline for comparison—comparing propensities to violent conflict between ethnofederal states and non-federal states not experiencing minority demands is comparing 'apples to oranges.' Third, authors have selected cases of ethnofederal failure and then tried to draw links with the nature of ethnofederalism.[16] For example, Grigoryan calculates that the percentage of autonomous republics in the former Soviet Union involved in violent conflict is in reality far lower than Cornell's study would imply (only 8%),[17] and extending the sample over the world yields an even lower failure rate.[18] Fourth, adding additional explanatory variables, as Cornell did when examining Abkhazia and South Ossetia,[19] voids the causal argument from autonomy

since they do not meaningfully interact with autonomy.[20] One may therefore conclude that, contrary to Cornell's position, ethnofederalism is not a significant driver of conflict.

Moreover, a focus on ethnofederalism can overshadow more important considerations. As ethnofederal agreements are the result of bargaining, it is not the end result on which we should focus, but rather on the bargaining process itself and its influences. The case of Moldova highlights the limited generalizability of Cornell's argument.[21] The study in the following section examines the events of the secession crises, and then looks to the dynamics behind them to explain why a focus on autonomy is misplaced. Unlike in Cornell's cases of Ajaria, South Ossetia, and Abkhazia, there is no history of autonomy within Moldova—yet it has experienced two secession crises, with continued Russian military intervention in one of them. Nor can autonomy explain the persistence of conflict: both Gagauzia and Transnistria received autonomy from the centre in 1994, but conflict persists in only Transnistria. Cornell's argument from autonomy thus fails in Gagauzia, though it fares better in Transnistria.

Case Study: Moldova

The roots of Moldova's secession problem lie in the 1988 establishment of a commission on state language. As a result, both Russophone and Gagauz language concerns quickly emerged.[22] The crises themselves began on August 31, 1989, when the Moldovan Supreme Soviet, under pressure from the Moldovan Popular Front (MPF), declared Moldovan in the Latin alphabet to be the state language. Russian was to retain its status as the official interethnic language, and the new law further stipulated that all employees must be competent in both languages. This had asymmetrical impacts: while most Moldovans also speak Russian, most of Moldova's significant Russophone population and nearly all its Gagauz do not speak Moldovan.[23] [24] Adding to the tension was the overarching pro-Romanian rhetoric of the Moldovan media and extremists within the MPF.[25] Despite economically damaging protests across the country, the Moldovan government refused to rescind the offending law. Within a year, both Gagauz and Transnistria declared independence from Moldova.

Gagauzia

Romania and Moldova have been closely related historically. The two languages are lin-

guistically identical, and trade and political linkages are quite strong—so strong, in fact, that unification with Romania has been part of the MPF's platform since 1992. As a result of the Russian-Moldovan language inequalities and the spectre of unity with Romania, in September 1989 Gagauz elites unilaterally declared an autonomous republic within Moldova.[26] In the face of the centre's refusal to compromise, on August 19, 1990 Gagauzia declared itself independent of Moldova and subject only to Soviet authority. Elections for the first Gagauz Supreme Soviet (GSS) were scheduled for October, and took place despite attempts by the Moldovan government to derail them. The GSS first met in December, and from then until 1994, Gagauzia was essentially independent from Moldova's central government in Chişinău.[27] The Moldovan government was not in a position to take aggressive actions to bring Gagauzia back under control during this time, as it was contending with weak elite networks, the collapse of the U.S.S.R., and above all the conflict with Transnistria in the east.[28] Despite these preoccupations, discussions between Chişinău and the Gagauzian capital of Comrat did take place in the following months. Agreement on basic terms of cultural and economic autonomy was reached in 1993. In July 1994, a newly-elected and more moderate Moldova Parliament passed a new constitution that permitted the devolution of autonomy to substate units. An act of Parliament granting Comrat autonomy, the Law on the Special Juridical Status of Gagauzia (Gagauz Yeri), followed in December.[29] [30]

Though this law officially resolved the conflict, tensions between Comrat and Chişinău remain, in large part due to the vague formulation of the autonomy law. Disputes over the powers granted to Gagauzia, especially in the economic sphere, have occurred periodically.[31] [32] However, as Roper points out, political disagreements are inevitable—they do not mean that the agreement is dysfunctional.[33] Despite curt relations and some problems, most scholars see the agreement as a moderately successful resolution to the crisis. The Transnistrian conflict, on the other hand, has seen no such success.

Transnistria

Unlike Gagauzia, in Transnistria there was no initial declaration of autonomy within Moldova. Transnistria declared independence two weeks after Gagauzia did, on September 2, 1990. The Moldovan government rejected the actions of both regions as unconstitutional and arrested the leaders of the newly sovereign states, only to be forced to release them a month later by protests and a rail blockade in Transnistria. Transnistrian paramilitary forces began taking over public institutions in 1991 as they were strengthened by transfers of men and material from the Russian 14th Army, who had stored up to 40 000 tons of ammunition in Transnistria.[34] Clashes occurred more frequently in 1992, leading to the Moldovan president declaring a state of emergency in March. Initial ceasefire negotiations in April broke down because of Russian insistence that the 14th Army remain as a peacekeeping force.

After the talks collapsed in April, Transnistrian forces gradually captured most of the left bank. In June, augmented by a group of Russian tanks, they defeated the Moldovan forces defending the last loyal police station in Bender. This sobering defeat forced the Moldovans to acknowledge their inability to defeat Transnistrian forces so long as they were supported by Russia. A ceasefire was signed in July between Yeltsin and President Snegur of Moldova. Since then, very little in the conflict has changed. The 1994 constitution provides for Transnistrian autonomy, but Transnistria has remained adamant that they will accept nothing less than equality with Moldova. Despite several promises to withdraw, Russia maintains a significant military presence in the region.[35] In this case, unlike in Gagauzia, Cornell's prediction is accurate: a granting of autonomy has been followed only by more insistence on secession. However, the reasons behind this prediction are questionable.

Underlying Dynamics

In the Transnistrian case, Cornell is accurate mostly by coincidence. His focus on autonomy overlooks the underlying dynamics that explain the divergent outcomes in Moldova. Many theories have been advanced about which of these most effectively explain secession. For example, Deiwiks argues that the more closely subunit borders align with minority group settlement patterns, the higher the likelihood of secessionist conflict.[36] However, while this theory does account for Transnistria, it cannot explain Gagauzia's lack of conflict despite borders that are legally obliged to match settlement patterns. Bunce, on the other hand, has theorized that in the former U.S.S.R., as international support for a minority and the power of local nationalists in relation to communists increase, the likelihood of minority leaders seeking significant changes in their autonomy also increases.[37] But although international support was a crucial determinant,

the initial leaders of the Gagauz and Transnistrian movements were not nationalists, but members of the Soviet-era nomenklatura.[38] This casts doubt on Bunce's theory. Elite incentives, not local political competition, are the other significant variable. Taken together, international support and elite incentives explain the current situation in Moldova.

International support has been significant in Transnistria, but comparatively absent in Gagauzia. This support comes from Russia in protection of its geostrategic and political interests. Geostrategically, Russia sees Transnistria as a way to maintain influence in the Balkans, a military presence in Europe, and a buffer against NATO advancement. Politically, Russia displays a concern for discrimination against ethnic Russians, which it often uses to justify intervention in other states. Furthermore, the presence of the 14th Army provides a check on Ukraine, Transnistria's neighbour and Russia's main political competition in the Commonwealth of Independent States. For these reasons, Russia has tried to preserve the status quo and force through a settlement that would maintain its military presence in the region.[39]

Transnistria is dependent on Russia militarily, economically, and politically.[40] Tanks from the 14th Army decided the crucial battle in 1992, and the 14th Army has also trained and equipped the Transnistrian forces. High-level linkages are also evident: in December 1991, the commander of the 14th Army became Transnistria's Defence Minister.[41] Among other economic supports, the Russian gas company Gazprom supplies subsidized gas to Transnistria while at the same time using its controlling share in the Moldovan gas company to pressure Chişinău.[42] Politically, Russia has acted as an interlocutor for Transnistria and has used its role as mediator to support Transnistria's secessionist demands, all while pressuring Moldova to accept Transnistrian sovereignty. In contrast, Gagauzia has received material support from Russia, but at levels far below Transnistria.[43]

International support alone is not decisive. Rather, it enables elites to act freely in line with their incentives. In both Gagauzia and Transnistria, the incumbent elites found themselves threatened by the new language law.[44] Their calls for autonomy, therefore, were at least in part self-serving. Once relative autonomy was achieved, however, Gagauz and Transnistrian incentives diverged. Gagauzia is poor and heavily dependent on the centre, and its population is relatively unmobilized.[45] As such, once language became a non-issue, elite incentives realigned to

addressing Gagauz poverty and underdevelopment. On the other hand, in Transnistria, elites have massive economic and political incentives to preserve or increase their autonomy. Transnistria accounts for 37 per cent of Moldova's industrial product and 90 per cent of its electricity supply,[46] and elites draw massive rents from their circumvention of the Moldovan customs system.[47] Transnistria's status as a regional transport hub has led to a thriving black market and large smuggling operations, which further augments elite profits. Politically, Transnistria has not had a change of leadership since 1992—the incumbents clearly feel confident in their power as long as Transnistria remains autonomous. This has also affected the ideational dimension of the conflict: thanks to this 20-year hold on power and a high degree of elite media control, whatever identity conflict exists now is likely more a product of elite influence than anything else. This identity conflict has further deepened the situation's intractability. Therefore, we can conclude that the initiation of the crises and the perpetuation of the Transnistrian conflict were a result of elite incentives.

Conclusion

Cornell's theory is an ill-fit with the case of Moldova. In Transnistria, autonomy eased the continuation of a conflict that would have persisted regardless; in Gagauzia, despite political squabbles, autonomy actually resolved the crisis. These ethnofederal structures are the outcome of a bargaining process—this means we must examine the factors affecting the bargaining. Elite incentives and international support explain these outcomes, and are far more generalizable than arguments about the nature of ethnofederalism. Moreover, ethnofederalism has been far more successful than its detractors allow. Hence, the question for further research is not "Does ethnofederalism cause conflict?," but rather, "What makes ethnofederalism stable?"

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China-Vietnam Protracted Conflict: Why does it Persist?

Lilian Giacoma

The author examines the dynamics of the protracted conflict between China and Vietnam. She traces the various causes that led to the start of the modern phase of the conflict, as well as factors that have allowed it to persist. The author finds that the intractability of the conflict lies in the power imbalance between the two states, and concludes that a resolution is unlikely in the near future.

The relationship between China and Vietnam is one of the oldest and most complex protracted conflicts (PC) in history. For over two millennia, the two states have weaved their way through various stages of enmity and alliance. In pre-modern times, they were in a state of protracted conflict for many centuries. Though the PC subsided during Western imperialism in Asia—a time of so-called 'alliance' between China and Vietnam from the mid-1800s to the mid-1900s—it was far from dead. The PC was merely dormant: it resumed on February 17, 1979 and continues today.

This essay examines the different patterns of conflict that have risen between China and Vietnam in the 20th century in an attempt to shed light on why the PC has persisted for so long. It focuses on the modern phase of protracted conflict that resumed in 1979 with the invasion of Vietnam by China. The central argument is that the protracted conflict remains intractable because China has posed a threat to Vietnam as the dominant power in the region for over two millennia and continues to assert its dominance today. Power imbalance is both the root and the persisting factor of conflict between China and Vietnam.

The essay is broken up into three sections of analysis. First, it evaluates the basic causes of the onset of the modern phase, with a further discussion of two precipitating events to the onset. Second, it discusses two factors leading to the persistence of the conflict: discordant objectives and conflict-sustaining acts. Finally, the essay considers the potential of conflict resolution through the absence of two important factors: exhaustion and balance of capabilities. It con-cludes on a relatively forlorn note with little evidence that termination of the protracted conflict is foreseeable in the near future.

Basic and Precipitating Causes

This section argues that power rivalry was the main causal factor in the onset of the PC, and that territorial disputes acted to aggravate the growing hostilities between the two powers. It is broken up into two subsections: first, it discusses two postulated basic causes of the modern phase of PC1; second, it analyzes two precipitating causes of the PC.

Basic Causes

The most salient cause of the protracted conflict between China and Vietnam was, and has always been, power rivalry. While China has long been the dominant power in the region, Vietnam attempted to upset this balance in the 20th century. Their asymmetrical relationship caused two different power struggles that led to the onset of the modern phase of PC. The first was what Anne Gilks called the "Sino-Soviet-Vietnamese 'Romantic Triangle.'"2 Towards the end of the Vietnam War with the U.S. (1965-'753), Vietnam started orienting towards the Soviet Union, from whom it had been receiving overtures and financial aid.4 In this context of the Cold War dynamic, the U.S.S.R. started its campaign of support to counter the American threat in Vietnam during the Vietnam War.5 However, tensions between China and the U.S.S.R. were heating up at this time, specifically in 1968-'69 in which the two became entangled in multiple violent border

clashes.6 China was thus displeased with Vietnam's growing relationship with the U.S.S.R., which started a rift in their alliance. Furthermore, China began to fear that a reunified Vietnam could later become a strategic advantage for the U.S.S.R. and used as part of a tactic to "tighten Soviet encirclement of [China]."7 This was too big of a risk for China, causing its support of North Vietnam's reunification efforts in the Vietnam War to slowly disintegrate.8 Meanwhile, Vietnam saw China's anti-Soviet stance as "a deliberate attempt to isolate and dominate Vietnam."9 As the weaker power in their asymmetrical relationship, Vietnam felt threatened by China's hostility. These suspicions and international pressures caused the initial rift in the China-Vietnam alliance.

The second major power rivalry issue took place at the regional level, over Cambodia. Despite being the weaker power compared to China, Vietnam had long sought control over the Indochina region. During its war with the United States, Vietnam tried to "forge an Indochinese strategic unity"10 to counter the American threat. China initially supported this union, but after the U.S. pulled out of Vietnam in 1973, China started to fear Vietnam's ambitions in the region. The Indochinese union had not taken hold because of intense resistance from Cambodia and Laos, but Vietnam maintained and intensified its regional goals.11 It had established a military presence in Cambodia in the late 1960s, and continued trying to gain influence throughout the 1970s and '80s.12 Cambodia retaliated with verbal and military threats, which escalated around 1975 into increasingly violent clashes along the border.13 As hostility between Cambodia and Vietnam intensified, China began supporting Cambodia in retaliation against Vietnam. China wished to stem Vietnam's growing influence in the Indochina region, while also trying to counterbalance Vietnam's growing relationship with the U.S.S.R.14 It saw Vietnam's boisterous behaviour in Cambodia as a direct extension of Soviet hostility because the U.S.S.R. was backing Vietnam's military intervention.15 This volatile power rivalry further deepened the split between China and Vietnam and reinforced each state's suspicions about the other regarding international pressures and influences from the Soviet Union.

Territorial disputes arose at the interstate level between China and Vietnam over two key areas: the Gulf of Tonkin and islands in the South China Sea.16 After China surrendered to France in a territory war over Vietnam in 1885, the 1887 Sino-French Convention was held to determine the boundary between French Annam (Vietnam) and China.17 A red line was drawn vertically and arbitrarily through the Gulf of Tonkin to delineate who would own which side. China thought the line was drawn to delineate which offshore islands belonged to which state, with those lying to the east of the line belonging to China and those to the west belonging to Vietnam. Vietnam thought the line also represented a border in the Gulf, delineating separate control over the east and west ends of the waterway.18 This eventually became problematic for both sides: if the line marked a boundary in the water, Vietnam would be in possession of most of the Gulf, denying China full access to the sea. If the line marked control over the offshore islands, Vietnam would lose out, since the majority of islands lay to the east of the line.19 This included the Spratly and the Paracel groups of islands. These islands become a source of intense hostility between the two powers because of their strategic locations and the discovery of underwater oil deposits in the 1960s.20 While China initially claimed all of the island groups, Vietnam asserted its own claims to them starting in the 1970s, especially in the Spratlys.21 Thus, the Gulf of Tonkin and the Spratly and Paracel Islands were closely linked territorial issues that further contributed to the deterioration of Sino-Vietnamese relations. As tension between the two states built up over the previously discussed power rivalry issues of Sino-Soviet-Vietnamese relations and disputes in Cambodia, discord was further aggravated through these territorial issues.

Precipitating Causes

The modern phase of protracted conflict was sparked into onset with the invasion of Vietnam by China on February 17, 1979. This was directly preceded by two crucial foreign policy crises in China, which acted as the precipitating causes for invasion and the onset of the PC.

The first precipitating cause was the November 1978 Soviet-Vietnamese friendship treaty. Prior to this, China had completely cut off aid to Vietnam on July 3, 1978 because of mounting hostilities discussed above.22 Vietnam was in dire straits after fighting a major war against the U.S. that ravaged its economic and physical infrastructure, as well as agricultural livelihood. It needed financial aid to recover.23 Between 1975 and 1977 Vietnam had enjoyed playing a balancing game between China and the Soviet Union, reaping the benefits of Sino-Soviet hostilities as both competed for influence in Indochina through support to Vietnam.24 However,

once China ended this futile game, Vietnam was forced to rely solely on the U.S.S.R. for aid.25 Further, Vietnam was stepping up its aggressive campaign in Cambodia, and it sought Soviet support to counterbalance potential retaliation from China.26 China was aware of Vietnam's ambitions and thus perceived the friendship treaty as a military alliance between Vietnam and the U.S.S.R. that foreshadowed a Soviet-backed Vietnamese invasion of Cambodia.27 The treaty confirmed China's worst fears of Soviet encirclement via Indochina.28

The second precipitating cause was the Soviet-backed Vietnamese invasion of Cambodia on December 25, 1978. By invading Cambodia, Vietnam upset the balance of power and altered the status quo beyond what China could accept.29 China's perception of threat to its security was further compounded by strong Soviet support of Vietnam's invasion.30 China had considered taking action against Vietnam as early as the summer of 1978, but had held off in order to build relations with the U.S. instead.31 Once Vietnam officially invaded Cambodia, however, China could no longer accept such a threat to its security and its dominance in the region. China saw the invasion as Vietnam overstepping its authority and, more importantly, as a signal of Soviet expansionism.32 By this point, China felt that there was no other option than to use military force against Vietnam.33 While the official reason given for invading Vietnam in February 1979 was a counter attack in self-defense over territorial disputes,34 the invasion was in fact triggered by these two precipitating causes.

In sum, the breakdown of the Sino-Vietnamese alliance was fuelled by persisting power asymmetry and a broader dynamic of Cold War influence. China feared the Soviet Union's growing influence as a threat to its dominance in Indochina and thus grew deeply suspicious of Soviet overtures in Vietnam, starting in the early 1970s. This led to a cooling in relations between China and Vietnam, which was further aggravated by territorial disputes. The conflict in Cambodia was also an extension of Cold War dynamics, whereby China supported Cambodia to counter Vietnam's Soviet-backed initiatives and attempts to control Cambodia. These two basic causes were compounded by the two precipitating events in which Vietnam formed a friendship treaty with the Soviet Union and subsequently invaded Cambodia with Soviet backing. Hostility and insecurity culminated in the February 17, 1979 invasion of Vietnam by China. This war prompted the resumption of a historic protracted conflict that has proved irresolvable because of deeply rooted historical mistrust and animosity. Although the Cold War is over, power asymmetry persists, and this dynamic continues to reinforce the conflict between China and Vietnam today.

Conflict Persistence

This section is broken up into two subsections to discuss the reasons for persistence of the modern PC between China and Vietnam that continues today. The first part will discuss a discordant objective:35 power as a zero-sum issue between China and Vietnam. The second part will discuss three conflict-sustaining acts:36 political hostility, economic discrimination, and violence, in descending order of salience. Together, discordant objectives and conflict-sustaining acts have contributed to the persistence of the China-Vietnam PC throughout the 20th and 21st centuries.

Discordant Objective

The main discordant objective between China and Vietnam has always been power, stemming from their premodern PC and flowing into the current conflict. While China has always been the dominant power between the two, Vietnam tried to change this balance in the 20th century. After independence from France in 1954, Vietnam began to move away from China in order to forge its own path of development away from the influence of its dominant neighbour. Moreover, Vietnam sought power in Indochina, which led to its creation of the Indochina Communist Party (ICP) in 1930.37 Vietnam's ambitions for power in the region were also evident in the 1970s, when it stepped up action in Cambodia to counter the hostile Pol Pot regime.38 These actions showed Vietnam's long-term commitment to alter the regional balance of power that had historically been in favour of China.39

China's objectives were at odds with Vietnam because it did not want its small neighbour to gain any power over the region in which China had long been dominant. It was fundamentally opposed to Vietnam's pursuit of dominance in Indochina because it saw itself in the position of leadership over this region.40 Further, once Vietnam built a relationship with the U.S.S.R. in the 1970s, China was even more opposed to Vietnam gaining power because this would have meant an extension of Soviet influence into Southeast Asia.41 China and the Soviet Union had long been at odds,42 and China saw the Soviet-Vietnamese relationship as an indicator

of Soviet expansionism and an attempt by the U.S.S.R. to encircle China.43 One could say that China viewed the acquisition of power as a zero-sum objective, because any gain in power by Vietnam would have been perceived by China as a direct loss in its own power, thus making each state's pursuit of power mutually exclusive.

Power continues to be a discordant objective between China and Vietnam today. Though the China-Vietnam-Cambodia issue was resolved in the early 1990s and the relevance of the Soviet Union and Cold War politics subsided in 1989, China and Vietnam remain at odds over their mutually exclusive aspirations for power in Southeast Asia. The present discord has been manifested in the form of conflict over the Spratly and Paracel Island groups. As the islands are neither central to either's claims to statehood nor an integral part of their ethnic or national identity, they do not constitute a discordant objective over territory.44 Rather, these island groups are seen as an extension of power for both China and Vietnam. If one state were to gain control over the islands, it would signify a loss in power for the other, thus making the islands a manifestation of a discordant objective over power.

Conflict-Sustaining Acts

The first type of conflict-sustaining act between China and Vietnam was political hostility, specifically the severance of diplomatic relations between 1979 and 1991.45 After a short but intense war between China and Vietnam in 1979, all official relations between the two states were severed.46 China had given Vietnam repeatedly clear warnings before it invaded on February 17, 1979,47 but Vietnam had not heeded these and all prior efforts of reconciliation had broken down. China even proposed negotiations to Vietnam on the day it invaded, but it blamed Vietnam's "bad faith" for the failure of all of the previous negotiations.48 The initial break in diplomatic relations is best explained by the war in 1979, but the persistence of political hostility throughout the 1980s was further compounded by Vietnam's invasion of Cambodia. Vietnam had invaded Cambodia in December 1978 to stop the growing threat of the hostile Khmer Rouge regime on its border.49

China was against this Soviet-backed invasion because it was seen as a symbol of Vietnam gaining too much power in Indochina50 and because at this time the U.S.S.R. was an enemy of China.51 China started to support the Khmer Rouge of Cambodia in 1978 to counterbalance Vietnam's invasion52 and maintained this support throughout the entirety of Vietnam's presence in Cambodia, which lasted until 1990.53 After the brief 1979 war, China strengthened its objective from trying to remove Vietnam from Cambodia to trying to "bleed Vietnam white" in Cambodia.54 China took the solid stance that it would not resume relations with Vietnam until Vietnam completely withdrew from Cambodia.55 Cambodia became a central point of disagreement between China and Vietnam during the 1980s, which led to the persistence of political hostility through severance of diplomatic ties between the two adversaries.56

The second type of conflict-sustaining act between China and Vietnam was economic discrimination throughout the 1980s. The United States had imposed a trade embargo against Vietnam after the Vietnam War, and China used this to its advantage to further isolate Vietnam from the international scene.57 China had cut off military aid to Vietnam in the late 1970s58 and it began to strengthen its ties with other states in Indochina by cooperating with the Association of Southeast Nations (ASEAN).59 China had also normalized its relations with the U.S. and had gained respect as a legitimate power at the UN.60 Throughout the 1980s, China used its political clout with ASEAN, the U.S. and the UN to exclude Vietnam from the international scene, forcing Vietnam to depend solely on the Soviet Union for aid.61 At this time, though, the U.S.S.R. was experiencing its own internal pressures and had less money and resources with which to support Vietnam.62 Fighting in Cambodia was further draining Vietnam's resources and it did not have adequate economic aid to put towards internal development.63 By 1985, Vietnam's economy was in "dire straits".64 Economic growth was negative in some years of the 1980s, and inflation was at 774.7 percent in 1986.65 One scholar wrote, "In this regard, China did 'bleed Vietnam white.'"66 This economic discrimination contributed to the persistence of the conflict between China and Vietnam because Vietnam was still defining itself in opposition to China, and therefore saw China's relations with the Western world as a further act of hostility against itself.67

The third type of conflict-sustaining act was violence over territorial issues. China and Vietnam had previously clashed on different interpretations of their shared border and of who had legitimate control of the Spratly and Paracel island groups. These issues remained prevalent throughout the 1980s. On the Sino-Vietnamese border, China maintained occasional artillery fire and border incursions, which forced Vietnam

to keep a sizeable military force in the North to counteract these attacks.68 In the island groups, the adversaries had an intense skirmish in the spring of 1988. China had started conducting scientific research in the Spratly Islands in the mid-1980s, and on March 14, 1988 Vietnam sent a naval force to counter Chinese presence in the contested islands. A battle ensued, resulting in the death of over 60 Vietnamese soldiers and the sinking of two Vietnamese vessels.69 Both adversaries perceived this battle as the fault of the other, and it had the effect of sustained hostility and occasional skirmishes over the island groups well into the 21st century.70

The main discordant objective between China and Vietnam has historically been power, and this continues today. The three main types of conflict-sustaining acts throughout the late 20th century were political hostility, economic discrimination, and violence. Together, discordant objectives and conflict-sustaining acts have contributed to the persistence of the PC between China and Vietnam. These causes of persistence have created a lack of meaningful conflict resolution, which will be discussed in the next section.

Evaluating Potential for Conflict Resolution

This section discusses why the protracted conflict between China and Vietnam has not been resolved. It analyzes two variables of resolution: exhaustion and balance of capabilities.71 This section also examines several instances of conflict management and the main persisting dispute over the Spratly and Paracel Islands. It argues that the absence of these variables and the continuation of conflict over the island groups have contributed to the lack of conflict resolution.

The conflict between China and Vietnam does not suffer from exhaustion of either adversary. Besides a bloody naval clash in 1988 and occasional low-intensity border skirmishes, there has been almost no violence since the brief 1979 war.72 The greatest point of contention since Vietnam's withdrawal from Cambodia in 1991 is the dispute over the Spratly and Paracel Islands in the South China Sea, and even here there has been little violence. The conflict over the islands is manifested chiefly through diplomatic aggression and verbal statements, not through military means.73 As neither side has expressed an interest in increasing armed hostilities, there is little physical or psychological strain to create exhaustion in either adversary. The absence of exhaustion means there is little

incentive for either side to come to a resolution.

The absence of balanced capabilities also contributes to the lack of conflict resolution. China has long been the dominant power in Indochina, both militarily and economically. Vietnam was a tributary state of China for many centuries until it was colonized by France, and it remained inferior in capability throughout the former half of the 20th century.74 Vietnam was also dependent on China for economic and military aid throughout the First and Second Indochina War up until 1978, when hostilities between the two escalated.75 Although China did not succeed in 'bleeding Vietnam white'76 in the 1979 war or in Vietnam's war in Cambodia, China did not lose its dominance either militarily or economically. Today, China has far superior economic growth and international reputation, as well as military strength.77 Because of this persistence of asymmetrical capabilities, Vietnam feels threatened by China's continual rise.78 It does not wish to be seen as China's 'little brother'79 anymore but it is extremely unlikely that Vietnam will surpass China's military, economic, or political dominance in the near future. This has created an identity conflict80 in which Vietnam continually struggles to break free from China's dominant shadow but also relies heavily on it for trade.81 As long as it remains inferior to and threatened by China's dominance, it is unlikely that there can be any sort of meaningful conflict resolution, let alone reconciliation.

However, despite the absence of conflict resolution, China and Vietnam have managed some official agreements, as well as to build fruitful economic relations through trade. In 1991, after Vietnam officially withdrew from Cambodia, relations between China and Vietnam were normalized and diplomatic ties were restored.82 In 1999, China and Vietnam signed the first land border treaty since the 1887 Sino-French Accords.83 This finally codified a resolution to the contentious border, which had been much disputed before and after onset of the modern PC in February 1979. In October 2011, China and Vietnam signed an agreement to work more peacefully together on solving their longstanding dispute over the Spratly and Paracel Islands. A hotline between Beijing and Hanoi was opened to maintain dialogue between the leaders.84 As for economic relations, China is currently Vietnam's largest trading partner, and China exports much of its goods to Vietnam's growing consumer society.85 Increased cooperative relations mark definite signs of improvement in their relationship, despite the persistence of the PC.

That said, conflict over the Spratly and Para-

cel Islands continues to be the main source of persistence of the PC today. While relations between China and Vietnam have been normalized and trade is widespread,86 disagreement over the island groups seems intractable. On the surface level, the conflict is about resources. According to current estimates, there may be as much as 5.4 billion barrels of oil and 55.1 trillion cubic feet of natural gas stored undersea beneath the island groups.87 These undersea deposits make the islands extremely valuable to both sides. However, due to ongoing dispute over sovereignty of the islands, neither side has been able to exploit these potential resources. The conflict is kept alive purely through verbal claims and occasional standoffs between naval ships passing by.88 There has been little if any violence, but the diplomatic hostility regarding the islands is enough to sustain the dispute.

At a deeper level, the conflict over the island groups is about power. Neither side is willing to give up its historical claims to sovereignty over the islands because the struggle has become part of each side's narrative of conflict. Strong nationalist sentiment has developed in both states respective to the islands. For example, in 2009, China pursued low-grade mining around some of the islands. While the Vietnamese Communist Party (VCP) did not take an official stance against it, 97-year-old General Vo Nguyen Giap—an iconic military figure in Vietnamese history—strongly criticized the VCP for not holding firm enough to its claims of sovereignty.89 Vietnam is also increasingly fearful of China's rise, both in the region and in the world. While Vietnam's economy has grown substantially since normalization of relations with China in 1990, it still remains largely inferior.90 Vietnam and the other states of ASEAN have increased their cooperation in order to decrease dependence on China, but a world order with China as an economic superpower is becoming increasingly more of a reality.91 As this threat increases, Vietnam will certainly not give up on an extension of its power or a potential goldmine in natural resources. Thus, the conflict over the islands as a manifestation of power continues with little hope for resolution, at least in the near future.

The absence of certain variables of conflict resolution—exhaustion and balance of capabilities—contributes to the lack of resolution in the protracted conflict between China and Vietnam. Despite some meaningful cooperation between the two states, the conflict over the Spratly and Paracel Islands remains active both because of the potentially plentiful natural resources they pertain and because of their significance as historical claims to sovereignty and power. Without official conflict resolution, reconciliation is even further out of reach.

Conclusion

The modern phase of protracted conflict between China and Vietnam resumed on February 17, 1979 with the invasion of Vietnam by China. Their brief alliance in the early 20th century broke down due to power rivalry and territorial disputes, and the conflict persists today because of a discordant objective and conflict-sustaining acts. However, there has been increasing cooperation between the two states, including normalization of relations and increased trade. The fact that China and Vietnam cooperate bilaterally and multilaterally while still being engaged in a protracted conflict shows the many dimensions that protracted conflict can take on.

Conflict continues today largely because of the dispute over the Spratly and Paracel Islands. This issue is rooted in a power imbalance, in which Vietnam feels threatened by China's regional dominance and growing world influence. As long as power remains asymmetrical in China's favour, Vietnam will not feel secure and will continue attempts to upset this balance of power. Yet, as long as Vietnam attempts to change the power relations in the region, China will react threateningly. Thus, the two states are locked into a protracted conflict with little hope of resolution or reconciliation in sight.

Endnotes

1 Michael Brecher, "Framework of Analysis: Onset Model" (2013): 1-8

2 Anne Gilks, The Breakdown of the Sino-Vietnamese Alliance: 1970-1979, (Berkeley: Inst. of East Asian Studies, Univ. of California U.a., 1992), 9.

3 "Vietnam War," Encyclopaedia Britannica. Encyclopaedia Britannica Online Academic Edition. Encyclopædia Britannica Inc., 2013.

The official start and end dates of the Vietnam War are slightly contentious, with many conflicting dates from different sources. North Vietnam started fighting for reunification with the South much earlier than 1965. However, I have marked 1965 as the starting year because this is when the US introduced active combat units. The US pulled out most of its forces by 1973, but the war did not end until 1975 when Saigon fell to Northern forces.

4 Gilks, 40.

5 Pao-min Chang, The Sino-Vietnamese Territorial Dispute, (New York: Praeger, 1986), 34.

6 Tsien-hua Tsui, The Sino-Soviet Border Dispute in the 1970's, (Oakville: Mosaic Press, 1983).

7 Gilks, 48.

8 Ibid, 48.

9 Brantly Womack, China and Vietnam: The Politics of Asymmetry, (Cambridge: Cambridge UP, 2006), 193.

10 Gilks, 52.

11 Chang, 6-8.

12 Ibid, 7-8.

13 Ibid.

14 Ibid.

15 Ibid.

16 Ibid, 11.

17 Ibid, 13.

18 Ibid, 13-14.

19 Ibid, 14.

20 Ibid, 16.

21 Ibid, 18.

22 Vo Nanh Tri, Vietnam's Economic Policy Since 1975, (Singapore: Institute of Southeast Asian Studies, 1990), 98.

23 Vo, 98-99.

24 Alexander L Vuving, "Grand Strategic Fit and Power Shift: Explaining Turning Points in China-Vietnam Relations" in Living With China: Regional States and China through Crises and Turning Points, Ed. Shiping Tang, Mingjiang Li, and Amitav Acharya, (New York: Palgrave Macmillan, 2009), 237.

25 Gilks, 205.

26 Ibid, 217.

27 Ibid, 218.

28 Ibid, 16.

29 Ibid, 216.

30 Womack.

31 Gilks, 206.

32 Ibid, 227.

33 Ibid, 227-228.

34 Womack, 199; Gilks, 228.

35 Michael Brecher, "Persistence Model" (Mss. 2013, 1-14).

36 Ibid.

37 Womack, 153.

38 Ibid, 194.

39 Brecher, "Persistence," 6.

40 Womack.

41 Ibid, 177.

42 Tsien-hua.

43 Ang Cheng Guan, Vietnamese Communists' Relations with China and the Second Indochina Conflict, 1956-1962, (Jefferson: McFarland & Company, Inc, 1997), 234.

44 Brecher, "Persistence," 3-4.

45 Daniel W. Lemon, Vietnam's Foreign Policy Toward China since the 1970s, Thesis, Naval Post Graduate School,(Monteray, CA: 2007), 53.

46 Womack, 202; Lemon, 19.

47 Chen (1987), 81.

48 Ibid, 202.

49 D.R. SarDesai, Vietnam: The Struggle for National Identity, 2nd ed. (Boulder, Colorado: Westview Press, 1992), 133.

50 Chang.

51 Chang.

52 SarDesai, 134; Lemon, 18.

53 Womack, 208.

54 Ibid, 203.

55 Ibid, 203.

56 Ibid, 202.

57 Lemon, 20.

58 Chang, 34.

59 Ibid, 19; Womack, 202.

60 Lemon, 19.

61 Ibid, 19.

62 Womack, 204.

63 Lemon, 21.

64 Ibid, 204.

65 Ibid, 21.

66 Ibid, 21.

67 Womack, 202.

68 Lemon, 19.

69 Chen Hurng-Yu, "The PRC's South China Sea Policy and Strategies of Occupation in the Paracel and Spratly Islands," Issues & Studies 36.4 (2000): 95-131, p.101-102;

Greg Torode, "Spratly Islands Dispute Defines China-Vietnam Relations 25 Years after Naval Clash," South China Morning Post, 17 Mar 2013;

"Military Clashes in the South China Sea," GlobalSecurity.org, 11 July 2011.

The exact number of deaths has proved contentious, as there are many conflicting accounts. Chen (2000) cites only 3 deaths with 74 men missing, but Torode cited 64 deaths. On GlobalSecurity.org it says that over 70 sailors were killed. I have cited the number as "over sixty" because Chen's estimate of only 3 soldiers killed is followed by 74 missing, and he does not say that they were ever recovered. In combination with the other sources, it seems that at the very least, 60 people were killed in this battle.

70 Lemon, 62; Carlyle A. Thayer, "Vietnamese Perspectives of the 'China Threat'" in The China Threat: Perceptions, Myths and Realities, Ed. Ian Storey and Herbert Yee, Routledge, 2002, p.265-78.

71 Michael Brecher, "Model III: Resolution," (Mss. 2013, 1-10).

72 Ishaan Tharoor, "China and Vietnam: Clashing Over an Island Archipelago," Time, 14 Jan. 2010.

73 Tharoor, "China and Vietnam."

74 Womack, 100.

75 Ibid, 162.

76 Ibid, 203.

77 Le Hong Hiep, "Vietnam: Under the Weight of China," East Asia Forum, 27 Aug. 2011.

78 Hiep, "Vietnam."

79 Chen (1987), 89.

80 Yehudith Auerbach, "The Reconciliation Pyramid--A Narrative-Based Framework for Analyzing Identity Conflicts," Political Psychology 30.2 (2009), 293.

81 Dennis C. McCornac, "Vietnam's Relations with China: A Delicate Balancing Act," China Research Center 10.2 (2011), ChinaCenter.net. 1 Aug. 2011.

82 Womack, 208.

83 Vuving, 229.

84 "China, Vietnam Agree to Strengthen Military Cooperation," Xinhua English News, 15 Oct. 2011.

85 McCornac; "Being There," The Economist.

86 "Being There," The Economist.

87 Jeff Himmelman, "A Game of Shark and Minnow," The New York Times, 27 Oct. 2013.

88 "Chinese Ship Hits Vietnamese Fishing Boat, Tension Soars between Hanoi and Beijing," Asia News IT, 26 Mar. 2013; Jane Perlez, "Chi-

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89 McCornac.

90 Ibid.

91 "Fellow Travellers, Fellow Traders," The Economist, 30 June 2012.

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Somaliland: A Struggle for Recognition

Valentin Robiliard

The author discusses the case of Somaliland—a self-declared de facto sovereign state in north-western Somalia. Despite achieving political stability and economic growth, Somaliland has thus far failed to achieve de jure international recognition. The author finds that while Somaliland makes a strong case for recognition under the 1933 Montevideo Convention, the lack of international support has thus far prevented Somaliland from successful independence.

Juba: the Republic of South Sudan, July 9, 2011. Before a jubilant crowd of thousands, Salva Kiir Mayardit signs the constitution and takes his oath of office, becoming president of the world's newest nation.1 A horde of prominent foreign dignitaries is here, including UN Secretary General Ban Ki-Moon, former U.S. Secretary of State General Colin L. Powell, U.S. Ambassador to the UN Susan Rice, EU High Representative Catherine Ashton, and Sudanese President Omar al-Bashir. Also among them is Ahmed Mahamoud Silanyo, the current President of the Republic of Somaliland, the unrecognized self-declared sovereign state bordering the Gulf of Aden in northwestern Somalia.

Invited to the ceremony, Silanyo flew in from Somaliland's capital Hargeisa to celebrate the outcome of two decades of struggle for independence and recognition. Silanyo is no stranger to this kind of struggle, for he has spent years urging the international community to recognize the stable and democratic Somaliland. Known as British Somaliland until independence on June 26, 1960, then its own sovereign state for five days, and ultimately joining with former Italian Somaliland to form the Republic of Somalia on July 1, 1960, Somaliland seceded from the Somali Republic in May 1991.2 Since then, it has become a beacon of democracy in the otherwise chaotic Horn of Africa, with its own government, parliament, flag, anthem, army, passport, and currency.3 Despite this remarkable journey, and although no less than 36 countries have been recognized since 1991 (including Eritrea and South Sudan in Africa), Somaliland continues to be ignored by the international community, which chooses to invest time, money, and military as-sistance in the fragile, al-Shabaab-challenged, Transitional and now New Federal Government of Somalia, despite the country remaining number one on the Failed States Index.4

The purpose of this essay is to understand the enigma over 3 million people in Somaliland have been pondering for two decades: why is Somaliland continuously denied international recognition as a sovereign state? I begin by a definition of terms—specifically by examining the concept of statehood in the African context. Next, I provide an historical analysis of Somalia and Somaliland, highlighting the circumstances that have led Somaliland to pursue formal recognition today. I conclude by examining these claims to statehood, the debate surrounding them, and their potential for success.

The State in Africa

Understanding Somaliland's claims and obstacles to recognition begins with an understanding of the concept of statehood and its relevance to the African context. The academic literature has taken two approaches to defining the state: the empirical—or de facto—and the legal-juridical—or de jure. To Max Weber, a state is "a corporate group that has compulsory jurisdiction, exercises continuous organization, and claims a monopoly of force over a territory and its population, including all action taking place in the area of its jurisdiction."5 Similarly, Charles Tilly sees nation-states as "relatively centralized, differentiated organizations the officials of which more or less successfully claim control over the chief concentrated means of violence within a population inhabiting a large, contiguous territo-

ry."6 According to these empirical approaches to statehood, many governments in the developing world do not qualify as states. When external or sub-state entities are able to claim monopoly of force over carved out areas of the juridical territory, they acquire the essential characteristic of statehood. Consequently, they challenge the government's claim to complete monopoly, making it stateless.7 Nigeria and the Democratic Republic of Congo in the 1960s—challenged by Biafra and Katanga respectively—would not qualify as states under Weber's and Tilly's definitions. Likewise, when continuous chaos is observed in parts of the jurisdiction, so that national laws cannot be enforced or the government cannot provide security and other public services, the governing body is also said to be stateless. Chad, Uganda, and present-day Somalia would as such not make it into the club of de facto states.8

Yet Nigeria, Chad, and Uganda continue to sit at the UN and enter into relations with other fellow states. In fact, given the ambiguity and volatility the sociological approaches to statehood could bring to the international system, the international community has come to accept a juridical or legal definition of the state. Following the 1933 Montevideo Convention on Rights and Duties of States, British legal scholar Ian Brownlie defined the state as "a legal person, recognized by international law, with the following attributes: (a) a defined territory, (b) a permanent population, (c) an effective government, and (d) independence, or the right to enter into relations with other states."9 As Jackson and Rosberg argue, however, "the juridical state is both a creature and a component of the international society of states, and its properties can only be defined in international terms."10 Although empirical in nature, attributes (b) and (c) are very much matters of one's own interpretation, so that international actors are somewhat free to define what really constitutes a permanent population or an effective government. Similarly, while purely juridical attributes, (a) and (d) are directly assigned by the international community of states—international boundaries are the mutually acknowledged but entirely artificial lines where one government's property rights end and another's begin, while independence, or the right to enter into relations with other states, is essentially defined by the other states' willingness to establish these very relations.11

This distinction between the empirical and the juridical state has important implications on the African continent. Unlike European states, an African state at independence had been pro-pelled into becoming a legal entity, without being given the opportunity to develop and consolidate as an empirical unit, or even sufficiently meeting all of the juridical attributes to statehood. In fact, Tilly and Herbst have argued that it is the centuries of invasions and wars among competing tribes and kingdoms that led to state formation and consolidation in Europe. Once empirical entities—that is, with complete monopoly of the use of force over their jurisdictions—European states gathered as the legal units of the international community of states they created.12 An African state, on the other hand, instantly became a juridical unit without being able to develop national cohesiveness, an effective government, or the monopoly over the use of force. As a heritage of the Scramble for Africa, an African state could only exist in the mold that had been designed for it by Europeans. Its entity was the embodiment of Pan-Africanism, the symbol of the struggle for independence, its borders were legitimate to the eyes of the international community, and its security and access to the international forum could only be guaranteed through recognizing its jurisdiction and that of its neighbours.13 An African state, its borders, its identity, and its name are therefore pure political artifacts upheld by the international community; it relies on external sovereignty but lacks most of the characteristics of the much more important internal sovereignty.14 As such, in line with the Treaty of Westphalia (1648), the UN doctrine of territorial integrity, or the 1960 UN Resolution 1514, African statesmen founded the Organization for African Unity (OAU) in 1963 and reaffirmed "the sovereign equality of member states; non-interference; respect for sovereignty; peaceful settlement of disputes; and the illegitimacy of subversion."15 The OAU made it clear: Self-determination had to be exercised only once, at the time of decolonization from European domination, and it was not subject to continuous review.16 This sacrosanct principle of state sovereignty in Africa therefore explains why, despite a series of intrastate and interstate wars and a multitude of secessionist and irredentist movements, only Eritrea and South Sudan have been able to break away from the borders defined by the Europeans in 1884 Berlin.

Historical Background

The existence of Somaliland as a geopolitical entity dates back to the 1880s, when European colonialism divided the Horn of Africa into five different political entities, overlooking the 'clan-states' that characterized the region: The British

Somaliland Protectorate (today's Somaliland), Italian Somalia (the rest of Somalia), French Somaliland (present-day Djibouti), the Ogaden region of Ethiopia, and Kenya's Northern Frontier District.17 The British saw their protectorate as a great source of food and water for their colony of Aden across the Red Sea.18 However, they had no interest in reforming governance and administering the province. As such, while most Western colonial powers across the Horn attempted to create new, modern systems of government that ignored traditional societal norms and relationships, Somaliland's native political institutions and its clan system remained largely intact. Largely dominated by the Isaaq Clan, the protectorate was efficiently ruled by a small urban and educated elite.19

On June 26, 1960, the British government granted Somaliland its independence. Quickly, the sovereign state was accorded diplomatic recognition by 35 states and received a message of congratulations from the United States.20 Five days later however, the United Nations Trust Territory of Somalia (Italian Somaliland) obtained its freedom. With the dream of uniting all Somali people within one state, the two legislatures met in a joint session and announced their unification as the National Assembly of the Somali Republic.21 But despite an alleged ethnic, linguistic, and religious homogeneity across the region, British and Italian Somaliland had grown apart. Their colonial experiences, economies, and institutions were different—while the North had remained relatively entrenched in traditional structures, Italian colonial rule in the south had broken these institutions and replaced them with an inappropriate authoritarian bureaucracy and centralized state. Disagreements between the two legislatures were bound to occur. As such, former British and Italian Somaliland disagreed on the drafting of the legal instruments for the Union—each assembly passed its own version of legislation authorizing the union, but these were never harmonized (Union of Somaliland and Somalia Law in the North, Atto di Unione in the south). No formal international treaty combining the two countries was ever signed. The current Somali Constitution, reflecting southern thinking and Italian values, was forced upon the North through a referendum in June 1961; though voted down in Somaliland, it passed nevertheless as Somaliland constituted a tiny fraction of the Somali population.22 Somaliland as such argues today that this de jure union is illegitimate.

The hasty union quickly turned into an unequal relationship. The south chose the capital city of Mogadishu, the anthem, and the flag. Italian-trained southerners took control of the parliament, elected a southern president, who himself appointed a southern prime minister. Northerners were discriminated against in the selection of cabinet ministers, army personnel, and the allocation of state resources.23 An Isaaq clan member from Somaliland, Mohammed Ibrahim Egal, eventually became prime minister in 1967, but was ousted two years later by Siad Barre's coup d'état.24 Barre's military rule was, to Somaliland, semi-colonial oppression. Supported by the U.S.S.R., Barre established a single party rule, a controlled press, a strong security apparatus, and an impressive military arsenal.25 The north was neglected economically and deprived of state resources, so that less than 7 per cent of all development assistance was allocated to the region.26 Northern frustrations eventually led to the creation in 1981 of a London-based Isaaq-drawn guerilla movement known as the Somali National Movement. When in May 1988 the SNM, operating out of Ethiopia, defeated the troops of Barre in Burao and Hargeisa, Mogadishu retaliated with extreme violence: aerial bombardments on Somaliland's biggest cities, ground attacks, and ensuing fighting killed 50 000 and made 1 million refugees.27 By January 1991, however, the SNM, coupled with other insurgent movements in the south—such as the Somali Patriotic Movement and the United Somali Congress—successfully ousted the government forces and ended Barre's military dictatorship.28 Chaos ensued, as the rebel groups initiated a war to control Somalia. Consequently, on May 18, 1991, SNM leaders repealed the Act of Union of 1960 in Burao and declared the independence of the Republic of Somaliland.29

At the dawn of independence, Somaliland engaged in a remarkable journey toward democracy and stability. The first transitional government, made of SNM executives, instigated a large process of national dialogue among clans constituting Somaliland, some of them having fought on opposite sides during the war. The objective then was to reach a consensus on the system of political representation that would govern Somaliland.30 Endowed with the traditional structures of consultation and decision-making, the transitional government successfully organized a series of "clan peace conferences," or shir—elders, religious leaders, intellectuals and businessmen would gather under thorn trees and discuss the issues at stake.31 These self-financed, successful conferences contrasted well with the costly UN-run conferences among warlords in the south, which have proven unsuccess-

ful for many years. In Somaliland, despite some interruptions in 1991-'92 and 1994-'96, continued dialogue built up effective structures of governance: the 1993 Borama Clan Conference produced a Peace Charter—a basis for law—and a National Charter—a basis for the political structures of government. It established a bicameral legislature, made of an upper house of clan elders—Guurti—and a lower house with directly elected representatives. Finally, it established an executive office of the President and elected Mohammed Ibrahim Egal.32 A third national conference, held in Hargeisa in 1996-'97, increased the representation of non-Isaaq clans, organized a Supreme Court, and formalized all the governing structures into a written constitution.33 This constitution, approved through a referendum in 2001 by 97 per cent of the electorate, marked the effective institutionalization of the Somaliland state.

Since then, Somaliland has developed an electoral model, enabled voter registration, and successfully managed the December 2002 local elections, the 2003 presidential campaign, the September 2005 legislative poll, and the 2010 presidential election. Hargeisa has been rebuilt. The Central Bank reopened with a new currency. Militias have been disarmed and landmines removed. Markets, hospitals, and universities have sprung across the country. The private sector has flourished. Airline, electricity, and telephone companies have multiplied. A free press has emerged. It is important to note that all these successes have been achieved without international assistance, but rather by the generous donations and transfers from the active Somaliland Diaspora.34 Somaliland's state building process has therefore been highly successful. By integrating traditional authorities within a constitutional framework, it has essentially rooted the state in society and a popular consciousness—it has strengthened it from the bottom-up.35 Many in the international community who had been praising a top-down approach to governance in Africa have as such been proven wrong. Somaliland has slowly walked the path to democracy, and it is today a prosperous, peaceful and democratic nation in the otherwise chaotic Horn of Africa.

The Recognition Debate

Despite its successes, the Republic of Somaliland has yet to be recognized as a de jure state. Somalia's voice in the international forum has instead been granted to the Transitional and now New Federal Government, which has been unable to govern effectively over its jurisdiction, having been challenged by the al-Shabaab insurgency and a multitude of warlords.

To be clear, although not a de jure state, Somaliland has achieved de facto recognition in a number of ways. A variety of states have engaged in and maintained informal relations with Hargeisa. As early as November 1997, Ethiopia established bilateral agreements, set up a 'trade' office in Hargeisa, and allowed diplomatic missions to be established in Addis Ababa.36 Security and trade cooperation has been established, the two countries' central banks interact with each other, and major airlines link the countries' capitals.37 Djibouti also recognized Somaliland as a de facto state in November 1997, and established bilateral agreements. Djibouti, like Ethiopia, accepts Somaliland passports.38 Similarly, South Africa sent delegations to—and received envoys from—Somaliland in 2001, 2002, and 2003, particularly during elections. Senegal also invited Somaliland diplomats to Dakar in 2003.39 Beyond the African continent, Paris and Rome have been enthusiastic towards the Somaliland cause, so much so that Rome promised to sponsor a motion at the European Parliament to give Somaliland a 'national authority' status somewhat similar to that held by the Palestinian authority.40 The European Union, and particularly the United Kingdom, Germany, and Denmark, has provided critical assistance to Somaliland's electoral process.41 Similarly, in December 2007, the U.S. State Department reported that "the United States continues to engage with the administration in Somaliland on a range of issues, most directly Somaliland's continued progress towards democratization and economic development."42 At the international level, the African Union (AU) has recognized that the Somaliland case was particular, while the UN has addressed Hargeisa as 'the Egal Administration,'43 Despite these advancements, however, Somaliland still lacks the rights and benefits conferred to a de jure state: it is not a member of any international organization; it has no access to formal assistance from the World Bank, the International Monetary Fund, or the African Development Bank; and it cannot have access to banks and insurance companies. These constraints hamper its ability to strengthen its legal, accounting, health, or educational systems.44

Ironically, however, Somaliland makes a very strong case for recognition. Historically, it has mostly been its own entity, separate from the rest of Somalia; British protectorate for seven decades and actual de jure state for five days in 1960, Somaliland voluntarily chose to unite with

former Italian Somaliland. As such, to Hargeisa, the 1991 proclamation of independence is not so much an act of secession, but rather the dissolution of an unsuccessful marriage with the rest of Somalia. Somaliland authorities as such legitimize their claims to sovereignty by pointing to precedents set by the breakup of Sénégambia (Sénégal and Gambia), the United Arab Republic (Syria and Egypt), or the independence of Eritrea from Ethiopia.45 Its entity as former British Somaliland also enables Somaliland to fulfill the first criterion to statehood set at the Montevideo Convention: that of a defined territory. Its borders are not disputed, unlike in southern Somalia—Ethiopia and Somalia disagree over the Provisional Administrative Line. Further, it also meets the criterion of a permanent population; while largely dominated by the Isaaq Clan, and despite some clan divisions originally, the large national reconciliation process has put all clans at peace and has developed a strong national identity. The Somaliland people are proud to identify with the state, which explains why they voted massively for independence in 2001.46 Third, there is little disagreement over the Somaliland administration's ability to fulfill its role as provider of security and other major public goods, thereby fulfilling the third criterion: that of an effective government. Lastly, while Somaliland has proven able to engage in relations with other states, its complete fulfillment of the fourth criterion is very much left to the appreciation of the international community.

Furthermore, Somaliland interestingly provides a strong case for U.S. support towards recognition. The healthiest democracy between Israel and Tanzania,47 a recognized sovereign Somaliland would assist the United States in its drive to undermine Islamic extremism and promote democratization in Muslim countries and throughout the developing world.48 The Horn of Africa is a strategic region to the U.S. War on Terror: it is a point of passage for terrorists between Africa and the Middle East, it hosts a strong base for Al-Qaeda affiliates, it has experienced the rule of the Islamic Courts Union, and it is now torn apart by Al-Shabaab insurgencies. Recognizing and strengthening the Republic of Somaliland would reinforce the struggle against terrorism in the region and set a precedent as a successful and accountable Islamic government, providing a model for Muslims across the globe.49

Despite its strong case, Somaliland remains marginalized. One explanation, widely put forward by those who fail to recognize the traditional structure of the Somali state, asserts that Somalia is essentially made of one same people, sharing one language, one culture, and one religion. As such, the Somali state is meant for unity. Given the difficulties in the south, Somalia would gain much if Somaliland were to give up its claims to independence and engage on the path towards a strong Somali nation. This argument however overlooks the clan dynamics and multitude of warlords that characterize the Horn of Africa. It also overlooks the legacy of colonialism on the languages spoken in the region: Arabic, English, and Italian. Further, some will argue that given the chaos in the south, Somalia is to Somaliland what a cancerous leg is to the human body; it is not because they share a culture or a language that Somaliland should not be amputated of the disease Somalia represents to its stability.50

The second reason is entrenched in international law. Like the UN or the Arab League, the AU is committed to the sacrosanct principles of sovereignty and territorial integrity. The 1963 OAU Charter and the 2001 Constitutive Act of the African Union make clear reference to these principles, calling for the respect of the borders that prevailed at independence.51 As such, while it has approved the right to self-determination of former existing states like Gambia, Senegal, Western Sahara, or Eritrea, the AU characterizes any secessionist movement that breaks away from the colonial borders as illegal. Granting Somaliland its independence would essentially break the AU's commitment to sovereignty and territorial integrity and open the Pandora's Box to further secessionist movements across the Horn and the continent; some fear the Balkanization of Somalia as a potential consequence.52 Two things must be noted however. First, as argued before, Somaliland's independence would not violate Article 4 of the AU's Charter: Somaliland inherited the borders of the British Protectorate—its entity and legitimacy reside in these borders—and formal independence would actually repair a violation made on July 1, 1960 at unification. Second, even if Somaliland had not been its own entity prior to the Union, and in fact was characterized as a pure secessionist movement, has the Pandora's Box not been opened already? The number of new states recognized since 1991 sits at 36—including South Sudan, which surely was not its own entity at independence but clearly was a region within Sudan. On these principles of state sovereignty and territorial integrity then, the international community undeniably is playing double standards.

A third explanation points to the hierarchy of international politics: Where does the So-

maliland problem rank, and more importantly who should Somaliland be addressing in asking for its recognition? Any secessionist movement will have to deal first with the state from which it is trying to secede. Whether through peaceful means—negotiations or consensus—or violent means—intrastate war or insurgencies—a secessionist state will be recognized when its mother state 'approves.' For example, Sudan was the first country to recognize South Sudan as an independent country. Since 1991, Somaliland has been told to negotiate its sovereignty with Mogadishu. With the enduring uncertainty in southern Somalia, however, this seems difficult. As former First Lady and Foreign Minister of Somaliland Edna Adan Ismail puts it: "Somaliland is the political widow of a country that does not exist anymore. Somalia that everyone is talking about is dead. Asking to negotiate independence with Somalia, is like asking a widow to wait for her dead husband to come back to have him sign the divorce papers."53 With whom should Somaliland engage? The fragile newborn Federal Government? Al-Shabaab? Frustrated, the Somaliland government therefore turned to the UN, thinking the AU would have too many diverging interests in the issue to adhere to the cause. The world body has however consistently played down Somaliland's demands, preferring to support a united Somalia.54 Further, Western powers argued the issue was an African problem before being a global one—how could they recognize Somaliland if Africa was not ready to do it?55 Somaliland thus turned back to the AU.

As expected, the AU's member states have too many diverging interests in the issue to reach a consensus on Somaliland's independence. Despite its animosity towards the Somali government and close ties with Somaliland, Ethiopia fears recognizing it would invite the hostility of the southern Somali state and create tensions with Ethiopia's own Somali population. Also, it would hurt its relationship with major African and Arab states and undermine its position in the AU. Ethiopia is also unsure about Somaliland's durability and its commitment to good neighbouring relations.56 Eritrea, a successful secessionist state, is also unsure about recognizing Somaliland, as it promised the AU it was not intending to support secession elsewhere in Africa.57 Third, Djibouti sees Somaliland as a threat to the port that powers its economy.58 Egypt has also been largely opposed to Somaliland's independence.

Fourth, the international community has increasingly been questioning the legitimacy of Somaliland's claims to independence.59 It has argued the desire for independence from the Somali state is not entirely shared throughout Somaliland. As such, the independence agenda has been said to be carried by the Isaaq clan, with little approval from other clans. Some irregularities in the conduct of the 2001 Referendum on the Constitution have been observed in the parts of Somaliland where the opposition to independence is the strongest.60 Further, with the recent declaration of independence from the Awdal State, one can clearly question the unanimity of the claims for independence coming out of Somaliland. These uncertainties clearly weaken Hargeisa's claims, and especially today as the international community is witnessing the breakdown of a seemingly 'unified' South Sudan.

Finally, Jonathan Paquin argues that the persistent international rejection of Somaliland's independence is very much tied to the United States position on the issue.61 The United States has been mainly avoiding Somalia since the 1990s. After losing eighteen soldiers in the 1993 Battle of Mogadishu and retreating before the chaos that was southern Somalia, the U.S. government has stayed away from the Horn. It essentially sees the region as extremely unstable, and is not willing to make any significant political move towards Somaliland's recognition until Mogadishu has a fully stable government. Countering the previous argument that saw Somaliland as a strong ally in the War on Terror, Paquin argues that the United States has actually much more to lose in upsetting the AU by recognizing Somaliland because the AU has been effectively cooperating in anti-terrorism and other economic issues. Further, Paquin claims that the small Somalilander community in the United States has been too disorganized to significantly weigh on the administration's foreign policy choices. Finally, Paquin highlights the business interests the United States has in the region, and the losses it would experience—particularly in the oil industry—if Somaliland was to become a de jure state.62

Conclusion

On March 27, 2012, Southern Sudanese forces attacked an oil installation in Heglig, Sudan. A few hours later, al-Bashir announced he would not be attending the April 3 Appeasement Summit between Sudan and its newborn southern neighbor. After two decades of violence and a brief period of peace, tensions seem to be on the rise again between Khartoum and Juba. More importantly, South Sudan is now fighting its own civil war, with 2014 promising to be quite

a deadly year. How should Hargeisa read the Sudanese crisis? After all, could Somaliland be better off unrecognized? I argue that the self-declared sovereign state has achieved stability, democracy, and economic prosperity specifically because it was marginalized by Somalia and the international community. Due to the general lack of consensus for its recognition, the positions of the AU and the UN on state sovereignty and territorial integrity, and the uncertainty Somaliland is facing in respect to its future as a sovereign state, Hargeisa should maybe look for alternative avenues to recognition or reunification. Instead of breaking further away from the Somali state, it could try to weigh in the peace process in the south, reach out to the New Federal Government, spread its successful model of democracy, and render the dream of a unified and peaceful Somalia possible. With its strong potential for success, Somaliland could be the impetus for change across the Horn of Africa.

Endnotes

1 .Accounts of the ceremony are drawn from "South Sudan's Flag Raised at Independence Ceremony" (BBC News Africa, July 9, 2011); "South Sudan Independence: Juba Celebrates the Birth of a Nation" (The Telegraph, July 9, 2011); and "Programme for Celebration of the Independence of South Sudan on Saturday 9th July 2011 at Dr. John Garang's Mausoleum" (AMREF, 9 July 2011).

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International Law by Hedgehogs: International Legal Order by Means of Inherent Law

Nima Hojjati

The author argues in favour of an international legal order based on what he terms 'inherent law.' Functionally similar to natural law, inherent law is inherited by virtue of one's humanity, and is meant to avoid theological connotations of natural law. The author considers the possibility and form of such an international legal order through a discussion of the works of Hart, Dworkin, Hayek, and Rawls.

With the steady disappearance of social and political boundaries and the ever increasing prominence of international organizations, international law will need a metamorphosis. The flow of information and the homogenization of identities have made it difficult to distinguish the 'other'—old conceptions of international relations, functioning in a Hobbesian state of nature, will gradually need to be replaced. An answer will have to be given to the call for justice as people become more knowledgeable of legal practices. In this essay, I argue that an international legal order can surface through the logic of inherent law without the need for global legislation. I will begin with an analysis of Hart's legal philosophy concerning international law and try to fill the deficit that he recognizes due to the lack of legislature by looking at Ronald Dworkin's contribution to the matter at hand. I will also draw upon Friedrich Hayek's nomos in an effort to promote the naturalist path that I will be taking in establishing this legal order. Lastly, a look at John Rawls will establish how reason through a secondary original position can lay out the path for international law. A primary objective in this essay will be to avoid a concession to the idea of a world state as a necessity for a just international system by looking at international law as feasible outside of a positivist conception of law. The recurring objection that will be addressed is the idea that sovereignty immunizes states to non-consent based laws and adjudication.

Order and Inherent Law

Friedrich Hayek in Law, Legislation, and Liberty defines order as "a state of affairs in which a multiplicity of elements of various kinds are so related to each other that we may learn from our acquaintance with some spatial or temporal part of the whole to form correct expectations concerning the rest, or at least expectations which have a good chance of proving correct."[1] What is meant by an international legal order is a system that respects certain integrity by sharing elements of domestic legal systems. These elements may include concepts such as stare decisis, independent adjudication, all-encompassing jurisdiction, prosecution in accordance with principles of justice, and various other elements that allow for the legal system to be independent and legitimate. Enforcement however is beyond the scope. I do not wish to advocate for the creation of a world police, and so for my purposes, the enforcement capabilities of this international legal order should be taken as the legitimacy of the system itself. If there is a functional and just system, states will be compelled to follow its judgements through the pressures of conforming to the notion of a just society. Moreover, the judiciary of the international legal order should be taken as similar in theory to something such as the Supreme Court of the United States in that "it has no influence over the sword or the purse" but only has judgement in its arsenal.[2] Contrary to SCOTUS however, the point of this essay is to establish a judicial system that is free from

dependence on any international legislature or executive.

I argue that an international legal order may not only be necessary for the integrity of our domestic legal systems, but that it can also be born from the logic of inherent law. The term inherent law is akin to natural law (ius naturales) but stripped of theological underpinnings. Although Grotius famously argued for international law through the logic of natural law by means of etiamsi daremus non esse deum3, natural law still has until this day a divine or religious prejudice held against it. Inherent law is meant to avoid religious connotations. This concept comes from the idea of law as inherited by man by virtue of his humanity alone—it is his inheritance at birth. For all intents and purposes, inherent law should be taken as similar to natural law in its view that law can have a source other than agreed upon rules; this source is often held to be reason. For the purposes of this essay, inherent law plays the role of a premise replacing legislature in the establishment of an international legal order.

Hart's Dilemma

In The Concept of Law, H.L.A. Hart begins his discourse on international law by stating that he does not aim to identify or regulate words like 'law' or 'legal,' but instead to offer "an elucidation of the concept of law, rather than a definition of 'law' which might naturally be expected to provide a rule or rules for the use of these expressions."4 His domestic system is dependent on his arguments regarding primary and secondary rules but when it comes to international law, there is a deficit due to the lack of international legislature or courts with compulsory jurisdiction.5 As such, Hart writes that:

> "The absence of these institutions means that the rules for states resemble that simple form of social structure, consisting only of primary rules of obligation, which, when we find it among societies of individuals, we are accustomed to contrast with a developed legal system. It is indeed arguable … that international law not only lacks the secondary rules of change and adjudication which provide for legislature and courts, but also a unifying rule of recognition specifying 'sources' of law and providing general criteria for the identification of its rules."6

Hart brings up an important issue by questioning not only if international law is actually law, but also whether we should go along with existing conventions or depart from them.7 He recognizes the difficulties in how international law could be binding since there can often be doubt as to which legal system applies to a particular person.8 He gives the example of a conflict between French and English law, although in the contemporary world, a more obvious tension arises when contrasting western and non-western legal systems. The answer that Hart offers is that if there are tensions, they arise within some system of law either way, meaning that there is a fundamental premise for the existence of some form of a legal system.9 On the existential question, Ronald Dworkin admits that we have reached a point in time where we can all agree that international law really is law.10 The question that needs to be asked however is whether documents such as the Charter of the United Nations and the Geneva Conventions should constitute a legal system or whether we should look for legitimacy elsewhere, such as in inherent law.11 Dworkin also blames legal positivists for any doubt regarding the existence of international law since they believe that law could only exist when it was explicitly created.12

Before rejecting it, Ronald Dworkin offers an insightful look at Hart's theory of primary and secondary rules. Dworkin explains Hart's primary rules as those that grant rights or impose obligations, and secondary rules as those "that stipulate how, and by whom, such primary rules may be formed, recognized, modified or extinguished."13 Dworkin's objection to this dichotomy is that when lawyers apply the law, they make use of "principles, policies, and other sorts of standards" that lie outside of positivism's system of rules.14 Dworkin defines a principle of law as "one which officials must take into account, if it is relevant, as a consideration inclining in one direction or another."15 In this regard, international law follows the same logic as the domestic system; having only the primary rules in an international legal order will not be good enough since principles can be left behind.

Principles should not be confused as requiring Hart's secondary rules either. Although principles can draw support from statute or "official acts of legal institutions, they do not have a simple or direct enough connection with these acts to frame that connection in terms of criteria specified by some ultimate master rule of recognition."16 Dworkin believes that a modification of the rule of recognition in order to accommodate principles is not possible either.17 Hart does have a response; in his postscript, he writes that Dworkin ignores his "explicit acknowledgment that the rule of recognition may incorporate as criteria of legal validity conformity with moral principles or substantive values."18 Even so, this does not seem evident in Hart's conception of international law. Hart's dilemma is a desire to respect his domestic conception of justice even though he recognizes a deficit in the international context due to the absence of legislature.

Sovereignty

Before moving any further between Hart and Dworkin, it is important to introduce the concept of sovereignty, which is the primary objection and source of scepticism that arises with the idea of an international legal order. In international relations, sovereignty is not only seen as a fundamental right of states but as Hart point outs, "whenever the word 'sovereign' appears in jurisprudence, there is a tendency to associate with it the idea of a person above the law whose word is law for his inferiors or subjects."19 Not only does this idea stem from a Hobbesian view, but it can also be traced to an understanding of the state as presented by Max Weber. Weber wrote that the state has an intimate relation with violence and that not only is force a means specific to the state, but that "we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."20 This should not translate into a leviathan, as it has for the people whom Hart mentions. Weber is well aware that the state is the only "source of the 'right' to use violence," but he does define politics as the endeavour to share power or influence the distribution of power not only within a state but also among states.21 In other words, a monopoly over violence does not translate into pure subjugation, hence politics. Weber then goes on to establish traditional, charismatic, and legal ideal types of legitimations which are the sources of legitimacy for the state.

For an international legal order, 'legal' legitimacy is the most suitable within Weber's framework. In the same way that the state's powers are not absolute in rapport to its citizens, even though there might be a monopoly over violence, international law could curtail the power of states through juridical and legal measures, without a resort to a world state. For example, it is no longer acceptable for a legal state to kill its citizens, especially without a proper legal procedure, yet this does not suggest that the state has lost its monopoly over violence. Similarly, if an international legal order is born then the state can still maintain its monopoly but it is simply not legally permitted to use it with full agency. Subjugating states to laws aimed at justice does not disempower states any more than domestic systems already do. Moreover, justice should not meet an impenetrable wall when it reaches man-made lines dividing territories. The Weberian state could still survive under a stronger regime of international law by the same logic that it survives the scrutiny of domestic legal systems.

Hart also established that sovereign is not synonymous with being outside of law, but rather sovereign refers to two facts: "first, that a population inhabiting a territory lives under that form of ordered government provided by a legal system with its characteristic structure of legislature, courts, and primary rules; and, secondly, that the government enjoys a vaguely defined degree of independence."22 Hart's purpose in bringing up sovereignty also serves in establishing whether a state could have an obligation to a rule or not. If there can't be any obligations, then it would be difficult to promote a legal order, but as things stand, Hart claims that obligations do exist. For one, he tells us that the fact that states respect each other's sovereignty is definitely an obligation to a rule.23 This suggests that if states are capable of respecting the rule of sovereignty, then the possibility of respecting other rules follows. The obligations in treaties and conventions often get respected in bilateral or even multilateral agreements but it could be said that the difference there is that they are self-imposed. Consent and self-imposition definitely do bring up objections towards obligations in an international legal order.

Sovereignty addressed, Hart's primary point of contention with international law was that unlike municipal law, its rules are vague and conflicting in many points.24 He does however reject the idea that any rules established in the international arena are necessarily self-imposed by drawing attention to how new states or maritime states all end up respecting certain rules by virtue of their existence or characteristics; international law is not strictly self-imposed.25 Dworkin agrees with Hart on this matter and he notes that many positivists after Hart mistakenly assumed that sovereign states are only subject to international laws that they have consented to due to the false assumption that "the principle of consent [can] furnish an international rule of recognition."26

Morality and Law

Where Hart becomes inadequate for the promotion of an international legal order is his failure in pushing for secondary rules of recognition, change, and adjudication due to his rejection of the tendency of naturalists to advocate for law outside of legislature. In his municipal account, he relied on secondary rules to legitimize the concept of law, but he does not push for them in the international context because of what he sees as a lack of legislative change due to the lack of legislature itself.27 More importantly,

Hart maintains his dichotomy between morality and law and does not want to muddy the waters by bringing in morality. He recognizes that states often throw morality at each other when it comes to justifying conduct, but once again refuses to establish morality in the law itself.28 He follows his domestic tradition and reaffirms that like municipal law, the rules of international law "are often morally quite indifferent."29 But in the international arena, people cannot be expected to have a free reign on acting morally.

For Hart and legal positivists, law does not draw itself from morality or justice per se. Hart himself describes legal positivism to "mean the simple contention that it is in no sense a necessary truth that laws reproduce or satisfy certain demands of morality, though in fact they have often done so."30 This hope for morality is unlikely in an international system without recourse to inherent law because states simply have too much to gain by behaving immorally. Although morality is a difficult subject to touch upon, a basic immorality that can run rampant in the international arena is unwarranted murder. The common consensus is that killing someone in order to achieve a gain based solely on self-interest and not necessity is immoral, no matter how one wishes to play with the idea of morality. Hart is simply too soft in his approach on international law. He claims that it is "a mistake to suppose that a basic rule or rule of recognition is a generally necessary condition of the existence of rules of obligation or 'binding' rules," and that these secondary rules would simply be a luxury to be found in advanced social systems.31 However, if we take a look at the minimum contents of natural law that even Hart concedes, then it appears that this luxury will be necessary if international law is to be anything other than rules masking domination and abuse.

Minimum Contents of Natural Law

As the prominent general on the side of legal positivism, Hart still concedes that certain maxims of natural law cannot be ignored. Before addressing these fundamental elements which underline most legal systems, he does distance himself from naturalists by claiming that these concepts still have a causal explanation, and should not be taken as starting points in the naturalist sense.32 The first of these concepts is that of human vulnerability since the restriction on the use of violence or bodily harm is the most important aspect of social life; "the basic character of such rules may be brought out in a question: if there were not these rules what point could there be for beings such as ourselves in having rules of any other kind?"33 This simple idea lies at the heart of all human interactions. We are all susceptible to death and it seems that our species' main predator is none other than man himself. Ensuring safety would then naturally be a primary concern in most mutual cooperation. The second naturalist element is approximate equality, the notion that at the end of the day, all men share this same human vulnerability. Recalling Hobbes, Hart recognizes that "even the strongest must sleep at times and, when asleep, loses temporarily his superiority."34 Furthermore, "this fact of approximate equality, more than any other, makes obvious the necessity for a system of mutual forbearance and compromise which is the base of both legal and moral obligation."35

Hart does remind us that things could have been different. Men could not have been vulnerable, they could have had tougher exoskeletons or carapaces to protect them from other members of the species, or perhaps there could have been natural inequalities in strength. In drawing from these basic premises, he reminds us to keep these realities in mind when moving forward with understandings of law and morality. For what concerns the international context, Hart's approximate equality is perhaps the most obvious element to keep in mind since humanity does not take on a different form across borders; "we need not have recourse to the fantasy of giants among pygmies."36 The third minimum content of natural law that Hart supports is that of limited altruism, the idea that men are not angels nor are they devils, but they are somewhere between these two extremes, and so not only is a system of mutual forbearance necessary, but it is also possible.37 Men are not prone purely to destruction but in our history, the oldest story ever told has been that of domination. When there is a sense of kinship, as sometimes is in the domestic arena, man tends to hold back a little since he senses an affinity with other citizens, but the sentiments do not carry over when it comes to the 'other.' Regarding the prevention of violence, an international legal order can seem even more necessary than a domestic one if these minimum naturalist elements that even Hart concedes are to be respected.

The fourth element is limited resources which requires that institutions be set up to protect property and "the simplest forms of property are to be seen in rules excluding persons generally other than the 'owner' from entry, or the use of land, or from taking or using material things."38 The fifth and last element is limited understanding and strength of will which

holds the idea that people realize for a variety of reasons ranging from self-interest to care for the welfare of others that rules are necessary and their mutual benefits favourable.39

Nomos and Adjudication

A turn will now be made to Hayek's contributions to legal theory in order to establish the feasibility of international law based on inherent law by looking at how law can have a source other than legislature. Hayek begins his definition of nomos—the law of liberty—with a blow against legal positivism by stating that we need to break away from "the erroneous conception that there can be first a society which then gives itself law."40 Society for Hayek is born as a result of people respecting common rules and not the other way around.41 As such, he writes on authority that:

"It would therefore probably be nearer the truth if we inverted the plausible and widely held idea that law derives from authority and rather thought of all authority as deriving from law--not in the sense that the law appoints authority, but in the sense that authority commands obedience because (and so long as) it enforces a law presumed to exist independently of it and resting on a diffused opinion of what is right."42

Off the start, such an understanding of authority would suggest that a free-for-all attitude to international law has no legal foundation. Furthermore, if states wish to legitimize their authority as law-abiding, then they will need to rely on an independent law that rests on a concept of right.

A feature of Hayek's nomos is the naturalist idea that not all law is the product of legislation.43 This idea would reconcile Hart's refusal to allow for secondary rules in the international context, since if law can have a source other than legislation, then adjudication would not be so implausible. Hayek also hints at common rules which are respected by organizations but are not enforced in the general sense, and international law could fit well in such a category. An important thing to draw from this is that Hayek claims the apparatus of law is developed when there is an "effort to secure and improve a system of rules which are already observed."44 By this logic, an international legal order that is taken seriously could well be the birth of the apparatus of international law. The next step will then be to address the need for judges.

International law, outside of the International Criminal Court, is rarely subject to adjudication, but Hayek gives an indispensable role to judges. He believes that no organizational leader could ever fulfill the role of the judge in creating a conception of law.45 A judge for Hayek does not care with what the authority wants but instead addresses the legitimate expectations of private citizens.46 Outside of a world state, there might not be 'private citizens' in a global sense but an international judge could still follow the same goals as in the domestic setting. A ruler is also said to benefit by sending in a judge to restore peace because the judge can restore an "order the character of which [the ruler] may not even know."47 A point of contention here is the nature of this order yet the solution is the same solution offered in the municipal context: order refers to an order of peace. Before getting to more demanding legal matters such as torts or contracts, it can be agreed that the first steps in an international legal order would be to ensure peace. After all, Hayek states that nomos, in the beginning, "had for its end, and its sole end, to keep peace."48

In no way am I suggesting that all other international conventions, such as human rights as stated in various United Nation charters or even the crimes stated in the Rome Statute, do not require adjudication, but rather that the simplest and original premise of peace would call for adjudication at all levels of law—be it municipal or international. For Hayek, once satisfactory international law is established, the role of judges will remain unquestionable since judges will have the task of gradually perfecting the system and filling in the inevitable gaps seeing as "no system of law has ever been designed as a whole."49 The judge can also offer a solution to the dilemma posed by sovereignty since the judge will often be tasked with working with already established rules in order to find a solution to "conflicting expectations held in equally good faith and equally sanctioned by recognized rules."50 In addition, supposed conflicts which are not based on good faith could also be more easily weeded out so that the era of makeshift excuses could finally see itself drawn to an end. In concluding nomos, Hayek tells us that nomos is discovered in the sense that it reiterates already observed practices or in the sense that they are required to complement the established rules in order to have the system operate smoothly and efficiently.51 If we remain content with the idea that our legal system should simply concern itself with justice for its own citizens, then we will in fact question its integrity. How could a just society possibly support in silence great injustices either committed by its own actors abroad or even by those whom it calls allies? International nomos could prove to be a crucial supplement if we are to label our legal order as just.52

Before moving on from Hayek it is important to address the opponents of natural law by looking at how thesis—the law of legislation—fits into my argument. A point has been made thus far to argue in favour of an international legal order without recourse to legitimization by a world state. The debate over a world state is not only beyond the scope of this paper but it also does not concern the legal order being promoted. I have endeavoured to establish that international legal order should be born from the logic of inherent law itself and not as a consequence of global legislature. I broke away from Hart's idea that secondary rules were irrelevant in international law due to the absence of legislature and so similarly, thesis as described by Hayek, although complimentary, would not be a necessity. Rules of just conduct, Hayek wrote, "did not need to be deliberately made, though men gradually learned to improve or change them deliberately."53 Given that the creation of a truly independent yet empowered international legal body is unlikely, it is important to avoid any legislative foundations in the requirements of international law. Thesis could well emerge once a system is in place since it deals with the realm of operationalization.54 Hayek does claim that thesis could be crucial in the establishment of justice but he notes that "a statute (thesis) passed by a legislature may have all the attributes of a nomos, and is likely to have them if deliberately modelled after the nomos. But it need not, and in most of these cases where legislation is wanted, it cannot have this character."55 Positive law cannot be an appropriate first step in the international context since even if the law established is thesis, it would most likely continue a legacy of abuse. Satellite or weak states could be easily manipulated in agreeing with rules that would be contrary to a conception of justice.

Rights Discourse

Adjudication aside, another important aspect of an inherent law backed international legal order is rights discourse. A turn to Dworkin highlights the relationship between rights and law. Although he was initially writing with a domestic constitutional framework in mind, Dworkin's arguments can still be applied in an international context. Dworkin believed that "the existence of rights against the government would be jeopardized if the government rejects certain rights by appealing to the right of a democratic majority to work its will."56 In our context, sovereignty can play a similar role and should not be seen as a firewall in recognizing the rights of other

humans outside of certain exhaustive groups of citizens. The same way that the state should not rely on its right to a majority in order to trump the rights of others, states should not rely on their rights of sovereignty to circumvent rights that could otherwise be respected.

An objection that may arise with this idea is that the rights that Dworkin talks about are said to be held against a government, meaning that without a world state there isn't an authority to respect these rights. Yet, Dworkin believes that it only makes sense to say that "a man has a fundamental right against Government ... if that right is necessary to protect his dignity, or his standing as equally entitled to concern and respect, or some other personal value of like consequences."57 This idea of dignity that Dworkin promotes throughout his works makes it hard to ignore another individual's rights simply due to a lack of immediate obligation. The current law might not embody this idea but because of inherent law the right does not simply vanish. Instead, due to the existence of these rights we should aim at establishing a body to answer their call. Kant famously noted that "freedom, insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity;"58 and "a state is a union of a multitude of human beings under laws of right."59 Although Dworkin prefers the concept of equality over freedom as belonging to every man by virtue of his humanity, the premise remains the same.60 If mankind owes one another some form of mutual abstract universal idea, then law cannot be reconciled as limited to citizenship.

Rights discourse sets out a peculiar relationship between law and rights. In the western domestic setting, constitutions tend to be a rigid entrenchment of rights and so laws naturally respects these rights. Western legal positivists then have nothing to worry about since the culture of rights is prominent and so would naturally reflect itself in laws thought devoid of morality. As such, we should be weary to assume that law does not need a rights based element simply because our domestic systems have grown accustomed to safety measures such as constitutional scrutiny. "If the Government does not take rights seriously," Dworkin tells us, "then it does not take law seriously."61

In an article on international law, Dworkin begins by examining the dilemma posed by sovereignty and territorial integrity which have so far been presented as the natural opponents of an independent international legal order. He pro-

ceeds by examining if treaties and conventions can be sufficient enough or if there is a need for the endeavour to establish an international legal order. Dworkin concludes that not all conventions generate obligations since they are often "conventions of convenience" that are disregarded whenever they become a hindrance.62 Furthermore, a consent thesis for the creation of international law will rely on treaties signed at a particular time and states can change dramatically.63 There needs to be another basic principle since "it seems unfair that people should suffer serious disadvantages only because politicians chosen by entirely different people under entirely different constitutions signed a document many generations ago."64 Dworkin's conclusion is clear: self-limiting consent by sovereign nations cannot be the basic ground for international law, even if this proves incompatible with the doctrine of sovereignty.65 As such, Dworkin appeals to his arguments in Justice for Hedgehogs, reiterating his claim that law can be identified by asking which rules citizens or officials have a right to demand to be enforced by coercive institutions, without the means of any additional collective political decisions.66 Dworkin recognizes that a problem is that international law does not have the same institutional frameworks available to it in establishing such a theory. Unlike Hart to a certain point, Dworkin believes that we should not just let things be for the sake of continuity.

The solution that Dworkin offers to this lack of institutional structures is also a hypothetical international court. If we could imagine such a system then the problem does not seem so complicated. Naturally, we cannot just stop there. Dworkin recognizes that if an international legal order were to be established then it would face staunch opposition, particularly by superpowers.67 The reason for this is that they will have the most to lose in the current system as they have the greatest degree of freedom. Dworkin ideally thinks that "if a state can help to facilitate an international order in a way that would improve the legitimacy of its own coercive government, then it has a political obligation to do what it can in that direction."68 Dworkin defines this requirement as the true basis of international law. It should be noted that what this could mean is that there is not necessarily a coercive enforcement element to this international legal system; in similar fashion in that there isn't technically an enforced obligation to have a just legal domestic system.

The reality is that people, states included, can do whatever they want. They cannot however pretend that what they are doing is the right or the just thing to do. It should go without saying that there are in fact no divine guardians of justice that will retaliate against injustices or impose punishments. Instead, if we are to label ourselves as one thing over another, then we must be consistent. If we want a just society, then we should follow certain maxims. If we want a just democracy, then we must follow certain other ones. As such, if we wish to be a just people, regardless of the reasons why, then we will in fact have an obligation to something such as an international legal order. If we do not, then we lose our claim to the label.

In the long run, we will face negative consequences, not limited to wars, which could have been prevented if certain basic norms had been established, integrated, and respected. Dworkin was thinking along the same lines when he gave the historical example that "Germany had an obligation to facilitate and international order—a more effective League of Nations, perhaps—that could have prevented its Nazi future."69

The Law of Peoples

Dworkin's time ended before he could properly establish such a court or what rules would best embody his principle of international justice. Luckily, John Rawls helps fill this void. In a Theory of Justice, Rawls had argued that his original position was "the most philosophically favoured interpretation" of a contractarian theory of justice.70 He famously put forward the concept of justice as fairness and established that through reflective equilibrium, we can recreate the original position and its elements, such as the veil of ignorance which allows us to think without any prior prejudice.71 In his theory, the people in the original position—a hypothetical bargaining scenario—would also choose two principles of justice: (1) "each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others; and (2) social and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone's advantage, and attached to position and offices open to all."72 Although ground-breaking, this domestic idea of justice would not exactly fit in an international situation since it is simply too demanding. Rawls does give a lexical order to his principles but even then, this theory of justice is suited for individuals in a domestic setting since the conditions of the original position, as they stand, are not suitable for states as bargain-

ing agents.

Well aware of this deficit, Rawls established in The Law of Peoples a second level original position where the parties are the representatives of peoples.73 Similar to the two principles of justice, the Law of Peoples are the laws that are assumed to be born out of this second hypothetical bargaining situation. Rawls uses the term peoples as opposed to states because he believes that peoples "is meant to emphasize these singular features of peoples as distinct from states, as traditionally conceived, and to highlight their moral character and the reasonably just, or decent, nature of their regimes."74 It can be argued that Rawls is working with the premise that agents in the second original position understand certain fundamentals of justice, since they should be somewhat familiar with the domestic original position. Even Hart conceded the minimum content of natural law, meaning that most human societies can be assumed to be born out of the need for certain similar conditions such as the respect of property and peace. Rawls is also lenient towards the nature of the state, be it democratic or not, and he even promotes the tolerance of hypothetical decent hierarchical societies that could respect the Law of Peoples and he constantly expresses that his Society of Peoples is not strictly for secular liberal democracies.75

It is worth noting that Rawls states that in light of his theory we should reformulate the powers of sovereignty and that we must "deny to states the traditional rights to war and to unrestricted internal autonomy."76 Rawls' Law of Peoples also follows the explicit premise of having no dependency on a world state. In referencing Kant, Rawls writes that any "world government—by which [it is meant] a unified political regime with the legal powers normally exercised by central governments—would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy."77 The Law of Peoples grants sovereignty and autonomy so long as states abide by it. Rawls's difference principle and inequalities in general are also reserved to be decided by peoples themselves.78 If not already clear, the international legal order does not call for the replacement of domestic legal systems but rather it merely calls for the same principles that we have come to cherish to be mirrored at a second level. If Rawls was able to establish these laws through reason alone, it is fair to assume that an international court dedicated to having these laws respected is not so farfetched a concept.

Conclusion

The goal of this paper has been to promote the idea of an international legal order based on inherent law and free from the necessity of a world state. By looking at domestic and international legal theory alike, such a conception of international law is not only feasible, but might be a necessity if we are to move forward with the promulgation of justice. It is important, as Dworkin reminds us, to bear in mind that international law is a relatively new phenomenon in our collective history. Being born from the atrocities of World War II and of the 20th century, international law will also be a constant reminder of what we must strive for if we are to amend and to learn from the mistakes of the past. If we are to succeed in establishing a potent system however, positive law might need to be placed on hold. As Dworkin states in his last discourse on legal philosophy: "We must free the subject from the torpor of legal positivism. We need, now, to nourish the roots, not the twigs, of international law."79

Endnotes

1 Friedrich Hayek, Law, Legislation, and Liberty (Chicago: University of Chicago Press, 1992), 36.

2 Alexander Hamilton, James Madison, and John Jay, The Federalist Papers, edited by Clinton Rossiter (New York: Signet Classic, 2003), 464.

3 "Even if we take that there is no God."

4 H.L.A. Hart, The Concept of Law (Oxford: Oxford University Press, 2012), 212.

5 Hart, The Concept of Law, 214.

6 Ibid.

7 Ibid, 215.

8 Ibid, 216.

9 Ibid, 216-217.

10 Ronald Dworkin, "A New Philosophy for International Law," Philosophy and Public Affairs 41 (2013): 3.

11 Dworkin, "New Philosophy," 3.

12 Ibid.

13 Ronald Dworkin, Taking Rights Seriously (Cambridge: Harvard University Press, 1978), 19.

14 Dworkin, Rights, 22.

15 Ibid, 26.

16 Ibid, 41.

17 Ibid, 43.

18 Hart, Concept of Law, 250.

19 Ibid, 221.

20 Max Weber, From Max Weber: Essays in Sociology, edited by H.H. Gerth and C. Wright Mills (New York: New York University Press, 1946) 78, original emphasis.

21 Weber, Essays, 79.

22 Hart, Concept of Law, 221.

23 Hart, Concept of Law, 223.

24 Ibid, 223.

25 Ibid, 226.

26 Dworkin, "New Philosophy," 4.

27 Hart, Concept of Law, 230.

28 Ibid, 228.

29 Ibid, 229.

30 Ibid, 185-186.

31 Ibid, 235.

32 Ibid, 194.

33 Ibid.

34 Ibid, 195.

35 Ibid.

36 Ibid.

37 Ibid, 196.

38 Ibid.

39 Ibid, 197.

40 Hayek, Law, 95.

41 Ibid.

42 Ibid.

43 Ibid.

44 Ibid, 96.

45 Ibid, 97.

46 Ibid, 98.

47 Ibid.

48 Ibid.

49 Ibid, 100.

50 Ibid, 115.

51 Ibid, 123.

52 Throughout this essay I have assumed the premise that a legal order has, as an ultimate goal, some form of the promulgation of justice.

53 Hayek, Law, 124.

54 Ibid, 125.

55 Ibid, 127.

56 Dworkin, Rights, 194.

57 Ibid, 199.

58 Immanuel Kant, The Metaphysics of Morals (Cambridge: Cambridge University Press, 2012) 30.

59 Kant, Metaphysics, 90.

60 Dworkin, Rights, 272.

61 Dworkin, Rights, 205.

62 Dworkin, "New Philosophy," 9.

63 Ibid.

64 Ibid, 10.

65 Ibid.

66 Ibid, 12.

67 Ibid, 15.

68 Ibid, 17.

69 Ibid.

70 John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1999) 16.

71 Rawls, Justice, 18.

72 Ibid, 53.

73 John Rawls, The Law of Peoples (Cambridge: Harvard University Press, 1999) 17.

74 Rawls, Law, 27.

75 Ibid, 59.

76 Ibid, 27.

77 Ibid, 36.

78 Ibid, 39.

79 Dworkin, "New Philosophy," 30.

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On-Stage, Off-Stage: Jawaharlal Nehru, Diplomacy, and the Indochina Conflict, 1954-1955

Disha Jani

The author discusses Jawaharlal Nehru, Prime Minister of India, and his role in shaping India's foreign policy from 1954-'56. Using archival methods that include documentation from the negotiations at the Colombo and Geneva Conferences, the author finds that Indian foreign policy under Nehru emphasized cooperation and pragmatism over Cold War ideological differences.

While Jawaharlal Nehru was the prime minister of India, his particular vision for the nation on the world stage shaped and directed the Indian government's foreign policy. The conflict in Indochina was one such arena, where a misleadingly simplistic rhetoric of peace dominated New Delhi's message. Encased within this logic, however, was the synthesis of several paradigms of global geopolitics, each lending their own nuances. Each of these paradigms represented a slightly different way of viewing the Indochina conflict, all of which were informed by India's particular notion of its own image and its stake in Indochina. This analysis will focus on 1954 and 1955. A flurry of diplomatic activity characterized these two years in particular. As prime minister, Nehru communicated often with China, North Vietnam, the 'Colombo Powers,' the United States of America, the United Kingdom, and Australia. These correspondences indicate a less rigid relationship than the orthodox representation of Indian foreign relations suggests. The conferences, namely at Colombo, Geneva, and Bandung, provided a stage for India's official diplomatic performance, and an interface for unofficial diplomacy.

Literature Review

The secondary literature specifically on India's role in Indochina is sparse, but several historians have approached the subject as part of the larger narrative of the Asian or socialist world. A particular focus, if any, is on India's time as a Chairman on the International Control Commission after the Geneva Conference in 1954. The general consensus on this aspect, however, is the inability of the Commission's three Chairmen to compel any compliance with the Geneva Agreement. D.R. SarDesai, an expert on India-Southeast Asia relations, discusses the main principles behind Nehru's approach. He offers a detailed narrative of India's policy towards Indochina in the period preceding and following 1954-55. This analysis, however, is limited by its emphasis on India's struggle to befriend the thorny Chinese, and the two countries' competing "bid to become the pivot of Asia."[1] T.N. Kaul's more personal account is even more pronounced in its juxtaposition of India and China at odds: "Mao's was a typically Chinese approach—narrow, ruthless, and inhuman, while Nehru's was basically Indian—human and humane."[2] Yuri Nasenko is generally enamored of Nehru's policy of peaceful coexistence.[3] These accounts of Nehru's approach to foreign relations provide a rough picture of the pre-1950s period in foreign relations.

Historians and political scientists have long understood Nehru's post-independence foreign policy with the framework of a liberal, Western, civic nation-state. Nehru employed this model during his time as prime minister to outwardly project the values of the Indian state. The secondary literature generally asserts that he almost single-handedly imposed India's post-independence self-image on the global stage. Nasenko states that even if other government members held dissenting views, they refrained from articulating them within the National Congress.

The debates within the party were largely behind closed doors, and perhaps not at all effective.4 According to Patterson, there were three strands of Indian foreign policy: anti-colonialism, anti-racialism, and Asianism.5 Mukherjee elaborates, naming anti-colonialism, full equality of races, non-alignment, freedom of action, an emerging Asia and Africa, and peace and disarmament.6 SarDesai narrows these elements down to four: non-alignment, peaceful coexistence, anti-colonialism, and anti-racialism. Historians and political scientists writing after the Sino-Indian border clashes in 1962 tend to present this image of India's foreign policy objectives. These threads are certainly present in Nehru's published works and speeches. Their meaning and significance at different historical moments can be clouded by the particular stance of the writer, and the perspective afforded to him or her by hindsight. Most significantly, the secondary material addresses Nehru's principles of peaceful coexistence in contrast to Chinese aggression in 1962. The Five Principles (Panchashila) emerged from the Sino-Indian Agreement on Tibet in April 1954. Thus, the period between 1954 and 1962 is viewed as an uneasy collaboration of two ideologically and territorially oppositional powers. This tension is not readily apparent in the interactions between the two powers, namely in Nehru's conversations with Zhou Enlai in July 1954, nor in Nehru's political and private correspondence. With analytical focus on Nehru's role in Indochina, this relationship becomes all the more relevant, as the poles of the conversation shift from the assumed New Delhi-Beijing paradigm to a more amorphous picture.

This paper will chart Nehru's viewpoint and aims in 1954 and 1955, set against the backdrop of his administration's diplomatic encounters. The main sources of analysis are the selected works of Jawaharlal Nehru, compiled by the Memorial Fund in his name. In addition, this paper contains information from a published collection of his letters to Chief Ministers and digitized foreign policy documents from the National Australian Archives.

India and China

Nehru discussed the Agreement on Tibet several times when meeting with the Chinese. He often referenced the Five Principles in Parliament or with the press. Nehru certainly claimed the language of the Principles as his own, particularly in the diplomatic maneuvering throughout 1954 in the context of the Geneva Conference.

The Agreement on Trade and Intercourse between the Tibet region of China and India contained in its preamble the following: (1) mutual respect for each other's territorial integrity and sovereignty; (2) mutual non-aggression; (3) mutual non-interference; (4) equality and mutual benefit; and (5) peaceful coexistence.7 These points formed the basis of the agreement, and in a Joint Statement on June 28, 1954, India and China expanded their endorsement of the Five Principles to include relations between all nations in an effort to reduce the likelihood of war.8 In subsequent references to the Five Principles, Nehru appeared to emphasize the Sino-Indian origin of this doctrine. This equivocation is ideologically connected to a number of his foreign policy objectives, chiefly his focus on the emerging Asian sphere and the proposal of an alternative, peaceful global paradigm with multiple loci instead of an exclusively Western focus.

The relationship between India and China during this period provides an important context for the diplomatic and ideological position of the Nehru administration. Firstly, Nehru was openly in favour of handing representation at the United Nations from Taiwan to mainland China. He did not see India's relationship with China as something at odds with his relationship with Western powers, but rather an agreement to disagree. He tartly addressed the UN Secretary General in December 1954: " the world is somewhat larger than the U.S. and U.K. … it is rather irritating to be told the U.S. and U.K. will not like the inclusion of China [at Bandung] … there are many things the U.S. and U.K. have done which we do not like at all."9 There is little evidence that during this period, India and China were in direct competition for diplomatic ties or territory. China and India shared the aim of expanding the 'peace area' in Asia, primarily by supporting the existence of independent and neutral Indochinese states.10 Nehru spoke about the ancient civilizations from which modern India and China originated, and emphasized the shared influence of both cultures in Indochina.11

This emphasis on Chinese and Indian leadership in a rising Asia prompted the British Foreign Secretary Anthony Eden to adopt similar language in his conversations with Nehru. In mid-1954, Eden suggested dividing the settlement at Geneva in two groups, one with Laos and Cambodia, and the other with the two Vietnamese governments. He proposed this solution to Nehru based on the perceived existence of a civilizational frontier. Eden's grouping placed the successor states of French Indochina between the influence of two civilizations:

Laos and Cambodia with India, and Vietnam with China.12 The Australian Foreign Ministry was also concerned that India and China were meeting in private to divide up spheres of influence.13 Thus it is evident that the relationship between India and China in 1954 and 1955 was characterized by shared aims in the region, as revealed by records of their private talks and by the impressions of the two more moderate members of the Western bloc.

The Colombo Conference

The gathering of several Asian prime ministers in Colombo, Sri Lanka marked the initial, concerted effort to create an Asian solution for Asian problems in this two-year period. The conference took place between April 28 and May 2, 1954, with the prime ministers of Sri Lanka, India, Pakistan, Burma, and Indonesia in attendance. Henceforth referred to as the 'Colombo Powers,' this group of countries did not include the principal belligerents of the Indochina conflict. Despite this—or perhaps because of it—this group was able to open a regional forum for the discussion of the Indochinese problem. This provided an interface and context for the area's tensions. Nehru, at the first meeting of the conference, emphasized the nations' similarities in terms of their newly acquired independence and the common problems they faced.14 In this introduction, the minutes record a clear delineation of the elements this paper seeks to synthesize. Nehru conceptually connected a triumph against colonialism, a "resurgent Asia," and the projection of this newly won independence outward by "preventing any incursions into their freedom by an external agency."15 He noted the apparent imbalance between the relative material weakness of Asia and its potential for influence in the global sphere nonetheless. The countries of Asia "represented a vast population and a great area, and they could, therefore, exert considerable influence in the cause of peace."16 If we can consider this address to be one of several official performances of Nehru's vision for India's role in international affairs, then such an expression certainly justifies the emphasis on 'anti-colonialism' and 'Asianism' articulated by historians and political scientists analyzing his policies.

Nehru's oration at Colombo also demonstrates his navigation of the Cold War paradigm. "The major problem of the world was the continuing problem of the 'Cold War' between two blocs of big and powerful countries," stated Nehru at the opening session, but he did not address the traditionally bipolar conflict in such

terms very much afterwards.17 He presented his perspective on communist China in a pragmatic manner, while maintaining his distance from the ideologies of communism. His support of the admission of communist China to the UN in lieu of Taiwan resulted from the "absurdity" of having a large country absent from the body's proceedings.18 In other words, by doing away with an ideological understanding of the Cold War, Nehru focused primarily on power politics. Consequently, his support for China's inclusion to the UN had less to do with the bipolar stalemate of liberal democracy versus communism, but more to do with its utility in achieving peace in East Asia.19

Nehru's speech also suggests that he viewed communism as an ideological threat, but viewed neither the Soviet Union nor China as aggressors motivated by that ideology. He was in favour of nations acting to halt communist "intervention or infiltration" into their states, but found it ineffective to merely denounce the ideology.20 His assessment of the longevity of the capitalist and communist systems was based on the eventual returns to humanity and economic prosperity that each provided. He therefore preferred a pragmatic approach rather than a purely ideological one. When asked about the behaviour of communists, he countered with the example of McCarthyism in the United States, revealing a general aversion to extremism on either side of the political spectrum rather than a hatred of communism for its own sake.21

Nehru had suggested at the beginning of the Colombo Conference that internal differences between participants should be set aside in favour of the discussion of larger issues. One area where tensions arose nonetheless was the proposed condemnation of 'international communism' by the prime minister of Pakistan, Mohammad Ali Bogra.22 The nuance that Nehru presented in opposition to Bogra's statement provides the background for the former's engagement with communist China, the Viet Minh, and the Indochina question in general. In accepting the "sinister character and dangers of international communism," Nehru felt that India would be taking a side in the Cold War conflict. His rejection of the monolithic view of communism was couched in his historical understanding of the changes undergone within the movement from the times of Marx and Lenin. He also feared a diplomatic embarrassment in the face of India's forthcoming treaty with communist China. Despite this, Nehru believed that a reference to international communism would be an acceptance of the "American thesis."23 This

belief in the national specificity of the ideology characterized Nehru's relationship with the communist and socialist world. It is thus clear how he was able to reconcile his personal and political aversion to domestic communist elements with a desire to accommodate political variance outside India. Translated into Indochinese terms, this meant that instead of viewing the conflict as a struggle between capitalism and communism, which would have placed him on the former side, Nehru instead viewed all participants as belligerents. It is this view that prompted an extension of his common refrain of "non-interventionism" to the approaching Indochina settlement. He believed that aid received by belligerents from outside powers created a "vicious circle" and made a ceasefire even more elusive.24

The Colombo Conference also provided Nehru with a platform from which to articulate his six-point proposal for Vietnam. The context of the gathering and the focus on Asia were clear, as the minutes read: "the Asian countries were interested in seeing that the situation did not worsen and become a focal point for a clash on a larger scale."25 These minutes, from the papers of V.K. Krishna Menon, feature Nehru as a prominent and productive figure, and because of the minutes' Indian origin, the presentation of the participants' general views requires a critical reading. Nonetheless, this reflects Nehru's perception of the participants, and therefore has merit when discussing his particular outlook and aims at the conference and beyond.26

The six-point proposal was designed to "prepare the atmosphere" for the Geneva Conference, as Nehru was clearly apprehensive of several of the original planners.27 He was concerned that a recalcitrant Western bloc would compromise negotiations. The points of the proposal were as follows: (1) an immediate ceasefire (2) settled by France, the three associated states, and the Viet Minh; (3) a complete transfer of sovereignty to Indochina, (4) details of this transfer settled by the principal parties of the conflict; (5) non-intervention in Indochina in any form by the great powers, i.e. the U.S., U.K., U.S.S.R., or China; and (6) proposal of broad supervision by the United Nations of the implementation of any settlement.28 Despite his support for the communist Chinese seat at the United Nations, Nehru advocated a separation of that issue and the settlement, to avoid complications to the "present international tangle."29 He deplored the tendency of non-Asian powers to intervene in Asian affairs, but agreed that Asian countries might only be in a position to make "helpful suggestions."30 He also conceded that

practically, France should be represented at the ceasefire, though he opposed it "from the point of view of colonialism."31 It is evident in these particular cases that the tenets of the so-called Nehruvian foreign policy system, based on Asianism, anti-colonialism, and at this point, an advocacy for Chinese representation at the United Nations, were openly mitigated by pragmatic considerations.

Nehru's speeches at the Colombo Conference in April 1954 made it clear that the approaching Geneva Conference was foremost among his foreign policy priorities. In June, he wrote to his chief minister: "the most important thing from the world's point of view is Geneva … it appears to be collapsing."32 The possibility in June of an adjournment with postponed military talks was of great concern to Nehru, and he deplored the lack of an Indian press presence at the conference to rise above the largely Western coverage.33 His main informants during this period were chief diplomat V.K. Krishna Menon and the British Foreign Secretary Anthony Eden. In a cable before the conference, Nehru expressed frustration at the lack of information about the Viet Minh reaction to his proposal for a ceasefire, and the noncommittal response of the Chinese.34 In February 1954, Nehru was very wary of committing himself: "we do not wish to be entangled in this matter at all and propose taking no active step at this stage."35 India would apparently make a shift from this cautious stance to the stronger one at Geneva and later in the International Control Commission. This initial hesitance suggests a change in Nehru's positive assessment of the opportunity for India on the global stage.

Geneva Conference

Nehru remained wary as the Geneva Conference progressed. The conference provided the most prominent arena from which to project India's particular place in the global diplomatic system. India was not officially included in the Geneva Conference because the United States wished to restrict involvement to those countries directly implicated and the compulsory superpowers. It cannot have helped India's case that the Soviet Union pushed for its inclusion. This was met with resistance from the United States, which emphasized the exclusive inclusion of "neutral countries."36 This distinction shows that elements of India's foreign policy placed Nehru, if not in the socialist camp, then certainly out of the American camp.

Nehru saw the Indochina settlement in stark-

ly military terms, especially with the increasingly aggressive noises made by John Foster Dulles, the American Secretary of State. "Behind [Indochina] is of course the dark and terrible shadow of the H-bomb," Nehru wrote in April 1954.37 Eisenhower's policy of massive retaliation made Nehru apprehensive, as the Far Eastern theatre's future hinged on the United States' bluff. It struck Nehru as odd that these threats were being made when preparations for the Geneva Conference were underway, particularly because the military situation in Indochina was progressing much the same as it had for years, with various "ups and downs."38 The contradiction in the United States' threats was clear to him, as he made the comparison between the Chinese involvement with the Viet Minh (military advising and anti-aircraft guns) and the American provisions of bombing aircraft, military weapons, and supplies to the French.39 Nehru's presentation of the relative scales of Chinese and American intervention suggests his belief in the defensive nature of Chinese involvement on the behalf of the colonized Viet Minh, and the unwarranted aggression he viewed coming from the Americans.

Nehru was cautious in committing Indian involvement at the Geneva proceedings. In June 1954, he hesitated to agree to Eden's proposal that the Colombo powers supervise the settlement of the Indochina armistice. Nehru felt unable to accept the settlement unless both parties had signed on.40 The South Vietnamese government did not agree to the settlement, which made the later Indian chairmanship difficult to navigate. He suggested that the balance at Geneva in June was in favour of non-intervention, because the French collapse and Viet Minh military advantage made the situation too unwieldy for a Western response.41 In Dulles' threats of massive retaliation, Nehru saw an American insecurity that the strategic and weapons balance globally was turning against them and towards the socialist side. Ultimately, he saw in this parity a chance for peace and "some kind of negotiated settlement and recognition of live and let live."42 This seems a little too optimistic given the aggressive stance of the Eisenhower administration in 1954. Nehru tempered this hope with the admission that the U.S.S.R. and China would likely agree to such a settlement, as economically, it was in their favour. The United States, he admitted, would find it harder to swallow.43

Nehru believed that the future of Vietnam rested on the fulfillment of the Geneva Agreement.44 However, because he did not wish to appear interventionist or overreaching, he refrained from pressing issues of elections in open diplomatic settings. He did express frustration in private with the South Vietnamese government's recalcitrance, and the clear unwillingness of the Americans to push their allies into complying with the Agreement.45 He expressed a personal affinity for Ho Chi Minh, and in a letter to Edwina Mountbatten, declared him the most impressive figure he had met in his travels to China and the Indochinese states.46 He occasionally received reports of the chaos in South Vietnam and had witnessed the poor management firsthand on his visit. Nehru predicted that if Vietnam were left alone, as he believed it should be, the Viet Minh would move southward soon and take the whole country.47

In a letter to Ali Sastromidjojo, the Indonesian prime minister, Nehru declared that the real difficulty was with the Americans and the French. Zhou Enlai was not uncompromising, and if anything, was reacting to the surly American attitude at the conference.48 Conscious of the weight of domestic considerations, Nehru surmised that the French Foreign Minister Georges Bidault would be replaced when his government fell, and suggested that Bidault did not reflect the views of the French people.49 Nehru made a similar argument as an explanation for the American attitude. In a conversation with Anthony Eden, Nehru concluded that Eisenhower and Dulles were unlikely to compromise on any points in the Geneva settlement, as they were expecting an election in November, and did not wish to act against domestic opinion.50 With both these more difficult participants, Nehru tried to rely on the Australian Minister for External Affairs, R. G. Casey.51 Casey revealed to Nehru on more than one occasion that his government was alarmed by the aggressive attitude of the United States, and would try to pull them back in private.52 Casey was clear that Australia could not do this in public. Nehru shared this with Sastroamidjojo in June 1954, demonstrating a characteristic tendency to use his amiable relations with both Eden and Casey to quell the apparent anxiety of his fellow Colombo conference leaders (save for Pakistan).53

The role of unofficial diplomacy at the Geneva conference was instrumental in cementing India's role as mediator in a regional and Cold War context. Some members of Nehru's administration feared that V.K. Krishna Menon's uninvited involvement at Geneva was an affront to India's dignity. Nehru responded that India's prestige had seldom been higher than at Geneva. He argued that though India was not represented, her presence filled people's minds, and ev-

eryone asked what India thought about various proposals and discussions throughout the conference.54 This is perhaps an exaggeration, but it is clear that the enigmatic figure of Menon in particular, figured heavily in the settlement.55

The Geneva talks were also an opportunity for Nehru's administration to carve out a role for itself in the implementation of the settlement. He had expressed hesitation earlier in the year with being directly involved, not wanting to be tied up in a diplomatic or military quagmire. Indeed, it is the latter concern that drove him to ask Sastroamidjojo his opinion on Anthony Eden's suggestion that the Colombo powers guarantee a Geneva settlement.56 At this stage, this "guarantee" appeared to accompany a military commitment, as Nehru added that a breach of the settlement would mean war. India did not have the resources to commit to such an engagement, and Nehru had refused Eden's request for military aid to other states.57 The emphasis of the Indian delegation on non-intervention meant that such a guarantee went against this sort of an engagement. Nehru rejected the notion of a 'Pacific NATO,' in the same breath, indicating that even a pact specifically designed to maintain the Geneva settlement would be akin to participating in a partisan military alliance. "If there are no non-aligned countries left," Nehru wrote to Sastroamidjojo, "there will be no one to play a definite role in favour of peace."58

More telling is Nehru's initial reaction to the news from Eden of a possible chairmanship for India on the three-power Commission. In a cable to Menon, he said he was embarrassed that India was the only Colombo power asked, but would not reject the position. He applauded Menon on his behind-the-scenes diplomatic work, but warned him that his contribution to international peace, while clear to the participants, could not be fully disclosed. Nehru was always wary of overreaching and upsetting the delicate role India was playing as mediator. After news of the chairmanship became public, Nehru's attitude towards regional allies such as Sastroamidjojo grew instantly noncommittal. Continually emphasizing the chairmanship, Nehru hesitated from pressing South Vietnam openly, or formally recognizing any Vietnamese leader or state before elections. He nonetheless engaged with all three Indochinese states, but maintained a distance from formal recognition of Vietnam until elections could be held.

India and SEATO

By 1955, as election talks failed to material-ize, the problem of enforcement began to haunt Nehru. The 6th point from the proposal Nehru had put forward at the Colombo conference—a settlement supervised by the United Nations—proved ineffective as well. Despite his tactical detachment of the question of the Chinese UN seat from the Indochina talks, Nehru observed the problem with an unrepresented China mid-1954. Zhou Enlai was opposed to UN supervision, and Nehru agreed that there was "force in this argument."59 The difficulty he saw in any "intervention," aside from the ideological one based on Asian sovereignty, was the changing military situation in Indochina. The Viet Minh's advantage made it "almost out of the question for any effective intervention, even by the U.S."60 This frustration in the intermediate stages of the settlement laid bare Nehru's view of the negotiations. The British attitude was the only reasonable one on the Western side, while the Americans were wrong and unrealistic. They also lacked British and Australian support. If the U.S. moved to prevent an armistice, it would have to involve the planned Southeast Asian Treaty Organization (SEATO), or 'Pacific NATO.'61

Nehru doubted the support of many Asian nations for this enterprise, though it would come into being in September 1954. In the months leading to its establishment, Nehru expressed consternation at the idea of a pan-Asian military pact with the United States at the helm. SEATO flew in the face of two of his central values. Firstly, it represented an incursion into the Asian sphere by an outside, Western, militarily superior body. This was tantamount to neo-colonialism. Indeed, Nehru had openly criticized Pakistan for its acceptance of American military aid earlier that year. While this is certainly a reflection of India's security concerns, it also represented Nehru's fear that military pacts would bring the Cold War to the ground in South Asia. At a press conference in New Delhi in November 1954, Nehru said of SEATO that it was "hardly a correct designation for an organization which has not much to do with Asia at all."62 Secondly, Nehru doubted the efficacy of the military pact as a model for diplomacy. He asserted that a policy based on combinations of military power was unlikely to yield the expected results. If the avoidance of war was a priority for a modern nation, then every policy should be judged from the point of view of maintaining peace.63

Nehru sought to create an atmosphere of peace in order to avoid the further transformation of the Cold War great-power conflict into an Asian shooting war. He was not willing to risk nuclear aggression. Security would only come

if governments accepted the fact that different countries had different political, economic, and social systems. Interference brought conflict. And if non-interference were upheld, then co-existence would need to accompany it. Nehru was advocating an alternative to the Cold War bipolar framework, and going beyond the establishment of a third 'neutralist camp.' Here, Nehru presented a wider alternative to the status quo, although it is clear even he knew it was impossible. From this utopian vision, however, followed his endorsement of the Five Principles, as a "theoretically perfect" system, which "practically eliminated the possibility of conflict."64 It is this conviction that allowed Nehru to remain anti-communist in India, and accommodating of different state structures abroad. He pushed for cooperation because to him, writing off an entire population because of the ideology of its state was absurd.

Afro-Asian Conference

Nehru's enthusiasm for international cooperation was met with the ultimate opportunity in April 1955 at the Afro-Asian Conference. It was held in Bandung at the invitation of Ruslan Abdulgani, the Secretary General of the Indonesian Ministry of Foreign Affairs. The significance of this conference for the Indochina conflict was less material and more symbolic, insofar as the principles of coexistence and anti-colonialism served as the foundation. Several memoirs and accounts of the conference note the political achievement and historical significance of the meeting. The Philippine diplomat Carlos Romulo was sceptical of Nehru's non-aligned stance, claiming that he condoned intervention and aggression whenever it came from a socialist state.65 An American observer, George McTurnan Kahin, stated in his report that the primary motivations for the conference were (1) the avoidance of war; (2) the development of China's diplomatic independence from the Soviet Union; and (3) the containment of the Chinese and Viet Minh military at the existing borders of China, Laos, and Cambodia.66 India's promotion of neutralism was listed as another, country-specific objective. This indicates that despite Nehru's desires, this conference did not become the platform from which to spread an Afro-Asian non-aligned movement. Indeed, many of the participants were involved in some military alliance or another, and as a result the Bandung Final Communiqué contains no explicit provision for neutrality.67 Instead, the Bandung Conference emphasized the rising stature of the newly de-

colonized or decolonizing world, and sought to create a framework of diplomacy outside of direct Western orchestration.

The Viet Minh were represented at Bandung by Pham Vam Dong and Ho Chi Minh, and with Nehru as mediator, arrived at an agreement with Laos. The agreement stated that henceforth, the two states would base relations on India's principles for peaceful coexistence. The two groups also agreed to regard the communist-inspired Pathet Lao movement as an affair of the Laotian government, which was considered an assurance against Viet Minh interference. Nehru's diplomatic achievements with Indochina met a lukewarm conclusion at Bandung, with a largely symbolic assurance that had no guarantee. The dynamic role India had played in 1954 and 1955 was left uncertain, as the chairmanship of the ICC brought more challenges to the Geneva settlement.

Conclusion

By following the course of Jawaharlal Nehru's involvement in the Indochina conflict in 1954 and 1955, various aspects of his foreign policy objectives are illuminated. The initial grounding of Nehruvian international relations in the Five Principles established a precedent at the beginning of 1954: cooperation mattered more than differences in ideology. Peaceful coexistence built upon Nehru's core values of anti-colonialism and a focus on emerging Asian powers. In order to create a distinctive international presence for India, Nehru used the diplomatic meetings in this period to articulate his strategies for the resolution of the Indochina conflict. These efforts manifested themselves in V.K. Krishna Menon's influential and unofficial participation in the Geneva conference, and the inclusion of India in the tripartite Control Commission.

Parallel to the settlement of conflict, Nehru attempted to facilitate dialogue between the belligerent powers in Indochina. Much of this was done informally via his discussions with Anthony Eden, Zhou Enlai, Ali Sastroamidjojo, and R.G. Casey. More formally, the regional Colombo and Bandung conferences created an interface for Nehru's articulation of anti-colonialism and Asianism, and to some extent, neutralism. These gatherings reflected Nehru's desire for an Asian solution for the increased aggression emanating from the Cold War divide.

Despite the diplomatic links Nehru made, he met with resistance to his policy of coexistence, and certainly clashed with aligned powers on the

issue of non-alignment. As historians continue to study Nehru's aims and policies in greater depth, it would be valuable to assess the limitations placed on his doctrine of peaceful coexistence by domestic communist threats. His rhetoric of 'live and let live' may reveal additional nuances when examined at home. Despite these questions, following Nehru's thought process and policy aims in 1954 and 1955 has revealed a complicated picture. The Indochina conflict ultimately provided Nehru with an arena in which to articulate and apply his hitherto theoretical paradigms of foreign relations.

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British Interests and Anglo-American Grand Strategy in World War II

Mattieu W. Santerre

The author examines the formation of Anglo-American grand strategy in the period of World War II shortly following America's entry. He finds that the U.K. exerted the greatest influence on strategy making from 1942 to 1943, but that the U.S. would lead in the period afterwards. Although Britain was able to take advantage of its early experience fighting Nazi Germany, the U.S. was able to secure primacy in the consideration of its interests following the adoption of a unified command structure under the Joint Chiefs of Staff.

The Second World War saw the formation of the Anglo-American alliance. This was a necessary "special relationship."1 It may have been aided by a warm belief in a common language, common institutions, and a common history or by the friendship of two statesmen— Franklin Delano Roosevelt and Winston Churchill—but it was built on cold self-interest. Both Britain and the United States had an interest in collaborating with the other: each knew they needed a formidable partner to beat Hitler's Nazi Germany. Britain needed American military and industrial might, and America needed British expertise. The grand strategy adopted by the two powers between 1942 and 1945 reflected these needs. British interests drove strategy up to the point where the United States' massive military machine was fully deployed and capable of leading the war effort. This applied to all theatres of war. Once American forces, command, and leadership established predominance, British interests were subservient.

This essay argues that Anglo-American grand strategy in Europe and North Africa was driven by British interests between 1942 and the end of the Teheran Conference in December 1943. Following Teheran and the waning of British influence, the United States would lead the grand strategy of the Anglo-American alliance. More and more, the U.S.S.R. would supplant Britain as the United States' primary partner in defeating Nazi Germany. The United Kingdom, in the words of Winston Churchill, would sit "with the great Russian bear on one side … with paws outstretched, and on the other side the great American buffalo, and between the two sat the poor little English donkey."2 This essay is divided into two parts. First, it examines how British experience fighting Nazi Germany, which meant troops on the ground and a unified command structure, led to British interests shaping grand strategy. Second, it observes that American interests came to dominate once the United States adopted a unified command structure and had assured a predominance of deployed resources following the Quadrant Quebec conference. The five months between the Quebec and Teheran conferences would prove to be a turning point. An overextended British Empire could no longer put its interests before those of an emerging superpower. Once the American war effort gained momentum, British interests no longer drove grand strategy.

British Leadership in Europe and Africa

Once the United States joined the war, Britain pressed them to focus on the European theatre. The United States was plunged into World War II by the attack at Pearl Harbor, declaring war against Japan on December 8, 1941.3 In the Pacific theatre, the United States was predominant—the Pacific was an American war. British forces had retreated in the face of a rapid Japanese advance. The fall of Singapore in February 1942, the Empire's last stronghold in Southeast

Asia, marked the end of British influence in the Pacific.4 However, British interests would remain intact in India. East of the subcontinent, the Americans were waging the war with their resources, following their priorities. On account of each country's military circumstances, it was established on March 24, 1942 on to assign the Pacific theatre to the United States and Burma to Britain.5

Although the United Kingdom did not dominate the war in the Pacific, its interests were still upheld. Britain wanted a 'Europe first' strategy, but the American admirals and generals in the field disagreed. They thought the Pacific posed the biggest threat and should be the focus of American deployment. For the United Kingdom, Germany remained the greater threat and therefore the prime target. British insistence on confronting the Nazi threat, and General George Marshall and President Roosevelt's rational calculations, led Anglo-American grand strategy to adopt the European theatre as its priority. The Pacific, for now, would remain a defensive war.6

British priority in Europe was for a war of divergence, where the enemy would not be attacked head on. The United Kingdom had stood alone with its Empire against Nazi Germany from the fall of France in June 1940 to American entry into the war in December 1941. It did not want to risk an immediate landing in north-western Europe. There were fears that such a strategy would lead to a repeat of the horrors of trench warfare and immobility on the Western Front endured during World War I. Paired with this fear was a tradition of actions at the margins. From Admiral Nelson striking in Alexandria, Copenhagen, and Trafalgar in the Napoleonic Wars, to Churchill attempting to coordinate a landing a Gallipoli in the First World War, to amphibious action in Norway in 1940, Britain favoured flanking manoeuvres. This would enable the prevention of a depletion of forces. Therefore, in 1942, British strategic planners favoured peripheral military engagements in the Mediterranean.7

A unified command structure allowed British interests to shape grand strategy at a series of conferences between high-level British and American officials. The first was Arcadia, where the British Prime Minister Winston Churchill and the American President Franklin Roosevelt met in Washington from December 22, 1941 to January 14, 1942.8 These meetings are where they first established strategy and joint command structures.9 Europe became the priority objective and the Combined Chiefs of Staff was formed. This new decision-making body would unite the heads of the two country's armed forces. This

is where the British could best pursue their interests. Since the United States had just entered the war; it did not have a unified command apparatus; conversely Britain had the Chiefs of Staff Committee (CSC). The Committee was comprised of the heads of the three armed services; the Royal Navy, represented by the First Sea Lord, Admiral Sir Dudley Pound; the Royal Air Force, represented by Sir Charles Portal; and British Army, represented by Sir Alan Brooke. They were joined by the Chief of Staff to the Defence Minister, who represented Churchill, Major General Sir Hastings Ismay. At Arcadia, the Chiefs of Staff presented a united front with Churchill, preserved British interest, and successfully pushed for peripheral action around Germany, to be followed by a landing in 1943.10 In contrast, the different branches of the United States military acted independently from one another. They did not have an administrative apparatus which allowed them to agree on policy. 11 This would prove a major influence in allowing British policy to drive grand strategy. A counterweight to the CSC needed to be created. A proposal for an American counterpart was suggested in a memorandum by the British Chiefs of Staff in Washington on January 8, 1942.12 The American military would need time to unify its command and strategy.

The United States Joint Chiefs of Staff (JCS) was created in February 1942 to reflect its British equivalent. Marshall would sit for the army; Admiral Ernest J. King for the navy; General Henry H. Arnold for the Air Force; and Admiral William D. Leahy as Chief of Staff to the Commander in Chief of the Army and Navy and Roosevelt's representative.13 Yet, even once a body of streamlined American military command had been created, an institutional culture of cooperation needed to follow. Britain could still exploit division among the different members of the JCS, and among the Chiefs and the President, to its advantage.

The Washington Conference of June 1942 illustrates how divisions among American decision-makers once again allowed the success of British strategy. The United States military could mollify the CSC by threatening to bring American focus out of Europe and back to the Pacific—which, given the Japanese victories in the early stages of the war was a very real possibility. This threat had to be taken into account when the British were pushing their preferences. The CSC agreed to Operation Bolero, which entailed the concentration of forces in the United Kingdom for an eventual landing in Europe. They also agreed "in principle" to Operation

Sledgehammer, which detailed the landing of troops across the Channel in 1942. These were both American proposals. The CSC thought the build-up of troops in Britain necessary and a prime strategic objective, but they refused to sanction a premature attack on the Northern European coast.14 Yet, the British had a trick up their sleeve. By dividing policy makers, they would get Sledgehammer replaced by Operation Gymnast (the invasion of North Africa) and secure their objectives. The JCS strongly supported Sledgehammer while the President wavered. A meeting was held at the White House on June 21, 1942. The President, the Prime Minister, Harry Hopkins, Marshall, Brooke, and Ismay were present. In a memorandum circulated to both parties the following day, Ismay concludes that Churchill had managed to convince the dubious Roosevelt that "detailed examination shows that despite all efforts, success is improbable" and that "we must be ready with an alternative." Gymnast should be pursued using forces from the Bolero build up. 15 There was a belief that the JCS would realize on its own that Sledgehammer was infeasible. They did, but maintained that it was a political necessity. In fact, it can be countered that JCS would have abandoned Sledgehammer even without British interference. However, Marshall and Secretary of War Stimson were ready to accept the military ramifications of the operations in exchange of a show of support for the U.S.S.R., which was struggling alone on the continent against Hitler's forces. It was Churchill's—and later Mountbatten's—efforts which brought Roosevelt round to the idea that Sledgehammer should be abandoned in favour of Gymnast. Marshall and the JCS were displeased.16 Britain had succeeded in dividing American policy-makers to further its interests. The JCS agreed to Gymnast, renamed Torch (perhaps to save face), in July 1942.17

Torch and Allied operations in the Mediterranean were made possible by British military predominance. British military planners exploited American divisions in command to influence grand strategy, but this influence could only be achieved if it was backed up by troops on the ground. Until the United States could get more troops and material than the United Kingdom into the European and North African theatres, British influence would dominate. In 1942 and the beginning of 1943, the United Kingdom had military capabilities in Europe and North Africa, which the United States not could yet reach. America was bringing up the rear. Nevertheless, American war material was making its way across the Atlantic. Once the American steamroller was

set in motion it could not be stopped. Operation Torch and the invasion of North-Western Africa would begin a transition away from British military superiority. Eisenhower landed a mainly American force on the north-western African coast on November 8, 1942.18 The force under his command comprised of 23 000 British and 84 000 American troops. This was the first major operation where the United States outnumbered the United Kingdom. It was only once Torch and the North African campaign were in full operation that British superiority on the ground was fully diluted by the Americans.19

In Casablanca, the Americans would repeat the same mistakes they had made in Washington. Once again, the JCS was divided. Marshall was in favour of Operation Roundup, an early landing in Europe, and had to deal with colleagues who still favoured the Pacific. A plan that 30 per cent of Allied resources be directed to the Pacific War was rejected by British decision-makers. However, they did agree to help by promising forces in Burma. The major success for Britain was the adoption of Husky in the Mediterranean. Preparations for the invasion of Sicily could now go ahead.20 The Second Battle of El Alamein in October and November 1942 would be the highpoint of British military might. Already Bernard Montgomery's victory was heavily dependent on American aid. Churchill rejoiced that, "Before Alamein we never had a victory. After Alamein we never had a defeat."21 Increasingly this 'we' was American.

Quadrant, Teheran, and the Transition to American Dominance

British interests were dependant on military superiority and a divided American command structure to be fulfilled. However, British military superiority crumbled between the beginning of the campaign in North Africa and El Alamein. Already by El Alamein, Montgomery had carefully husbanded scarce British and Commonwealth forces and was using mostly American war material.22 In the landings in Sicily, the south of France and then finally in Normandy in June 1944, Britain would play a junior role with its Commonwealth partners. The magnitude of the military might which the United States' resources and industry could provide greatly aided the republic in prioritizing its interests.23 Now American decision-makers could afford to be firmer.

This is not to say that American interests had not already been pursued prior to Torch. The United States would not have participated in

a grand strategy it could not control. It was in its interest to adopt a Europe-first strategy. Hitler was a bigger threat than Japan. It was in the United States' interest to engage in peripheral action while carefully building up forces for a decisive cross-channel operation. Here British and American strategic priorities met. Where Britain succeeded was in framing these interests and stressing their importance. Without British badgering and external pressure, the United States military planners may well have remained divided on strategy and not focused on their priorities until it was too late. The sheer size and capabilities of American industry and military power meant it could win World War II. What Britain did by driving grand strategy in 1942 and the early months of 1943 was to ensure the war could be fought effectively. The United States would have been victorious, but without the United Kingdom, they may not have been victorious in Europe as early as 1945.

At the Second Quebec Conference—code-named Quadrant—in August 1943, the Prime Minister and the CSC could no longer count on a divided JCS and President.24 Learning from their mistakes at the Washington and Casablanca conferences American policymakers would establish a united position before arriving. Already at the Third Washington Conference—code-named Trident—in May 1943, the JCS was united and was able to get Britain to agree to a compromise: a cross-channel assault on northern Europe in May 1944. In exchange, the United States would supplement British interests by promising additional operations in the Mediterranean in 1943 to push fascist Italy out of the war.25 At Quadrant the United States' military planners would get what they had been looking for since the beginning of operations in Europe—Overlord, a direct invasion of Nazi Europe from the United Kingdom, was agreed upon.26

At Trident, there was a compromise between the British and American positions. Now the JCS felt bold enough to insist on Operation Overlord taking priority. Not only did the United States have more military muscle, but the JCS had agreed on what they would pursue before the conference. To ensure all of the American delegation was on the same page they convinced Roosevelt to show unwavering support for Overlord. Indeed, when Churchill saw the President at his Hyde Park residence before Quadrant he was surprised to find Roosevelt unresponsive to his arguments. For once the British team would be divided over strategy at Quebec. The Prime Minister was seeking even more peripheral action in the Mediterranean, particularly a landing on the

Aegean Islands, which the CSC. discounted.27 Unity would be the cornerstone of American success at Quadrant.

The Teheran Conference (November 28 to December 1, 1943) marked the end of the transition away from British interest driving Anglo-American grand strategy.28 American interests, and to an extent Soviet interest, now shaped grand strategy. The United States began to see the Soviet Union as being able to play a greater role than the United Kingdom in the destruction of Nazi Germany and Japan. At Teheran, the American delegation, especially Roosevelt, tried to woo the Soviets at to the detriment—and often the expense—of the British29. At Teheran, Churchill and the British found themselves in the same position as Prime Minister Mackenzie King and the Canadians at Quadrant. They were stuck between two giants, trying to shape strategy and policy at the margins. American efforts to open a second front with an invasion of north-western Europe had always been seen, in part, as strategy to gain Soviet support. Roosevelt felt he needed Stalin to build a new world order. At Teheran, Roosevelt and his delegation were able to outmanoeuvre their British counterparts and reaffirm the Anglo-American commitment that Overlord takes place in May 1944. The Americans were united, militarily strong, and able to use Soviet pressure to gain British acceptance. From Teheran, American interests guided grand strategy. Overlord and Anvil (the invasion of southern France)—both American priorities—became the plan of attack that would bring the war in Europe to an end.30

Conclusion

Anglo-American grand strategy was driven by British interest from 1942 to August 1943. These interests were for a Europe-first strategy and peripheral actions in the Mediterranean to strike at Hitler's 'soft underbelly.' The United Kingdom was able to pursue these interests because it had, through the fight against Germany, acquired a unified military command and strong military capabilities in Europe. Britain was able to benefit from these advantages because of the lack of a united American policy on grand strategy. Paired with the fact that the majority of troops in the European theatre up to Operation Torch were British, Britain could guide the war effort. Once American military might became predominant, and American military command unified, through the creation of the JCS and by ensuring that the President and his military staff adopted the same policy, British interests became

subservient to America's.

Even if the United States' interests guided grand strategy, Britain's long-term interests were served. The United Kingdom had no alternative but to cling to the United States for survival in World War II. The British Empire, if considered an alternative, was not a viable solution.31 The dominions and colonies could not have provided the support Britain needed. Salvation lay in the arms of the New World. The United States may have pushed for a direct invasion of Europe instead of peripheral action, but in the end this grand strategy would defeat Nazi Germany. This was Britain's prime interest. The United Kingdom sought an end to the Nazi and fascist tyranny of Europe, and it got it. In the process Britain would create a solid precedent. The Cold War lay on the horizon, and although not immediately evident, Britain and America would once more need each other. Grand strategy during World War II did expose competing interests. It also laid the sturdy foundation stone for Anglo-American cooperation.

Endnotes

1 Winston Churchill first used the term "special relationship" to describe the Anglo-American alliance in his 1946 Fulton speech.

2 Quoted in David Dilks ed., The Diaries of Sir Alexander Cadogan, 1938-1945(London: Cassell &Company Ltd., 1971), 582.

3 Russell Buchanan, The United States in World War II, Volume I (New York: Harper & Row, 1964).72-78

4 Mark A. Stoler, Allies in War: Britain America Against the Axis Powers, 1940-1945 (London: Hodder Arnold, 2005),56-57

5 Buchanan., United States in World War II, 216

6 Martin Folly, The United States and World War II (Edinburgh: Edinburgh University Press, 2002), 44-46.

7 Ibid, 44

8 United States Department of State. Foreign Relations of the Unites States: The Conferences at Washington, 1941-1942, and Casablanca, 1943 (Washington D.C.: 1968), 3-418

9 Stoler. Allies in War, 37

10 Ibid, 41-51.

11 Mark A. Stoler, Allies and Adversaries: the Joint Chiefs of Staff, the Grand Alliance and the U.S. Strategy in World War II (Chapel Hill: University of North Carolina Press, 2000), 64-67

12 "Memorandum by the British Chiefs of Staff, Washington, January 8, 1942" in United States Department of State. Foreign Relations of the Unites States. p.217-219

13 Stoler. Allies and Adversaries, 65. The Joint Chiefs of Staff officially acknowledge the instrumental role played by the Anglo-American alliance in its establishment on their website. See Joint Chiefs of Staff: Origin of Joint Concepts, http://www.jcs.mil

14 Stoler. Allies in War, 66-71

15 "Memorandum by Prime Minister Churchill's Chief of Staff Officer, Washington, June 22, 1942" in United States Department of State. Foreign Relations of the Unites States, 478-479.

16 In a July 11 report, Eisenhower details how the C.S.C. and the P.M. were united against Sledgehammer and favoured Gymnast. See Dwight D. Eisenhower, "To George Catlett Marshall, Cable #262. Secret," in The Papers of Dwight David Eisenhower: The War Years Vol. I, edited by Alfred D. Chandler (Baltimore: John Hopkins University Press, 1970), 378-380.

17 Keith Sainsbury. Churchill and Roosevelt at War: The War They Fought and the Peace They Hoped to Make. (London: Macmillan, 1994), 22-29

18 See Dwight D. Eisenhower, "Eisenhower Report on "Torch"." Combined Arms Research Library Digital Library. 26 August 2004, http://cgsc.contentdm.oclc.org/utils/getfile/collection/p4013coll8/id/110/filename/99.pdf (accessed November 20, 2013).

19 For a detailed list of British and American military numbers during Torch, see Buchanan, 146-147

20 "Meeting of the Combined Chiefs of Staff with Roosevelt and Churchill, January 18, 1943" in United States Department of State. Foreign Relations of the Unites States. pp.627-637

21 Winston S. Churchill, The Second World War Vol 4. The Hinge of Fate (London: Cassell, 1951), 541.

22 Stoler. Allies in War, 73-75

23 Ibid, 125

24 United States Department of State. Foreign Relations of the Unites States: The Conferences at Washington and Quebec, 1943 (Washington D.C.: 1970) 1-377

25 "Resolutions by the Combined Chiefs of Staff, Washington, 20 May 1942" in United States Department of State. Foreign Relations of the Unites States: The Conferences at Washington and Quebec, 1943. (Washington D.C.: 1970), 281-282

26 "Meeting of the Combined Chiefs of Staff, August 15, 1943, Château Frontenac" in Ibid. pp.862-869

27 Stoler. Allies in War. pp. 123-127.

28 United States Department of State. Foreign Relations of the Unites States: The Conferences at Cairo and Teheran, 1943. Washington D.C.: 1961.

29 At the Teheran Conference, Roosevelt teased Churchill to gain the sympathy of Stalin.

30 Sainsbury, 68-78

31 John Charmley, Churchill's Grand Alliance: the Anglo-American special relationship, 1940-5 (London and New York) Harcourt Brace & Co, 1995.

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