

Critical Perspectives



Critical Perspectives is an online journal written and edited by graduates of global politics, economics and law – a forum through which the thinkers of today may express a range of critical perspectives on the issues of today.

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Elections, Sovereignty and Nationhood

Critical Perspectives – Editorial

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“Two very different ideas are usually confounded under the name democracy. The pure idea of democracy, according to its definition, is the government of the whole people by the whole people, equally represented. Democracy as commonly conceived and hitherto practised is the government of the whole people by a mere majority of the people, exclusively represented. The former is synonymous with the equality of all citizens; the latter, strangely confounded with it, is a government of privilege, in favour of the numerical majority, who alone possess practically any voice in the State. This is the inevitable consequence of the manner in which the votes are now taken, to the complete disfranchisement of minorities.”

John Stuart Mill, Representative Government, 1861

The famous Mill quote describes the inception of elections in modern political consciousness that is well known – our battles for franchise and the ensuing development of the apparatus of liberal democracy. Thus, ‘democratic elections’ are a central bastion of modern democracy today. Their trappings fill our media, predictions of the winners and losers occupy our journalists as protagonists dance across our political stage in rosette techni-colour. Methods and tactics taunt our political scientists, the utility of the dance occupies both the serious-minded and pop-philosopher at once, whilst parallel futures tax economists. Like it or not, the outcomes effect us all. The process of a population transferring sovereignty to chosen delegates is routine in western liberal democracy. Indeed, it is so expected that very attendance to the ballot becomes the challenge. Commentators refer to the pitfalls of electioneering in the language of necessary ‘evils’ and we the electorate barely tolerate the carriage of democracy as unseemly expedience. In other parts of the world elections are either a very real and fought-for privilege, or, or sometimes simultaneously, an imposed cultural oppression. This struggle, found especially in young post-colonial democracies, or those that have returned to democracy (such as many of the former communist-led countries in Central and Eastern Europe), is often passionate, bloody and involved; a far cry from the nonchalant apathy of the west. But is the state itself the instrument of

oppression? Is it worth trying to improve its apparatuses, the protection of the legal order, elections, laws guaranteeing personal freedoms — does all this become irrelevant when faced with central questions of philosophical legitimacy?

Whether imposed, accepted, fought-for or ignored – elections are deeply connected with political culture, identity, the sense of ownership of one’s sovereignty and of actualising nationhood. The method and decisions of election time often characterise a country and its population both internally and as viewed from the rest of the world. Thinkers through the ages have wrestled with their meaning, politicians have vied for their recognition, and citizens have grappled with their impact. It could be said that elections signify both the beginning and the end of politics. Thus, by way of an introduction to the debates, philosophies and experience we intend to focus upon in this next evolution of the Aberystwyth alumni journal of political thought, we have chosen to dedicate the first issue of *Critical Perspectives* to ‘Elections, Sovereignty and Nationhood’.

The articles in this first issue present a variety of insightful critical perspectives on these interlinked issues. First, we have a very interesting essay by Michael John-Hopkins on Kosovo’s independence. Three parliamentary elections have been held in Kosovo since 1999, the latest one in November 2007. Following these elections, a declaration of independence by the pro-independence Kosovar leaders became ever more likely. However, a declaration of independence was postponed until the end of the Serbian presidential elections in February 2008 because most Western leaders had feared that a premature declaration could strengthen the position of the ultra-nationalist candidate, Tomislav Nikolić. However, the pro-Western incumbent, President Boris Tadić, eventually emerged as the winner, and a few days afterwards Kosovo declared its independence. While not so much focusing on the elections themselves, John-Hopkins explores Serbia and Russia’s claim that Kosovo’s declaration of independence and recognition thereof amounts to a violation of international law. He looks at a number of historical events and documents and provides a contemporary legal analysis that argues in favour of Serbia’s claim that it has had continuous sovereign title over Kosovo. His analysis also looks at the wider global context and suggests that Kosovo has to be seen as part of a power struggle between Western powers and Russia.

Many political theorists have argued that elections do not necessarily lead to a fair representation of the electorate's views in actual policy-making. For example, as early as in the 16th century Niccolò Machiavelli argued in *Discourses on Livy* that corruption meant that it was “not the most virtuous but the most powerful who stood for election, and the weak, even if virtuous, were too frightened to run for office.”¹ More often than not, superficial democratic systems lead to the electoral outcomes described by Machiavelli. Unfortunately, there are many of such incomplete, superficial democratic systems in Africa, for many reasons (including the legacy of colonialism) that we cannot explore at this point. However, our third article written by Abi Dymond, provides an insightful critical perspective on the role of elections and international financial institutions in contemporary Zambia. She argues that the pervasive influence of international financial institutions and the similarity between the main Zambian political parties have traditionally meant that the electorate has had little say over Zambia's economic policy direction. However, her essay demonstrates that the most recent elections in 2006 represent a break from this pattern, with the emergence of a viable opposition party and the country's completion of the World Bank IMF Highly Indebted Poor Countries Initiative providing a new hope that economic policies are becoming more accountable. Dymond skilfully uses the copper mining sector as an illustration to support her critical analysis of the country's economic policy.

Economic policy is often at the forefront of electoral decision making from the voter perspective – and it is frequently this which informs party political allegiance. Josie Neville explores the phenomenon of affinity with extreme nationalism in modern society in an interesting and challenging piece, which provides the reader with a balanced appraisal of a politics that has been fashionably unfashionable for some time, but which is going through something of a renaissance. Neville's article examines that which Brendan O'Neill, writing in the *New Statesman*, described as something that “all parties should be concerned about”; the growth of the BNP over the past 15 years - from 7,005 votes in the 1992 general election to 192,746 in 2005.² This piece examines identity politics and the phenomenon of our growing need for a ‘tribal’ national identity, the focus on the family unit and locally conceived community that has become popular as contrast to an increasingly globalised world and a return to ‘the old values’. This echoes

¹ Machiavelli, N. (1531) *Discorsi sopra la prima deca di Tito Livio* (Discourses on the First Decade of Titus Livy)

² O'Neill, B., “What's driving the BNP?”, *New Statesman*, 1 May 2008

throughout the ages, none more resonantly than to Mazzini's critical recovery of the *identity* of a culture is, which for him was a crucial dimension of normative political argument "You are men, that is, rational and social creatures capable, by means of community only, of a progress to which no one may assign limits."³

Our choice of focusing on elections in our first issue has also been driven by one of the most exciting presidential elections in the United States of America for many years. The contrast between the two candidates could not be sharper: on the one hand, we have 72-year old senior senator and Vietnam War veteran John McCain from the Republican Party; on the other hand, the junior senator Barack Obama from the Democratic Party might become the first African-American US President. 'Change' has emerged as the central theme of both candidates' campaigns, while McCain has also tried to emphasise his 'experience' as a senator and war veteran. For many Americans a multitude of issues are relevant in determining their eventual preference: the solutions to the economic downturn, the need for healthcare reform, new visions for the educational system etc. However, many 'outsiders' from the rest of the world are at least as interested as Americans in this crucial electoral battle to replace George W. Bush – and they are particularly interested in American foreign policy, especially after eight years in which a neo-conservative and unilateralist mindset appeared to have dominated US foreign policy. In the fourth article of this issue, Yusuf Yawe takes a critical look at both candidates' foreign policy agendas and uncovers marked differences in their outlooks. He examines several foreign policy hotspots to demonstrate that Obama's preference for direct diplomacy contrast sharply with McCain's rather confrontational and hawkish agenda. As the election draws nearer, such an analysis is more relevant than ever both for Americans and non-Americans.

By contrast, *Critical Perspectives* also includes as this issue's opinion piece, a suitably provocative critical perspective on the edition's theme. Jack Gibberd's challenge to our assumed social contract developed of the electoral tradition asks central questions about motive and allegiance that will rock the reader's surety of footing. Proffering freedom and self-interest, peace and power, Gibberd grapples with a whirlwind of power, authority and truth. In the words of Rousseau, "As soon as any man says of the affairs of the State 'What does it matter to me?'"

³ Mazzini, J. (1891) *Life And Writings Of Joseph Mazzini Vol IV Critical And Literary* (Smith, Elder & Co; London)

the State may be given up for lost.”⁴ So, perhaps these are questions worth grappling with for a while as we make our choices.

As our five contributions demonstrate, elections are multi-faceted: they can assert a young nation’s claim to statehood (Kosovo), they can be the starting point of an economic revival (Zambia), they can also offer an opportunity for nationalist parties to spread their ideology, as threatening as that may be to some (BNP in the UK), they provide an insight into a country’s potential foreign policy direction (United States), and they might be guided by less rational motives but rather emotions and instincts (‘self-interest’). Our articles thus provide interesting insights into the interplay of elections, sovereignty and nationhood from legal, political, motivational and policy perspectives.

As we enter the final week of US electioneering, a critical perspective on elections and nationhood is ever relevant. We hope you enjoy this critical electoral process!

Martin and Rebecca

⁴ Rousseau, J. (1792) *Du Contrat Social* (The Social Contract, Or Principles of Political Right), III Chapter 15

A Premature Kosovo in the Cradle

Michael John-Hopkins

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In view of Kosovo's unilateral declaration of independence following the Parliamentary elections to the Kosovo Assembly in November 2007, this paper examines the legal basis to Serbia and Russia's non-recognition as well as their claim that such a declaration of independence and recognition thereof amounts to a violation of international law. The discussion begins by discussing a number of historical events and documents that support Serbia's claim that it has had continuous sovereign title over the principality of Kosovo. This leads to a contemporary legal analysis which suggests that Serbia possesses full and entire sovereignty over Kosovo, it has no intention of ceding and abandoning that sovereignty and that this sovereignty has been recognised under international law. Kosovo's declaration of independence and recognition thereof has subverted the internationally agreed political process intended to restore a greater degree of autonomy and meaningful self-administration to Kosovo and has thus violated Serbia's sovereignty and territorial integrity. It is suggested that such an assault on the international legal order is potentially antithetical to long-term peace and security both regionally and internationally.

“...the non-recognition by other nations...is usually appropriate evidence that it has not attained the independence and control entitling it by international law to be classed as such”⁵

On the 17th of February 2008, Kosovo's Prime Minister Hashim Thaci made the following unilateral declaration of independence before the Kosovo Assembly purporting succession from the sovereign state of Serbia:

“We have waited for this day for a very long time...from today, we are proud, independent and free”.⁶

On its facts, Kosovo has some, but not all, of the characteristics pertaining to such independent statehood as set out in the 1933 Montevideo Convention on the Rights and Duties of States in

⁵ Tinoco Concessions (*G.B. v. Costa Rica* 1923) per. W.H. Taft, RIAA, I, 381.

⁶ BBC News, ‘Kosovo MPs proclaim independence’, 17/02/2008, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/Europe/7249034.stm>.

that it has an elected 120-member assembly which has limited independence and control over a permanent population of approximately two million people and a territory which has been defined as the '[t]he Autonomous Province of Kosovo and Metohija... located in the southern part of the Republic of Serbia, a constituent republic of the Federal Republic of Yugoslavia'.⁷ Although, as can be seen historically from France's control over the internal and external affairs of its former Maghreb protectorates, the limitations that are alluded to here, and discussed further below, are not necessarily inconsistent with independent statehood. What is at issue here is the substantial non-recognition of this purportedly "independent and free" entity, particularly from Serbia and Russia. In this particular instance, this non-recognition is probative of the irresistible proposition that Kosovo's unilateral declaration of independence and a range of States' recognition thereof amounts to "the subversion of all the foundations of international law..."⁸ In particular, given Serbia's historical and legal claim to sovereignty over Kosovo, are these acts in breach of "the imperatives of general international law,"⁹ namely, that there be "respect for the inviolability of all frontiers 'which can only be changed by peaceful means and by common agreement'"¹⁰ in accordance with the legal principles of the UN Charter?

The historical context: "Kosovo is Serbia"?

Serbia's claim that Kosovo is 'the cradle of its civilization' has been disputed by Oxford historian Noel Malcolm who states that, "history, for the Serbs, started in the early 7th century when they settled in the Balkans...[t]heir power base was outside Kosovo, which they fully conquered in the early 13th..."¹¹ This indicates that there has been a historic legacy of ongoing tensions leading up to conflicts that have, over time, resulted in the territory of Kosovo being absorbed into different empires and federations.

From the late 14th to the mid-15th centuries, decisive battles brought Kosovo into the fold of the Ottoman Empire. The Balkan Wars of the early 20th century saw Serbia reconquer Kosovo and in

⁷ *Prosecutor v. Slobodan Milošević*, revised indictment of 8 October 2000 and 22 November 2001.

⁸ Sergei Larov, Russian Foreign Minister, RIA Novosti News Agency, Moscow, 12/02/2008.

⁹ Arbitration Commission, Opinion No.10, of 4 July 1992.

¹⁰ EC Declaration on the 'Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union', 4 EJIL (1993) at 74-7. 'Declaration on Yugoslavia' *ibid.*, at 74-6.

¹¹ Is Kosovo Serbia? We Ask a historian. Noel Malcolm, The Guardian, Tuesday February 26 2008.

1918 it became part of the Kingdom of Serbia. Following World War II, Josip Broz Tito established the pan-Slavic Federative People's Republic of Yugoslavia. Its Constitution, adopted in 1946, specifically declared that, "[t]he People's Republic of Serbia includes the autonomous province of Vojvodina and the autonomous Kosovo-Metohijan province," contradicting Noel Malcolm's claim that Kosovo "was incorporated, not into a Serbian state, but into a Yugoslav one."¹² However, it is the case that the 1974 Constitution of a reconstituted Socialist Federal Republic of Yugoslavia (SFRY) devolved powers to its six federal republics and granted greater autonomy to the Serbian provinces of Kosovo and Vojvodina to administer their own educational and legal systems. Furthermore, it provided limited self-government in the form of provincial assemblies and representation at the Federal Assembly, the Constitutional Court and the Presidency of the SFRY.¹³ Nevertheless, the 1974 Serbian Constitution decreed that "the Socialist Republic of Serbia comprises the Socialist Autonomous Province of Vojvodina and the Socialist Autonomous Province of Kosovo." Additionally, the Constitution of the Socialist Autonomous Province of Kosovo recognised that even though "[t]he Socialist Autonomous Province of Kosovo is an autonomous, socialist, democratic, socio-political and self-managing community," it still remained "part of the Socialist Republic of Serbia and the Socialist Federal Republic of Yugoslavia."

It is not only on this basis that claims such as those made by Noel Malcolm can be deemed erroneous. In the late 1980s, Slobodan Milosevic gained control of the Central Committee of the League of Communists of Serbia and was elected as Chairman of the Presidium of the Central Committee of the League of Communists of Serbia. Whilst he was in high ranking office with broad-based support from Serbian nationalists in both Serbia and Kosovo, the Assembly of Serbia made changes to the 1974 Constitution which significantly curtailed Kosovo's autonomy. In addition, Milosevic used his increasing political power and support to stage a massive coup of ethnic Albanian leaders from the provincial and republican governments and install political figures loyal to him so as to halt the separatist moves towards an independent Kosovo. By March 1989, the SFRY Presidency viewed Kosovar separatists as such an insurgent threat to the sovereignty of Serbia that it introduced 'special measures' that brought state security functions

¹² *Ibid.*

¹³ *Op cit.* at iii, para.3.

under the exclusive jurisdiction of the SFRY. The final stages of that year also saw Milosevic elected President of Serbia which led to a number of significant changes. The Socialist Republic of Serbia adopted a new Constitution in 1990 which, *inter alia*, changed its name to the 'Republic of Serbia' and that of the 'Socialist Autonomous Province of Kosovo' to the 'Autonomous Province of Kosovo and Metohija'. In April of that year, the Republic of Serbia took charge over policing in Kosovo from the SFRY Presidency, and in July, the Assembly of Serbia voted to suspend the Assembly of Kosovo.

Despite the succession of Slovenia, Bosnia and Herzegovina and Croatia during the course of 1991-92 that ultimately led to a wide-scale war resulting in the dissolution of the SFRY, the Republics of Serbia and Montenegro claimed that they were a continuation of the SFRY, albeit within a massively truncated territory. This claim was subsequently rejected in Opinion No.8 of the Arbitration Commission and UN Security Council Resolution 777 of 1992 which ruled that, "the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist." This notwithstanding, the Republics of Serbia and Montenegro reconstituted themselves as the Federal Republic of Yugoslavia (FRY) which was subsequently admitted to the United Nations in 2000 pursuant to General Assembly Resolution 55/12. The armed forces of the SFRY (JNA) became the Armed Forces of the FRY (VJ). The international community negotiated a range of peace plans and agreements with Milosevic as he was President of the FRY and the Republic of Serbia during the 1991-92 wars of succession.

Throughout the 1990s, the international community witnessed various military, police and civilian leaders under Milosevic using the repressive state apparatus of the FRY and the Republic of Serbia to strip Kosovo Albanians of their civil, political, social, cultural and economic rights. In response to this, Kosovo Albanian leaders such as Ibrahim Rugova established unofficial 'parallel' civil and political institutions. The Serbian-controlled police forces belonging to the Ministry of Internal Affairs of Serbia (SUP) and the FRY (MUP) began a systematic campaign of cracking down on these institutions and subjugating the majority Kosovo Albanian population. A faction of Kosovo Albanians established the Kosovo Liberation Army (KLA) which waged an armed insurgency against this subjugation. This armed conflict escalated in mid-1998 when Serbian Federal- and Republican-controlled military, police and paramilitary forces

responded to this insurgency by carrying out planned and co-ordinated attacks against KLA targets, and in the process of doing so, carried out a catalogue of crimes against mostly Kosovo Albanian civilians and civilian property in contravention of international treaties and customs.

In 1998, negotiations took place between Milosevic, NATO and the Organization for Security and Co-operation in Europe (OSCE) in order to bring about an end to the escalating armed conflict which *inter alia* led to the ‘Agreement on the OSCE Kosovo Verification Mission’ permitting OSCE verifiers to be deployed in Serbia’s Autonomous Province of Kosovo. There, OSCE verifiers documented and reported a range of crimes being committed by Serbian forces against Kosovo Albanian civilians such as murders, rapes and forced expulsions. The report produced by the Kosovo Verification Mission was a key factor leading to the unmandated NATO attack on Serb forces, which commenced the 24th of March 1999.

The legal context: perverting “the imperatives of general international law”¹⁴ and “a political process designed to determine Kosovo’s future status”¹⁵?

Consequently, Security Council [‘SC’] Resolution 1160 of 31 March 1999 condemned this “use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army.” Nevertheless, it went on to recognise that:

“[T]he principles for a solution of [this] Kosovo problem *should be based on the territorial integrity of the Federal Republic of Yugoslavia* and should be in accordance with OSCE standards, including those set out in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovar Albanians and all who live in Kosovo.” (Emphasis added)

¹⁴ Arbitration Commission, Opinion No.10, of 4 July 1992.

¹⁵ United Nations Security Council Resolution 1244, SC/RES/1244 (1999), 10 June 1999.

Accordingly, the clear and unambiguous terms set out within SC Resolution 1160 respected, *ab initio*, the constitutional framework set out in the above-mentioned successive Yugoslav constitutions and moreover, accord with the subsequent 2003 and 2006 Constitutional Charters of Serbia and Montenegro. This refutes Noel Malcolm's assumption that Kosovo "remained part of some sort of Yugoslav state until June 2006"¹⁶ - an unfounded claim which thus can not be used in the attempt to legitimise this unilateral declaration.

SC Resolution 1160 instigated the process of establishing an international civil and security presence in Kosovo in the attempt to restore peace and security. In doing so, it recognised Serbia's enduring sovereignty over Kosovo. As such, it went no further than to express support for an "enhanced status" for Kosovo consisting of "a substantially *greater degree of autonomy and meaningful self-administration*" (emphasis added). These principles were echoed within the Concluding Statement of the Chairman at the meeting of the G-8 Foreign Ministers made on 6 May 1999 as well as The Paper presented to the FRY in Belgrade on 2 June 1999, both of which called for the following:

"[a] political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia..."

Insomuch that Serbia accepted this demand is evidenced in document S/1999/649, circulated at the Security Council on 7 June 1999, stating that "[t]he Government of the Federal Republic of Yugoslavia and the Assembly of the Republic of Serbia accepted [the above-mentioned agreement on principles dated 6 May and 2 June 1999] on 3 June 1999." Moreover, as indicated in a speech made by the former FRY President Slobodan Milosevic on 9 June 1999 (the day prior to the adoption of SC Resolution 1244), the FRY's consent to this arrangement was based upon the explicit understanding that Serbia was to retain its sovereignty over Kosovo:

“We have not given up Kosovo. The Group of Eight most developed countries of the world and the United Nations guarantee the sovereignty and territorial integrity of our country. This guarantee is also contained in the draft resolution. The Belgrade agreement has closed the open issues of the possible independence of Kosovo at the time prior to the aggression. The territorial entirety of our country cannot be threatened ... the political process, which will be based on the principles which stem from previously conducted discussions [is] also equally based on the sovereignty and territorial integrity of our country. This means that only autonomy, and nothing else outside that, can be mentioned in this political process.”¹⁷

In accordance with these binding international agreements and understandings, on 10 June 1999, the Security Council passed SC Resolution 1244 which warranted the territory of Kosovo being placed under the auspices of the United Nations. Instrumental to this “political process” were two measures overseen by the United Nations: firstly, “the Federal Republic of Yugoslavia... begin and complete a complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized”; secondly, the establishment of “an interim administration for Kosovo under which the people of *Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia*,” (emphasis added). Albeit it being encumbered with Serbia’s recognised reversionary and overriding interest, it is on this basis that the United Nations Mission in Kosovo (UNMIK) has since had exclusive yet transitional control of Kosovo.

Indeed, SC Resolution 1244 explicitly reiterates the agreed formulations of “substantial autonomy” and “meaningful self-administration” for Kosovo. Such formulations, combined with the consistent omission of any reference to the principle of self-determination, conclusively indicates that there is no legal basis whatsoever for the type of independent statehood that has been unilaterally declared and recognised. This lends credence to the claims that this unilateral

¹⁷ "Yugoslav President Slobodan Milosevic's Address To The Nation", *Borba*, 10 June 1999; quoted in Stephen T Hosmer, *The Conflict Over Kosovo: Why Milosevic Decided to Settle When He Did*, p. 118 (Rand Corporation, 2001).

declaration and recognition thereof violates both international law and Serbia's sovereignty. Moreover, in making the unilateral declaration of independence and adopting The Constitution of the Republic of Kosovo, Kosovo's Assembly has acted *ultra vires*. In case there is any doubt, the UNMIK 'Constitutional Framework for Provisional Self-Government'¹⁸ confirms that Kosovo's "Provisional Institutions of Self-Government" had no powers to act in the foregoing ways. To do so is to be in breach of the obligation to in no way "affect or diminish the ultimate authority of the SRSG [Special Representative of the Secretary General] for the implementation of UNSCR 1244(1999)". In this respect, as Chapter 8 Para. 2 of the UNMIK 'Constitutional Framework' reserves powers to the SRSG in the domains of defence, justice, legal affairs and foreign affairs, to name just a few, it is suggested that the provisions within The Constitution of the Republic of Kosovo such as Article 2, Article 65 paragraph (12), Article 84 paragraphs (7), (10), (12) and (15) – (25), Article 93, Article 131, Article 151 are contradictory, unlawful and untenable.

In view of these aforementioned limitations, for this to be any other way remains contingent upon "the determination of Kosovo's future status through a process at an appropriate future stage"¹⁹ which adheres to the "general principles on a political solution to the Kosovo crisis" as stated in Annexes 1 & 2 of SC Resolution 1244. Should it be argued that the provision within the 'Constitutional Framework' to "take full account of all relevant factors including the will of the people" provides a window of opportunity for a referendum on the issue of Kosovo's independent statehood, it is worth remembering that SC Resolution 1244 has precedence over this mere 'Framework'. Furthermore, this provision is expressed in a non-imperative and non-binding manner and it makes neither express nor implied reference to the applicability of the right of self-determination within the requisite prospective mechanism for final status. Thus, to have gone beyond its clear and unambiguous limits of SC Resolution 1244 amounts to a perversion of the administration of international justice.

¹⁸ CONSTITUTIONAL FRAMEWORK FOR PROVISIONAL SELF-GOVERNMENT
UNMIK/REG/2001/9 - 15 May 2001.

¹⁹ *Ibid.*

Conclusion: ‘Things are going to slide in all directions. Won't be nothing, nothing you can measure any more...’²⁰

Any claim that ‘Kosovo’ sets no precedent because it is a ‘special case’ is reckless as to the foreseeable consequences of such a cynical and poorly calculated move to evade international law. It is suggested that Russia’s invasion of Georgia and the ongoing conflict over South Ossetia and Georgia's second breakaway territory of Abkhazia should be viewed in this political context. The dialectical opposition between Serbia’s claim of sovereignty and Kosovo’s unilateral declaration of independence, as well as the wider imperial strategies currently being played out between Russia, the EU and NATO, can only find their solution in a mechanism for final settlement that is in accordance with the agreed and legally binding principles discussed above. Even though the mechanics of such a mechanism have yet to be designed and manufactured, any full and frank discussion will always be tautologous in the sense that unless Serbia decides to renounce its sovereignty by consenting to the succession of Kosovo, one has to accept as being firmly rooted in international law the argument that, “only autonomy, and nothing else outside that, can be mentioned in this political process.”²¹ Admittedly, the perspective that Kosovo Albanians have been “victims of unimaginable atrocities that deeply shock the conscience of humanity”²² potentially renders such a stark realisation insuperable and intractable. Be that as it may, but from two more compelling perspectives, this need not be the case: *ex injuria jus non oritur* – a unilateral declaration of independence and recognition thereof, standing as they do on unlawful foundations, and essentially put in place by NATO force contrary to Chapter I art. 2(4) of the UN Charter, are insupportable; “fair is foul and foul is fair” – a succession imbroglio of the type currently unfolding, in spite of its superficial attractions that are often unhelpfully couched in ‘enlightened’ rhetoric, is antithetical to long-term peace and security in the region, especially when considered in the context of a ‘mean spirited’ history that has been all too often characterised by atrocities stemming from disputes over the boundaries of sovereignty. As any decent chess player will testify, what occurred on 17 February 2008 as well as the international recognition thereof, can be viewed as an ongoing and flawed opening

²⁰ Leonard Cohen, *The Future* (1992).

²¹ "Yugoslav President Slobodan Milosevic's Address To The Nation", *Borba*, 10 June 1999; quoted in Stephen T Hosmer, *The Conflict Over Kosovo: Why Milosevic Decided to Settle When He Did*, p. 118 (Rand Corporation, 2001).

²² Rome Statute of the International Criminal Court. 2002. Preamble.

repertoire because despite any planned traps or anticipated strategic advantages it may bring in the short term, without a sound understanding of the theory and practice of endgame, there is no satisfactory conception that both sides can progress towards. Furthermore, as games such as chess can be viewed as sublimated human activities, subverting the principles and rules of this game is deleterious to the process of transitional justice needed to bring about sustainable international peace and security.

‘Putting a gun to our head’: elections, political space and the role of the international financial institutions in Zambia

Abi Dymond

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The pervasive influence of the international financial institutions and the broad similarity between the main Zambian parties has traditionally meant that the populace has had little say over Zambia's economic policies. However, the most recent set of elections in 2006 represent a break from this pattern. The emergence of opposition party the Patriotic Front, combined with Zambia's completion of the World Bank IMF Highly Indebted Poor Countries Initiative, create the potential for Zambians to have more say over economic policies conducted in their name. This can be well illustrated in the case of the copper mining sector.

Historically, Zambian elections have not resulted in the government – let alone the electorate – having control over key aspects of Zambia's economic policy. Instead, the policies of the governing party, the Movement for Multiparty Democracy (MMD), have been dominated by conditions and advice given by the international financial institutions. The tension between World Bank/IMF conditionality and the mood of the general public – and the Zambian government's shifting policies on how to square this circle – can be seen most clearly by taking a look at the treatment of Zambia's key resource, copper.

Copper is central to the Zambian economy, accounting for 75% of Zambia's foreign exchange earnings, and has a strong tradition of state ownership ever since independence. However, in the early 1990s the government started discussing the possibility of privatising copper mining, largely, but not exclusively, due to pressure from the IMF and the World Bank. Privatisation of the state-owned copper mining enterprise was a condition repeatedly attached to several loans from both these institutions and a pre-condition for Zambia to qualify for debt relief through the Highly Indebted Poor Countries (HIPC) Initiative.

According to the then finance minister Edith Nawakwi, the government was put under enormous pressure:

‘we were told by advisers, who included the International Monetary Fund and the World Bank, that not in my lifetime would the price of copper change. They [told us that] all the production models that could be employed were showing that, for the next 20 years, Zambian copper would not make a profit. [Conversely, if we privatised] we would be able to access debt relief, and this was a huge carrot in front of us – like waving medicine in front of a dying woman or putting a gun to our head. We had no option [but to go

ahead].²³

So in 2000, the Zambian government privatised the industry and entered into a series of extremely unfair and restrictive contracts with the new multinational entrants, including both UK and Chinese companies. These contracts set rates of tax and mineral royalties at very low levels by international standards, gave the investors exemption from Zambia's environmental laws and contained a 20-year stability clause forbidding the government from changing any of the contracts during this period.

The electorate had little formal way of expressing discontent with this controversial policy. A key stimulus behind the original formulation of the MMD had been protest at World Bank-IMF induced neo-liberalism, but both the party and the Mineworkers Union were both in favour of privatisation; moreover, there were no real alternatives to vote for in what were a set of markedly unfree and unfair elections.

Eight years on and there have been signs of significant change. The 2006 elections – which were, this time, widely regarded as free and fair despite the existence of some irregularities – were won by the incumbent party, the MMD. Yet, equally significant in these elections was the sudden emergence of opposition party the Patriotic Front (PF) with its own distinctive policy platform.

Whilst the PF's platform did overlap with the MMD to some extent, a key plank of their campaign was challenging the MMD's call for 'business as usual' and articulating a set of populist policy demands designed to appeal to the urban vote, including a new approach to the copper mining industry. The success of this approach was vindicated when the PF won every urban parliamentary seat in Lusaka, the capital, and the Copperbelt region. Significantly, after his re-election, MMD leader and President Mwanawasa commented that 'whilst we have made important macroeconomic gains, admittedly the standard of living of the majority of Zambians remains poor... Zambians spoke clearly and loudly and we will reflect seriously on their

²³ SCIAF, Christian Aid and ACTSA / Dymond, A. (2007) *Undermining Development: Copper mining in Zambia*. SCIAF, Christian Aid and ACTSA; Glasgow, London.

concerns.²⁴

Again, the extent to which this has been translated into real economic choice can be seen by looking at copper mining policies. Whilst the MMD ‘campaigned on a platform of continuity with its existing economic policies’²⁵, the PF challenged the role of foreign investors, in particular the Chinese, in the Zambian copper sector. They called for renegotiation of the contracts signed with copper mining companies as well as increased wages and improved environmental, health and safety standards – all of which are desperately needed if the benefits of copper are to be maximised in one of the world’s poorest countries.

Following the election, the MMD has started to address these issues. It has introduced a new tax regime for copper mining companies that increases the mineral royalty rate from 0.6% to at least 3%, increases the rate of corporate income tax, puts in place new ‘windfall’ mechanisms to ensure Zambia receives more benefits from high copper prices and closes many of the loopholes in the existing taxation system. Interestingly, these measures were not produced as a result of negotiation with the copper mining companies but were announced unilaterally during the 2007 budget speech (although the government claimed it had tried to enter into negotiations with mining companies prior to the announcement).

This is a significant victory for Zambian academics, civil society and faith groups who, alongside NGOs and academics in the UK and elsewhere, had long been pushing for such changes. When fully implemented, the budget announcement will result in additional revenues of US\$415 million in 2008 alone – a significant resource for one of the world’s 10 poorest countries and the equivalent of three times the health budget.²⁶

To some extent, then, this could be seen as a significant step forward for the opening of some, limited democratic space in Zambia, although much more needs to be done. Yet, the fact remains that support from the international community, including donors and the international financial

²⁴ Fraser, A and Lungu, J (2006) *For Whom the Windfalls: Winners and losers in the privatisation of Zambia’s copper mines*; Christian Aid; London; Larmer, M and Fraser, A (2007) ‘Of King Cobra and cabbages: populist politics and Zambia’s 2006 elections’ *Journal of African Affairs* 106, 424.

²⁵ Larmer and Fraser

²⁶ SCIAF, Christian Aid and ACTSA / Dymond

institutions, played a key part in influencing the government's decision to implement the new tax regime.

Zambian newspaper reports indicate that two documents produced by the IMF's Fiscal Affairs Department recognised the existing agreements were unfair and advised the government to introduce a mineral royalty rate of 3% and windfall tax measures, albeit only through a process of negotiation with the companies in question. Sources close to the World Bank were also in favour of a new tax regime and donors were also supportive, to the extent that the UK's Department for International Development and other donors paid for technical advice to the Zambian government on the new tax measures that they should introduce. Once the new tax measures were introduced, they received a warm welcome from a broad spectrum of actors, including the World Bank, the IMF, the UK ambassador to Zambia, the UN and Zambian academics and civil society.

The lack of transparency makes it difficult to ascertain just how critical the intervention by the international financial institutions and donors was in shaping the government's policies. It is difficult to ascertain whether the Zambian government would have pursued this policy in the absence of such support, and the extent to which the international financial institutions and the international community shaped the taxation measures eventually adopted.

However, the taxation measures introduced are towards the less ambitious range of policy options. At 3%, Zambia's mineral taxation rate is still one of the lowest in the world. Despite advocating for Zambia to adopt mineral royalties of no more than 3%, the IMF has estimated that the average royalty rate in developing countries is between 5-10%, with some royalties as high as 30%. Moreover, the basket of taxation measures, when taken together, places Zambia firmly in the middle of the spectrum of taxation levels offered by other mineral-rich countries, even though Zambia's large, high-quality copper reserves may give it more leverage than most. In conclusion, the government will remain concerned about how to reconcile the demands of its populace and the electoral gains made by the PF with the policy interventions of the international financial institutions. Although the balance may be improving, the battle is far from over.

The BNP: A Critical Perspective

Josephine Nevill

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Extreme right nationalism as espoused by the British National Party (BNP) is a divisive and emotive subject. Like many other people, until relatively recently my understanding of their ideology was vague, consisting predominantly of an instinctive antipathy. However, the effect of growing up in Keighley, West Yorkshire, where the BNP has developed a substantial following²⁷, led me to want to intellectually engage with the subject and attempt to understand their appeal and what their ideology actually involves.

Post-1945, the problematic legacy of the relationship between British nationalism and continental Fascism has hindered the continually mutating and fracturing parties of the extreme right, and helped ensure they remained generally on the periphery of mainstream politics. Now however, the BNP, under Nick Griffin's leadership, is seeking to shed the 'racist thug' image which has, with some justification,²⁸ characterised the far-right for decades and take part in the political debate as a serious party. There have been a number of significant modifications to their manifesto and tactics which, allied to a change in presentation, seems to be proving increasingly acceptable to the British electorate. This shift was viewed in 2006 by Councillor Chris Kirby (BNP, Worth Valley)²⁹ as akin to the difference between Old and New Labour; a change which they hope will reap equivalent electoral benefits. Whether this will prove to be the case is uncertain; however, the BNP certainly appear to be gaining in popularity. I will examine why later in this essay, but firstly what does the BNP actually believe?

As with any nationalist movement or organisation, the British National Party believes firstly that "Humanity is divided into nations",³⁰ and secondly, that this is a permanent and necessary, even good thing. The ideology of the BNP is based upon this premise in which nations are the fundamental units to which everyone belongs, and are the best, if not only, identification which can satisfy individual needs for communal cultural and political representation and development. In their words: "The human need to belong is best met at a 'tribal' level, and the best way to avoid such tribalism leading in turn to clashes with other tribes is to encourage its realization at

²⁷ There have recently been several BNP local councillors in Keighley and Nick Griffin, the party leader, polled 4,240 votes standing in Keighley in the 2005 general election.

²⁸ There are a number of surveys covering the history of the BNP and the far-right such as Sykes, Alan, "The radical right in Britain: social imperialism to the BNP", (Palgrave Macmillan, Basingstoke, 2005) which illustrate this.

²⁹ Kirby himself is an ex-Labour supporter who joined the BNP in 1999.

³⁰ Tamir, Yael, "Theoretical difficulties in the study of nationalism", in Ed. Beiner, R., *Theorizing nationalism*, (State University of New York Press, Albany, NY, 2000), p 82.

the level of a genuine nation-state”³¹. The most recent manifesto espouses “The BNP exists to give the British people ... choice, and thus to restore and defend the basic democratic rights we have all been denied.”³² This will satisfy a primordial need for communal identity, allowing “the British people of today pride in themselves, their people, their history, their culture and their country,”³³ necessary for self-esteem and individual development. This, the BNP believe, is eroded in today’s politics “nothing is more important than criminalising any British person who dares to object to the destruction of our country’s heritage.”³⁴ Further, they express as an explicit aim, the countering of the “anti-British brainwashing in schools and the media which tries to make our children ashamed of their heritage and identity.”³⁵

The BNP defines national identity in a number of ways, the result of which appears to be a hybridised ethno-cultural idea of the nation. At one extreme, there is a biological-ethnic definition discernible in their thinking, which sees nationality primarily as a function of hereditary ethnicity. Science and socio-biology are sometimes used to ‘prove’ innate differences between ‘nations’, which therefore legitimates the nationalist division of the world’s people into races and nations.³⁶ Despite the echoes of eugenics and ‘white supremacism’ this may conjure up, there also appears to be a fundamental ideological difference between the ‘racial nationalism’ espoused by the BNP and those who divide the world simply into ‘the white race’ and ‘non-white.’ The BNP sees the homogenisation of ‘white’ races, for example through European integration, as almost as much to be feared as integration with ‘non-white’ races. It is this, along with claims that “we don’t ‘hate’ black people, we don’t ‘hate’ Asians, we don’t oppose any ethnic group for what God made them, they have a right to their own identity as much as we do”³⁷ which allows the party to attempt to distance itself ideologically both from allegations of racism, and from other far-right ‘white supremacist’ groups. However, although not overtly

³¹ “BNP general election manifesto 2005”, www.bnp.org.uk, consulted 22nd March 2006.

³² “BNP general election manifesto 2007”, www.bnp.org.uk, consulted 10th October 2008.

³³ “Heritage”, from Infopack downloaded from www.bnp.org.uk downloaded 16th March 2006.

³⁴ BNP News, ““No More Mosques” Slogan on Letter Lands British Man with Criminal Record after Muslim Objects” www.bnp.org.uk, October 19th 2008

³⁵ BNP Information Pack “Britain First!” pp 17, downloaded from www.bnp.org.uk 19th October 2008

³⁶ Barnes, Lee, “The new era of nationalism”, (4/3/2005) taken from www.bnp.org.uk, consulted 22nd March 2008. The science referred to is research on genetics and ethnicity by the American Society of Human Genetics, which appears to prove that ethnically different people are also genetically different. Whilst this is by a columnist, and there is a caveat disclaiming it as being agreed BNP ideology, the same view is repeated elsewhere, including in the 2005 and 2007 general election manifestos

³⁷ “FAQs” from the 2006 Infopack, www.bnp.org.uk, downloaded October 2008

‘racist’ in a traditional sense, it is still a conception of identity that excludes all those not of the true British ethnic ‘nation’. For further evidence of this, see the BNP’s monthly magazine, aptly named ‘Identity’.

Other aspects of the BNP’s definition of nationality appear to be more historical and socio-culturally based, possibly due to modern society’s distaste and mistrust of racial or ethnic categorisations. The statement that “the British people have walked the hills and valleys of this country for at least ten thousand years, their blood, sweat and toil has transformed this island into our home”³⁸ crystallises the territorial-historical idea of the nation as a distinct group, geographically and historically. The party literature emphasising the ‘unique’ historical experience of the British, and the culture and values which this produced tallies, I would argue, with Briouly’s explanation of the “historicist” view of the nation. He states that in this approach, history “is the only way to apprehend the spirit of a community; it is the principal way of learning the language of a particular society”.³⁹ In the BNP’s ideology, this translates into an exclusivity whereby if your ancestors have not been part of the nation’s history, you cannot be a part of the nation as you cannot understand the “language” of British culture. In effect though, this still translates into a fairly ethnically based concept of identity, due to the long time-scale, illustrated in the quote above, which they perceive as necessary to develop “Britishness.”

But how does this excess of national pride manifest itself as a political movement, rather than a cultural phenomenon? The BNP, as I stated earlier, believe the nation is the only real unit of identification. Therefore, nationalism is the natural prism through which to view the world, and is the only logical political ideology. For example “all economic and social structures, institutions and legislation must be built or developed around the fundamentals of ensuring the freedom and security of our people and maintaining our unique cultural and ethnic identity.”⁴⁰ It is furthermore an exclusive far-right form of nationalism because it sees the ‘non-British’ element present in Britain as the root cause of many of the problems the United Kingdom

³⁸ “Heritage”, from the Infopack, www.bnp.org.uk, downloaded October 2008

³⁹ Briouly, John “The sources of nationalist ideology”, in Ed. Hutchinson, John & Anthony D. Smith, *Nationalism*, (OUP, Oxford, 1994) p 106.

⁴⁰ “BNP general election manifesto 2005”, www.bnp.org.uk, consulted 22nd March 2006, updated with 2007 manifesto, October 2008.

currently seems to face. This brings us to what I believe is central to the appeal of the BNP, and a significant factor in their renaissance: the nationalism of fear.

Firstly, there is racial fear. The party states “on current demographic trends, we, the native British people, will be an ethnic minority in our own country within sixty years.”⁴¹ This is obviously an issue which the BNP feels is important not only to its members, but, by implication, also considers most ‘British’ people are concerned about. The same is true of the related fear of a swamping of ‘British’ culture; the nationalist belief in “the irreplaceability, of the culture values that are to be preserved and developed only through the cultivation of the peculiarity of the group”⁴² means only a nationalistic agenda can preserve the unique and endangered culture of the native British peoples.

The assertion of the distinctiveness and importance of a culture is a common, almost ubiquitous feature of nationalism, but I would argue that the representation of it as being under threat is more prevalent in far-right nationalism. This is particularly noticeable, especially in recent years with the rise of the twin “enemies” of globalisation and multiculturalism, compounding people’s fear of losing their identity. Statements such as “the British peoples are embroiled in a long term cultural war being waged by a ruling regime which has abandoned the concept of ‘Britain’ in pursuit of globalisation”⁴³ illustrate the rhetoric of fear characteristic of this “reactionary culturalism”⁴⁴ prevalent in BNP ideology. Curiously, however individual the party stresses each nation is, this phenomenon is far from unique to Britain and has been theorised in a wider context by Puri as a reaction to the twin perceived threats of “jihad” and “McWorld.”⁴⁵ It is also a theme which will be depressingly familiar to any regular reader of the British press, particularly the tabloid and right-wing papers. Whether there is any genuine “threat” to “Britishness” is a subject for another essay; however, the constant media speculation on this reflects the climate of uncertainty and fear in which we currently appear to live.

⁴¹ “Our stance: immigration”, www.bnp.org.uk, consulted 14th October 2008.

⁴² Weber, Max in Ed. Hutchinson, John & Anthony D. Smith, *Nationalism*, (OUP, Oxford, 1994) p 25.

⁴³ “BNP general election manifesto 2005”, www.bnp.org.uk, first consulted 22nd March 2006, updated with 2007 manifesto, October 2008.

⁴⁴ Puri, Jyoti, “Encountering nationalism”, (Blackwell, Oxford, 2004), p 230.

⁴⁵ *Ibid.* p 230.

Secondly, the BNP exploits more general social fears such as fear of crime. The party manifesto details a traditional far-right stance on law and order, including the reintroduction of capital punishment in some cases,⁴⁶ but also links nationality and ethnicity to this; for example in a propaganda postcard headed “give us back our girls; arrest anti-white racist paedophiles.”⁴⁷ Terrorism, and the fear thereof, is also prevalent in BNP literature, continuing the nationalist linkage between issues of fear and ethnicity. So too is the issue of job security, with jobs apparently threatened by economic globalisation, immigration and asylum seekers.⁴⁸

The solutions proposed by the BNP to current economic problems all have an extremely insular nationalistic basis. They include the voluntary repatriation of immigrants and refusal of any asylum seekers unless this was their nearest safe country;⁴⁹ “as much national self sufficiency as is practicably possible”⁵⁰ with the promise of intervention from any BNP government, where necessary, to run the economy for the benefit of the British. A form of Hilaire Belloc’s “Distributism” is advocated as the “Third Way and the alternative to the failed ideologies of socialism and capitalism”.⁵¹ This is one of the more radical or surprising aspects of the BNP’s manifesto, along with ‘green’ ideas such as ending “all intrusions of new development into Green Belt areas,”⁵² and debate and discussion of the implications of a possible “Peak Oil” crisis. However, all these ideas are still a function of nationalism, and in the literature at least, are specifically linked to a fear: that of over-population caused by immigration, and the social and economic costs of this allied to globalisation.

What then are the longer-term aims of the BNP? Nick Griffin states that “nationalism is, by its very nature, a long-termist creed”⁵³ and as such, their aim is the sustainable development of Great Britain for those they define as the British nation. There would be a withdrawal from the

⁴⁶ “Our stance: law and order” www.bnp.org.uk, first consulted 22nd March 2006, updated with 2007 manifesto, October 2008.

⁴⁷ Postcard published for “Mothers against paedophiles” by the BNP.

⁴⁸ “BNPbooklet” from Infopack downloaded from www.bnp.org.uk downloaded 14th October 2008.

⁴⁹ “BNP general election manifesto 2005”, www.bnp.org.uk, first consulted 22nd March 2006, updated with 2007 manifesto, October 2008.

⁵⁰ *Ibid.*

⁵¹ “Those who inspire our ideology: no. 2 Hilaire Belloc”, *Voice of Freedom*, iss. 63 (August 2005)p 10.

⁵² “BNP general election manifesto 2005”, www.bnp.org.uk, first consulted 22nd March 2006, updated with 2007 manifesto, October 2008..

⁵³ Griffin, Nick, “Another BNP first”(3.7.05) taken from *Chairman’s column* on www.bnp.org.uk, first consulted 22nd March 2006, updated with 2007 manifesto, October 2008.

European Union and NATO, voluntary repatriation of immigrants funded by money currently used for international aid, and a stop to future immigration to ease the overcrowding that they see as the root of many problems. There are many other policies on everything from crime to housing and the BNP are trying hard to promote these, to remove their “one issue image.”⁵⁴ However, as I have detailed above, ideas of race and national identity permeate the whole manifesto. Cllr. Chris Kirby told me he believes the BNP will be an important political force within the next ten to fifteen years, possibly even in government. Whilst this seems unlikely, there is no doubt the number of their supporters is growing and though they might not have reached the levels claimed by the sub-heading of a local party leaflet “The Keighley Patriot: The voice of the silent majority,” they are drifting from the periphery to the mainstream of British politics.

Why this is so, in Ignazi’s words, could be because they give “an answer to those demands and needs generated by post-industrial society which traditional parties have failed to address.”⁵⁵ The seeming failure of political parties to listen to the electorate is a recurrent theme both of BNP literature and much of the regular British media, another uneasy correlation like the parallels mentioned earlier on issues of “Britishness” and culture. In such a situation, where public opinion and the BNP seem to agree on many issues, it is not surprising that they are increasing in popularity. Future economic difficulties can surely only exacerbate the problem as in financial hardship, people look for new and possibly simplistic solutions. This may partially explain why the ex-manufacturing towns of northern England and areas of Greater London used to be the BNP’s sole constituencies, but also why this is no longer the case.

There is also of course the significant phenomenon of the protest vote, particularly in apparently unimportant local elections⁵⁶. When people believe they are not being heard, it seems they feel that borrowing the megaphone of an extreme party to shout their frustration will cause more mainstream politicians to listen. This may show that however much the BNP believe they have become a modern, relevant and electable party, to much of the British electorate, they remain a

⁵⁴ Sykes, Alan, “The radical right in Britain: social imperialism to the BNP”, (Palgrave Macmillan, Basingstoke, 2005) p 137.

⁵⁵ Ignazi, Piero, “Extreme right parties in Western Europe”, (OUP, Oxford, 2003) p 2.

⁵⁶ See for example “The battle for Bradford”, H el ene Mulholland, guardian.co.uk, Wednesday April 26 2006

bogeyman with which to scare the “respectable” parties. Thus, while their steady increase in local councillors may prove their increasing popularity, this may not translate to the larger arena of Westminster.

Indeed, the one note of brightness in what to me is a depressing spiral of fear-mongering and intolerance, is the regularity with which BNP councillors fail to retain their seats: “they do not know what is going on; they look bored and confused”⁵⁷ is one description of them in council meetings. This ignorance of the day-to-day business of politics, combined with the internecine squabbling which appears prevalent in the party may more effectively limit their success than political opposition. There will probably always be some people who wish to turn back the clock to a mythical golden age, a modern sanitised version of the early 1950’s, where children could play safely in the streets and men worked hard and came home to the wife and family, where political correctness had not replaced common knowledge and people were proud of being British. There are probably a proportion of these people who believe that the BNP can make this happen; this is not necessarily a reliable electoral prediction.

⁵⁷ “The battle for Bradford”, Hélène Mulholland, guardian.co.uk, Wednesday April 26 2006.

America Votes 2008: The Future of United States Foreign Policy

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The US general election has already started in earnest. Senator John McCain of Arizona, a Vietnam War veteran and former prisoner of war has been formally nominated for president by the Republican Party and Barack Obama by the Democratic Party. The 46-year-old Senator from Illinois is the first African American to win a major party's nomination for president. Both candidates have picked their running mates – Governor Sarah Palin of Alaska for McCain and Senator Joe Biden from Delaware for Senator Obama. And now the dice has been cast, the race is on. Even though Obama leads in most opinion polls (as of late October) it is not clear whether he will actually win in November.

What is clear though is that the world has for the most part watched this election with a great deal of fascination, perhaps more so than ever before, not least because of the historical nature of this election. For most Americans, the economy has taken a centre stage in this election, especially due to the housing market downturn, rising inflation and now a record unemployment at 6.1%. And although the war in Iraq is a major concern for many Americans, it is now less urgent compared to the bread and butter issues. But for the rest of the world it is US foreign policy that is more of an issue in this election than the US economy. This is not to say that poor economic conditions in the US do not affect people elsewhere enough for them to care who is in the White House. For the most part it is the media and perhaps a few economically and politically attuned people that look at the implications of this election in economic terms.

For ordinary people around the world it is foreign policy that is important, not least because the last eight years have shown to many who had never before cared about who Americans elect as their president, that US elections do affect them in more ways than they realised. That said, the question to many is what US foreign policy would look like after the election. Will there be a fundamental change in the way the US approaches its foreign policy? Or will it stay the same but repackaged differently? The answer predominately lies in the world views of these two men at the top of each presidential ticket. Based on their policy statements, opinions and press releases, I will comparatively examine how each candidate's foreign policy would look like if elected president. This, however, is no indication of the exact nature of US foreign policy for the next four years, for candidates usually change their foreign policy approach once they enter the Oval Office, because of conditions they did not anticipate when they were on the campaign trail but

which impact on their decisions when they become president. Nevertheless, the analysis of their current views can provide a generic basis for understanding the likely US foreign policy under either presidency.

In the Middle East both men see eye to eye with regard to Israel and the Palestinians. They see a two-state solution as the way forward and have continually emphasised their unrequited support for Israel's right to exist, flourish and defend itself. However, while John McCain in courting Jewish votes in states like Florida and New York and he portrays his position as more hawkish and supportive of Israel than that of Obama whilst disingenuously misrepresenting his opponent's view on talking to Hamas. Obama's support for and promise to defend Israel is somewhat guarded. Unlike McCain, who sees the defence of Israel predominantly through traditional military and economic assistance, Obama believes that Israeli's long-term security can only be sustained through direct diplomacy with states that actually threaten the Jewish state. This is an extension of the traditional approach that the Republican nominee and his running mate are feverously opposed to.

As for the war in Iraq, the two men could not be further apart. On the one hand, John McCain does not seem to have an exit strategy except "succeeding". He supported the war that has become very unpopular and contemplates a continued presence of US bases similar to those in Germany, South Korea and Japan for the next "10, 50 or maybe 100 years" as long as the US is "succeeding". It is not clear what McCain's benchmarks for success in Iraq are. But one thing is clear: he was opposed to withdrawal when there was intense violence in Iraq and he is still opposed to a drawdown of US forces when the violence is minimal. For the rest of the world that opposed this war from the beginning a President McCain would most likely be a disappointment as he would inevitably continue the US presence in Iraq post-2009 in a similar fashion to the Bush Administration.

Barack Obama's position is a lot simpler, albeit tricky. As a detractor of this war from the beginning, his position is to redeploy US forces from Iraq gradually and sensibly within 16 months. But he also recognises that it may be necessary to maintain a residual force to protect US embassies, train the Iraqi armed forces and prevent Al-Qaeda from forming bases in Iraq and

stop any possibility of civil war. This position can be sold to the rest of the world, and especially to the Iraqis, who want to see the occupation ended but are wary about the possibility of a factional war. In recent months the Iraqi government has embraced this position by indicating its acceptance of a timetable for US withdrawal. The Bush Administration has also showed some willingness to move closer to this position by attempting to reach an agreement with the Iraqi government on a timetable for withdrawal. However, during the Republican Convention in St Paul, Minnesota, both McCain and Palin seemed to have lost sight of the fact that even the Bush Administration is re-adjusting its approach in Iraq, when they berated Obama for talking about “forfeiting” when victory is in sight. For all intents and purposes McCain’s hawkish approach leaves him and other conservatives in the US isolated on an issue that is being consistently viewed as part of the root causes of a recessive economy. In essence an Obama Administration would most likely shift US policy in Iraq much further away from that of the Bush Administration than a McCain Administration would.

The two candidates further disagree on how to deal with their foes. On the one hand, Senator McCain considers Senator Obama’s position on engaging US enemies in direct diplomacy as “naïve”, and a demonstration of Obama’s lack of foreign policy experience. His position is that talking to petty dictators like Hugo Chavez, Raul Castro, Robert Mugabe, Kim Jong Ill and Mahmoud Ahmadinejad is providing a “public relations victory” to them at the expense of the US. The problem with McCain’s position is that it is very difficult to logically sustain, both in historical and contemporary terms. For one, the US has always negotiated with tyrants like Stalin and Khrushchev who, with thousands of nuclear weapons pointed at the US, were more dangerous than today’s foes.

Moreover, Bush’s policy of not talking to US enemies has yielded few, if any, positive results for over six years, except allowing Iran to expand its nuclear programme. Not until the belated direct six-party talks that North Korea finally agreed to give up its nuclear programme. In essence, with Obama as president, the US would be more likely to get back to the fundamentals of diplomacy. This is not to say that Obama would be likely to hesitate to use force. He has made it clear that he is not against all wars; he is just against “stupid” wars. Not to mention his willingness, for example, to bomb Al-Qaeda targets inside Pakistan if the Pakistani government is unable or

unwilling to interdict them. Nevertheless, his foreign policy position would be a lot easier to sustain favourably in the world's opinion than that of a President McCain because its starting point is less belligerent.

It is worth noting, though, that the foreign policy of a President McCain would not be "all doom and gloom" for the rest of the world. Like Senator Obama, he is a strong proponent of the environment, which, together with his disapproval of the Bush Administration's cavalier approach to torture, constitutes a break from the current administration's position and has left the Republican nominee out of touch with the conservative base in key swing states that are vital to his presidential bid in November. He is a strong proponent of humanitarian intervention in places like Darfur and has made some of the most scathing remarks against the brutal regimes of President Robert Mugabe in Zimbabwe and of President Al Bashir in Sudan. But whether a President McCain would actually intervene in Darfur or any other similar region is questionable because part of the reason the world has not done much to stop murder in Darfur, Burma, and Zimbabwe is that the only two countries that could actually do something (the US and the UK) are overstretched. Moreover, if McCain is planning on continuing the Bush policy in Iraq, the world should not expect him to intervene in such places because the facts will not have changed to allow him to act in Darfur or anywhere else unless US interests are fundamentally affected.

It is also apparent that McCain is not only likely to continue the Bush Administration's crusade of promoting global democracy; he also seems intent on taking this policy to a whole new level. He holds that as US President, he would strengthen democracies around the world and his starting point is the group of industrialised countries (G8). First, he believes that the G8 should and must again be a "club of leading market democracies that includes Brazil and India but excludes Russia". Second, he will endeavour to create a new "League of Democracies" – a group of democratic states "working together for peace and liberty". Such an organisation would act where the UN fails to act. It would provide "unimpeded market access to those who endorse economic and political freedom".

For most societies that seem to be averse to democratic meddling from the US, this position may worry them – and for ordinary people in countries like Zimbabwe it may sound optimistic.

Except these are rehashed aspirations of US presidents since the founding of the republic that more often leave people who actually need US help to advance their democracy wallowing, while the US is happy to cooperate with dictators for resources or national security. It is perhaps worrying that a President McCain would contemplate excluding Russia from the G8. Such action would further freeze US-Russian relations, which, following a recent Russian invasion of Georgia has not been this cold since the demise of the Soviet Union. It would also complicate European and US policy towards countries like Iran and Syria where Russian influence holds currency.

It is striking that this ideological approach to foreign policy does not appear to feature prominently, if at all, in Obama's foreign policy. He has promised to support free societies around the world, through American example and doubling US annual aid for civil society globally to US\$50 billion by 2012. But again, his approach is cautious. While he has occasionally expressed concern over what is happening in Darfur and Zimbabwe, he has not made any indication that he would bring US military power to bear to stop such atrocities. On that note, it is not clear what an Obama foreign policy would be in relation to humanitarian intervention.

What is clear though is that whoever will be US President in January 2009, there are certain elements of US foreign policy that will diverge from the current Bush Administration and some that will be the same. Whilst McCain's foreign policy is likely to keep most of the elements of the Bush policy, what an Obama Administration promises is a way "back to the fundamentals of diplomacy" in foreign policy – less belligerency and more cooperative engagement whilst reserving the right to use military force if necessary. But most importantly, with the world being enthusiastic about Obama, he may succeed by talking more than any other president in US foreign policy history.

Electing Self-Interest

Jack Gibberd

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⁵⁹ <http://mothandrut.tk>

Introduction: Identifying Primary Motivation

For what do you vote?

Me too!

How can anyone not, I ask you, vote for self-interest?

Of course there are as many versions of (perceived) self-interest as there are voters. But, nevertheless, at the extremes, we find two basic drives: “for me, NOW!”, personal, short-term, proximate self-interest; and, for the greater good of the whole, for generations to come, our children, our world: universal, long-term, ultimate self-interest.

Accepted, the above does nothing to address or contextualise the strains and pressures or economic and strategic considerations of our twenty-first century world, but if we do not address primary motivation we become reduced to discussing how people *should* vote, depending upon intellectual arguments and economic/geostrategic preferences, rather than actuality.

Motivation lies at the heart of every action, every decision, every choice, but by what are we motivated?

If we are considering hearts and minds, at least historically, the simple answer is family and reason/God(s). Nowhere across humanity do people exist without family. As Rousseau observes in *Du Contrat Social*⁶⁰, the family is the primary political unit. That is not to pass judgement or opinion on how said units are constructed or formulated, merely to acknowledge their universality across the species. And, that transgressing social convention of one's particular family, culture or ideology (at least historically) was considered a terrible crime, punishable by death, banishment, even the label of insanity.

⁶⁰ Jean-Jacques Rousseau (1762) *Du Contrat social ou Principes du droit politique*

Since God's naming, hierarchical authority has claimed their validation through God. Indeed, if we drop the pejorative term, God, and substitute it with 'Truth', we can then include *all* gods in *all* guises: science, reason, capitalism, communism... and, as such, recognise at the birth of structured society, those whose grasp of Truth appeared most astute were necessarily empowered with leadership and shaping direction.

So was the order of things from the birth of structured society, and given one's vulnerability alone in nature, to all but the most wayward and disturbed, it served self-interest, both proximate and ultimate to support/submit to order.

Hobbling Ultimate Self-Interest

With democracy we find the dispersion of power amongst the populace. Initially such responsibility was shared by the wealthy and powerful: slaves and women, for example, were not considered part of the demos in Ancient Greece.

Modern day representative democracies begin to emerge as the European Enlightenment gathered pace and the British were overthrown in North America. With the introduction of secret ballots in the nineteenth century and universal suffrage (or, more accurately, national suffrage) becoming the accepted norm during the twentieth century we arrive at, as a general rule, the shape of modern democracy. Where, in secret, everyone above a certain age, no matter how disenfranchised, foolish, unstable, wicked... is given the opportunity to vote for perceived self-interest: or, for an individual or party to represent their self-interest.

One must at this point recognise the ideology, supranational bodies and international agreements to which our representative democracies are bound and subject. For, whilst theoretically empowering the populace with decisions over meaning and direction, as things stand, and for the foreseeable future, certain understandings are not subject to question. In effect, foundations, Truth beyond question, established through history, which, while having no ethical validity, serve those with power, over those who seek it or those who would see it shared. This is not to

say one position or another is correct, merely to observe the arbitrariness of what has become established as Truth.

Ownership, material and intellectual, has become so ingrained as a concept that it is never seriously questioned. Yet the concept of land ownership was inconceivable to most indigenous peoples before Europeanisation and its imposition across the world was perpetrated through violence. As violence holds no ethical validity, neither can its results. Rousseau argues in his 'discourse on the origins of inequality'⁶¹, that the first person to stake out land and claim ownership was an impostor, and if one is looking for an ethical foundation upon which to build the debate, it can hardly be considered closed. As indeed echoes the intellectual property debate, where protecting and hiding are taken as given, without ever questioning whether sharing and cooperation might not represent ethical validity.

Similar observations can be made on secularism, corporatisation, party politics, central banking systems, capital interest, violence... the list goes on, and we can surely not exclude the media and its enormous power and how it undermines genuine (equally) free speech in all societies. Yet, none are subject to question: most have become so accepted as to be almost invisible in their universality. And those which remain visible are guided by, and answer to, rules and bodies far beyond state jurisdiction: rules like GATS (General Agreement on Tariffs and Services) and TRIPS (Trade Related Intellectual Property rightS) and bodies like the WTO, G8, EU, NAFTA, UN, IMF and the World Bank.

Indeed, given that in most states operating this system, the populace is offered two, perhaps three electable alternatives, all bound and hence supportive of the above rules and bodies, in reality, when considering long-term, ultimate self-interest, we the people, democracy in general, has been sidelined. Our hearts and minds are no longer required.

⁶¹ Jean-Jacques Rousseau (1754) *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*

Proximate Self-Interest

So let us return to self-interest and consider beyond the universal and ultimate (family and Truth) appealing to heart and mind and recognise the more immediate and personal aspects of proximate self-interest.

There has been a marked shift, particularly in the latter half of the twentieth century, in how political parties appeal to their potential markets. Most specifically this relates to Freud and his observations on human motivation and behaviour and how rationality takes a back seat where emotions are involved. In fact, as Freud and numerous psychologists and psychoanalysts observe, in an excitable, unstable state, as a general rule, rationality goes out the window.

“Clearer than truth” in the words of Harry Truman, propaganda, or public relations (PR) as it is called domestically, has been used for centuries. However, under the stewardship of Edward Bernays, founder of modern PR industry and nephew of Sigmund Freud, understanding the science of the mind, has enabled governments and corporations to probe beyond our hearts and minds and connect with more primordial, instinctual motivation.

Such has been a boon for corporate expansion around the globe: tying emotions to products; creating identification through insecurity, markets through fear and hunger. It is beyond the scope of this paper, but one should note in passing, genuine influence, albeit fractional, is done with the wallet, or more likely credit card, and electing to purchase, or not to purchase, particular commodities. Where we, as individuals, elect to legitimate sweatshop trainers, tortured distorted animals, vegetables flown across the globe... and, most likely, fetched and carried by the power of hydro-carbon.

Indeed, it is as consumer, governments and would-be governments as well as corporations most likely picture their electorate. The electorate is seen as consumers firstly in terms of driving the economy and resource depletion, but also as consumers of messages and ideas, of hungers and fears. As such we find manipulated and meaningless words, shaped by psychologists and PR experts, often referred to as 'spin doctors', designed to direct and channel the electorate in

particular directions. Words which mean nothing without qualification: peace, freedom, choice, justice, security, terrorist, extremist, fundamentalist... and of course democracy. Words designed to stir emotions, inflame passions, kindle fear, reinforce identification (in a climate of anxiety and uncertainty), yet without ever requiring scrutiny.

Who does not want peace, freedom, justice, security? Who would label themselves terrorist? Yet, beyond a warm fluffy feeling, how does one define Peace? In the international arena without terms and conditions and qualification, the term is completely useless. Adolf Hitler wanted peace, all one had to do was submit to his conditions. In reality, Peace, meaning absence of conflict, can be found only in oneself, and therefore a primordial quest for all: but, an impossibility to have another's imposed! Freedom, another primordial quest, encounters equally taxing problems: freedom from what, to do what, and where does freedom stop and indulgence begin? Once, long in our distant past, freedom meant having no master, to be unchained. Yet, even 250 years ago Rousseau recognised, "man is born free and everywhere he is in chains": those chains are surely now stronger and more insidious than throughout history. In effect, Freedom has become freedom to spend and freedom to consume.

Conclusion

The notion of freedom and how it is used as a tool brings us nicely towards our conclusion. For, while once politicians at least argued they sought approval and consensus from hearts and minds, through the science of the mind, they have gained access to our primordial, proximate self-interest, seated far deeper than heart and mind. There is no longer the need for future vision and high ideals: universal, ultimate self interest finds Truth further removed than ever from the general electorate.

Proximate self-interest can be shaped and driven with "Tax-cuts!" and "Terrorists!", for such we need neither heart nor mind, nor spinal cord. Hunger and fear, our primordial drivers, demand only an instinctual, gut reaction.