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Jarmo Gombos, Conference Manager
International Diplomatic Students Association Szeged
First Annual IDSA Szeged Conference on International Affairs

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Introducing IDSA and the Conference

International Diplomatic Student Association (IDSA) was founded by a group of university students who wanted to have an amicable community of young students who are curious about trends and affairs of international relations in 2013.

Initially, IDSA was a Budapest-based organization for university students. In February 2018 Szeged branch of IDSA was created.

As one of the most important goals of IDSA is to raise awareness to the events which are shaping the geopolitical landscape, IDSA is constantly involved in the organization of numerous conferences and lectures on the topic of international relations, economics, and other connected fields. Furthermore, the organization has a weekly MUN Club, where the members can learn the basics of "MUN-ing", such as critical thinking, civilized debating.

Nevertheless, IDSA not only serves as a professional environment but is also a loving community. We organize camps, movie nights, parties and also have a personal mentoring program, so while our members develop professionally, they can also make long-lasting friendships.

Founded in the beginning of 2018, IDSA Szeged is a branch of International Diplomatic Student Association located in the beautiful, sunny city of Szeged in the south of Hungary.

Even though we are fundamentally based in the Faculty of Law and Political Sciences of the University of Szeged, we have members attending other faculties as well. This feature of ours serves as a basis for multiformity, thus our members are firmly assured that they can discover different approaches by having discussions with one another.

As a fresh and growing community, we welcome all students and future diplomats with arms wide open who are interested in what our association can offer.

Our aim is to utilize our freshly gained, academic expertise in the practical field of international relations and raise enquiry amongst the acceptive youth regarding current, burning questions of the world.

Just as our university's motto says - Veritas. Virtus. Libertas. Truth. Bravery. Freedom. - IDSA Szeged is a place where knowledge meets challenge.

The association's two, main pillars are the Professional Events - like MUN clubs, workshops, trainings, lectures and presentations - and the Social Events. We do believe that beside serious-minded activites, informal social gatherings are not only bracing, but crucial and our memorable Picnics, Pub-crawls, Bowling and Board Game Nights are always there to support the latter judgement.

IDSA Szeged organised *First Annual IDSA Szeged Conference on International Affairs* on 15th February 2019 at the premises of the Faculty of Law and Politics with the support of the International and Regional Studies Institute. We had applications from eight Hungarian universities and some late submissions from over the border. After the review we had twenty-one presenters from seven universities. Originally as most of the members of IDSA are BA and

MA students we thought that the majority of the presenter will be from these stages, but in the end we got an “upside down pyramid” with most presenters being PhD students.

The Conference was opened by Vice Dean Norbert Varga. After his opening speech Anikó Szalai introduced the International and Regional Studies Institute and Vanda Szemenyei spoke about IDSA Szeged. Following the speeches, the conference had five panels with a great variety of presentations in the field of international affairs. There was a lively discussion in many panels showing the interest of both the presenters and the attendees.

It was a great pleasure to receive many positive feedbacks during and after the conference. As the Conference was successful, we are planning to continue organizing it annually, from now on with the International and Regional Studies Institute as the co-organizer, thriving to keep up the high standards set up during the first Conference.

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The Rise of Regional Powers in the Middle East and the Palestinian position

Abstract

This paper discusses the reasons which led to the rise of the Regional Powers in the Middle East after the end of the Cold War and it investigates the changes in the International Relations system.
It assumes that there are a number of factors that led to the rise of regional order after the end of the Cold War, in parallel with the decline of the United States influence and absolute dominance in the region.
The paper aims at understanding the relationship between the Regional Powers of the Middle East and the world powers, particularly the Unites States, and the instability of the system of international relations which led to the emergence of the non-state actors in the globalized world.
Gulf area is considered as one of the most energy source in the world, witnessed many events during the past two decades, affected directly the international system and the balance of international powers.
The paper concludes with important changes in the relationship between the United States and the Regional Powers of the Middle East and with the position of the Palestinian government towards the events in the Middle East.
The paper is based on qualitative analytical approach and theoretical concepts that are directly related to the subject, such as the concept of the Regional Power, the balance of power and security theories, and the interview as an empirical research method.

Keywords: Regional Power, balance of power, Middle East, hegemony, Palestine

Introduction

The Middle East is considered as a vital area. This is due to its geopolitical, economic and strategic position. Therefore, it has always been on the scoop of the world powers. The area witnessed a lot of changes after the end of the cold war (1947-1990) which have a direct effect on the system of international relations. Moreover, a new regional order was established with the rising of the Regional Powers in the Middle East in parallel with the United States (US) decline of its foreign policy towards the region.
After the US occupation of Iraq in 2003, the balance of power in the Middle East started to change. The other actual event that turned the whole scene upside down was the 'Arab Spring'[1] in 2011. Libya, Egypt, and Syria are no more in the balance of the power of the Middle East and they create a big gap of power

[1] The Arab Spring was a series of anti-government protests, uprisings and armed rebellions that spread across the Middle East in early 2011. But their purpose, relative success, and outcome remain hotly disputed in Arab countries among foreign observers, and between world powers looking to cash in on the changing map of the Middle East.

in the region. Moreover, the strategy of the US to shift its power from the Middle East to the Asia-Pacific is resulted in a new rivalry for hegemonic power in the Middle East.
Most of the factors and drivers are linked to the changes in US policy towards the Middle East. The drivers of change in the Middle East can be viewed also by several events: the 11 September 2001 terrorist attacks in the US, the US invasion on Iraq and Afghanistan, the rise of non-state actors, the Arab Spring and the fall of authoritarian rules.
The changes in the Middle East created the so called regional system and power and at least cannot be bypassed easily by the world powers, particularly the US. In addition, there is an emergence of competition among states over the Regional Leadership, which has repercussions on internal alliances and wars by proxy as well. Among these events in the Middle East the Palestinian issue, which is a factor of instability in the Middle East, is a key driver of the region which is reflected in its policy.
This study aims at highlighting the main factors which led to rise of the role of the Regional Powers in the Middle East. It also discusses and focuses on two main factors: the occupation of Iraq (2003) and the Arab Spring (2011), which trace the changes of US foreign policy towards the region after the end of the Cold War. The main objective of the study is to reveal that the Palestinian cause remains the main driver among the Middle East events.

Leadership Rivalry in the Middle East

The concept of regionalism considers the theoretical approach of Regional Power that has helped to rediscover the role of regional actors whose relative independence has sometimes been neglected when Regional affairs are examined only through the lens of the cold war. (M. Beck, 2014: 1-2)
D. Nolte defined a Regional Power as:
a state which articulates the pretension (self-conception) of a leading position in a region that is geographically, economically and political-ideationally delimited; which displays the material (military, economic, demographic), organizational (political) and ideological resources for regional power projection, which truly has great influence in regional affairs (activities and results). (D. Nolte, 2010: 893)
The traditional approach to define the Regional Power depends on the military capabilities of the state, its economic power and strategic geographical location. The other important approach is to assess the country's leadership capacity, the influence and its legitimacy on the international scene.
Practically, the Regional Power has to fulfill at least three necessary conditions: leading regional position, the display of the material and ideological resources for Regional Power, the protection and the exercise of true influence in regional affairs. (D. Nolte, 2010: 894-896)
Regarding the scene in the Middle East, there is a general consensus that the Middle East has not been a successful example of regional cooperation or regional integration over the years. (A. Sever, 2018: 16-32) The landscape of the Middle East shows that it's a competitive behavior rather than cooperative behavior. This is evident in the Saudi-Iranian rivalry which is understood as a hard power rather than soft power. Also the lack of resources for regional development by a regional leader, and the distinct role of the United States as a sub-regional power are also very important factors.
Therefore, if the concept of Regional Power is based on the principle of leadership, as defined, in addition to the other components, defiantly there is no Regional Powers to meet the requirement in the Middle East. (M. Beck, 2014: 4-5)
Certainly, what is going on in the Middle East is the attempt by the countries to become future Regional Powers and be effective in the Middle East and in the world as well. In fact, Saudi Arabia, Iran, Turkey and Israel are also candidates to become the Regional Powers in Middle East, afterword they notice that they are not considered as a Regional Power, and this is not incompatible with the reality of their power and influence in the region.

Regarding the leadership religion, it is a major source of the regimes' legitimacy in the Middle East, besides other factors such as military and economy**.** The subject of religion is a common feature among the countries. This is the case with the Arab countries, Iran and Turkey.

The balance of Power and the Security in the Region

The balance of power theory, defined by H. Morgenthau is 'the balance of power refers to an actual state of affairs in which power is distributed among several nations with approximate equality'. (M. Sheehan, 1996: 3) It is a natural situation for a state to primarily seek to protect itself and its legitimacy, and to be aware of what is happening in its neighboring countries. It is also important to build balanced relations with other countries in a way to ensure its survival, existence and even control.

According to M. Sheehan (M. Sheehan, 1996: 11) the mechanism of the balance of power is that states must have specific political objectives, which may conflict with political objectives of other countries. The great importance of the state is to guarantee its continuity and ensure its independence. This is supported by the diplomacy within military powers – primarily their own, but supplemented by that of allies if necessary.

The situation in the Middle East after the exit of a number of countries from the balance of power, specifically after the US occupation of Iraq (2003) and the Arab Spring (2011), resulted as the absence of Egypt, Libya and Syria on the balance of power scene. The challenge for the region is to re-structure itself according to the balance of power mechanism. States must protect themselves and gain more power for the new situation.

The goal of the balance of power is to maintain the state's credibility and existence in the sense of preserving its security in time of the rivalry which creates security dilemma between the countries. When a country adopts a policy and aims at improving its security by arming itself after recognizing a threat from another country, and the other country also adopts a policy of improving security that leads to the security dilemma, the security dilemma becomes other dynamic that means the balance of power and the security dilemma fuel competition. (M. Ekşi, 2017: 5)

John Hez coined the term security dilemma as follows:

Groups and individuals living side by side without organizing into a higher unit. It must be concerned their security from being attacked, subjugated, controlled or exterminated groups and other individuals. To seek security from such attacks, they are driven to gain more and more power in order to escape the effects of the power of others. (S. Tang, 2009: 590)

Moreover the security dilemma binds countries to the dynamics of action, and because no country can feel total security in a world of competing units, competition for power will arise, as well as a vicious cycle of accumulation of security and power. (S. Tang, 2009: 590-595)

Furthermore, balance of power theory predicts that the pursuit of security by a nation tends to result in the creation of balance of power on a systemic level. This is often accompanied by the prediction that war is less likely when power is balanced, because no nation can be confident of winning a war and thus, no nation is tempted to initiate one. (K. L. Shimko, 2005: 125)

Iraq emerged from the region after its occupation in 2003, and with the sequence of events in the Middle East. Especially the Arab Spring (2011) led to a 'collective' out of the balance of power in the region for many countries, which was headed by Egypt, one of the countries that might have been a future regional power. So the imbalance case created a new situation on inside, at the state level and outside, to seek and guarantee the state's position in the balance of power in the region.

According to both theories, the balance of power and the security dilemma in the Middle East, there are results of mobility from a number of countries to take 'new' position in the region and

start arrangements to ensure security and continuation in local and international status. (E. Soós, 2015: 43)

Iraq occupation & Arab Spring: changing regimes, but a region

There are a number of factors that have led to the imbalance of power in the Middle East, and to the beginning form of a Regional Powers in the region. The US occupation of Iraq (2003) is considered one of the starting factors of change in the region. Iraq was considered as an influential regional force in the region, and its emergence from competition led to the imbalance of power in the Middle East in general and in the Gulf region in particular.
'The Iraq War was not supposed to be a costly debacle. Rather, it was intended as the first step in a larger plan to reorder the Middle East.' (J. Mearsheimer & S. Waltz, 2006: 58) After Iraq occupation in 2003, Saudi Arabia began to play a bigger role in the region, precisely, after the control, to some extent, by Iran on the Iraqi scene and strengthen its presence and more importantly, to strengthen Iran's Shiite presence in Iraq.
The other most influential factor is the Arab Spring (2011) which resulted in the exit of Egypt, Libya and Syria**.** Respectively, this left a gap in the balance of power in the region, and allowed the emergence of new powers, Saudi Arabia, Iran, Israel and Turkey.
The Arab Spring holds the potential for a new round of conflicts at the regional leadership level. (M. Beck, 2014: 5) The political developments in Bahrain (2011) and Yemen (2014)[2] can be taken as an indicator of the Saudi-Iranian rivalry for leadership in the region, achieving the vision of regional power and control.
Political uncertainty was derived from the Arab Spring. Changes in the balance of power unleashed by the invasion of Iraq in 2003 were reinforced, while Egypt remained entangled in its own contradictions and polarizations. Iraq and Syria sank into chaos, Iran raised its image to the discontent of the Gulf states, particularly Saudi Arabia. (B. Khader, 2018: 47-49)
According to the above author (B. Khader, 2018: 34-35) Saudi Arabia watched the Arab uprising as a challenge to the region stability. The kingdom pressed the US to protect its Egyptian ally and was angered by Qatar's apparent support for Egyptian protesters, later for the Muslim Brotherhood. It was clear that the Saudis felt weak. This has led to a shift from its traditionally cautious and traditional foreign and regional policy into a clearer emphasis on its objectives: the survival of the regime, regional stability, and keeping Iran in trouble.

United States Foreign Policy towards the Middle East

The United States' ability to influence the region has become much less. It can no longer do it alone, it needs to cooperate with other countries, as in the case of Iran's nuclear program with the committee (P5+1)[3] and the involvement of countries such as Russia and China. (R. N. Haass, 2008: 1-17)
US Foreign Policy towards the Middle East since the Iraq invasion of Kuwait in 1990 is different from the present US administration policy. 30 years of the US involvement in the Middle East policy has weakened its regional standing. (J. Cristol, 2018: 48-50) It became clear that the capabilities of the US limited, and an alternative developed approaches includes the concept of regional power which appears to be exhaustive in the momentum of regions and actors in it. (M. Beck, 2014: 4-5)
The US implemented a double containment policy for Iran and Iraq in 1993, by strengthening the role of its allies, Turkey, Israel and Saudi Arabia, except for direct presence through its bases in Bahrain, Qatar and Saudi Arabia. After the September 11 terrorist attacks in 2001, the US changed the Middle East policy again and occupied Iraq in 2003 by preemptive strikes under the Bush Doctrine (2003). With

[2]The Saudi direct intervention, the Golf Shield Forces in the attempt to overthrow the regime in Bahrain 2013, and the proxy war statues on Yemen conflict. Saudi Arabia supports the Yemeni government (Sunni) against the Houthi group (Shiiti) which supported by Iran. The Saudi intervention was military and logistical.
[3] The P5+1 refers to the UN Security Council's five permanent members (the P5); namely China, France, Russia, the United Kingdom, and the United States; plus Germany.

US failure to manage the conflict in Iraq and turning Iraq into an international playing field**,** Iran's role in the region has been strengthened rather than reduced.
During the Obama administration**,** foreign policy was reorganized to turn the US power into the Asia-Pacific region against China. Accordingly, the Obama administration withdrew its military presence in the region by shifting to the leadership policy of the rear. It could be true that the US administration implemented a strategy of maintaining its influence in the Middle East through its allies. Accordingly, the US shifted its power to China, the superpower candidate, and opted to leave the Middle East to its allies: Israel and Saudi Arabia. (M. EKŞİ, 2017: 149)
The United States believes that its interest is in the stability of the world economy, which depends primarily on the safe flow of oil globally, that is the basis of the deal with Saudi Arabia. (J. Thomas, 2014: 46) The story is that US tried to gain less cost in its domination in the Middle East by supporting the establishment of Regional Power in the Middle East to be a continues alliance for US to save its interest in the Middle East in general. (J. Thomas, 2014: pp.43-45)
The withdrawal of the US from the Middle East since the Obama administration left a tremendous vacuum for other players to fill. After the US withdrawal from Iraq**,** Iran was able to influence the Iraqi government.
On the other hand, the absence of the US, pushed Saudi Arabia's to play bigger role, the active involvement in Bahrain, Yemen, Syria, Lebanon and even Iraq can be explained to its concerns about Iran's expansion. (J. Liangxiang, 2018: 2)
The real change in US policy in the Middle East has helped to rise the formation and rivalry for a regional power and a new regional order in the Middle East. US decline also would lead to fill the vacuum policy, which means giving more space and chances for world powers to start there polarization and find new foot on the ground. This can be seen clear in the role of Russia in Syria.

Palestinian position

The US bias towards its ally, Israel is very clear in the US foreign policy in the region. The repeated Israeli attempts to avoid and ignore the Palestinian issue from the general discussion of the problems of the Middle East, and the events, namely the Arab Spring (2011) have an impact on the status of the Palestinian cause as a conflict, considered an engine for the stability of the region.
The Palestinian government is working to deal with the events that are taking place in a realistic and balanced way through a deliberate program, which is one of the top priorities of the efforts to strengthen the foreign relations and confront the Israeli lies and propaganda, as well as to ensure balanced relations with the various powers and countries of the world.
Middle East is unstable and foggy. The struggle of the Palestinian people continues on the ground through official and diplomatic channels. Although the US remains the world's super power in theory, the presence of other competitors such as Russia, China and the European Union predicts to a change in global balance of power. Hope it will be in the interest of our cause and our people.[4]

Conclusions

Developments in the Middle East since the occupation of Iraq 2003 and the Arab Spring in 2011, in parallel with the decline of the US towards the region, have led to the rise of the new regional order in the Middle East.

[4] This argument is based on the interview, made in February 2019 with Dr. Manuel Hassassian, Ambassador of the State of Palestine to Hungary.

In fact, there is no confirmed Regional Power in the Middle East. Due to the attempts within the framework of the balance of power in the region, the Middle East region is still directly a subject of the US policy besides the international actors such as Russia, China and the European Union.

The Middle East is not considered as a single, integrated and harmonious region. It covers Arabic countries in addition to Iran, Turkey and Israel. These factors can be an engine until one of the countries can prove its competence in leadership and fulfil the requirements of the Regional Power.

Competing leadership in the Middle East will ignite the rivalry between the remaining power countries as Iran, Saudi Arabia, Turkey and Israel, and there will be predictable alliances aimed at undermining Iranian expansion in the region.

Despite the multiplicity of events in the Middle East, which cast a shadow over the Palestinian issue, the Palestinian issue will remain the main engine in the Middle East as long as it remains without solutions.

The Palestinian government in the light of the changes in the region forms a realistic program of action. It aims at strengthening its external relations, and confront the Israeli lies and propaganda which want to marginalize the Palestinian case internationally and give other issues such as Iran more important place in the Middle East.

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Interview
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The *balance of power* theory in English political thought after the Glorious Revolution – Charles Davenant's *An Essay upon The Ballance of Power* (1701)

Introduction

Charles Davenant's political pamphlet *An Essay upon The Ballance of Power* was published in 1701, in a single edition with two other writings closely related to the subject of balance of power with the titles *The Right of Making War, Peace and Alliances* and *Universal Monarchy*. Previous research only touched upon his political essays in passing, thus they are worth being subjected to a deeper analysis in the context of contemporary opinion on the balance of power. This paper will analyse the first pamphlet, treating the balance of power as a historical "category of practice" – following Andersen (2016, p.7) – used by diplomatic and political actors in various contexts at the turn of the 17th and 18th centuries. During the analysis, I will try to point out how the principle of the balance of power, which had become one of the fundamental concepts for the academic discipline of international relations in the 20th century, began to play an increasingly important role in the great power politics of Europe as well as in the English domestic and foreign policy in the decades before the Peace of Utrecht (1713), and how Davenant's work can fit in this context.

Charles Davenant

The English mercantilist economist and politician was born in 1656, and his name is primarily known for his pamphlets discussing foreign trade and government finances (Hont, 2015, pp.201–2). Waddell states (1958, pp.279–86) that Davenant was Commissioner of Excise between 1678 and 1689, and in 1685 he was also elected to the Parliament as Tory MP. As a consequence of the domestic political changes of the "Glorious Revolution" (1688–1689), he failed to gain an economic position after 1689. It was probably this situation that made him start to write pamphlets on economic topics, his first such essay were published in 1694. By the end of the 1690s, he had become an influential Tory pamphleteer. He obtained economic appointments again during the reign of Queen Anne (1702–1714), who followed William III (1689–1702) on the throne in 1702. He worked at the customs service from 1703 until his death in 1714 as Inspector-General of the Exports and Imports.
Most of the literature items dealing with his work are analyses of an economic historical perspective (Waddell, 1956, pp.206–12) and primarily focus on his writings discussing his

theory of the balance of trade (Waddell, 1958, p.281). However, due to his political career, a shift in emphasis can be observed in his work after 1699–1700, from which time he published mainly political pamphlets. This is also noted by Waddell (1958, p.282), who was the only researcher of Davenant's biographical details, which he summarized in his unpublished dissertation (Waddell, 1954). As regards Davenant's essay on the balance of power, first it is important to clarify the origin of the concept, after which I will continue with the analysis of the pamphlet.

The origin and role of the balance of power principle in Europe and England at the turn of the 17th and 18th centuries

The balance of power has been a central concept in the theory and practice of international relations for centuries (Sheehan, 1996, pp.1–24), and as Luard (1992) and Little (2007) states, it has also played a key role in developing a theory of international politics in the study of international relations in the 20th century. In terms of etymology, the origin of the concept of balance is derived from the Latin terms *aequilibrium* ("equilibrium") or *aequilibrium potentiae* ("the equilibrium of power"), and it can already be found in 12th-century French and 13th-century English language use. From the 15th century, it can also be detected in German (Kovács, 2017, p.18). Based on Italian examples, the idea of the balance of power had been developed by the 16th century (Anderson, 1993, pp.150–3), and from then on it gradually gained ground in Europe against the concept of universal monarchy (Bosbach, 1988; Gelderen, 2007, pp.66–8). After the Peace of Westphalia (1648), the idea of a balance of power (Schröder, 2017b, p.183) had emerged to keep the status quo and protect interdynastic and interstate relations.
In England, it played a particularly important role in domestic policy from the 1660s where the use of the concept became increasingly commonplace, as they started to use it virtually as a "weapon" both in political debates in the Parliament and in political journalism (Sheehan, 1988; Kampmann, 1996). In terms of foreign policy, it was primarily used against the Dutch during the period of the two Anglo-Dutch Wars (1652–1654, 1665–1667), but as a consequence of the War of Devolution (1667–1668) launched by King Louis XIV of France, the use of the concept increasingly turned against the French (Nolan, 2008; Andersen, 2016, pp.80–91). Both the pamphlets and the parliamentary speeches denounced France more and more frequently as the great power pursuing to ruin Europe and establish a universal monarchy (Thompson, 2011, pp.271–2; Pincus, 1992; Pincus, 1995). The use of the balance of power principle became firmly established after the Treaty of Ryswick (1697) that ended the Nine Years' War (1688–1697); however, considering the situation in England (Devetak, 2013, pp.131–2), the balance of power-model increasingly came to be used in various ways for domestic policy purposes (Thompson, 2011, p.268) , especially in the internal conflicts of the Whigs and Tories (Claydon, 2007, p.196).
Due to the dynastic wars of the second half of the 17th century, political alliances designed in the name of the balance of power once again came to the fore – these include, for instance, the League of Augsburg created during the Nine Years' War mentioned before, or its successor, the Grand Alliance formed in 1689 which England also joined, against Louis XIV of France (Bruin, et al., 2015, p.13). In this situation England increasingly interpreted its position as an external leader of the states of the European continent (Thompson, 2011, pp.270–1), and the pamphleteers thought that England was "the hand" that keeps the balance in Europe. The significance of the Treaty of Ryswick lied in the fact that it established the idea of the European balance of power (Devetak, 2013, pp.135–6), which had been discussed and promoted more and more frequently since the 1670s. From then on, political actors of the era increasingly came to accept the concept as the norm for establishing the European state system (Kovács, 2017,

p.4), which was explicitly included in the Treaties of Utrecht (1713), which ended the War of the Spanish Succession (Bois, 2017, pp.294–7).
The balance policy of William III (Troost, 2011) aimed at keeping the Habsburg Monarchy and France in balance (Claydon, 2002). The real threat to this balance of power lied in the great power opposition of the Bourbon and Habsburg dynasties, attributed to the unclear fate of Spanish inheritance (Coward, 1994, p.365). By reason of the childlessness of the weak and sickly King Charles II of Spain (1665–1700), succession to the Spanish crown had been a central question of European politics well before the treaties of Ryswick were signed. England and the Dutch Republic strove to agree with France peacefully by way of special negotiations to avoid that the entire Spanish inheritance would pass only to the Habsburgs or the Bourbons (Pincus, 1995).
The First Partition Treaty was signed in October 1698 in the Hague, under which France and the Habsburg Monarchy would have divided the Italian dominions of Spain, while the Spanish crown would have passed to Charles II's appointed successor, Prince Joseph Ferdinand of Bavaria. However, the appointed successor died in 1699, and the parties signed the Second Partition Treaty in March 1700 in London (Rule, 2007). In the treaty, they agreed that France would acquire the Spanish territories in Italy, while the Spanish throne would pass to Archduke Charles (the future Emperor Charles VI), the son of Emperor Leopold I (Coward, 1994, p.384), which was unacceptable to Charles II of Spain, who insisted in his last testament that the integrity of the Spanish crown should be maintained at all costs, and nominated Duke Philip of Anjou, Louis XIV's grandson as his successor. According to the will, should Louis XIV not accept this, the entire territory of Spain would pass to the son of the Habsburg Emperor. Months later, Charles II finally died on 1 November 1700, and Louis XIV accepted the terms of his will on 16 November, which meant that he breached the Second Partition Treaty and disowned his allies, England and the Dutch Republic. Consequently, the prolonged War on the Spanish Succession mentioned above broke out in 1701, which only ended in 1714 (Falkner, 2015).

Interpretation of "balance" in Davenant's pamphlet under analysis

In his essay published in early 1701 (Waddell, 1958, p.283), Davenant clearly raises his voice against the above-mentioned partition treaties, criticising at great length mainly the second one, calling it a "fatal Treaty", which has ultimately "brought the whole Dominion of Spain under the French Power or Influence" (Davenant, 1701, p.77). He emphasises the risk of the development of Spanish succession already on the first pages, linking Philip, Duke of Anjou's inheritance to the potential danger of establishing a French universal monarchy, which would threaten both England and "the Liberties of Europe" (Davenant, 1701, p.4).
As an economic expert and a mercantilist, he also draws attention to the fact that the strengthening of France could later also cause serious foreign trade barriers for England, as well as for the balance of Europe, since France may, in a very short time, "supplant" England in its Spanish and Turkish trade interests (Davenant, 1701, p.4); it is a serious threat to English trade that Flanders is in French hands, and that the ports of Spain and Italy are in the power of France. After the introductory thoughts, Davenant discusses the acts of former English monarchs, arriving at the conclusion that in the past "England has all along endeavour'd to hold the Ballance of Europe" (Davenant, 1701, p.28). He praises the Treaty of Ryswick (1697), since – in his opinion – that was the last time England was in an exceptionally good position. Davenant goes on to express his negative views on the measures taken after 1697, primarily the Partition Treaties of 1698 and 1700; the fact that England had signed an agreement with the French suggested that England was weak, thus encouraging France "to disturb the Peace of Europe" (Davenant, 1701, p.33). Next, he arrives at the central part of the essay, in which he explains how England could return to its leading role in keeping the balance of Europe, for which it is

first necessary to solve the domestic issues and parliamentary feuds England is currently struggling with.

The central concept of the balance of power started to intertwine in contemporary England with other concepts such as *public interest*, *common welfare* and *national interest*, and the principle of the balance of power played a prominent role in the need for joint action against a possible universal monarchy as well (Devetak, 2013, pp.130–1). After a while, *the interest of England* also included domestic political debates, religious, economic and commercial interests (Andersen, 2016, p.77), so the balance-of-power thought often appeared embedded in religious terminology, for instance while discussing the *Protestant interest*. Davenant criticises the political leadership of recent years and discusses that a small group of political advisors decided on signing the failed partition treaties, without convening the full Parliament and seeking its advice, so this group did not consider either the interests of the country or the interest of Europe. He argues that recent political leaders must be held accountable for their faults, as it was a serious mistake not to convene a parliamentary session immediately upon learning about the death of the Spanish king, because seeking the advice of the Parliament is of utmost importance, and it is also necessary for balanced constitutionality. The political authors of the era, including for example – in addition to Davenant – Bolingbroke, Jonathan Swift (Thompson, 2011, p.278) and Daniel Defoe (Claydon, 2007, pp.201–8), repeatedly emphasise in their writings the need for an optimal parliamentary debate and the political importance of the Parliament as the main site of common thinking. The importance of national unity was addressed in contemporary pamphlets, for example in Bolingbroke's writings (Kramnick, 1992), more and more frequently, discussing at length in this regard the harmful effects of the Tory-Whig opposition and the importance of a balanced constitutionality. An analogy for public interest in the era included the concept of *commonwealth* (Early Modern Research Group, 2011, pp.660–1), as well as the medieval metaphor of *body politic* (Andersen, 2016, p.76): these all appeared in Davenant's analysed pamphlet, and interestingly, he consciously linked *national interest* with "the Protestant interest throughout all Europe" (Davenant, 1701, p.43) and the balance of power, in which England has a leading role, as both his contemporaries and the author of the pamphlet agreed.

According to contemporary thinking, the universal monarchy undermines public interest both in domestic and foreign policy through financial interests; politicians employing corruption give up the *ancient constitution* of England (Andersen, 2016, p.78). This also emphatically appears in Davenant's analysed pamphlet, who explains that recent political decision-makers, who took English foreign policy in the wrong direction with the partition treaties, sinned against the ancient constitution of the country with their "Misgovernment" and "Corruption" (Davenant, 1701, p.85). Already in the introduction of the pamphlet, Davenant strongly raises his voice against politicians corrupted by financial interests, who he says are not interested at all in the fate of "the ballance of Europe" or "which side the Scale inclines" (Davenant, 1701, p.3), the scale having been a frequent and popular metaphor for representing and illustrating this balance from the 16th century (Schröder, 2017a, pp.91–3).

Davenant links the discussion of the domestic problems to the issue of Spanish succession and the criticism of the already discussed Second Partition Treaty, which – in his opinion – worried each English citizen after it had been signed, since it "put an aspiring Monarchy [i.e. France] into a better posture both at Sea and Land, to enslave Europe than it was before the War [i.e. the Nine Years' War]" (Davenant, 1701, pp.54–5). Therefore, according to his view, England and thus Europe lost the results of the Peace of Ryswick by signing the partition treaties, for which only those in leading positions can be held responsible who had drafted the partition treaties and against whom investigations should be conducted for the interest of *public good* (Davenant, 1701, p.12), so that the problems of the country could be solved. In Davenant's opinion, the English and the Dutch awarded such easily gained territorial advantages to France

(towns in Flanders, Spanish and Italian ports) under the Second Partition Treaty that they could not have obtained by force in many years and only after a great effort. As regards Charles II's last will, he argues that it had created such a new situation and possibilities that the partition treaties did not contain, but England should have used these possibilities. He mockingly notes that Louis XIV's decision to accept the terms of the will is not at all surprising, since „what will you agree to in case the King of Spain's Last Testament be in your Favour?" (Davenant, 1701, p.67). According to Davenant, France and Spain got so close by Louis XIV's decision that it poses a threat to whole Europe. He thinks that after Ryswick, England should have approached Spain instead of France, and they should have formed a relationship of trust with the Spanish crown „to keep the two great Monarchies from being united, and to secure the Peace of Europe" (Davenant, 1701, pp.71–2).
Davenant contemplates that in order to solve the problems of the country and to maintain the balance of power both in England and in Europe, it is necessary for the two contending parties to form a coalition, to set up a suitable Parliament "to consult upon the Distempers of the Body Politick" (Davenant, 1701, p.96), that is to discuss the problems of the country. He refers on several occasions to the fact that the Second Partition Treaty and Louis XIV's actions (Nolan, 2008) are leading to the formation of a potential universal monarchy in the form of France. On the closing pages of the pamphlet he urges in an increasingly vigorous tone to undertake war against France in order to maintain the balance of power in Europe, since England is the keeper of the balance, and it must take measures "to keep the Power of France within due limits", and "to maintain our [i.e. England's] Post of holding the Ballance" (Davenant, 1701, pp.85–7).

Conclusion

The balance of power principle became a prominent element of 18th-century state politics and political journalism, as well as one of the key concepts of the emerging theory of interstate relations (Kovács, 2017, p.18). It is no coincidence that the expression *balance of power* was first used in an international legal sense in the treaties of Utrecht in the early 18th century (Sashalmi, 2015a, pp.23–4). In the case of Charles Davenant's analysed pamphlet, his terminology and balance of power thinking was mainly dominated by the old-time bipolar model, the scale for the metaphorical reference for this view (Sashalmi, 2015b, p.228–31). Nevertheless his usage also predicted some recent ideas – as preserving the liberties of Europe, or the general good, the peace and the balance of Europe – which have been explicitly included in the peace treaties of Utrecht; such as the expressions "the liberty and safety of all Europe", or "the general peace of Europe" in the Second Article of the *Treaty of Peace and Friendship between Great Britain and Spain* from July 1713 (Chalmers, 1790, p.43, p.56).
Davenant emphasises the need for undertaking another war against France in the summary of his pamphlet in order to defend the balance of Europe, in which regard the most important task of England is to maintain its role as keeper of the balance of power. Davenant's pamphlet not only criticised the foreign policy of William III, but he definitively raised his voice against the second partition treaty of 1700 and its promoters. Despite the fact that considering his political career Davenant was a Tory politician, it is interesting to note the tone and content of his pamphlet: his political party, the Tories did not support the new war commitment of the country, yet Davenant vigorously call on his readers to act against the French and undertake another war. This may be attributed greatly to the fact that at the time of writing the pamphlet, he had no job, and he was trying to obtain an economic position for himself by gaining the attention of leading Whig politicians. He finally succeeded in this only in 1703, after which date the tone of his political pamphlets did change noticeably, from anti-French to anti-Dutch according to Waddell (1958, pp.285–7). In order to determine the exact background of this change, it will be essential in the future to analyse Davenant's further political pamphlets and compare them with each

other, as well as to put other relevant contemporary political pamphlets in context – in connection with the opinions on the balance of power.

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Management of International Migration in Turkey since 2000

Abstract

Since its establishment, Turkey has been exposed to many waves of immigration. For this reason, with the European Union harmonization process since the 2000s, Turkey has pursued a set of policies such as the process of institutionalization of immigration, precautions taken against irregular immigration, and refugees and immigration regime, which fit with the legislation of the European Union. In this context, this paper will provide an analysis of the public policies pursued in Turkey in terms of international immigration management since 2000. The reasons for choosing of this period for research are that Turkey signed the first accession partnership document with the European Union in this year, and so there has been expectancy that Turkey will be needed to harmonize its process of allowing immigrants with that of the EU. This study aims to examine Turkish public policies on management of migration, identifies the process from 2000 until now. In addition, Turkey's immigration policy and irregular immigration which are concentrated in recent years, will be emphasized, as well as the institutions and the authorities and duties of them.

Keywords: *Migration, Public Policy, Turkey, Immigration Management, EU*

Introduction

Turkey is a country which is on the migration route, constantly is facing with immigration, and exposed to migration resulting from war and other conflicts occurring around the country in some periods. This migration causes some major problems in Turkey. Therefore, Turkey also produces policies to overcome the problems arising from migration, serves institutional legal arrangements. Turkey was one of the first countries to sign the 1951 Geneva Convention

[1] relating to the status of refugees it did this with a 'geographical limitation'[2]. For immigrants, Turkey is seeming as a bridge to the Europe which has better living conditions for themselves. The movement of many people to Europe because of violence, conflict and poverty has caused member states to implement restrictive migration policies. Hence, the European Union also to ensure the security of its member states asked to build a strong immigration control system in Turkey which is transit country to Europe. As an addition, it is important to mention that such factors like internal developments within Turkey transforming it into a "migration transition".

[1] 1951 U.N. Convention on the Status of Refugees ("Refugee Convention"), which means that only those fleeing as a consequence of "events occurring in Europe"
[2] only to people originating from Europe

The first signs of a modification policy in the field of immigration are becoming increasingly obvious and the European Union has been a major driving force since the early 2000s. As an example, Turkey, as part of pre-accession requirements, has to harmonise its legislation in the spheres identified in the EU "Accession Partnership" [3]document.[4] Especially, the "Action Plan on Asylum and Migration" accepted by the government in the March 2005, arranges the duties and the timetable Turkey aims to follow in order to prepare for the development of a fully fledged national status determination system, lift the geographical limitation and adopt EU instructions on asylum and migration general.[5]

Turkish Migration Management and the EU

The number of refugees in Turkey has reached over 4 million include Syrians, Iraqis, Afghans, Iranians and Somalis, making Turkey the host country with the largest refugee population in the world. Out of these, nearly 230 000 people are hosted in 23 camps run by the Turkish authorities (Disaster and Emergency Management Authority/AFAD), where refugees have access to shelter, health, education, food and social activities. Despite these efforts from the government and local authorities and the generosity of host communities, most Syrian refugees as well as many refugees from other nationalities live outside the camps, under very challenging situations with depleted resources. Registered refugees have access to public services, including education and healthcare. Most of those saying that refugees who are living in camps have better conditions than those who living outside of camps. Therefore, it is needed to generalise services, so all the refugees can reach public services and also their security will be ensured. (Velieceoğlu, 2014)

The Ministry of Labour and Social Security (MoLSS) has been trying to solve the issue work permits to Syrians in order to prevent illegal employement. Therefore, it is aimed that some Turkish citizens will not lose their jobs. Unfortunately, there is uncertainty about if Syrians are able to obtain work permits. (Ihlamur, 2014)

Adaptation service also must be considered as one of the most important services that the government needs to give to the refugees and asylum seekers. It is considered that Syrian refugees will stay longer than initially forecasted and it is possible that most of them can decide to stay permanently. Therefore, adoption of adaptation policies are very important in terms of social integration of Syrian refugees into society. (Canbay, 2015)

European Commission humanitarian funding for Turkey under the EU Facility for Refugees in Turkey: €1.4 billion in 2016-2017. Total aid under the EU Facility for Refugees in Turkey: €3 billion in 2016-2017.[6] The flagship humanitarian programme funded by the EU in 2017 is the Emergency Social Safety Net (ESSN), a debit card based social assistance scheme that will

[3] "Accession Partnership Documents", Ministry for EU Affairs/Republic of Turkey, https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Apd/Turkey_APD_2008.pdf

[4] Accession Partnership" documents lay down the tasks that Turkey has to implement to harmonize its laws and policies with that of the EU *acquis*. There is a whole section relating to issues under immigration. The most recent one is *Accession Partnership Strategy for Turkey*, Council Decision, 18 February 2008

[5] The Action Plan on "Asylum and Migration" was officially adopted by the Turkish government on 25 March 2005. It is available with a book entitled *Asylum and Migration Legislation*, Ankara, MOI and UNHCR, February 2006, at www.unhcr.org.tr. The Border Management Action Plan was adopted 27 March 2006, *National Action Plan towards the Implementation of Turkey's Integrated Border Management Strategy*, Ankara, MOI, March 2006, This Action Plan too touches upon issues to do with immigration.

[6] European Civil Protection and Humanitarian Aid Operations under European Commission, https://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf

allow up to 1.3 million of the most vulnerable refugees to meet their most pressing basic needs.[7] With initial financing of €348 million from the EU, the implementing partner, the World Food Programme, in collaboration with the Turkish Red Crescent and Turkish government institutions, is distributing electronic debit cards to refugee families through which payments are made directly to families.

Since the early 2000s, varied external and internal factors have made Turkey take more systematised steps towards institutionalising the "management of international migration influx and their effects". It appears like there has been a significant shift within the last decade towards a proactive policy-making position on immigration issues.

Law on Foreigners and International Protection

Turkey has undergone a very large refugee flow. Like the examples in the world, an institutional structuring which improves and implements strategies and current policies towards area of responsibility; which is human rights-oriented, equipped with qualified staff and a strong infrastructure was required in terms of effective management of issues in the field of migration.

Therefore, Turkey has put new regulations into force with the purpose of determining and implementing more efficient policies on migration. In this context, a new Law on Foreigners and International Protection[8] was adopted by the parliament in 2013 and this law officially declares the foundation of the General Directorate of Migration Management[9]. It is the first law of its kind in Turkey. (Soykan, 2012) The vision of the General Directorate of Migration Management is that establish and implement an effective migration management system, to make contribution for the development of migration policies at international level and the implementation thereof[10].

Directorate General of Migration Management consists of Central, Provincial and International Organizations. The following units are located in the Head Office of the General Directorate:

Department of Foreigners, responsible for regular and irregular migration-related transactions and operations,

International Protection Department responsible for international protection and temporary protection

Department of Protection of Victims of Human Trafficking, responsible for the actions and operations related to the fight against human trafficking and protection of victims,

Migration Policy and Projects Department responsible for works and procedures related to determination of policies and strategies in the field of migration,

Compliance and Communication Department, which is responsible for the works and transactions related to the compliance of foreigners with society,

[7] Emergency Social Safety Net(ESSN) under European Commission, https://www.essncard.com/
[8] Law No. 6458 on Foreigners and International Protection published in the Official Gazette dated 11.04.2013 and numbered 28615, Directorate General of Migration Management, Turkey Ministry of Interior, Ankara, 2013, http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf
[9] http://www.goc.gov.tr/icerik/the-directorate-general-of-migration-management_911_925
[10] http://www.goc.gov.tr/icerik6/vision_912_957_959_icerik

External Relations Department, which is in charge of communication, cooperation and coordination with states and international organizations related to the field of duty of the Directorate General,

Strategy Development Department, which is responsible for business development and financial services,

Legal Counsel responsible for the execution of legal services,

Information Technologies Management, which is responsible for the establishment, operation and operation of information systems related to the subjects within the scope of the General Directorate,

Human Resources Department responsible for manpower policy and planning of the General Directorate and the development of human resources system,

Department of Support Services, responsible for the operations and transactions related to the movable and immovables of the General Directorate, general documents and archival activities, applications for obtaining information,

Education Department responsible for the activities and operations related to the training activities related to the duty of the General Directorate.

General Directorate of Migration Management consist of; 81 Provincial Directorate of Migration Management and 148 Provincial Directorate of Migration Management[11].

Conclusion

In order to provide services for more than four million Syrian refugees, with the Law No. 6458, the General Directorate of Migration Management was established and a professional structure was made. In addition, ministries of the Ministry of Interior, AFAD, Health, National Education,

Labor and Social Security and Family and Social Policies, governorships, and partly local administrations and district governors work together. In spite of the policies already pursued in the field of migration management, the problems of Syrian refugees regarding their access to public services continue to be serious. And the number of asylum seekers in the country is expected to increase further in the future due to new asylum seeker flows, family reunions and births. Therefore, it is clear that the current structure of managing the services provided to asylum-seekers will not be sufficient and it is necessary to go into a better structuring in this regard.

On the other hand, the asylum-seeker and refugee movement towards the country has led to various social and economic discomfort, especially in security and employment concerns in Turkish society. The statements made by the political power to give citizenship to Syrians have also led to uneasiness in Turkish society in terms of equality and fairness. However, in terms of ensuring social security, tensions should be reduced and the two communities should be able to live in harmony. In this sense, the integration policies that will help both Syrian and Turkish society will contribute.

[11] Republic of Turkey Ministry of Interior, General Directorate of Migration Management, Publication No: 4, DECEMBER 2013 http://www.goc.gov.tr/files/files/trkye(1)(2).pdf

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Attribution in Cyberspace - The 'Whodunnit?' of the 21st Century

Introduction

According to the World Bank, in 2017 around 45.794% of the world's population had access to the internet, a percentage that roughly translates to around 3.5 billion of people (World Bank, 2017). From the early 2000s that means a growth in the number of internet users by almost 2% or around 154 million people every year – which means almost half of the earth's population gained access to the World Wide Web in less than 20 years. This is an astonishing speed of growth that brought with itself significant changes in the way people live their lives – and the way nations work altogether.

These overarching changes can be seen almost in every sphere of life – from citizens running their personal websites or daily blogs, big companies conducting their business through online interfaces to banks functioning and providing services through the internet. These new features make people, companies and national institutions much easier to reach almost every day of the week but for these bodies it also means an increased exposure to anyone connected to the internet. This exposure is a fertile ground for a new type of criminals that have surfaced with the rapid spread of computers and the internet: cybercriminals. Cybercriminals can gain access to practically anything that is stored on a computer – it is mostly the question of 'when' instead of 'if' in case such criminals or hackers. In order to prevent data from being stolen and systems breached, users have to pay close attention to their internet usage and developers have to keep up with the safety of their programs as they are the second most important line of defense – right after the user.

The aim of this paper is to introduce the reader to the topic of cybersecurity and its challenges, mainly focusing on the challenges of attribution. The first section introduces the reader to the essentials of cybersecurity. The second section highlights the importance of cybersecurity with different data, mainly statistical. The main part of this paper is the third section which details the main idea of attribution, its difficulties and obstacles. The fourth section details possible responses to cyberattacks and also shows the challenging aspect of responses. Being the two most complex questions of cybersecurity, these topics require more scrutiny to provide a clearer picture and highlight their successes and shortcomings. The last, section five, concludes the paper, summing up its findings.

Fundamentals of cybercrime and cyberattacks

The state of cyberwarfare in international law has not been well-established yet and this fact causes great challenge for policy makers and governments alike. The aim of Tamás Lattmann is to shed light on this issue and find explanations for the uncomfortable place cybercrimes are in international law and to find a solution to this pressing issue. He describes cybercrimes as an act that can have several aims: to gain access to data stored on computer systems, disrupt them, delete them or diverting them in order to cause confusion or to deceive people (Lattmann 2013, 1). Hathaway and Crootof (2012) define cyberattack as "A cyber-attack consists of any action taken to undermine the functions of a computer network for a political or

national security purpose." (2012, p. 826). This shows that while cybercrimes and cyberattacks, may seem similar, they have different targets.
Wayne Noble (2017) defines cyberterrorism, a type of cybercrime, as a very similar activity: he details that cyberterrorists' activities are very hard to track and mostly unforeseen and their aim is to, as Lattmann (2013) highlighted it, "seriously undermine critical infrastructure operations" (Noble, 2017, p. 70) and to "cause damage to the reputation and international perception of governments and states" (Noble, 2017, p. 70).
Mary Ellen O'Connell (O'Connell & Arimatsu, 2012) in her article titled 'Cyber Mania' also lays down the fundamentals of cybercrimes but from a slightly different perspective. Her article is mostly concerned with the issue of attribution and finding the most appropriate law for cybercrimes, whereas Lattmann (2013) mostly focuses on definitions and the listing of challenges. O'Connell (O'Connell & Arimatsu, 2012, p. 3) finds the view that the Internet is some kind of war-zone and the application of the law of international armed conflict flawed and that there are more appropriate laws that can be referenced.

Cyberattacks and cybercrimes in practice

Lattmann (2013, 2) also lists the most important cyberattacks in history and examines them. Lattmann (2013, p. 2) begins his analysis with the cyberattack committed against Estonia. In 2007 the country faced a largescale DDoS attack that affected a great majority of Estonia's digital infrastructure, preventing people from accessing the Parliament's and ministry's systems, the online interfaces of major banks and the websites of several significant media outlets (Lattmann, 2013, p. 2). This attack was especially damaging for the Estonian government as in that period the country was one of the leaders in digitalization of public administration within the European Union, which meant the harm that had been done by the DDoS attacks was very grave (Lattmann, 2013, p. 2). The hackings were political in nature, being a response of the Russian minority in Estonia to the removal of a World War II Soviet memorial by the government (Lattmann, 2013, p. 2), a move which was also publicly supported and praised by the neighboring Russia. Although there was a public uproar in Tallinn and Estonia, the attack was later not deemed to be on the level of an armed attack but it was indeed deemed serious enough to make the capital the headquarter of the NATO's cybersecurity agency, the Cooperative Cyber Defense Center of Excellence (CCDCOE) in 2008 (Lattmann, 2013, p. 3). Ever since than the CCDCOE is the leader institution in cybersecurity, providing vital contributions to the topic, including their work on the state of cybersecurity in international law, the Tallinn Manual.
Lattmann (2018, 4) lists two further cases in connection with international cyberattacks: one series of cases that took place in Georgia during the Russo-Georgian war in 2008 and another incident that concerned Iran. The cyberattack that occurred in Georgia was considered a natural reaction during war as the hackings solely targeted legitimate military targets, making it a legitimate "weapon of war" in that case (Lattmann, 2013, p. 4).
According to Lattmann (2018, p. 4.) the most intriguing case from the perspective of international law is the malware called Stuxnet that has allegedly targeted Iranian nuclear enrichment facility located in Natanz, aiming to sabotage the Iranian Nuclear Program mainly by running the centrifuges used enrich uranium at a higher speed than designed, permanently damaging them, being the first example of people using digital tools to cause physical damage (Trautman, 2017, p. 788). Lattmann (2018, p. 4.) highlights that hacking into and then paralyzing an enemy country's systems is significantly easier and less risky than a physical, armed military attack. It is also twofold: it does not only allow the perpetrators to successfully achieve their goal by breaking into a computer, accessing the data stored on them and perform different actions but their acts also give rise to suspicion and distrust towards computers

systems, harming people's sense of security – and, as Lattmann emphasizes it, Iran was not ready for an attack of this nature.

Significance of cybersecurity

As it has been established, cybersecurity is a very complex and, because of the increasing dependence on cyber solutions, very significant area. What would logically follow from this would be the increased awareness of companies and individuals of the threats posed by cybercriminals – however, that does not seem to be the case. According to a research conducted by Ponemon Institute (2017, p. 3), in 2016 it took around 201 days on average for a companay to detect that its security has been compromised and that criminals have had access to their databases, information and systems for that long and 191 days in 2017. In their 2018 report it has been found that this number has not changed dramatically as that year the number of days required by companies to identify a system or data breach was on average 192 days (Ponemon Institute, 2018, p. 4) However, these numbers are still alarmingly high and caused a damage of 3.62 and 3.86 million USD damage in 2017 and 2018 respectively, rising 6.4% in a year (Ponemon Institute, 2018, p. 3).
The Stuxnet virus that spread in Iran and attacked the Natanz nuclear facility is also an example of a breach that had not been noticed in time. According to Syamntec the Stuxnet virus or worm was identified for the first time in June 17, 2010 at Natanz by VirusBlokAda but that the virus itself has been spreading since June 2009 – a year before it was found (Falliere, et al., 2011, p. 4; Lindsay, 2013, p. 365). It is believed that the Stuxnet has infected the power plant in either late 2009 or early 2010, when the centrifuge replacement rate of the facility has increased by around 1,000 centrifuges (Lindsay, 2013, p. 34). If that was the case and the facility was really infected in 2010 January the latest, it took the plant's owners around 167 days to discover the Stuxnet worm – a very long time in a facility as fragile as a nuclear power plant. While the damage is not that significant – it is reported that the replacement rate at the facility, which had about 8,700 centrifuges, was roughly 10%, which is also almost 1,000 units (Lindsay, p. 391) – it is also important to note that destruction was also not the main aim of the Stuxnet worm: the goal was to penetrate the Natanz nuclear plant without being noticed and do unauthorized actions without being detected, making the target feel incompetent and question their own workings (Lindsay, p. 392). Looking at the results the developers of the worm were very successful.
As it can be seen, security breaches, viruses, worms and cyberattacks can do great damages and that focus on cybersecurity is vital. It is not only companies that can get attacked, national institutions such as Natanz can also be targets. Despite its very important position in Iran, the facility could still not detect the breach within their security system promptly and this caused negligible damage to the equipment but significant in the trust of employees and technology. The developers of Stuxnet were very careful to only run their malicious codes on specific hardware, making the worm even harder to detect as it did no harm in the systems it had infected but that were not one of its targets. Instead, those systems were used to update the worm remotely (Falliere, et al., 2011, p. 21).

Challenges of attribution

Finding the one responsible for a cybercrime is a complicated task that faces the obstacles raised by technology, careful hackers and legal questions. According to Shamsi (Shamsi, et al., 2016, p. 2887), cybercrimes can be categorized into three major categories: social engineering, hacking and espionage and criminals usually conduct attacks within these categories.

Attribution is not only important so that a criminal can be caught and the damages may be fixed. It plays a vital role in the definition of the correct response and also saves innocent bystanders from damage (Shamsi, et al., 2016, p. 2889). It is also important to have successful attributions as they function as deterrents for cybercriminals (Shamsi, et al., 2016, p. 2889).

Methods to identify perpetrators and responsibility

Boebert (2010; Shamsi, et al., 2016, p. 2889) defines two methods of attribution: technical attribution and human attribution (Boebert, 2010, pp. 43-49). Technical attribution is the process during which the source of the attack is found by analyzing the malicious code while human attribution is the process during which the perpetrator of the attack is found using the outcomes of technical attribution, therefore their order cannot be changed (Boebert, 2010, p. 43). Because of the nature of the internet and the tools that criminals can use to hide their identity, human attribution is the more complex of the two (Shamsi, et al., 2016, p. 2889). Finding the computer behind an attack is not enough as that still does not tell us in what role did they act in, thus by finding the computer one does not necessarily have enough information to appropriately respond, even if it is the computer of the perpetrator (Boebert, 2010, p. 43).

Shamsi, et al. (2016) highlight that technical attribution is concerned with finding the cyberweapon used during a cyberattack (Shamsi, et al., 2016, p. 2889). They define these tools as codes that are used or tailored to be used to cause harm, be it physical, mental or functional (Shamsi, et al., 2016, p. 2889).

Obstacles to technical attribution

Boebert (2010) lists several obstacles to technical attribution. While running, computers create so-called logs that contain the relevant information of the processes taking place in the background and in the foreground. These logs are useful for developers and administrators because they contain key information they can use to fix issues, malfunctions and security holes. These logs may even contain traces of an unauthorized person accessing computers, modifying or downloading files – sometimes even containing the unique IP address of their computer. However, even though these are all true facts about logs and they are very useful assets of attribution, cybercriminals are well aware of them too: it is easy for them to just simply delete these files, leaving behind no evidence that they were ever there (Boebert, 2010, p. 43). These logs may also be misleading as hackers can gain access to a computer within a network and access the other devices on the same network from that computer, making it look like someone from within the company or facility accessed the files (Lin, 2016, p. 7).
Another serious challenge is posed by botnets, a huge network of computers connected by malicious code (Boebert, 2010, p. 44). These are more advanced virus and worm threats from the past, which mostly came from one source or a specific line of source, because contrary to those codes botnets could be made up of thousands of computers conducting the same attack over and over again towards one or more targets, making it almost impossible to pinpoint the hotspot of the crime (Boebert, 2010, p. 44). These botnets are used to gain access to protected networks by guessing passwords from a large number of sources with different addresses, making them undetectable by the site's operators or to do denial of access operations (Boebert, 2010, p. 44). Computers that are part of botnets are mostly not even aware of the fact that their computers are infected and because of that attributing an attack to any of these computers is not possible (Boebert, 2010, p. 44).
One of the effective ways of finding the source of a botnet virus is to create traps for them, also known as "honeypots" (Boebert, 2010, p. 44). These are very vulnerable devices or computers that are expected to receive a botnet virus (Boebert, 2010, p. 44). When a device is infected their communication with the controlling node is analyzed to obtain its IP address (Boebert, 2010, p. 44). However, this may not be always possible as there are several tools for criminals to hide their identity on the internet as it has been established before.

Obstacles to human attribution

Another obstacle arises when the process to convert technical attribution to human attribution begins (Boebert, 2010, p. 50). If a computer has been found along with its owner and it is believed to be the source of a cybercrime or malicious packets, the alleged perpetrator can still say that they had no knowledge of their computer doing anything illegal and that it has been infected (Boebert, 2010, p. 50). There are even further obstacles when the perpetrator resides in another country as the victim country or the victim's country has no authority to act.

A possible suggestion and possibility would be to remove the anonymity of the internet by sharing Internet credentials with everyone (Boebert, 2010, p. 50). However, since anonymity is a key part of the internet and many users value it highly (Shamsi, et al., 2016, p. 2896), monitoring users could be a serious violation of their privacy and their human rights (Shamsi, et al., 2016, p. 2896; Boebert, 2010, p. 50). Human attribution is especially challenging because in many states, cybercrimes are not treated on the same level of significance as physical crimes (Shamsi, et al., 2016, p. 2896). The reason behind this according to Shamsi, et al. (2016, p. 2896) is that cyberlaw in most countries is nonexistent and there is practically no initiative from governments and civil society (Shamsi, et al., 2016, p. 2896). The writers believe that a solution to the issue of attribution and privacy concerns would be to develop specific cyberlaws by

cooperation, enabling the monitoring of the internet without invading the privacy of its users (Shamsi, et al., 2016, p. 2897).

Guns or digits – defining the appropriate response to cyberattacks

Once the challenging task of finding the computer and the person behind the attack has successfully been finished another one surfaces: choosing an appropriate response. The question of appropriate response is tightly connected to the level of attribution and the nature of the cybercrime: whether it is a criminal or a civil procedure that decides the perpetrator's fate (Shamsi, et al., 2016, p. 2890). There is a great difference between the evidence required for each case and the responses that may occur (Shamsi, et al., 2016, p. 2890). For a criminal case, a strong evidence is required, one that is stronger than "reasonable doubt" in order to convict someone (Shamsi, et al., 2016, p. 2890). From what we have it is becoming increasingly difficult to gather enough evidence to condemn a perpetrator as they have all the tools in their repertoire and the nature of the internet to hide their identity.

Conclusion

Although cybersecurity may not look like the most important issue that nations and companies should tackle, it is still one of the most pressing issues that requires appropriate attention. The cyberspace itself is not a dangerous place – however, once the crimes that take place in it reach beyond its borders, a real threat to human life, resources and assets surfaces. We have learned that year by year the costs of cyberbreaches are rising, the damage that cybercriminals do is mounting and users are mostly unaware of it.

It has been established that thanks to the nature of the internet, cybercriminals can only be caught if we have the necessary rules in place and if citizens, organizations and nations cooperate. This would make the nonintrusive monitoring of the internet possible, allowing it to be the fertile ground for free speech, unlimited content and knowledge, while also being able to prevent cyberattacks. It is very likely that if we don't act soon enough, the cyberspace will be everything but two things: free and safe.

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Nordic Cooperation, Nordic Council, or something else?

Abstract

The purpose of my paper is to analyse the terms used for the cooperation of the Nordic countries. I show the names used in scholarly publications and in everyday language, if these are correct, and why are they problematic if they are not accurate. For better understanding I introduce the most important institutions, forms and goals of the cooperation. While the common term in Finnish is pohjoismaiden yhteistyö (cooperation of Nordic countries) and in Swedish it is nordiska samarbete (Nordic cooperation), in Hungarian we can read about Északi Tanács (Nordic Council) and Észak-európai együttműködés (North European cooperation). I show the origin and institutional background of these usages. The conclusion of my paper is that the Nordic Council used for the cooperation in English and Hungarian is not too good for several reasons, as these works often use this name for cooperation done by legally separate institutions and cooperation started before the establishment of the Nordic Council.

Introduction

The purpose of this paper is to introduce the necessary terms needed for the study of Nordic cooperation. I show what terms are used in academic resources, dictionaries and in everyday use, and I disclose what might be problematic in existence of different terminology within the field. In my research I use primarily English and Finnish sources, secondarily Hungarian and Swedish ones, since I have competence to write and speak in Hungarian, English, and Finnish languages. This makes the understanding of the very precise meaning of the main worlds and terms concerning the cooperation in these four languages vital for my research.

To better understand the issue, I will explain the most important terms used in forms of the Nordic cooperation. While in Finnish the *pohjoismaiden yhteistyö* (literal translation: cooperation of Nordic/Northern countries) and in Swedish *nordiska samarbete* (Nordic/Northern cooperation) is the formula used for calling the cooperation, English resources use often *Nordic Council* and Hungarians use *Északi Tanács* (Nordic/Northern Council) or *észak-európai együttműködés* (North-European Cooperation).

In my doctoral research I study Nordic cooperation in terms of questioning how the experiences of the cooperation can be utilized in the work and structure of the Visegrád Group. The Hungarian version of this paper will be used to clarify terminology in the methodological part of the dissertation. My research has great importance for several reasons. Added to the centuries of shared history in the last 65 years of the cooperation the participating countries successfully implemented a very diverse and fruitful cooperation. Although the combined population of those five states could only rank as the 50th country in the world (CIA, 2018), the combined GDP of this "state" would be enough for the 11th place (World Bank, 2018). Despite the fact that the economic power of the Nordic countries has significant effect in world

economics, the topic is not too well researched. This might be one of the reasons the terminology is not consistent.

Short Introduction to the Nordic Cooperation

According to the European Union point of view, there are three types of cooperation, namely cross-border, interregional and transnational (Fejes, 2013, p. 56); the Nordic cooperation belongs predominantly to the transnational one in this categorization.
Historically the first organization established for the cooperation was the Nordic Council, established in 1952 with Denmark, Iceland, Norway and Sweden as its founding members; then Finnish participation followed them in 1955. In addition to the MPs from the parliaments of the five countries, the legislators of the local autonomous legislatures from the Finnish Åland, and the Danish Greenland and Faroe Islands take part in the work of the Council. The governments are also invited to take part in the Councils sessions. (Giertl, et.al, 2018, pp. 9-11). The budget of the Nordic Council is about 6 million euros (Nordic Council of Ministers, n.d., slide 14) and though currently only Danish, Norwegian and Swedish languages are the official languages, but further it had been decided that Finnish and Icelandic languages will also be added from 2020 (Nordic Council, 2018).
The Nordic Passport Union is a treaty enabling travel without passport for the citizens of the signatory countries in the Nordic countries and their autonomies except Svalbard, Greenland and Faroe Islands (Sopimus Suomen, Norjan, Ruotsin ja Tanskan välillä passintarkastuksen poistamisesta pohjoismaiden välisillä rajoilla, 1958).
The Nordic Council of Ministers was established in 1971. It has 10 permanent compositions and ad hoc groups (Giertl, et.al, 2018, pp. 13-14). This is the biggest and the best funded organization of the cooperation, with a budget of about 135 million euros (Nordic Council of Ministers, n.d., slide 14).

Correct Use of Terminology and Problems

As Finland and Sweden are parts of the cooperation and people of these countries are familiar with the correct usage of the terms in writing and speaking in these languages, I mention only problems encountered in English and Hungarian translations if the terms, and I will suggest use of the correct words in the two Nordic languages only in Table 1.
In English *Nordic cooperation* is the preferred term for the cooperation between the five countries and the three autonomous territories, while Hungarians use the term as *észak-európai együttműködés* or *északi együttműködés* (Epresi, 2013, p. 12; Finnish Embassy in Budapest, n.d.). It is a mistake to coin the cooperation as *Nordic Council*, as the cooperation is complex itself and though the Nordic Council is the oldest body of it, it is neither the biggest, nor the best funded or even the most influential body. I understand that as the main organizations of the Nordic cooperation are the Nordic Council and the Nordic Council of Ministers it can be practical to put them under the same article as Horváth and Tar (2006, p. 204) did, with a hyphen between the names of the two organizations, for practical reasons.
The *Nordic Council* (or *Északi Tanács* in Hungarian) is sometimes used to coin Nordic cooperation, or sometimes *Council of Nordic Ministers* is included in Nordic Council (Epresi, 2013, p. 12; Blahó and Prandler, 2014, p.445). I have the following problems with this: firstly, it can be confusing, as in this case the Nordic Council is made up from the Nordic Council and the Nordic Council of Ministers together; secondly, though the Nordic Council shares its headquarters with the Nordic Council of Ministers (and the Nordic Fund), they are separate organizations, with separate leadership, personnel and budget. Finally, and thirdly what I already mentioned in the previous paragraph, the Nordic Council is not the biggest player of

the cooperation, so naming the whole cooperation only with the Council does not reflect the real power of the cooperation.
The *Nordic Council of Ministers* has been referred in variety of terms in Hungarian: Blahó and Prandler (2014, p. 445) and Horváth and Tar (2009, p. 204) use *Miniszterek Északi Tanácsa*, Epresi (2013) uses *Északi Miniszterek Tanácsa*, while Kozma (1979, p. 146) and Racskó (2010, p. 7) use *Északi Minisztertanács*. While Hungarians are very keen in avoiding the repetition of words, in the naming of an organisation this kind of diversity should be avoided. Though personally I would have preferred using Északi Miniszterek Tanácsa like Epresi, as I find this the most logical solution, I opted to consequently use Miniszterek Északi Tanácsa. This is because of the availability of the sources Horváth and Tar (2009, p. 204) and Blahó and Prandler (2014, p. 445), what makes this usage easier to comprehend for the wider public.
Northern Europe or *Nordic Countries* mean generally the affected five countries (and their autonomous regions) in British English and Hungarian (Probáld and Szabó, 2011, p. 213; Macmillan, 2002, p. 963; Bloomsbury, 1999, p. 1289), while in American English it happens that they leave Finland out and include only Denmark, Iceland, Norway and Sweden (Webster, 1989, p. 1274). In everyday language people especially from South Europe may include all or part of the following countries to Northern Europe: United Kingdom, Irish Republic, the Netherlands and sometimes even Germany. This makes it important to clarify what we mean when we write about Northern Europe or Nordic Countries and in academic works we should restrict these terms to the five countries with or without their autonomous areas.
Scandinavia and *Scandinavian* are an interesting question, on the other hand. In everyday usage, perhaps the term is being used most as "political" Scandinavia, meaning the five Nordic Countries, as Macmillan (2002, p. 1264) does. It can also mean a closer circle of three countries, Denmark, Norway and Sweden, like the Northern Europeans and Webster (1989, 1274) use it. It could also include Iceland with the three aforementioned ones, like Akadémiai Kiadó (1960a, p. 1221; 1960b, p. 1186) and Bloomsbury (1999, p. 1289) thinks, or it could include the four states with the Faroe Islands (Webster, 1989, p. 1274; Bloomsbury, 1999, p. 1673), or just the Scandinavian Peninsula (Tietosanakirja, 1969, VIII. p. 707; Webster, 1989, p. 1274). Same advice as for the previous paragraph, one should clarify the meaning of the term in their work.
Fennoscandia is something to be avoided in Hungarian (*Fennoskandia*), as it isn't widely known though there is one publication in which the title contains it (Benedekné Szőke, 1997) but it can be used in English, Finnish, Swedish or latin. Basically, it means the Scandinavian Peninsula and Finland (Tietosanakirja, 1969, II. p. 873).
Northern Dimension is something I don't yet plan to include in my research. It is the cooperation of the European Union, Iceland, Norway and Russia. It begun in 1999 and was renewed in 2006. The United States and Canada are observers, while Belorussia takes part in the practical part of the cooperation (European External Action Service, 2016). It is not considered to be a part of Nordic cooperation.

Practical help

I have made a table to help my work and others in this topic, as I have not found any such during my preparatory research. "!!" means that the usage of the term differs in different language so caution is advised, while brackets mean that in my opinion the usage should be avoided.

English	Hungarian	Finnish	Swedish
Fennoscandia	(Fennoskandia)	Fennoskandia	Fennoskandien
Nordic Cooperation	északi együttműködés,	Pohjoismaiden yhteistyö	nordiska samarbete

	észak-európai együttműködés		
Nordic Council	Északi Tanács	Pohjoismaiden Neuvosto	Nordiska rådet
Nordic Council of Ministers	Miniszterek Északi Tanácsa (Északi Miniszterek Tanácsa, Északi Minisztertanács)	Pohjoismaiden ministerineuvosto	Nordiska ministerrådet
Nordic Countries!!	északi országok!!	Pohjoismaat!!	Norden!!
Nordic Passport Union	északi útlevél unió	Pohjoismainen passivapaus	nordiska passunionen
North	észak	pohjoinen	norr, nord, norden
Northern Dimension	Északi Dimenzió	Pohjoinen ulottuvuus	nordliga dimensionen
Northern Europe!!	Észak-Európa!!	Pohjois-Eurooppa!!	Nordeuropa!!
Scandinavia!!	Skandinávia!!	Skandinavia!!	Skandinavien!!
Scandinavian Peninsula	Skandináv félsziget	Skandinavian niemimaa	Skandinaviska halvön

Summary

The usage of certain terms differs in different languages, what makes loan translation avoidable in quality work. One should be aware of the connotations, cultural background, and for example that word repetition is considered bad in some languages while not in others. The usage of Nordic Council (Északi Tanács in Hungarian) for Nordic cooperation or for both the Nordic Council and the Nordic Council of Ministers should be avoided. When discussing Scandinavia, Nordic Countries or Northern Europe one should clarify the meaning, if we meet these in a different language, we should be sure we understood them correctly.

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Nagorno-Karabakh Conflict: Why is it not solved yet?

Abstract

This paper makes a critical analysis of Nagorno-Karabakh Conflict between Armenia and Azerbaijan which is one of the apparent threats to regional peace in Western Asia. Although everything officially started in 1988 after living together for decades in the Soviet Union, the origin of the conflict between 2 Caucasus states dates back to long ago. The war ended with the signing of Bishkek protocol in 1994, but the ceasefire has been broken numerous times by both sides and not solved yet despite several peace attempts. The historical origins of the territorial dissension and the reasons behind the current inability to find a way out the conflict are going to be explained based on chronological order. The paper starts with introductory historical background, continues with exploring the events from the beginning of 19th century till the Nagorno-Karabakh war, describing the milestones of the war period briefly, listing the main post-war peace attempts and reflecting the current situation in the conflict in the end. It is concluded that a combination of external and internal factors, out of which Russia's political influence is the most decisive one, do not allow the sides to settle the conflict.

List of Abbreviations

FSB – Federal Security Service (of the Russian Federation)
GRU – Main Intelligence Directorate (of the former Soviet Union)
KAVBIURO – Caucasian Bureau (of the Central Committee of the former Russian Communist Party)
KGB – Committee for State Security (of the former Soviet Union)
NK – Nagorno-Karabakh
NKAO – Nagorno-Karabakh Autonomous Oblast
OSCE – Organization for Security and Co-operation in Europe
SSR – Soviet Socialist Republic

Introduction

The history of Armenians and Azerbaijanis in the region is a complicated one as the etymology of the name of the disputed territory. While the Russian word "Nagorno" is translated into English as "mountainous", "Karabakh" consists of two parts, "kara" meaning "black" and "bakh" meaning "garden" with respective Turkish and Persian origins. Despite the fact that both Armenians and Azerbaijanis are linguistically related to populations outside the Caucasia (Indo-European and Turkic, respectively), scientific researches (Zerjal, et al., 2002, pp. 466-482) indicate that they have a closer genetic connection to each other rather than their linguistic relatives. Although each tries to belittle the history of the opposite side, both nations along with many other ethnicities have lived together for a long time and share the heritage of Caucasus. Yet what both nations now consider as their lands lied right at the crossroads of great empires, mainly Ottoman, Iran and Russia who fought many wars over it for centuries. During the territorial exchanges, the borders were redrawn, the towns were renamed and every empire tried to change the demographics in their favor by deporting and settling ethnic groups. Even though the South Caucasus lived under the shadows of empires, the locals usually got along fine. Azerbaijanis who share linguistic ties with the Turks and a Shia Muslim creed with the Persians coexisted with oriental orthodox Armenians in harmony, at least until the 19th century. After the annexation of the region over successful wars against its neighbors, Russia broke the local demographic balance by settling Armenian population coming from Iran and Anatolia in South Caucasus which paved the way for the modern Nagorno-Karabakh conflict.

Today the generations of both nations are grown up with radical hatred to their enemy and history narrations are often intertwined with nationalist propaganda (Philippe-Blumauer, 2016). By writing this paper, we are trying to shed some light on to this relentless conflict which has been bringing along many social, economic and political problems and influencing the agenda of both countries for the past three decades.

Russian Invasion of the South Caucasus: Ethnic Support Policy

Russia and Iran started a new war in 1804 to define the exact border lines in Caucasia that ended in 1813 as a result of which Iran was forced to cede the previously disputed territories of Georgia, Dagestan and most of the Muslim khanates including Karabakh khanate to Russian Empire. Following this, the Russians conducted demographic surveys in the newly conquered territories to assess the strategic needs. The earliest objective demographic survey of the Karabakh region dates to 1823 and according to this statistics 91% of the population was Muslim and the remainder were Christian (Baguirov, 2008) which obviously refers to Muslim Azerbaijanis together with other minorities and Christian Armenians.

In the following years, Russia kicked its rivals totally out of Caucasia after the victories in 1826-1828 Russo-Iranian and 1828-1829 Russo-Ottoman wars and gained an absolute dominance over the whole South Caucasia which is the point where the demographic balance of the region started to change significantly. In order to create ethnic support in the newly invaded Muslim-dominated territories and increase the number of Christian population in the peripheral border regions, Russians implemented the policy of settling Armenians from Iran and Anatolia to South Caucasus after the treaty of Turkmenchay with Iran in 1828 (Fisher, et al., 1991, p.339) and the treaty of Adrianople with Ottomans in 1829. Even in the Treaty of Turkmenchay, there was a special article dedicated to this policy that formally allowed the inhabitants of Iranian provinces to migrate to the territory of Russian Empire without any persecution and some concessions were provided to motivate them.

After the invasion, Russia abolished the former Iranian provinces and adapted the South Caucasus to the imperial administrative subdivision system. Based on this policy what is now

part of Azerbaijan and Armenia were divided into 3 provinces of Baku, Elisabethpol and Erivan guberniyas or governorates. The last demographic in these provinces was conducted in 1897 from which it can be seen that Armenians had outnumbered Azerbaijanis in Erivan governorate so that Armenians constituted 53.2% and Azerbaijanis 37.8% of the population (Demoskop weekly, 2013) thanks to migrations throughout the 19th century.

Short Period of Independence

When the Russian empire collapsed in 1917, Azerbaijanis and Armenians along with neighboring Georgians seized the opportunity and declared a unified Transcaucasian state. However, the concept did not last due to high national sentiments as all three nations dismantled in independent states. Since the territorial boundaries were still based on former Russian governorates, territorial disputes followed. Georgia and Armenia waged a brief war in which Armenia gained the Lori province that until 1917 was a part of the Tbilisi governorate but a much larger war erupted between Azerbaijan and Armenian over a number of territories. At the time most of the international community had recognized the disputed regions of Surmali and Yerevan as part of Armenia and Nakhchivan, Zangezur and Karabakh as part of Azerbaijan. What is more is that at the time Baku was the largest oil-producing region in the world (Mir-Babayev, 2002) the strategic significance of oil attracted new powers to the region to gain influence and control the fates of the newly established Armenian and Azerbaijani republics. So the first Azerbaijani-Armenian war played out in the context of World War 1 in the background of complex alliances, diplomatic negotiations, military raids and as well as imperial ambitions and both sides made gains and losses. Eventually, in 1920 the Azerbaijani army managed to gain control over most of its territorial claims concerning Nakhchivan, Zangezur and Karabakh. However, in early April 1920 news reached the authorities in Baku that the Red Army was intent on conquering the oil-rich Azerbaijan. Baku faced a difficult decision and transferred all its military forces to fight off the Soviet invasion. Following this, the abandoned Azerbaijani positions in Zangezur and Karabakh were overrun by Armenian forces but the situation was not to last. When the Red Army finished conquering Azerbaijan they marched straight into Armenia and then Georgia and the short experience of independence came to an end in Caucasia.

Soviet Settlement of the Dispute

Following the Soviet conquest, the Bolsheviks created KAVBIURO in 1920 in order to supervise the subordination of Caucasia to Russia and settle the territorial disputes between the neighbors (Pipes, 1997, p. 224). After the request of Armenians to Moscow, a committee led by Stalin looked at and settled the territorial claims. They ruled that for historic, demographic, economic and political reasons the Karabakh region was to remain as part of Azerbaijan (De Waal, 2013 (a), pp. 129-130). Nowadays some media outlets deliberately misrepresent the events by stating that Stalin gave Karabakh to Azerbaijan. Nevertheless, the original KAVBIURO document makes no mention of giving, transfer or annexation, it only mentions Karabakh remained as part of Azerbaijan (De Waal, 2013 (a), pp. 129-130). However, in 1923, as a compromise, Stalin made additional territorial changes as a means to maintain a power balance in the region. The Soviet authorities created Nagorno-Karabakh Autonomous Oblast within Azerbaijan while the borders of this autonomy were drawn specifically to establish an Armenian majority population. Furthermore the territory of Zangezur despite having an Azerbaijani majority, at least, until the 1900s (Demoskop Weekly, 2013) was transferred to Armenia which turned Nakhchivan to be an exclave which was also granted autonomy within Azerbaijan (Potier, 2001, p. 4). During the Soviet period the communist leaders of both

republics continued their attempts to change the demographic layouts by deportations but, in general, Azerbaijanis and Armenians lived together side-by-side in peace for decades. Yet in the final years of the Soviet Union, the old feelings of mutual distrust and hostility reemerged. Despite decades of tranquility and trust it only took a number of events to reintroduce a full-blown conflict. It is for this reason that is argued that the Russians had never settled the conflict rather they had installed the conditions for a divide and rule strategy (Daskalova, 2015).

Nagorno-Karabakh War

Everything started to turn bad in the 1980s when the Soviet leader Gorbachev started the so-called democratization policy of glasnost that triggered the nationalist sentiments in the whole country (Schmemann, 1991). On 20th February 1988, the NKAO voted to unify with Armenian SSR which was rejected by the Azerbaijani government and caused mass protests to start in both countries.

2 days later the first clashes happened in the Askeran region which caused the death of 2 Azerbaijani civilians and pointed out the beginning of Azerbaijani - Armenian conflict (Fuller, 1998, pp. 1-2). Similar events happened on 27th February in Azerbaijani city Sumgait where 32 people died, out of which 26 were Armenian. In contrast to Armenian claims of describing Sumgait events as pogrom executed by Azerbaijani nationalists to Armenians, Azerbaijani side alleges the events to be a provocation organized by Armenians (Keller, 1988).

Another milestone event in the history of the conflict is known as "Black January" when the Soviet Union declared an emergency situation in Azerbaijan in 1990, sent troops to the capital city Baku in order to take the control over the protests. But the Soviet Army targeted the protestors by shooting and 147 Azerbaijani civilians (Republic of Azerbaijan Ministry of Foreign Affairs, 2017) were killed which intensified already-going disintegration process of the Soviet Union.

Despite all the violence, both sides aimed to prevent a war in the early years of the conflict and, actually, a consensus was reached between Baku and Yerevan on 23rd September 1991 in Zheleznovodsk city where Armenia renounced all its territorial claims against Azerbaijan.

However, the peace treaty was disrupted when the peacekeeping delegation aboard a transport helicopter, including Russian and Kazakh observers as well, was shot down by large caliber weapons from the ground on 20th November 1991 in Karakend city (Kommersant, 1991). According to most widespread conspiracy theories, the shootdown was organized by either rogue generals or the Russian KGB. As a result of the sabotage, the peace treaty between the sides was never ratified.

The situation only worsened with the formal collapse of the Soviet Union in late 1991.The most tragic face of the conflict was probably the Khojaly Massacre in which, together with the Russian 366th motor rifle regiment (Goldman and Denber, 1992, p. 21), the Armenian troops targeted Azerbaijani civilians which made the war between the neighbors unstoppable.

Yet cool heads still prevailed in Baku and Yerevan as both sides once again attempted to reconcile. This time the presidents of Armenia and Azerbaijan met in Iran in what is now known as Tehran Agreement. Both sides agreed to withdraw their armies from the conflict zone. However, the peace efforts failed the very next when Armenian troops in breach of the Tehran Agreement attacked and captured the Azerbaijani town of Shusha (Croissant, 1998).

Following this, the negotiations ceased and a full-scale war ensued. It is important to note that president Ter-Petrosyan of Armenia had not actually planned to double-cross his Azerbaijani counterpart, rather he was not in control of his military forces. Someone else was calling the shots and 2 times already a peaceful outcome had been sabotaged. But even at the

time, it was evident that some third party was determined to force Azerbaijan and Armenian into a war and push out any Iranian influence by embarrassing Tehran's political efforts. Ultimately the country that gained the most from these subversions was Russia. There is no evidence to prove this but it is considered either the KGB or the GRU responsible for instigating a war between Armenian and Azerbaijan as it made the South Caucasus more manageable for Moscow. The collapse of the peace talks paved the way for a full-scale war between the sides when Armenians, using the opportunity of political discrepancies in Azerbaijani government, managed to invade almost the whole Nagorno-Karabakh and even 7 adjacent regions which were not initial war goal. The military invasions of Armenia were condemned by UN Security Council who passed 4 resolutions in 1993(US Department of State, 2001) which demanded the immediate withdrawal of Armenian troops from the occupied territories of the Republic of Azerbaijan.

The war officially ended with the signing of the Bishkek protocol on May 5, 1994, and ceasefire was announced. All in all, both nations suffered from the conflict very seriously as 30000 people died from Azerbaijani and 6000 people died from the Armenian side (De Waal , 2013 (b), p. 285). There were many wounded civilians and soldiers, huge economic damages and altogether more than a million people were displaced from their home and became refugees. The war almost completely vanished the trust between the Azerbaijani and Armenian people which can be seen as one of the main obstacles to settle the conflict even today.

Post War Period: Peace Attempts and Current Situation

Following the ceasefire, the diplomatic negotiations began. Actually, president Aliyev and his Armenian counterpart Ter-Petrosyan were too close to compromise in 1997(Aydinyan, n.d.). The phased settlement suggestion by OSCE was accepted by both sides where Armenia agreed to return the occupied territories surrounding Nagorno-Karabakh, Azerbaijan was supposed to lift the blockade against Armenia and the status of NK would be postponed and settled later on. However, Ter-Petrosyan was forced to step down by February 1998 by his Prime Minister Kocharyan who stalled the peace talks with Aliyev. But a year later the 2 sides were close to a new deal where Armenia would return the territory surrounding NK, international peacekeeping troops would be deployed and NK itself would become an autonomy within Azerbaijan. This second agreement too was derailed in 1999 when a group of gunmen stormed the Armenian Parliament killing eight and wounding dozens of officials. It was never explained what had really motivated the gunmen to realize the attack but in a 2005 interview to former Russian FSB agent Alexander Litvinenko stated that the GRU was behind the shooting in an effort to derail the peace progress which could have resolved the NK conflict (AZG Daily, 2005).

The peace talks were slowed down during the remainder of Kocharyan's presidency. It was only in 2007 when the peace talks gained momentum with the introduction of the Madrid principles by OSCE (OSCE, 2009) and for over a decade the peace talks have been conducted along with these lines. The roadmap was updated in 2011 and basically requires Armenia to withdraw its forces from the region and called for peacekeeping forces instead while NK would receive security guarantee and its legal status would be defined through diplomacy. However, the negotiations failed as unlike Baku the authorities in Yerevan were satisfied with the status quo so it was refused to endorse the roadmap.

Russian Foreign Affairs Minister Lavrov proposed an updated version of the Madrid principles in 2015 where the deployment of Russian peacekeeping forces in the region and some other modifications were suggested which was also ultimately rejected.

Since then the peace talks were slowed down and replaced by small and large border skirmishes between the Azerbaijani and Armenian troops. The biggest of such skirmishes

happened in April 2016 which is known as 4-days-war and considered to be the biggest military clash since the signing of Bishkek protocol when the Azerbaijani army took some positions back. The conflict is still continuing and the opposing sides are no step closer to a solution yet.

Conclusion

To conclude, we want to draw your attention to 2 important facts. Firstly, since the very beginning in almost all phases of Nagorno-Karabakh conflict Russia was directly or indirectly involved. Secondly, despite the peace attempts, the dispute is not solved yet due to external interventions by Russia acting as a third-party in the conflict. Other factors like nationalist sentiments, complex geopolitical situation of the region and global trends also play a role but it can be well argued that the main cause of current inability to solve the dispute is Russia's political strategy in Caucasia similar of which is deployed in different post-Soviet regions as well where they do not want to lose political authority and effectiveness by creating and maintaining analog conflicts. But, ultimately, how the conflict can be solved taking into account today's socio-political environment? Is there a possible solution without war? Is there a realistic solution without Russia? What would the relationships between Armenia and Azerbaijan look like after the resolution? What would be the fate of people living in Nagorno-Karabakh? All these questions are worth to be analyzed and can be interesting research topics in the future.

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Diversity of the open data policies in the European Union

Abstract

Article explores the policy of information openness in the European Union. The initial aim is to clarify why the concept of "Open data" has different practical results in the EU countries. In this order, theories of policy implementation are used. They allow conducting a set of criteria for analyzing legislation of the states. Provided comparison between the countries based on the qualitative comparative analysis. The results of the work draw conclusion about the positive influence of the open-data policy's design elements on the practical achievements.

Keywords
The EU politics; Open data concept; e-Government; policy design; implementation studies.

Introduction

Modern forms of communication, such as Internet, has affected many things in people's lives, but especially the public relations significantly. Governments around the world are developing their own policies toward digital communication. Such policies are evolving continuously: from very first steps like e-Government initiatives to the modern concept of the Open Data. However, implementation and results of such concept is still quite debatable. Even in the European Union (EU) – one of the leading actors in digital governance. Probably, the main reason of such complexity is rather a political issue, than a technical inefficiency. In this sense, the EU's Open data issue is a reasonable object for a comparative political research.

This study explores the policy of information openness in the European Union. The aim of the paper is to clarify why the concept of "Open data" has different practical results within the EU countries. Statistics highlight the variety of effectiveness of open data policies among the European countries (UN e-Government Knowledgebase, 2017). This statement challenges the common European politics, because with the adoption of Directive 2003/98/EC, the European Commission introduced a unified informational policy toward a creation of a common digital market in the EUProbably, such high diversity of the same policy's among the EU Member States (MS) is caused by political execution on the level of national states.

In this order, it might be useful to apply theories of policy implementation to analyze the reasons of cross-countries differences. The logic of this research is based on the top-bottom approach of policies realization with a deductive focus. On this ground, it is reasonable to consider theories of following authors: P. Sabatier (1980); L. Pressmann; A. Wildavsky; M. Levi;, D. Van Meter & C. Van Horn.

Their theories allow us to conduct a set of criteria for analyzing the legislation of states. Such criteria reflect the key elements of policy implementation: priority of policy goals, policy agent's independence; availability of resources; strategic planning; incentives and monitoring toward the agent of implementation. Hypothesis of this research suggest the positive causality between aforementioned factors and high results of open data policies in the EU MS.

Theory

Political science considers a concept, according to which, the result of policy-making depends on elaboration of political decision about the action. The concept is called as a top-down approach of policy studies. Under this theory framework, a phase of policy implementation is highly determined by how political initiators control and design the political course. It is presumed that execution of new courses or reforms are not an apolitical process, due to such arguments refer to the principal-agent problem (Jensen & Meckling, 1976), the collective action problem (Olson, 1971) and "street-level bureaucracy" theory (Lipski, 1980). Thus, the theory considers that the result of any sort of policy might be changed or modified by the one who implements it.

However, such assumptions allow to study political courses fulfillment by analysis of their own goals and parameters design. To do that, we first need to explain what does design mean. Generally, major political decisions are finalized by a juridical act. Such regulations contain the factors which do frame the following behavior of policy agent. The factors might contribute to current research as variables. They can be estimated by content-analysis of the legislation texts. Initially, some theoretical justification for each of the variables is a utmost necessity.

The first factor to be considered is a priority of policy goals. Thus, Gross together with Giacquinta (1971, p.13) connect the difference between implementation and its scenario with extent to which policy objectives are combined with the preferences of implementation agents. If the manifested priorities correlate with interest of executives, the chance for deviation from the initial plan is low. In general, either a situation is characterized as a "consensus" or as a "conflict" according to the goal. (Van Meter & Van Horn, 1975, p. 451)

Political sciences operate a few explanations of goals contradiction: for example, the desire of the bureaucracy to maintain the existing practices of local politics (Kaufman & Couzens, 1973, p. 14); or the divergence of policy objectives from the real state in the affected area. (Malcomson & Spinnewyn, 1988, p. 399) Moreover, democracy imposes extra complexity for policy implementation, if more actors such as NGOs and private entities are included in politics. Accordingly, the use of objectives to analyze the effectiveness of the implementation simplifies the evaluation of the results. Firstly, because it creates a criterion for comparison. Secondly, it permits to measure the results in numerical values and analyze the compliance with the goals estimated by the same values.

How incumbents can control the accordance of agents' behavior to the proposed goals? Etzioni (1975, p.23) claims that any executive can be manipulated by coercive (sanctions, punishment), normative (discipline, symbolism) or incentive (money and services) tools. One may easily observe that all these methods are used in real politics since widespread formal way to do is monitoring. It allows a single or periodic assessment of the implementation of the policy, the cost of its resources, as well as the resulting effects. Such mechanisms are necessary to balance the asymmetry of information that arises between the agent and his principal. (Waterman & Wood, 1993, p. 695)

An important aspect of monitoring is the necessity to select its parameters that do not distort the behavior of bureaucrats. Often, they tend to only fulfill those requirements that are contained in the monitoring - thus, imitating the achievement of the result. (Gormley, 1989, p.45) The ideal condition would be a situation in which the agent does not know the parameters by which his activity will be assessed.

Moving away from the topic of policy monitoring, the implementation also is framed by the formal status of its agent. Some authors (Tiernan, 2007; Bardach, 1977) emphasize the importance of initiating individual departments responsible for a certain policy execution. Such divisions allow the agent to have more time and opportunity to concentrate on the proposed

task, but not on the irrelevant functions. In case of the open data policy, this is extremely important, because it is an innovative policy, so independent actor could easily follow the implementation with learning-by-doing (Bardach, 1977, p.10).
Besides some degree of autonomy, the resource provision is important for any policy agent. Obviously, presence of resources facilitates policy-making via budget funds and accessibility of services and personnel, but additionally it permits the incumbent to control agents. In this sense, financial statements, audits, budget restrictions and anti-corruption policies (Derthick, 1972, p.18) are the proxies to supervise the policy implementation.
Overall, Sabatier (1980) systemized many views toward significant elements of policy design into one approach. It is based on the premise of implementation agents, as separate, autonomous groups with multiple interests that may conflict with the agenda of central authorities or the population (Sabatier, 1980, p. 543). His innovation is an adoption of principles that consider resistance of the bureaucratic environment and other implementation inhibitors.
Thus, the policy design factors outlined above allow the policy to be updated at the implementation stage. One of the main issues to be solved is an overcoming of the resistance from executive in the face of bureaucratic apparatus. However, a political course must be built in a way that it should not only control the agents, but also aim to achieve the set result. Perhaps, it is reasonable that the chosen theory proposes solutions for overcoming the criticism that has befallen the hierarchical understanding of the political process. Therefore, the key point is only to use new criteria for the formation of political courses. Mostly, they must be considered within the context in which the policy will be implemented.
This research's context is regarding the EU's relationships with the supranational and national levels. One perspective is describing these processes as the "struggle" for the monopoly over a status quo of national legislation (Duina, 1997, p. 157). The hypothesis of such approach is the desire of national political elites to protect their social practices, institutions, and traditions in their countries from external changes. Of course, changes which are beneficial for national elites at a certain point could be supported and realized. For example, European policies on financing projects in the individual EU MS, although they have the potential to change the social practices of countries, still receive support from the elites of these countries. Therefore, the behavior of national interest groups toward the implementation of the EU policies depends on the degree, to which they correspond to their needs. (Haverland, 2000, p.89) Such diversity of actors' attitudes should be considered for conducting an analysis of planned open data reform of the EU MS.

Methodology

In this work, comparison between the MS is based on the exploration of official judicial documents of the MS. Then, an empirical part of the study continues with the qualitative comparative analysis (QCA) as a method of assessment. The received results of the investigation are concluding the positive influence of the open-data policy's design elements on the practical achievements. Empirical evidences might prove exactly which features of such regulations are the most beneficial for the European digital environment.

Empirical analysis

The empirical test of this work assumes that the results of the implementation of a single policy in the EU MS have different indicators, due to the peculiarities of the institutional design of the open policy. In terms of this research, "institutional design" means the key elements contained in the texts of legal acts, that initiated the course of the open data policy.

The criteria outlined earlier are the basis of comparing policy implementation in the EU MS. It means that our population for this analysis is the all 28 EU MS. If the presence of the studied criteria in the legislature correlate with an outcome of the political course, one can judge their significance for the implementation of the entire policy. Accordingly, the hypothesis considers if the set of factors is present in the document, then we can expect a positive outcome of the political course. If these factors do not exist, then the fulfillment of the political course will not bring high results. The causal mechanism behind this model is based on an assumption that each the EU MS' institutional design of the open data policy frames the entire format of its execution.

Thus, as a dependent variable, we use the outcomes of the open data implementation policies in the EU MS. They are expressed either in a positive or in a negative value of the variable. The value of the dependent variable for each country is determined based on the data set on information transparency in the framework of the analytical review of the European Commission (The EC, 2017, p.117). It presents an index reflecting the effectiveness of the open data policy in the EU MS. Based on this, a rating of the effectiveness of the data open data policies of the countries subjected to the analysis has been compiled, allowing us to identify states with high rates of information openness and states with low rates of information openness. In turn, the independent variables are the criteria as we described previously. Once again to remind the readers of this work, that they were conducted from the theories of political courses implementation.

There is a specific part of the legislature that follows the issuance of the Directive 2003/98/EU of the European Parliament on the re-use of public sector information and its amendment Directive 2013/37/EU of the European Parliament. Those broad directives did not prescribe any certain means for implementation of the open data measures on national levels of the EU MS. However, they presume cognate direction of the policy development such as common requirements toward automatic publishing of data, its machine-readable format and accessibility. Anyways, the data for independent variable consist of national-level regulatory acts of 28 EU MS (plus the EEA countries, and Brexit case is excluded) on the implementation of the open data policies. The total number of texts for analysis was 53 copies.

The key task for each document analysis was to search for the considered criteria of implementation. For fulfilling this purpose, qualitative content analysis has been used. It expressed in reading the document and searching for combinations of words and categories that directly indicate the presence of the factors. For instance, "Facilitation; creation of re-usable public information"; "Compliance with internal planning; periodic reporting on the achievements"; "A fine of between 50,000 and 100,000 euros…for malicious acts"; "Responsible for registering and evaluating sets of documents"; "are entitled to repay their expenses, in accordance with legislation". Obviously, specific words combinations are different for each country's policy, but the general meaning of them is easy to identify and compare. Categories for decoding variables are not set in advance but are filled while reading the texts. According to Bryman (2015, p.183), this "technique is consistent with the rules for conducting high-quality content analysis in political science". Than the factors' presence or absence has been recorded as 1 or 0. Also, ambiguity of whether the factor is fully presented in the text or not has been noted as 0.5.

In turn, the values for the dependent variable data is the outcome of the implementation of the open data policy in each MS. As an empirical material, the "Index of Information Openness of EU countries" criteria has been included. It was developed by the European Commission, in collaboration with the Open Data Institute (The EC, 2017). This index reflects availability of the open data for citizens; social-economic impact; popularity of the services among citizens. In order to translate the index scores into the binary system as part of our study, we divided them into two groups according to the number of points: above the average score and below the

average score. Accordingly, higher rank countries receive the value 1, while lower rank countries have got the 0 value.

The final and the most important part of the analysis is the quality comparative analysis (QCA) modelling. Here the method of Boolean algebra is implemented. It based on the reduction of truth tables with selected variables. For the sake of this research, each variable of the certain country is placed into the one row with final sell “results”, which is 1 or 0. If the country corresponds to 0, its row is deleted, and finally only successful formulas were left for presenting. Thus, three models with different factors were built via R-programming software.

The first model contains the values of all variables for each case (28 countries, 196 observations). Issuance of QCA on this model is as follows:

№	Criteria	Countries
1	OBJECTIVES{0.5}*STRATEGY{0}*MONITORING{1} *RESOURCE{0}	Bulgaria, Netherlands Slovak, France Lux, Finland
2	OBJECTIVES{0.5}*STRATEGY{0}*INSENTIVES{0} *ACTOR{1}*RESOURCE{0}	Romania, France
3	OBJECTIVES{1}*STRATEGY{0}*MONITORING{1} *INSENTIVES{1}*RESOURCE{0}	Slovenia; Austria
4	OBJECTIVES{1}*STRATEGY{0}* MONITORING{1}*ACTOR{1}*RESOURCE{0}	Cypros, Estonia Norway, Austria
5	OBJECTIVES{2}*STRATEGY{0} *INSENTIVES{1}*ACTOR{1}*RESOURCE{1}	Croatia; Ireland
6	OBJECTIVES{0}*STRATEGY{1}*MONITORING{1} *INSENTIVES{0}*ACTOR{1}*RESOURCE{1}	Spain
7	OBJECTIVES{0.5}*STRATEGY{0}*MONITORING{1} *RESOURCE{0}	Netherlands Slovak Republic

Table 1 The first QCA model output

The model contains 7 formulas, which lead to successful implementation of the open data policy. Each row contains necessary factors: 1 or 0 in the breaks, referring to the presence or absence of the factor. In the below part of a row are countries, where the formula took place. Among all the cases the highest frequency is typical for variables: Objectives (6 times), Monitoring (5 times), Actor (4 times). Therefore, there might be considered as the positive effect on the outcome of the open data policy implementation from the side of factor “Availability of monitoring”. In addition, a sufficiently high influence is exerted by the factor of “priority of goals” of the implemented policy - only in one set of conditions out of seven, this was the absent one.

The second model designed for the QCA without one of the variables from the original "full" set. The variable “strategic planning” is excluded from the set of conditions of this model, since it was met only once in case of Spain. By this measure, two problems are solved at once: checking the significance of the “strategic planning” for a positive outcome of policy implementation in Spain; and eliminating its influence on the work of the rest of the model.

№	Criteria	Countries
1	OBJECTIVES{0.5}*MONITORING{1}*RESOURCE{0}	Bulgaria, Netherlands, Slovak Republic, France; Luxemburg; Finland
2	OBJECTIVES{0.5}*INSENTIVES{0}*ACTOR{1} *RESOURCE{0}	Romania, France
3	OBJECTIVES{1}*MONITORING{1}*INSENTIVES{1} *RESOURCE{0}	Slovenia; Austria
4	OBJECTIVES{1}*MONITORING{1}*ACTOR{1} *RESOURCE{0}	Cypros, Estonia Norway, Austria
5	OBJECTIVES{1}*INSENTIVES{1}*ACTOR{1} *RESOURCE{1}	Croatia; Ireland
6	OBJECTIVES{0}*MONITORING{1}*INSENTIVES{0}*ACTOR{1}*RESOURCE{1}	Spain
7	OBJECTIVES{0.5}*STRATEGY{0}*MONITORING{1} *RESOURCE{0}	Netherlands Slovak Republic

Table 3 The second QCA model output

In this case, the number of formulas to achieve a positive value of the dependent variable was reduced to six. In all the formulas presented, the variable "Resource provision" occurs in 2 cases, "Incentives" is also 2 cases, the variable "Actor's independency" occurs in the 3 cases - the same as the factor "presence of goals". At the same time, the variable "availability of monitoring" is fully present in the 4 cases out of 6, which indicates its comparative significance against the background of other factors. Also, it should be noted that the case of Spain retained the positive value of the dependent variable - which clearly indicates the absence of significance of the "Strategic planning" factor for the successful implementation of the policy.

Overall, the model emphasizes the importance of "Objectives priority" and "Availability of monitoring" as mandatory factors for the effective implementation of the open data policies.

Finally, the third model is based on the reduction of another variable, which is presented in almost every case, and complicates the analysis, due to the multiplicity of its values. "Priority of objectives" is excluded from the data set for forming the third model. It is assumed that the comparison of cases, in the absence of this factor, demonstrate more clearly the significance of the remaining conditions.

№	Criteria	Countries
1	MONITORING*ACTOR	Cyprus, Estonia, France, Norway, Spain, Austria, Finland; Ireland
2	MONITORING*insentives*resource	Bulgaria, Netherlands, Slovak Republic, Cyprus, Estonia, France, Norway

Table 1 The third QCA model output

Within this model, only two combinations were obtained. In the first, two variables, "Monitoring" and "Actor's independence" were enough to reach a successful outcome. At the same time, in the second formula for the first time, besides enough conditions, the necessary ones appeared (written in small print). In such a combination, the outcome turned out to be positive with a combination of factors: "Monitoring", "Incentives" and "Resource provision". However, since the criterion "Monitoring" is sufficient, in each of the seven cases indicated that it is superior to the other conditions.

Conclusion

Summing up the QCA of the three models, of the six conditions used, only three showed a rather high significance: "Objectives priority", "Actor's independence", and "Availability of monitoring". The last factor had a decisive influence on each model, thereby confirming its high significance for the institutional design of the open data policy in Europe. The material of 28 countries demonstrates how the execution of the same policy might differ among the societies. However, the most sufficient experience can be widespread among the others.

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Appendix:

Table 1 The first QCA model output

№	Criteria	Countries
1	OBJECTIVES{0.5}*STRATEGY{0}*MONITORING{1} *RESOURCE{0}	Bulgaria, Netherlands Slovak, France Lux, Finland
2	OBJECTIVES{0.5}*STRATEGY{0}*INSENTIVES{0} *ACTOR{1}*RESOURCE{0}	Romania, France
3	OBJECTIVES{1}*STRATEGY{0}*MONITORING{1} *INSENTIVES{1}*RESOURCE{0}	Slovenia; Austria
4	OBJECTIVES{1}*STRATEGY{0}* MONITORING{1}*ACTOR{1}*RESOURCE{0}	Cypros, Estonia Norway, Austria
5	OBJECTIVES{2}*STRATEGY{0} *INSENTIVES{1}*ACTOR{1}*RESOURCE{1}	Croatia; Ireland
6	OBJECTIVES{0}*STRATEGY{1}*MONITORING{1} *INSENTIVES{0}*ACTOR{1}*RESOURCE{1}	Spain
7	OBJECTIVES{0.5}*STRATEGY{0}*MONITORING{1} *RESOURCE{0}	Netherlands Slovak Republic

Table 2 The second QCA model output

№	Criteria	Countries
1	OBJECTIVES{0.5}*MONITORING{1}*RESOURCE{0}	Bulgaria, Netherlands, Slovak Republic, France; Luxemburg; Finland
2	OBJECTIVES{0.5}*INSENTIVES{0}*ACTOR{1} *RESOURCE{0}	Romania, France
3	OBJECTIVES{1}*MONITORING{1}*INSENTIVES{1} *RESOURCE{0}	Slovenia; Austria
4	OBJECTIVES{1}*MONITORING{1}*ACTOR{1} *RESOURCE{0}	Cypros, Estonia Norway, Austria
5	OBJECTIVES{1}*INSENTIVES{1}*ACTOR{1} *RESOURCE{1}	Croatia; Ireland
6	OBJECTIVES{0}*MONITORING{1}*INSENTIVES{0}*ACTOR{1}*RESOURCE{1}	Spain
7	OBJECTIVES{0.5}*STRATEGY{0}*MONITORING{1} *RESOURCE{0}	Netherlands Slovak Republic

Table 3 The third QCA model output

№	Criteria	Countries
1	MONITORING*ACTOR	Cyprus, Estonia, France, Norway, Spain, Austria, Finland; Ireland
2	MONITORING*insentives*resource	Bulgaria, Netherlands, Slovak Republic, Cyprus, Estonia, France, Norway

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Military force based foreign policy on the cheap and quiet

Introduction

Contracting private military and security company (PMSC) employees in terms of armed conflicts is not a new phenomenon (Cameron, Chetail 2013). But in terms of scope and activities they are hired for now days is unprecedented and led to a dramatic "civilianization of conflict" (Schmitt 2004).

September 12, 2007 Baghdad, Nisour district: 17 civilians were killed by open fire. Employees of the company called Blackwater that were contracted to operate in Iraq were said to be responsible for the shooting in the backdrop of an armed conflict that allegedly gave work for approximately between 25,000 and 50,000 individuals from various companies and nationalities (U.S. Senate, Subcommittee on readiness and management support, committee on erred services 2011). The operation was resulted in withdrawal of PMSCs in Iraq, yet 5 years later the importance of PMCs was demonstrated again. The Iraq Reconstruction Corporation (IRC) was established as the governing body. The IRC was given sovereign and private military rights and resources. Besides the participation of the operations the British Aegis Defence Services was contracted to design and implement the organisation itself. When this contractual relationship is translated into the language of money it will be crystal clear why the PMSC industry is so adaptive: the contract spending in 1990 was a total of $49 billion while by 2010 it climbed up to a lush $161 billion (CSIS Defense-Industrial Initiatives Group 2011). Small Arms Survey published a survey in 2011 that further underline the importance of this booming phenomenon. The study on outsourcing of military and security functions in 70 countries revealed that the total personnel contracted by private security companies "exceeds the number of police officers at the global level" (Florquin 2011): meaning PMSCs contracted a total of 19,545,308 persons, on the other hand the number of police officers were only 10,799,059 (Florquin 2011). From the perspective of the private companies: there is a niche market, a demand, there is available trained labor, there is a legal grey zone and there is a valid expectation on huge profit on these contracts. Looking the same situation from the side of demand: for examples the UN doesn't have enough national force allocated, governments are short on trained experts and private multibillion dollar companies need experienced and trained teams to protect their assets and investments in conflict zones. Not forgetting, to contract PMSCs would only require a government to mobilise economic resources rather than both economic and labor as the creation of military forces requires. As Cancian (2008) stated, the current approach of US policy acknowledged that contractors became "permanent part of US military force structure.", and also the fourth component of the US "Total Force" next to active and reserve military units and defence civilians (USA Quadrennial Defense Review Report 2010).

In the past half-century since Eisenhower's famous "military-industrial complex" (Eisenhower 1960) speech, private-military companies have transformed from small subcontractors and individuals to multi billion dollar cross border corporations which owned numerous operations all over the world. Supplementing state military resources with PMSCs allows states to add

extra military capabilities. As a result, governments have expanded the range of foreign policy options available to state leaders. Traditional approach is that military force assumes the sole purview of the state, whereas states conduct foreign security policy using public assets, and that this balance of power is based on the state capabilities, therefor it doesn't account the current role played by PMSCs and doesn't reflect reality whereas PMCSs play an important role in the triage of security – defence – IR realm. The extensive outsourcing of violence, PMSCs, the growing operations – both in numbers and in volume - and the ever-growing need for expertise, subsequently, may have profound consequences for orchestrating foreign policy and the balance of power in the international system as well. To date, however, this empirical change in the nature of military force has not been accounted in the IR literature. Despite this general increase in the use of PMSCs, however, there has been significant variation in how extensively and for which services Western states have privatised; therefore it has got different influences on the countries foreign policy and their approach toward legislative control. Several studies have tried to explain and analysed the effect of these corporation has had in countries such as Iraq, Afghanistan, South Africa, Sierra Leone, Angola, Haiti, and others. The PMSC research can be expalained as a subtopic of security studies and includes variety of disciplines, especially political science, law, history, ethics and sociology. PMSCs therefore, are an important subject of research as they raise many questions for contemporary foreign policy and international relations: about the legitimate use of violence and force, about the state's participation in conflicts, its role in war and peace, about practice of warfare just like the situation of non-state actors. Most of the academic research has focused on the importance of regulation from the legal perspective and on the alleged infringement of Human Rights. However, not much has concentrated and evaluated the direct impact that the use of PMSCs may have on foreign policy and conducting foreign policy. This paper addresses this gap from a theoretical point of view.

Key Words: private military and security, defense, PMSC, armed conflict, international relations, foreign policy, international law

The rise of the private military and security industry

The trend of increasing privatisation of security started in the aftermath of the Cold War and has already become popular all over the world (Richards and Smith 2007; Holmqvist 2005). The general trend was rooted partially in the emerging international context of the end of the Cold War in the 1980's [1] and in the collapse of the Soviet Union [2]. The era was characterised by a massive reduction of the defense sectors and in the amount of personnel, which manifested in smaller regular armed forces and less security and defense related expenditures of the state (Shreier and Caparini 2005; Cohn 2010; Holmqvist 2005). Regions like Africa and the Balkan – at the time - have lost their geopolitical value and have also lost their inflow of military aids. Subsequently, in the midst of the increasing necessity of security for the growing presence of various NGO's, multinational gas and oil companies and the appearing regional conflicts the PMSC's have found their way to fill the gap. They have also absorbed the excess military experts and personnels especially from all over the world. The process intensified in the late

[1] There are different versions of what signified the end of the Cold War, which include the demolition of the Berlin Wall in November 1989, Mikhail Gorbachev's declaration that the Soviet Union would no longer use its military to subdue the satellite states of the Warsaw Pact in 1988, and the reunification of Germany in October 1990. (Nicholas Guyatt, The Oxford Handbook of the Cold War, Edited by Richard H. Immerman and Petra Goedde, Print Publication Date: Jan 2013)

[2] Collapse of the Soviet Union, sequence of events that led to the dissolution of the Soviet Union on December 31, 1991. The former superpower was replaced by 15 independent countries: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

1990's peaking in the "war on terror"[3]. Another contributing factor was the rise of privatization initiated by Margaret Thatcher and Ronald Reagan that was considered highly successful. (Economist 1996, 8). In the mid 2000's the industry went trough a massive rebranding and (self) legalizing process. In order to leverage on the demand market and to further grow the indusrty had to change its appearance regardless of its clientele and scope of work they are conducting. One way of achieving it is to remove the military label. Indeed, they had to do it as the demand side required these companies to be low profile as well. Therefore, both sides had high interest in rebranding. Thus, the names "risk management" or "risk consultancies" were much more suitable to draw governmental, aid and U.N. agencies' contract and to dissociate themselves from the popularized "mercenary" and "cowboy of War" terms. (Palou-Loverdos, Armendariz 2003). The PMSC's evolved over time and responded to better suit the new challenges to manage violence on a commercial contractual basis. The rebranding accompanied evolution highlighted three major characteristics of these companies: 1. multinational for Profit Corporation 2. Custom, low profile participation 3. legalized.

Impact on Foreign Policy

Besides the newly acquired general characteristics the market penetration of the industry and the level of privatization differs from nation to nation and from region to region. The market penetration and the level of privatization of military and security functions are determined by certain factors such as: 1. Historical and political background 2. Geopolitical dimensions 3. Position in global power distribution. Dunigan and Petersohn (2015) have separated three types of markets within the industry 1. "neoliberal" 2. "hybrid" and 3. "racketeer markets". The neoliberal market is characterized by voluntary exchange of services or goods supported by legal contracts agreed by both parties. Most of the known companies belong to this group. The hybrid markets are where the state controls the market and the providers execute the allocated functions with the approval of the state. In racketeer markets the framework of the market is set by criminal groups, organizations or warlords that supposed to provide safety and security. The costumers are not in a position to choose from pool of companies. The state and the legal system is insignificant. (Dunigan and Petersohn 2015). Despite the general increase in the use of PMSCs, however, there has been significant variation in how extensively and for which services states have privatised; therefore it has got different influences on the countries foreign policy and their approach toward legislative control. Currently and globally there are three major types of use of PMSCs in terms of impact on foreign policy 1. United States, 2. Russia 3. and South Africa.

The US example – extension of the military

First of all as it was mentioned before western companies will generally pull away from services that will – by any means - associate them with mercenaries. This behavior applies to the major part of the industry that is involved in contracts for (Western) state governments, NGOs and multinational companies that operates on the market. And also because simply it is hard to clean bad publicity and would make them similar to Blackwater that has almost lost all of its contract after the Nisour square incident (eg. Tavernise 2007). Therefore services that these companies advertise can roughly be put into three groups: protective services, military support for the

[3] The phrase "War on Terror" was popularized by President George W. Bush and his administration in the aftermath of 9/11. President Bush announced the War on Terror on September 20, 2001, in a speech to Congress. "Our war on terror begins with al-Qaida," he said, "but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated."

regular units, and state building and peace keeping functions.[4] In the western countries and especially in the United States it is a new form of resource extraction and mobilization that allows easy extraction of necessary resources from society to create military force to deploy abroad with reduced legislative control and reduced democratic control therefore it is a less visible extension of the military (Dunigan 2018).

Russia - tool of foreign policy and part of a hybrid warfare strategy

Russian companies are used to fortify or advance political, economic and military interests. is the tendency to deliver combat services. In contrary to their western counter parts, Russian companies have more in common with some African companies of the present and past, the for examples the Executive Outcomes and British registered Sandline International. [5] "In Russia, as in any other national context, the PMSC industry will be shaped not only by supply and demand, but also by the cultural, historical, political and legal environment they exist within. The industry will be affected by the national institutional environment, national military culture, popular acceptance, historical propensity for using private actors to exercise force, relations to government structures and elites, and many other factors" (Østensen 2011). That means that the home country's environment highly effects the whole "market of violence" (Duningan and Petersohn 2015). Olivia Allison has labeled the Russian market as "neoliberal" (Allison 2015). However I argue that view as the latest developments prove that the Russian market and industry is better described as hybrid as the state provides the framework for the companies and for the whole industry and also act as a contracting party. The PMSCs role as a tool of foreign policy is quite recent. Precisely, Wagner's role in the annexation of Crimea could have been the first example – and it's success could also have been a boost for the experimental usage. Since then, the Kremlin[6] employed PMSCs on the rebel side in Donbas and on the side of Assad in Syria. Furthermore, there are leaked information that they have been active in Libya, in Sudan, in Burundi, and in the Central African Republic (Iapparova 2018). There are at least two important factors of the Russian use of PMSCs as tools of foreign policy that are extremely important: 1. the diversity and the extent of operations 2. and the indistinct line between of national and private interest in terms of their employment (Ivashkina and Skibitskaia 2016).
There also at least five motives of Russia using PMSCs: 1. there is now enough evidence to suggest in pursuit of national interests across the borders whereas foreign policy helps to shape demand as well as the industry's character, 2. might be an application to challenge world order, 3. power projection to fill geopolitical gaps, 4. rapid and plausible with light military footprint abroad and 5. powerful tool of hybrid warfare operating in the grey zone.

[4] Classifications and groupings have been done by several researchers and experts e.g. Isenberg 2009, Mandel 2002, Vines 2000, Singer 2003 and Spearin 2006. However Peter W. Singer's "Tip of the Spear" typology is the essence of all classification. Singer grouped PMSCs based on the services and level of force a company is able to provide (see Singer 2003).

[5] Executive Outcomes – which is not functional anymore however was infamous about fighting for local governments against militias. But some version of this company still exist in Africa. For example is STTEP (run by the South African – twitter and book celebrity - Eeben Barlow, one of the "civilian" at Executive Outcomes). STTEP was e.g. used by the Nigerian government to fight Boko Haram in 2015 (The Telegraph Freeman 2015). In 2004, for example, former British special forces officer Simon Mann—founder of the private military and security company (PMSC) Sandline International, and co-founder of the more famous Executive Outcomes—was arrested in Zimbabwe for planning to overthrow President Obiang (who later pardoned him).

[6] Russian Federation's Penal Code Art. 359 (1-3) explicitly threats these activities as mercenary activities and regarded as criminal offense. 2014 the bill legalizing PMSCs have passed in 2016 which allows Russian PMCS personnels participating in restoring intl. Peace and suppress terrorist activities. Also Lavrov foreign minister support every effort that was embodied in a 2018 bill intro to fully legalise PMSCs.

South Africa – tool of law and order, military substitute and lavishing business to tackle high employment

Given the reputation of South African industry, which proliferated in post-apartheid South Africa and leveraged on the Bush-war-on-terror has a major stake in the industry from two angle: providing experienced staff and legal environment for corporations and operations. When the SANDF's[7] special operations units were no more needed under the new democratic system, the market was full with highly trained and readily employable personnels – similarly to the situation after the Cold War in the US. In South Africa (SA) there are regional, SA specific and international implications of the use of PMSCs (Bosch, Maritz and Kimble, 2016). However in South Africa there is a legal demarcation between private security (PSC) and private military companies (PMC) where PSCs are filling the role of law and order and PMCs are filling the role of the regular units. Domestic private security in Africa, which targets criminal activities, is widespread due to the terrible crime situation and apparent sign of a latent weak state the industry had no choice but to take over the law and order role. Another country specific implication is for the extensive use of the industry is to tackle high unemployment rate, growing instability of the neighboring countries (Zimbabwe) and the perceived role of PMSCs is stabilizing the country (Mienie 2018). International implications include the successful track record of SA companies participating in conflicts such as Executive Outcome in Nigeria, Angola and Sierra Leone. Regional implications root in the characteristics of the continent. There have been no major investment in militarization as state conflicts have a regional flavor, they flow over the border in addition state based conflicts are on the rise: Boko Haram in Nigeria, revolts and attempts of ethnic cleansing in CAR and war against Al-Shabaab in Kenya and Sudan. Similarly to Russia where the division between private and state interest is blurred, in South Africa - and in Africa in general - conceptual and functional divisions between insurgents and governments are often hazy therefore both the military and the police rely heavily on external support (Mienie 2018). Open door for mercenary-type governmental and rebel group support due to the special legislation that have been opted, instead, to regulate the participation of their nationals in the private security industry through the extra-territorial application of domestic legislation. “South Africa is also the only national state that has drafted legislation aimed at regulating this industry, which perceives foreign military assistance with mercenary suspicion.” (Bosch, Maritz and Kimble, 2016).

Conclusion

Defense and military privatization idicates that contemporary interpretation of power in international relation must be updated to include this old-new phenomenon. Today’s evolved version of PMSCs has several mutations – as we have seen it in the case of the United States, Russia and South Africa - that is in symbiosis with the international and local legal environment, the political and foreign policy goals which varies based on the country and region we are talking about. Nevertheless PMSCs significance in foreign policy is undoubted both politically and economically, therefore the consequences of employing PMSC globally has to be analyzed and accounted based on an updated picture of the industry and its future. Knowing that neither the legal environment nor international relation is unable to follow the evolution of PMSCs with the same pace the responsibility relies on the researchers and experts to map the path to account the industry of that significant.

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The legal accountability of Private Military and Security Companies in Peacekeeping Missions

Abstract

The nature of Peacekeeping missions has gone through enormous changes in the recent years. One of the most controversial issues regarding the missions is the use of the Private Military and Security Companies (PMSCs) in UN Peacekeeping. The scholars of the field have various opinions about the incorporation of the previously mentioned corporations but what seems to be a common focal point among them is the lack of proper international legal norms which would create an effective accountability and legal personality of the PMSCs as well as their personnel. The aim of this research is to present the various legal norms and treaties, which could provide a basis for a solution to this urgent matter. During my research I would rely on the works of notable scholars as well as on case studies of missions where PMSCs were involved to emphasize the relevance of this issue.

Keywords: Peacekeeping, Private Military and Security Companies, International Humanitarian Law, international conflicts, global peace and security, create accountability and responsibility, legal loopholes.

Introduction

Private corporations have gained an enhanced role in international matters and Peacekeeping is not an exemption from this phenomenon. In the recent years we can hear more and more about Private Military and Security Companies and their involvement in not just national matters but also international ones. For this reason, it is an extremely important task to uncover their actual legal accountability and status in cases when they are involved in armed conflict. For this paper I aim to investigate whether it would be possible to merge Peacekeeping and PMSCs in international armed conflicts and what are the current possible legal norm which could govern this cooperation.

Peacekeeping and the PMSCs – Are they compatible?

Together with the developments of the UN, the institution of Peacekeeping has also gone through influential changes. From the initial observing and monitoring status of the Peacekeepers it has grown to complex and "multidimensional" operations, which not only observe but also has elements of "military, civilian police, political, civil affairs, rule of law, human rights, humanitarian, reconstruction, public information and gender" equality (Department of Peacekeeping Operations, 2003, np). The main role of the Peacekeeping operations is to create international peace and security, therefore they need to have a strong

cooperation with the UN Security Council, which helps in the negotiation and provides expertise in the creation and technical assessment of the missions (Lindsey, 2017, p.53).
For such a complex and multi-layered organization such as the UN and Peacekeeping, it would be reasonable to have a strong and enforceable legal framework, which guides the actions and steps taken by both sides. Peacekeeping is mainly included in the "implemented powers" of the UN (Lindsey, 2017, p.53). Chapter VII gives the power to the Security Council to determine what qualifies as a threat to peace and decide the measure to be taken. Article 41 gives the right to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security" (United Nations, 1945, np.). These actions can include "demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations (United Nations, 1945, np.)".
Different missions usually have different toolkits and it is also true for the legal base but generally speaking, the United Nations Emergency Force in Egypt (UNEF I, 1956–67) serves as the precedent for all the missions. At the same time the Status of Forces Agreement (SOFA) [or Status of Mission Agreements (SOMA)] have to be also negotiated by the host state, which "provides for special freedoms, privileges and duties that are necessary to enable a peacekeeping force to carry out its mission" (Murphy, 2009, pp. 106-147). Among other, the main rights granted by the SOFA are
"inter alia, freedom of movement, freedom to carry arms, unrestricted communications in its area of operations, immunity for its members from criminal prosecution so that they are subject to the exclusive jurisdiction of their national state, landing and procurement facilities." (Murphy, 2009, p. 109).
In other words, the SOFA is the agreement between the UN and the host state, which gives Peacekeepers their special status to carry out their mandate. Ideally, the Directive and the SOFA are signed and ratified at the same time before the deployment of forces – so by the time they arrive on-spot they already possess the previously mentioned special status (Murphy, 2009, pp.109-112).
Keeping these in mind, we can claim that international law applies to Peacekeeping. To be more precise, peace operations are bound to international humanitarian law (IHL) and international human rights law (IHRL) (Lindsey, 2017, p. 120.). As Lindsey highlights, the separation between the principles of *ius ad bellum* and the *ius in bello* is crucial for the application of the IHL, which "entails that the legal basis for becoming engaged in an armed conflict is completely irrelevant for the application of IHL (Lindsey, 2017, p. 121.)." Or simply put that fact that Peacekeepers are at a conflict site and use armed force for the purpose to protect peace and security does not influence the fact that they are subjects to IHL (Lindsey, 2017, p. 121.). Thus, we can conclude that there are more international legal norms which bound the functioning of UN Peacekeeping.
Now let us turn to the question of the use of Private Military and Security Companies (PMSCs) in international conflicts and how it is governed by international law. Although there are numerous definitions that are simultaneously present about the PMSCs we could conclude that they are private companies, which give military services to their contractors – which were previously done by national militaries (Szalai, 2010, pp. 38-47). Together with the phenomenon of peacekeeping, Private Military and Security Companies have undergone enormous changes in the last few decades by offering a wide range of services not just to other companies but also states, international organizations or even NGOs (Tonkin, 2009, pp.779-799). With this advancement many states have chosen to hire the PMSCs in not just advisory function but also the protection of persons or buildings, training of soldiers, strategic counsel, establishment of prisons and bases, the interrogation and transportation of prisoners and even participation in armed conflicts (Szalai, 2010, p. 38.). This advancement in the scope of services is making PMSCs potential players of international law according to their role in a given conflict.

What turns out to be the biggest problem in regards the legal accountability of the employees of PMSCs is the fact that it is extremely difficult to define their legal status. It would be easy to call them mercenaries since their biggest motivations are pecuniary. We can claim that there is no international law which forbids the use of mercenary soldiers, nonetheless, the IHL does not grant them the combatant title and therefore they could be punished for taking parts in armed conflicts (Szalai, 2010, pp. 39-40). As the Additional Protocol I Article 47 to the Geneva Convention claims

A mercenary is any person who:
(a) Is specially recruited locally or abroad in order to fight in an armed conflict;
(b) Does, in fact, take a direct part in the hostilities;
(c) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
(d) Is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
(e) Is not a member of the armed forces of a Party to the conflict; and (/) Has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces. (International Committee of the Red Cross, 1949, np.)

It is important to highlight that this definition only refers to armed forces during international conflicts. In addition to this protocol, we could also mention the 1989 International Convention Against the Recruitment, Use, Financing and Training of Mercenaries which forbids all of the actions connected to mercenaries. However, only 32 states ratified it. All in all, in practice it is difficult to prove that any person is a mercenary – since it could be said only to a proportion of PMSCs personnel – and the fact that there is a lack of common type of legislation, we could claim that this type of classification cannot be the most suitable one in our case (Szalai, 2010, pp. 39-40).

Another approach could be establishing whether the personnel of PMSCs falls under the category of combatants. This approach is extremely relevant in cases when the personnel is employed by a state. Simply because being part of a militia of a state is not enough to be seen as combatants. Even if, there are no clear rules in IHL which qualifies to be a part of an armed force, we can investigate whether their mission is under the command of the Ministry of Defence of the hiring state, or if they are under the chain of command of the militia, or whether they wear a uniform or arms (Szalai, 2010, p. 41). Again we only cover the cases when the hiring party is a state but we have clarified that not only states can hire PMSCs. Furthermore, we have many other services where the personnel is not directly involved in the conflicts.

Additionally, we have also seen that SOFA/SOMA agreements are substantial for Peacekeeping operations and grant the specific rights as well as immunity of Peacekeepers. However, it is unclear whether this agreement is applicable for PMSCs and under the same terms and conditions (Lindsey, 2017, p. 138). In the absence of such agreements regarding the personnel of PMSCs they are just “foreign civilian workers” in the host state (Lindsey, 2017, p. 138). Therefore, it is just applicable in cases when PMSCs are not part of the armed forces. We unfortunately conclude this investigation to remain unresolved since there seems to be no one status which would cover all the different actions done by PMSCs.

How to create international accountability? Or which laws should apply?

We could divide the scholars into two major approaches in regards their proposed solutions for the creation of international legal accountability of PMSCs: the first group proposes the use of already existing legal norms for PMSCs, while the second category is aiming for creating novel

legal tool specifically for PMSC personnel. Let me introduce the proposals of scholars who believe in the application of various existing international legal norms first. Some believe the Common Article I of the Geneva Convention should ensure the respect for international humanitarian law in all cases let it be Peacekeeping or a private company taking a part in an international conflict. The Common Article I should be applicable to all parties of a given conflict, as it is used by many organizations such as NATO, Council of Europe or even International Court of Justice (ICJ) (Tonkin, 2009, pp.779-785). However, I would add that the Geneva Convention only explicitly mentions states and is not focusing on private corporations (International Committee of the Red Cross, 1949, np).

What the authors claim is that even if the crimes of PMSCs employees are proven the UN lacks the resources to hold them accountable, so in many cases the violators are held accountable in front of national courts – which in many cases means that they are not held accountable for international law but domestic law – which usually means a lesser criminal responsibility, for example, instead of war crimes a simple violation of rights . They also add that the legal norms which can actually make the violators accountable do exist but they are often not utilized effectively. The integrated view of the international humanitarian law presented by the authors is an intriguing approach, which shows that the international community actually has all the necessary means to enforce accountability but is still not using it efficiently (Tonkin, 2009, pp.779-799).

A slightly different approach is that accountability should not only be taken into consideration "post-conduct" but also "pre-conduct" (Huskey, 2012, pp. 193-212). The mentioned pre-conduct accountability should be respected in the hiring process, monitoring and also hosting from the point of the states which apply PMSCs. The proposal is based on the idea that there should be a three phase practical tool for assessing accountability – "contracting, in-the-field and post-conduct" accountability (Huskey, 2012, pp. 195-196). However, this solution would need a huge amount of monitoring body and it remains undecided who should operate this: the UN or the states themselves.

If we analyze this approach in the light of international human rights law and international criminal law we find a better reasoning. Some rights might be limited based on the International Covenant on Civil and Political Rights (ICCPR) in certain emergencies, some fundamental rights must not remain non-derogable under all circumstances – such as "right to life, freedom from torture, cruel, inhuman, and degrading treatment, freedom from slavery, and the right to recognition as a person before the law (Huskey, 2012, p. 198)." This means that international conventions serve as a basis for legal accountability even for PMSCs.

Finally, some believe that he U.N. Draft Convention on Private Military and Security Companies can be a starting point for creating accountability but one of its biggest weaknesses is the fact that it is not binding yet (Huskey, 2012, pp. 2003-2004). In addition, this three phase approach would need constant monitoring of PMSCs, which is in most cases even unfeasible for only the UN not to mention numerous private contractors operating all around the world.

After examining the possibilities provided by existing legal norms we also need to consider some more hybrid solutions offered by scholars. Since we have also determined that there are questions regarding the combatant status of personnel of PMSCs, one solution is offered through a restructuring. This would mean that the personnel of PMSCs – at least partly – become a member of the authoritative military or police forces. By doing so, the previously mentioned pre-conduct and in-the-field accountability could be achieved as well as the more government oversight of the working of PMSCs (Hendahl, 2012, pp. 175-192). Making the employees of PMSCs more like public officers instead of being private ones could easily solve the accountability question. However, I believe that this idea would not function in the near future since these companies can be so effective just because they are not part of public military.

These units are able to react to changes in the environment more effectively since, unlike in Peacekeeping, they do not have to go through the political channels for every decision.
Another approach is presented to the legal accountability of the PMSCs which blends the previously mentioned combatant status with IHL. It is highlighted that that the employees of PMSCs are either seen as civilians in self-defense or unlawful combatants, even if the UN grants combatants the right to self-defense. What is an addition to the previous scholars' opinion is the idea to use both international humanitarian law and the rules for Peacekeeping as well. The international humanitarian law when the employees of PMSCs are not involved in conflicts and the rules of peacekeeping when they appear as combatants (Hendahl, 2012, pp. 175-192). This new approach could make up for the previously mentioned "grey zones" in the international legal system.
As the previous scholars are not completely opposing to the idea of the use of PMSCs in conflict management – they just warn us against the missing legal links towards them – we also need to look at scholars who would strictly limit the place of PMSCs in international peace related missions. For them, PMSCs should only play a secondary role in missions providing trainings or risk assessments, for example. It is argued that peace and security are common goals of the states and international organizations therefore they should not be privatized under any circumstances. If we examine this viewpoint objectively we can conclude that it seems suitable since it shows that the issue of peacekeeping should be a public responsibility and as we have so far discovered, public actors can be held internationally accountable for their breaches – at least more effectively than employees of PMSCs (Sossai, 2014, pp. 405-422).

Conclusion

All in all, we could say that the topic of PMSCs is a relevant one and it needs to be addressed by not only scholars but decision makers, too. After the examination of the legal status and accountability of PMSCs we need to admit that there are serious problems which unfortunately remained unresolved up to this day. Under the current norms I do not see it fit that PMSCs become involved in international armed conflicts. It would also be too idealistic to say that the accountability Peacekeepers is well-defined, so I believe that it should be clarified first in order to be able to ever have a cooperation between the UN and PMSCs that is functioning under universal legal norms. Whether they should cooperate at all remains the topic of the further research.

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The *balance of power* theory in English political thought after the Glorious Revolution – Charles Davenant's *An Essay upon The Ballance of Power* (1701)

Introduction

Charles Davenant's political pamphlet *An Essay upon The Ballance of Power* was published in 1701, in a single edition with two other writings closely related to the subject of balance of power with the titles *The Right of Making War, Peace and Alliances* and *Universal Monarchy*. Previous research only touched upon his political essays in passing, thus they are worth being subjected to a deeper analysis in the context of contemporary opinion on the balance of power. This paper will analyse the first pamphlet, treating the balance of power as a historical "category of practice" – following Andersen (2016, p.7) – used by diplomatic and political actors in various contexts at the turn of the 17th and 18th centuries. During the analysis, I will try to point out how the principle of the balance of power, which had become one of the fundamental concepts for the academic discipline of international relations in the 20th century, began to play an increasingly important role in the great power politics of Europe as well as in the English domestic and foreign policy in the decades before the Peace of Utrecht (1713), and how Davenant's work can fit in this context.

Charles Davenant

The English mercantilist economist and politician was born in 1656, and his name is primarily known for his pamphlets discussing foreign trade and government finances (Hont, 2015, pp.201–2). Waddell states (1958, pp.279–86) that Davenant was Commissioner of Excise between 1678 and 1689, and in 1685 he was also elected to the Parliament as Tory MP. As a consequence of the domestic political changes of the "Glorious Revolution" (1688–1689), he failed to gain an economic position after 1689. It was probably this situation that made him start to write pamphlets on economic topics, his first such essay were published in 1694. By the end of the 1690s, he had become an influential Tory pamphleteer. He obtained economic appointments again during the reign of Queen Anne (1702–1714), who followed William III (1689–1702) on the throne in 1702. He worked at the customs service from 1703 until his death in 1714 as Inspector-General of the Exports and Imports.

Most of the literature items dealing with his work are analyses of an economic historical perspective (Waddell, 1956, pp.206–12) and primarily focus on his writings discussing his theory of the balance of trade (Waddell, 1958, p.281). However, due to his political career, a shift in emphasis can be observed in his work after 1699–1700, from which time he published mainly political pamphlets. This is also noted by Waddell (1958, p.282), who was the only researcher of Davenant's biographical details, which he summarized in his unpublished dissertation (Waddell, 1954). As regards Davenant's essay on the balance of power, first it is important to clarify the origin of the concept, after which I will continue with the analysis of the pamphlet.

The origin and role of the balance of power principle in Europe and England at the turn of the 17th and 18th centuries

The balance of power has been a central concept in the theory and practice of international relations for centuries (Sheehan, 1996, pp.1–24), and as Luard (1992) and Little (2007) states, it has also played a key role in developing a theory of international politics in the study of international relations in the 20th century. In terms of etymology, the origin of the concept of balance is derived from the Latin terms *aequilibrium* ("equilibrium") or *aequilibrium potentiae* ("the equilibrium of power"), and it can already be found in 12th-century French and 13th-century English language use. From the 15th century, it can also be detected in German (Kovács, 2017, p.18). Based on Italian examples, the idea of the balance of power had been developed by the 16th century (Anderson, 1993, pp.150–3), and from then on it gradually gained ground in Europe against the concept of universal monarchy (Bosbach, 1988; Gelderen, 2007, pp.66–8). After the Peace of Westphalia (1648), the idea of a balance of power (Schröder, 2017b, p.183) had emerged to keep the status quo and protect interdynastic and interstate relations.

In England, it played a particularly important role in domestic policy from the 1660s where the use of the concept became increasingly commonplace, as they started to use it virtually as a "weapon" both in political debates in the Parliament and in political journalism (Sheehan, 1988; Kampmann, 1996). In terms of foreign policy, it was primarily used against the Dutch during the period of the two Anglo-Dutch Wars (1652–1654, 1665–1667), but as a consequence of the War of Devolution (1667–1668) launched by King Louis XIV of France, the use of the concept increasingly turned against the French (Nolan, 2008; Andersen, 2016, pp.80–91). Both the pamphlets and the parliamentary speeches denounced France more and more frequently as the great power pursuing to ruin Europe and establish a universal monarchy (Thompson, 2011, pp.271–2; Pincus, 1992; Pincus, 1995). The use of the balance of power principle became firmly established after the Treaty of Ryswick (1697) that ended the Nine Years' War (1688–1697); however, considering the situation in England (Devetak, 2013, pp.131–2), the balance of power-model increasingly came to be used in various ways for domestic policy purposes (Thompson, 2011, p.268) , especially in the internal conflicts of the Whigs and Tories (Claydon, 2007, p.196).

Due to the dynastic wars of the second half of the 17th century, political alliances designed in the name of the balance of power once again came to the fore – these include, for instance, the League of Augsburg created during the Nine Years' War mentioned before, or its successor, the Grand Alliance formed in 1689 which England also joined, against Louis XIV of France (Bruin, et al., 2015, p.13). In this situation England increasingly interpreted its position as an external leader of the states of the European continent (Thompson, 2011, pp.270–1), and the pamphleteers thought that England was "the hand" that keeps the balance in Europe. The significance of the Treaty of Ryswick lied in the fact that it established the idea of the European balance of power (Devetak, 2013, pp.135–6), which had been discussed and promoted more and more frequently since the 1670s. From then on, political actors of the era increasingly came to accept the concept as the norm for establishing the European state system (Kovács, 2017, p.4), which was explicitly included in the Treaties of Utrecht (1713), which ended the War of the Spanish Succession (Bois, 2017, pp.294–7).

The balance policy of William III (Troost, 2011) aimed at keeping the Habsburg Monarchy and France in balance (Claydon, 2002). The real threat to this balance of power lied in the great power opposition of the Bourbon and Habsburg dynasties, attributed to the unclear fate of Spanish inheritance (Coward, 1994, p.365). By reason of the childlessness of the weak and sickly King Charles II of Spain (1665–1700), succession to the Spanish crown had been a

central question of European politics well before the treaties of Ryswick were signed. England and the Dutch Republic strove to agree with France peacefully by way of special negotiations to avoid that the entire Spanish inheritance would pass only to the Habsburgs or the Bourbons (Pincus, 1995).

The First Partition Treaty was signed in October 1698 in the Hague, under which France and the Habsburg Monarchy would have divided the Italian dominions of Spain, while the Spanish crown would have passed to Charles II's appointed successor, Prince Joseph Ferdinand of Bavaria. However, the appointed successor died in 1699, and the parties signed the Second Partition Treaty in March 1700 in London (Rule, 2007). In the treaty, they agreed that France would acquire the Spanish territories in Italy, while the Spanish throne would pass to Archduke Charles (the future Emperor Charles VI), the son of Emperor Leopold I (Coward, 1994, p.384), which was unacceptable to Charles II of Spain, who insisted in his last testament that the integrity of the Spanish crown should be maintained at all costs, and nominated Duke Philip of Anjou, Louis XIV's grandson as his successor. According to the will, should Louis XIV not accept this, the entire territory of Spain would pass to the son of the Habsburg Emperor. Months later, Charles II finally died on 1 November 1700, and Louis XIV accepted the terms of his will on 16 November, which meant that he breached the Second Partition Treaty and disowned his allies, England and the Dutch Republic. Consequently, the prolonged War on the Spanish Succession mentioned above broke out in 1701, which only ended in 1714 (Falkner, 2015).

Interpretation of "balance" in Davenant's pamphlet under analysis

In his essay published in early 1701 (Waddell, 1958, p.283), Davenant clearly raises his voice against the above-mentioned partition treaties, criticising at great length mainly the second one, calling it a "fatal Treaty", which has ultimately "brought the whole Dominion of Spain under the French Power or Influence" (Davenant, 1701, p.77). He emphasises the risk of the development of Spanish succession already on the first pages, linking Philip, Duke of Anjou's inheritance to the potential danger of establishing a French universal monarchy, which would threaten both England and "the Liberties of Europe" (Davenant, 1701, p.4).

As an economic expert and a mercantilist, he also draws attention to the fact that the strengthening of France could later also cause serious foreign trade barriers for England, as well as for the balance of Europe, since France may, in a very short time, "supplant" England in its Spanish and Turkish trade interests (Davenant, 1701, p.4); it is a serious threat to English trade that Flanders is in French hands, and that the ports of Spain and Italy are in the power of France. After the introductory thoughts, Davenant discusses the acts of former English monarchs, arriving at the conclusion that in the past "England has all along endeavour'd to hold the Ballance of Europe" (Davenant, 1701, p.28). He praises the Treaty of Ryswick (1697), since – in his opinion – that was the last time England was in an exceptionally good position. Davenant goes on to express his negative views on the measures taken after 1697, primarily the Partition Treaties of 1698 and 1700; the fact that England had signed an agreement with the French suggested that England was weak, thus encouraging France "to disturb the Peace of Europe" (Davenant, 1701, p.33). Next, he arrives at the central part of the essay, in which he explains how England could return to its leading role in keeping the balance of Europe, for which it is first necessary to solve the domestic issues and parliamentary feuds England is currently struggling with.

The central concept of the balance of power started to intertwine in contemporary England with other concepts such as *public interest*, *common welfare* and *national interest*, and the principle of the balance of power played a prominent role in the need for joint action against a possible universal monarchy as well (Devetak, 2013, pp.130–1). After a while, *the interest of England* also included domestic political debates, religious, economic and commercial interests

(Andersen, 2016, p.77), so the balance-of-power thought often appeared embedded in religious terminology, for instance while discussing the *Protestant interest*. Davenant criticises the political leadership of recent years and discusses that a small group of political advisors decided on signing the failed partition treaties, without convening the full Parliament and seeking its advice, so this group did not consider either the interests of the country or the interest of Europe. He argues that recent political leaders must be held accountable for their faults, as it was a serious mistake not to convene a parliamentary session immediately upon learning about the death of the Spanish king, because seeking the advice of the Parliament is of utmost importance, and it is also necessary for balanced constitutionality. The political authors of the era, including for example – in addition to Davenant – Bolingbroke, Jonathan Swift (Thompson, 2011, p.278) and Daniel Defoe (Claydon, 2007, pp.201–8), repeatedly emphasise in their writings the need for an optimal parliamentary debate and the political importance of the Parliament as the main site of common thinking. The importance of national unity was addressed in contemporary pamphlets, for example in Bolingbroke's writings (Kramnick, 1992), more and more frequently, discussing at length in this regard the harmful effects of the Tory-Whig opposition and the importance of a balanced constitutionality. An analogy for public interest in the era included the concept of *commonwealth* (Early Modern Research Group, 2011, pp.660–1), as well as the medieval metaphor of *body politic* (Andersen, 2016, p.76): these all appeared in Davenant's analysed pamphlet, and interestingly, he consciously linked *national interest* with "the Protestant interest throughout all Europe" (Davenant, 1701, p.43) and the balance of power, in which England has a leading role, as both his contemporaries and the author of the pamphlet agreed.

According to contemporary thinking, the universal monarchy undermines public interest both in domestic and foreign policy through financial interests; politicians employing corruption give up the *ancient constitution* of England (Andersen, 2016, p.78). This also emphatically appears in Davenant's analysed pamphlet, who explains that recent political decision-makers, who took English foreign policy in the wrong direction with the partition treaties, sinned against the ancient constitution of the country with their "Misgovernment" and "Corruption" (Davenant, 1701, p.85). Already in the introduction of the pamphlet, Davenant strongly raises his voice against politicians corrupted by financial interests, who he says are not interested at all in the fate of "the ballance of Europe" or "which side the Scale inclines" (Davenant, 1701, p.3), the scale having been a frequent and popular metaphor for representing and illustrating this balance from the 16th century (Schröder, 2017a, pp.91–3).

Davenant links the discussion of the domestic problems to the issue of Spanish succession and the criticism of the already discussed Second Partition Treaty, which – in his opinion – worried each English citizen after it had been signed, since it "put an aspiring Monarchy [i.e. France] into a better posture both at Sea and Land, to enslave Europe than it was before the War [i.e. the Nine Years' War]" (Davenant, 1701, pp.54–5). Therefore, according to his view, England and thus Europe lost the results of the Peace of Ryswick by signing the partition treaties, for which only those in leading positions can be held responsible who had drafted the partition treaties and against whom investigations should be conducted for the interest of *public good* (Davenant, 1701, p.12), so that the problems of the country could be solved. In Davenant's opinion, the English and the Dutch awarded such easily gained territorial advantages to France (towns in Flanders, Spanish and Italian ports) under the Second Partition Treaty that they could not have obtained by force in many years and only after a great effort. As regards Charles II's last will, he argues that it had created such a new situation and possibilities that the partition treaties did not contain, but England should have used these possibilities. He mockingly notes that Louis XIV's decision to accept the terms of the will is not at all surprising, since „what will you agree to in case the King of Spain's Last Testament be in your Favour?" (Davenant, 1701, p.67). According to Davenant, France and Spain got so

close by Louis XIV's decision that it poses a threat to whole Europe. He thinks that after Ryswick, England should have approached Spain instead of France, and they should have formed a relationship of trust with the Spanish crown „to keep the two great Monarchies from being united, and to secure the Peace of Europe" (Davenant, 1701, pp.71–2).

Davenant contemplates that in order to solve the problems of the country and to maintain the balance of power both in England and in Europe, it is necessary for the two contending parties to form a coalition, to set up a suitable Parliament "to consult upon the Distempers of the Body Politick" (Davenant, 1701, p.96), that is to discuss the problems of the country. He refers on several occasions to the fact that the Second Partition Treaty and Louis XIV's actions (Nolan, 2008) are leading to the formation of a potential universal monarchy in the form of France. On the closing pages of the pamphlet he urges in an increasingly vigorous tone to undertake war against France in order to maintain the balance of power in Europe, since England is the keeper of the balance, and it must take measures "to keep the Power of France within due limits", and "to maintain our [i.e. England's] Post of holding the Ballance" (Davenant, 1701, pp.85–7).

Conclusion

The balance of power principle became a prominent element of 18th-century state politics and political journalism, as well as one of the key concepts of the emerging theory of interstate relations (Kovács, 2017, p.18). It is no coincidence that the expression *balance of power* was first used in an international legal sense in the treaties of Utrecht in the early 18th century (Sashalmi, 2015a, pp.23–4). In the case of Charles Davenant's analysed pamphlet, his terminology and balance of power thinking was mainly dominated by the old-time bipolar model, the scale for the metaphorical reference for this view (Sashalmi, 2015b, p.228–31). Nevertheless his usage also predicted some recent ideas – as preserving the liberties of Europe, or the general good, the peace and the balance of Europe – which have been explicitly included in the peace treaties of Utrecht; such as the expressions "the liberty and safety of all Europe", or "the general peace of Europe" in the Second Article of the *Treaty of Peace and Friendship between Great Britain and Spain* from July 1713 (Chalmers, 1790, p.43, p.56).

Davenant emphasises the need for undertaking another war against France in the summary of his pamphlet in order to defend the balance of Europe, in which regard the most important task of England is to maintain its role as keeper of the balance of power. Davenant's pamphlet not only criticised the foreign policy of William III, but he definitively raised his voice against the second partition treaty of 1700 and its promoters. Despite the fact that considering his political career Davenant was a Tory politician, it is interesting to note the tone and content of his pamphlet: his political party, the Tories did not support the new war commitment of the country, yet Davenant vigorously call on his readers to act against the French and undertake another war. This may be attributed greatly to the fact that at the time of writing the pamphlet, he had no job, and he was trying to obtain an economic position for himself by gaining the attention of leading Whig politicians. He finally succeeded in this only in 1703, after which date the tone of his political pamphlets did change noticeably, from anti-French to anti-Dutch according to Waddell (1958, pp.285–7). In order to determine the exact background of this change, it will be essential in the future to analyse Davenant's further political pamphlets and compare them with each other, as well as to put other relevant contemporary political pamphlets in context – in connection with the opinions on the balance of power.

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War and the Japanese constitution

"A warrior may choose pacifism; others are condemned to it."

History of the Constitution:

The first Japanese constitution was the Meiji constitution enacted in 1890. It was based on the Prussian/German and British models because the United States' was deemed too liberal and the French and Spanish were deemed too despotic. The constitution gave considerable power to the Emperor, however in theory the Prime minister was the actual leader of the government. In the context of my paper the most important point of the constitution was Article 11. It states that the supreme leader of the army and navy is the Emperor.

"The *army and navy obey only the Emperor, and do not have to obey the cabinet and diet*"[1]

During the waning days of World War II after Germany had surrender, the Allies met in Potsdam to discuss Japan. Truman, Churchill and Chiang Kai-shek outlined the Japanese terms of surrender. It included the complete disarmament of all Japanese forces, and a more liberal government. After the Americans dropped two atomic bombs and the Soviets invaded Manchuria with 1.5 million soldiers the Japanese were shocked sufficiently to surrender on August 15.[2]

The Allies occupied Japan lead by the Supreme Commander of the Allies Forces Douglas MacArthur. He was adamant that new constitution should be made with the Japanese and not forced upon them. The Japanese, however, were reluctant to rewrite the original Meiji constitution, so they just made minor adjustments. MacArthur rejected this and ordered his staff to write a new one from scratch. Even though the authors were not Japanese they took the old constitution into account and also, they took the advice of Minister Shidehara – an avid pacifist – to add an article to prevent Japan from declaring war. The new constitution was completed in less than a week on 13 February 1946. It was enacted on 3 May 1947 as a continuation of the previous constitution not as a new one.[3]

ARTICLE 9. (1) Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

(2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.[4]

[1] Hein, Patrick (2009). How the Japanese became foreign to themselves: the impact of globalization on the private and public spheres in Japan. Berlin: Lit. p. 72.
[2] Feis, Herbert (1960). Between War and Peace: The Potsdam Conference. Princeton: Princeton University Press p. 28.
[3] Dower, John W. (1999). Embracing Defeat. New York: W. W. Norton & Company p. 374.
[4] http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html Retreived 2019.1.15

In effect this article prevented Japan from raising and army, however global politics steered the country in a different direction quite early on. 1950 saw the beginning of the Korean War and some of the occupying US forces were redirected to Korea. This left Japan defenseless and without armed protection, so MacArthur ordered the creation of the National Police Reserve to maintain order.

Is the JSDF an army?

After the creation of the National Police Reserve in 1952 the National Safety Agency was created as a maritime component, in 1954 the NPR was reorganized into the Japan Self-Defense Forces (JSDF). Since Japan cannot have an army, the police force had to defend the Islands. There was a definite need for armed or at least armored vehicles. The US army gave its surplus equipment to the Japanese but to avoid breaking the newly formed constitution they gave all military equipment civilian names, so tanks became special purpose vehicles etc. The JSDF was an army in every sense of the word, it was only a police force on paper.

Today the JSDF has an active personnel count of 247k and a reserve of 56k the budget is fixed at only 1% of the GDP, however the government circumvents this by assigning certain equipment and tasks the JSDF has and does as civilian thus financing it outside of the 1% limitation. The $41 billion budget makes Japan the world's 7th largest military spender (although we can see they actually spend more) but considering the 1% limitation it is the 17th in the world.[5]

How can the world's best funded police force defend Japan?

The Japanese Maritime Self-Defense Force is the naval branch of the police force it has a fleet of 154 ships and 346 aircrafts.[6] It is widely regarded as one of the world's best anti-submarine and minesweeper fleets, however recently they started to focus on antimissile warfare, (Aegis system) adapting it in 2003. Also in 2003 a new line of ship was developed. Since the constitution prevents Japan from having offensive weaponry, they cannot have aircraft carriers because it is the archetype offensive tool. However they developed a "helicopter destroyer" class ship the *Hyūga.* She has a full flight deck and is similar in every aspect to a traditional carrier, but it is classified on Lloyd's Register as a helicopter carrier. In 2013 they launched an every larger similar "destroyer" the *Izumo.* This ship has a fighter compliment of 24 jets. Which is arguably a lot smaller than the USS George H. W. Bush's compliment of 90 jets it is still enough to level most countries in minutes.

The usage of the JSDF

The primary role of the Self-Defense Force is the defense of the Japan, which can be interpreted in a variety of ways. First the physical defense of the island itself, fighting anyone who wants to attack Japan. Secondly it can be argued that the growing force of neighboring countries poses a threat to Japan and they need to defend themselves from any aggression. Thirdly imminent threat as described in international law can be used as a preemptive self-defense against a country posing an instant overwhelming threat leaving no choice of means and no moment for deliberation. Lastly Japans interest in the world must be defended which in itself creates 2 versions. The first one being Japanese citizens anywhere in the world, the second one being

[5] The International Institute for Strategic Studies (2015). The Military Balance 2015. London: Routledge. p. 255.
[6] The International Institute for Strategic Studies (2015). The Military Balance 2015. London: Routledge. p. 260.

Japans allies. The rhetoric behind the latter is that if Japans allies are attacked it would weaken Japan so it is self-defense.

The debates of the wording of article 9

As I described it before the usage of offensive weapons are strictly forbidden. These weapons include ICBMs, nuclear weapons, aircraft carriers or bomber fleets.

I. ICBM: Inter Continental Ballistic Missiles are forbidden, however Japan has a very developed and active commercial space program. If the solid fuel rockets were converted to ballistic missiles, they would be comparable to the LGM-118A Peacekeeper ICBMs currently used by the USA.[7]

II. Nuclear Weapons: For obvious reasons Japan has renounced any intentions of developing nuclear weapons in the Nuclear Non-Proliferation Treaty and the Three Non-Nuclear Principles, however experts say that Japan has the resources, technology, raw materials and capital to produce nuclear weapons in one year if necessary and many analysts consider Japan a de facto nuclear state. In 2012 Japan had enough plutonium to produce 1000 warheads and had additional plutonium in Europe for a further 4000. The previous point also explains that they could have the necessary delivery system.[8]

III. I have already explained the ambiguousness of the "helicopter destroyers"

IV. Bomber Fleets: The Air Self-Defense Force has an aircraft compliment of 777 aircrafts they don't have a designated bomber and compared to the 800 aircrafts of South Korea, 940 of North Korea and the 3100+ aircrafts of China perhaps this is the only point of the offensive weapons ban that is without a doubt observed.[9]

The other focus point is the phrase "war potential"

Proponents of Japanese armament argue that since some neighbors of Japan, specifically China has a significantly larger army in every sense, a major increase of Japanese forces wouldn't necessary mean war potential because, she is merely defending herself from a much larger force.

Pacifism

After the war Japan was disillusioned and humiliated the imperial and nationalistic tendencies were abandoned. The new government wanted to prevent another disaster and adopted pacifism to prevent the country from going to war again. The idea of pacifism since then has become a major part of the culture and the population widely supports pacifists. There is considerable backlash against every law that would suggest a more warlike state, even though that is prohibited still. Some argue that the JSDF itself is a violation of the pacifist clause of the constitution. The recent bill introduced in 2014 which I will discuss later is opposed by 54% of the population while only 29% supported it. This brings up the question whether the population truly supports pacifism or just opposes the bill, since Japan has an already well developed army.[10]

[7] Thomson, Iain (November 30, 2012). Malware slurps rocket data from Japanese space agency. The Register. Retrieved 2019.1.15
[8] Horner, Daniel (November 2012). Strains Seen in Japan's Plutonium Policy. Arms Control Association. Retrieved 2019.1.15
[9] The International Institute for Strategic Studies (2015). The Military Balance 2015. London: Routledge.
[10] Wilson, Thomas (September 21, 2015). Support for Japan's Abe sags after security bills passed. Reuters Retrieved 2019.1.15

Irrelevance

We can see that the government is using every loophole it can find to expand the power of the army. Using alternative ways to finance the army to compensate for the 1% GDP limit, classifying carriers as “helicopter destroyers” and attacking the very words of the constitution. International politics force countries to abandon values they might hold dear we just have to think about the USA PATRIOT Act and we can clearly see that abandoning certain points in the constitution is hard but bending the law is much easier. Considering the general populations deep seated love and belief in pacifism we can see that Japan will, most likely, won’t abandon clause 9, however it will pass a series of laws that will inevitably damage the spirit of the clause itself.

Reinterpretation

In July 2014 Prime Minister Shinzo Abe decided to re-interpret article 9 to allow the right of “Collective Self-Defense”. This means that the JSDF would be able to come to the aid and defend allies in trouble, as opposed to the usage of strictly self defense. This was supported by the USA but South Korea and China both condemned it saying that Japan should stay pacifist and avoid going down this dark path. The prime minister said that this would not mean that Japan would be involved in any land war, but would act as a deterrent. Japan would be able to help the US or other allies directly (protecting shipping, convoys, bases) but still without deploying troops. This reinterpretation uses the broadest meaning of self-defense arguing that if an ally is attacked Japan itself would weaken.

Conclusion

We can see that a country may adopt ideals that are noble and just but the harsh reality of the world is that such ideas must be defended. When the idea of pacifism must be defended with force we inevitably get into the quagmire violating said pacifism. The leaders of a country must defend it from actual or perceived threats, the population may believe in peaceful coexistence but again, reality is different. Japan was diplomatically isolated from neighboring countries since the Second World War; I think that this tendency is changing. However we can also see that the threat of North Korea is looming over the whole region and it can explode like a powder keg.

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Minority Protection in a Globalizing Europe – an Unresolved Matter of Competences

Abstract

Voicing national minority interests and points of views face a turbulent period in the Europe of present, highlighted by the constant clash of minority protection, minority identity and globalization. The aim of my paper is examining the question of sub-national, national and regional identities through the analysis of the recent European Citizens' Initiatives: the Minority Safepack Initiative and the Cohesion Policy for the Equality of the Regions and Sustainability of the Regional Cultures. These two Initiatives serve as excellent examples for the minority protection efforts of the European Union – and their general lack of success – due to specific factors. These factors are the lack of a common strategy, the lack of necessary alignment among the European Union's institutions and the general lack of seriousness in the matter. However, in this paper, we came to the conclusion that while minority protection goes through a constant evolution, and even though we don't know its precise yet outcome, the matter leaves numerous questions unanswered and exact problem sources unidentified. Among the many, one of our main findings points to unresolved matter of competences, which might be one of the most influential hidden sources behind this issue, and therefore will act as the conclusion and final point in my paper.

Keywords: identity, minority protection, European Citizens' Initiative, globalization

Identity

Identity can very basically be defined as the characteristics determining who or what a person or thing is.[1] However the notion itself is very challenging as it is broadly interpretable scientifically and is lacking of concrete borders, thus it is essential to add that in this paper we are restricting our discussions around the identity of ethnic minorities in specific regions of Member States of the European Union.

While the notion itself is not strictly tied to this specific research, it still undoubtedly has an effect and impetus on the examined topic. As stated in Miklós Lukovics's study minority identity – and in our case regional identity – can influence national economy in a beneficial manner given it is nourished properly. What else could be a better tool for this, than minority policies and minority protection?[2]

Minority Protection

Generally speaking, minorities or minority groups are a category of people who usually experience relative disadvantages in specific aspects compared to members of a dominant social group.[3] Even though minority groups have several different types, for example,

[1] Oxford Dictionary (2019. Available at: https://en.oxforddictionaries.com/definition/identity (Accessed: 17th March 2019)
[2] Miklós, L. (2004) A regionális identitás szerepe a regionális gazdaságfejlesztésben, pp. 223-225.
[3] *Healey, Joseph F., Stepnick, Andi, O'Brien, Eileen. (2015)* Race, Ethnicity, Gender, & Class : The sociology of group conflict and change, SAGE Publications, Thousand Oaks.

religious, political or sexual, we will solely focus on ethnic minorities in this paper. It is crucial to address that minority protection and even minority matters in general still have to be handled very delicately and with great care as the topic is still very sensitive on a global scale mainly due to the wounds left by the wars in previous centuries.

Minority protection is dominantly handled at the national level by the specific nation states, however in the past decades, international organizations such as the United Nations and the European Union have made several steps in standardizing minority rights by creating an international minimum standard for minorities and even safeguarding the protection of minorities on a global or regional level. However, besides these international organizations several international non-governmental organizations and members of the civil sphere have joined the field of minority protection, recently. One among those organizations is the Federal Union of European Nationalities[4], which we will further discuss in a later chapter.

The Role of the EU Institutions

Similar to the United Nations, the European Union also tries to take an active role in minority protection with more or less success. Before we delve into the specific issues, let us take a brief overlook to the history of the EU's position towards minority protection.

Minority protection is a relatively new concept dealt within the EU as it only appeared in the late eighties- early nineties as referred within the Single European Act and the Maastricht Treaty. One of European minority protection's first manifestation in practice was the fact that the respect for and protection of minorities which later became as part of the Copenhagen criteria.[5] The biggest leap occurred in the early two thousands when the Charter of Fundamental Rights came into force guaranteeing minimum standards for protection of minorities across the European Union. However, European minority protection is still very much under development as the tasks and competences of different institutions are still shaping to reach their final form. Now as we have briefly touched upon the evolving role of the EU institutions regarding minority protection in the past decades, , let us discuss how they can actually act in this area.

The EP became the first institution of the EU acting towards minority protection. In their value-oriented approach the EP accepted numerous directives in this topic, however in lack of Community competence in minority matters, these directives only bear political importance. Despite all of this, by now the EP has set up a Working Group in minority protection, acting as their voice in the EP. The EC on the other hand could fulfill an actual practical role in the matter, posing as the EU's main actor in this field. Their biggest responsibilities in minority protection lie in their monitoring ability regarding candidate countries. This means that the EC Commission can observe whether the candidates fulfill the Copenhagen Criteria, and ensure that these countries guarantee an adequate standard for minorities. However, the main issue with the EC is the fact that they treat minority matters as a cultural and education-related matter and not as a fundamental right. Furthermore, there is one more institution necessary to be mentioned here, which is the Committee of the Regions. The Committee of the Regions is the EU'S assembly of local and regional representatives, making it the most ideal institution to represent minority matters. However, being only a supporting institution of the EU with only symbolic competences the CoR could hardly act in any substantial way. The Committee keeps stressing that they expect more involvement by the more influential institutions of the EU like the EP or EC, but despite their best efforts their pleas are usually left unrecognized, moreover the aforementioned institutions often even question the reason of existence of the Committee

[4] FUEN (2019) European Minorities. Available at: https://www.fuen.org/european-minorities/general/ (Accessed: 17th March 2019)

[5] European Commission (2019) Accession Criteria. Available at: https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en (Accessed: 17th March 2019)

of Regions.[6] While the main institutions of the EU seemingly fail to act effectively, the civil society and the international Nongovernmental Organizations seem to be more involved with the issue.

Minority Safepack Initiative

The Minority Safepack Initiative is definitely among the better known European Citizens' Initiatives carrying an important message to the European Union. Initiated by the Federal Union of European Nationalities in 2011, the Minority Safepack Initiative aims at making the European Union to take responsibility and become a genuine promoter of cultural and linguistic diversity across Europe. Furthermore, the Initiative aims at making the Copenhagen Criteria on protecting the rights of minorities to be observed also by the Member States of the EU.[7]

Originally, the Initiative included eleven original proposals, nine of which were registered by the EC.[8] The collection of signatures for the successful proposal to the EC began in April 2017 and continued until 3 April 2018. Counting both online and offline signatures, the petition has been signed by 1,215,789 EU citizens. The threshold was reached in eleven countries. On 25 July, it was confirmed that over 1.1 million signatures have been recognized as valid.[9]

Cohesion Policy for the Equality of the Regions and Sustainability of the Regional Cultures

Another very important European Citizens' Initiative was the so called Cohesion Policy for the Equality of the Regions and Sustainability of the Regional Cultures, which we will refer to as the Cohesion Initiative. This Initiative has really interesting connotations for the future, as it even made its way to the Court as we present below, raising very important questions in the field of competences in the EU.

The case stretches back to 18 June 2013 when the applicants, Mr. Balázs-Árpád Izsák and Mr. Attila Dabis, in association with five other persons, submitted their Initiative to the EC. To the applicants' mind, national minority regions corresponded to regions and geographic areas which did not necessarily have structures with administrative competencies, but in which there were communities with ethnic, cultural, religious or linguistic characteristics different from those of the surrounding regions which formed a local majority or were present there in substantial number, though being only in a minority at national level, and which have expressed their desire by referendum to possess autonomous status within the Member State in question. Such national minority regions were, according to the Applicants, the keepers of ancestral European cultures and languages and represented significant sources of the cultural and linguistic diversity of the European Union and, more broadly, of Europe.

According to the Applicants, the coherence policy governed by Article 174 TFEU to Article 178 TFEU should, in order to reflect the fundamental values defined in Article 2 TEU and Article 3 TEU, contribute to preserving the specific ethnic, cultural, religious or linguistic characteristics of the national minority regions, which are endangered by European economic integration, and to the correction of handicaps and discrimination affecting the economic

[6] Kata, E. (2013) A nemzeti kisebbségek védelme az Európai Unióban, pp. 46-50. Available at: http://epa.oszk.hu/00900/00997/00028/pdf/EPA00997_letunk_2013_k_044-054.pdf (Accessed: 17th March 2019) I have a problem here, you should also add the exact page you extracted the reference from. Check the other references also!

[7] Minority Safepack Initiative (2019). Look We Have a Pact between Minority and Majority. Available at: http://www.minority-safepack.eu/#about (Accessed: 17th March 2019)

[8] FUEN (2019) One Million Signatures for the Minorities. Available at: https://www.fuen.org/key-topics/european-citizens-initiative/ (Accessed: 17th March 2019)

[9] FUEN (2018) We have got the Validated Signatures. Available at: https://www.fuen.org/news/single/article/minority-safepack-we-have-got-the-validated-signatures-we-need-to-secure-the-support-of-the-majority/ (Accessed: 18th March 2019)

development of those regions. Accordingly, the Cohesion Initiative sought to give national minority regions the opportunity to access EU cohesion policy funds, resources and programmes equal to that of currently eligible regions. Those guarantees should, according to the Applicants, include the establishment of autonomous regional institutions vested with powers sufficient to assist national minority regions in preserving their national, linguistic and cultural characteristics as well as their identity.

On 25 July 2013, the EC declined to register the Initiative, stating that it is out of their competence to make suggestions for EU legislators in this matter. This resulted in the applicants turning to the General Court to annul the EC's decision 2016. On 10 May 2016, the General Court denied the Applicants' legal action against the EC, which was followed by the Applicants appealing to the Court of Justice of the EU against the General Court's decision. The case is still left unsolved, but its outcome could possibly bring reforms to the EU-wide minority protection and community competences.[10]

Conclusion

As seen in the first part of our paper, regionalism and regional identity can greatly contribute to the European Union's economy, which raises the importance for an adequate handling of minority questions. The European Citizens' Initiatives discussed in this paper grant a rather clear picture on the current state of minority protection and EU competences in this field. While numerous steps have been made in the past few decades, minority matters are still handled very irresponsibly and incoherently. It is noteworthy that we still don't know the exact outcome of the Initiatives and what their result on EU legal practice and minority protection might be, but it is obvious that reforms are essential. Erecting a new institution or empowering an already existing one with the necessary power and competence to make coherent, effective decisions in minority-related matters would solve huge chunk of the problem.

However many questions are still left unanswered: How will these two initiatives shape minority protection in the EU'S future? While the situation of ethnic minorities in the EU is generally handled adequately, they are still often in risk of discrimination and mistreatment as guarantees and safeguards are hardly or not observable at all and regional and cohesion policy doesn't differentiate them from regions populated by majority nationalities of member states.

Further questions should be studied to enlarge the scope of this paper and contribute to further minority protection research in Europe in general: What direction does the EU go? The European Union is standing at a crossroad defined by the battle between conservative and globalist efforts. Would dealing with minority matters on a community-level contribute to the creation of a possible European Federation or would it be indifferent to the current system of nation states?

[10] General Court (2019) Judgment of the General Court: Case T-529/13. Available at: http://curia.europa.eu/juris/document/document.jsf?text=&docid=177961&doclang=EN (Accessed: 18th March 2019) this is not good, here is the example: Case C-25/17 Jehovan todistajat, [2018] Judgement of the Court, ECLI:EU:C:2018:57

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The F-word for Transnistria – Federalism

Abstract

Transnistria is a breakaway republic, located at the Moldovan border to Ukraine, along the Dniester river. Since the Transnistria War between 1990 and 1992 the region reached self-governance with a constitution adopted in 1995. Even though it states the desired status of independence; its case could not be moved forward in the international community ever since. The entity is not only facing pressure from the international community, its route to sovereignty is also hindered by not only warfare but also political dispute with the Moldovan Republic, taking that both authorities are aiming for the same territory – one to keep it, while the other to acquire it. The region grew on importance since the neighbouring Ukraine had to face the issues with separatism. The establishment of the People's Republics of Donetsk and Luhansk means that the breakaway republic is not only observing similar entities, such as Abkhazia, South-Ossetia or Nagorno-Karabakh from far, but also borders on two at once. It not only has great impact on the status and future of Transnistria, but places focus at political dispute around the entity too.

Keywords: breakaway republic, federalism, partial independence, post-soviet, statuslessness, state-fragment/Staatenfragment

The Pridnestrovian Moldavian Republic, also known (or lesser known) as Transnitria, is a breakaway republic situated between the Dniester river and the Moldovan border to Ukraine. It first declared independence coming out of the fall of the USSR, the Union of Soviet Socialist Republics in 1990. After two years of war with Moldova, its mother-state, Transnistria partially gained the requested freedom in 1992 (Dima, 1991, pp. 7-43) - but there is still an ongoing a political dispute about its status between the two entities. It is somewhat more than an autonomy, somewhat less that a state – not having all the requirement to be a state. The question about its status is causing debate internationally and also internally – this study however aims to present the internal conflict.

Following the partially successful war on independence, the breakaway republic not only acquired its territory, but also drawn attention to its case in the international community (Coppitiers et al, 2004). This freshly shed light then resulted once in the international missions planned to be sent to the area by the Community of Independent States and the Organization for Security and Co-operation in Europe (later on also referred to as OSCE) – of which only the latter got started in reality -, and twice also in international help to the negotiating process for the parties to the dispute (Belitser, 2006; Sanchez, 2009; Gottfried, 1998). Even though Transnistria is aiming to be independent and seeks a future as a sovereign state, the Moldovan Republic strictly refuses to accept this intention and after it has no other choice but to accept the existence of the new entity, is trying to push the idea of federalism over independence.

The very first step of the negotiations came in 1992, between the first Moldovan president Mircea Ion Snegur and the very first democratic president of the new-born Russian

Federation, Boris Nikolayevich Yeltsin. The Agreement on the Principles for a Peaceful Settlement of the Armed Conflict in the Dniester Region of the Republic of Moldova was signed at the 21th of July 1992. The agreement mainly concentrates at the stopping of physical fighting and heading the events into the area of politics, with that, it barely focuses on the status of the area along the Dniester river. There is a new regulation about the prohibition of gunfights, the development of a demilitarised zone and the trilateral military presence of the region, but there is only a mention of the need of a specific status for the area.

The status of what we call – among other names – Transnistria today seemed to be taking shape along the OSCE mission to the area. According to the Report No. 13 by the CSCE Mission to Moldova, started at the 27th of April 1993, the Republic of Moldova is a sovereign state, but the mission at this point of the dispute clearly states the need for a special status for the Transnistrian region also. The main goal of the military action is still to retrieve all military presence of the territory of the entity, but with that, the OSCE mission also outlines the next important step of the negotiations – the question of status and also independence.

After the extensive implementation of the armistice, the normalization of the relations between the Moldovan Republic and the Pridnestrovian Moldavian Republic could gain on importance. The Moscow Memorandum On the Bases for Normalization of Relations Between the Republic of Moldova and Transdneistria from the 8th of May 1997, is the first document to concentrate on the topic, aiming to reach peace and stability. With the mediation of the Russian Federation, Ukraine and the Community of Independent States (further also referred to as CIS) the disputing entities could start to clear the status of both parties. The Moldovan Republic is a sovereign and independent state since 1990, Transnistria is remaining to only aim to become a state, but at this point of the negotiations Moldova is going so far as securing some rights to the Pridnestrovian Republic. The entity is now allowed to build independent economic connections, and gets to have some say in the international relations of Moldova – but still is not treated ad sovereign itself.

Following the further success of the demilitarization progress of the Odessa Agreement on Confidence Measures and Development of Contacts between Republic of Moldova and Transdniestria, signed at the 20th of March 1998, the bettering relations took a drastic turn with the integrational wave of Moldavian politics in the early 2000's. The first document presenting the dreaded federalism for Transnistria and Moldova is the so called Primakov-plan of 2000. After the Moldovan elections in 2001, Vladimir Voronins first proposal as the president happened to be a very similar federalist idea also (ICG Europe Report N° 147, 2003, pp.7-11). Taking, that Pridnestrovia is aiming for independence and Moldova's goal is a territorially integrated state, both parties were indignant toward this concept.

The conflict seemed to be frozen for a whole year, until the parties finally met again – this time in Kiev, at the 2nd of July 2002 (Brennan, 2003). At this meeting though, Moldova is still representing the idea of federalism, turning the proposal into a Declaration of Intentions for the 5th of December 2002, aiming for a contract-based federation. Not taking into consideration the Moscow Protocol from the 17th of December 2002, which calls for a semi-independent status for Transnistria (ICG Europe Report N° 147, 2003, pp.7-11), in 2003 the before mentioned federalism-supporting Voronin proposes a common constitution for the two disputing entities. The joint document calls for collective and independent rights for the two parties – collective would be the question of nationality, finances, defence politics and customs, but the Pridnestrovian Republic would have an independent government, with that also legislation on its own (Troebst, 2003, pp. 5-30). This plan, however would lead to the same outcome the politician proposed earlier on – this constitution would also aim to re-integrate the Dniester region until 2005 (Voronin, 2005).

The last document of the negotiations containing the concept of federalism is the so-called Kozak Memorandum of 2003. The desired federalism is characterized as asymmetric –

it would be made out of three entities, not only the Moldovan Republic and the Pridnestrovian Moldovan Republic, but also out of the autonomy of Gagauzia, which is situated in the south-eastern part of Moldova. This system would call for a federal-level decision making with vetoes and consensus, a joint army and all three languages being official (Harbo, 2008, pp. 185-188; Hill, 2013, pp. 294-295). This idea was eventually lost its importance after the Yushchenko document of the 22th April 2005. Among other elements, such as democratisation, the values of human rights and minority rights, international cooperation and monitoring, the plan also proposes independent elections for Transnistria, with that handling the entity as a de facto state (Socor, 2005).

The last attempt on integrating the Dniester region into Moldova came with the Law on the basic provisions of special legal status of settlements of left bank of Dniester (Transnistria), passed at the 22th of July the same year, granting autonomy for the Pridnestrovian Moldavian Republic. After all these different attempts to integrate the breakaway republic into Moldova, the independence of Transnistria was reinforced by a referendum held in 2006 (Goda, 2015, p. 208), putting the dispute about statuslessness, federalism and re-integration to an end.

The Moldovan intention to prevent the Pridnestrovian Moldavian Republic to become fully independent by tying it into a federation with itself is dreaded by the Transnistrian part for two reasons. First and mainly because it already declared independence and secondly because even in this current semi-state condition it has more rights and capabilities as it could ever have in a federation, not to mention the earlier Moldovan drafts.

Parallel with the Moldovan independence movement developing under the era of glasnost and perestroika, the feeling of diversity in the Dniester region also started to grow. Based on this mainly ethnical diversity and the historicity of self-government in the USSR, in august 1990 Transnistria declared its independence (Hajdú-Moharos, 1995, pp. 155-159; Waters, 1997, pp. 71-75). Right after the declaration Moldova started a war that than lasted for the two next years (Coppitiers et al, 2004, pp. 149-159). Following the war and some time to settle, the second time Transnistria stated its independence came with their first constitution from the 24th of December 1995. The very 1st article of the document says, that Transnistria is a sovereign, independent and democratic state of law. With that, there are two declarations of independence of the region against the Moldovan Republic.

As far as the rights of the entity go, accepting the idea of a federation would grant it only limited capabilities. As earlier mentioned in this study, these would be as much as some political freedom to build self-governance and also self-sufficing economic relations, completed with some joint competences for example in the military. Even so, being in this semi-state condition, the entity is capable of so much more independently. The constitution (see an English version under the in the reference list given link) that is in force today is the one originating from 1995. It was amended only once in 2000, executing changes in the structure of the parliament – before the amendment it used to consist out of two chambers, today it is unitary. As usually in a state of law, the inner power system is regulated by the constitution. The document itself is somewhat Western-like, it claims - among all - the granting of human rights and minority rights, and also secures the separation of the state powers.

Transnistria, according to the 2nd chapter of the constitution, has an independent legislative branch, which is embodied in the so called Supreme Council. The Council, also called a Soviet has 45 directly, secretly and equally elected members (the elections are regulated by the 60th article of the fundamental law). The 3rd chapter of the constitution regulates the executive power.

Taken, that the Pridnestrovian Moldavian Republic is a presidential republic, the president himself – along with the ministries that he is putting together – is the executive power itself. According to the 68th article of the document, he is also elected by direct, secret and equal polls

for the period of 5 years. His position is extremely strong, other institutions are only bearing some consultative capabilities against him (Bakkisrud and Kolsto, 2013, pp. 189-202).
The judicative power is regulated by the 5th chapter of the constitution. There are three specific courts in Transnistria: the Constitutional Court, the Supreme Court and the Arbitration Court. The first one is accountable to the constitutional examination of laws and international contacts, it is also solving disputes about competence between state functions, the second kind means the highest level for general legal disputes, while the latter is a specific court to solve economic arguments. Judiciary is independent and cannot be held accountable for decisions.
Among the statement of independence and the regulation of state powers, the constitution also states the following rights to Transnistria: the 3rd article regulates the granting of the Transnistrian citizenship, while the 14th article determines the territory of the state. However, the system of the state is detailed and organised, there is some authoritarian feeling to it, mainly because of the lack of civil society, the blooming of the black market and also serious human trafficking mainly at the border (Buttin, 2007, pp. 21-15).
Opposite to the ideas of a federalist state with Moldova, with the current status and capabilities Transnistria has some international ties. As far as the international organizations go, no organization with global relevance recognizes the sovereignty of the region. The United Nation (further also to be called UN), the European Union (later in the study also mentioned as EU) and also the North-Atlantic Treaty Organization (also referred to as NATO) only acknowledge the existence of Moldova, only some projects run with it have some effect on the Transnistrian region too.
The EU has been taking part in the negotiations on the side of Moldova (Vahl, 2005, pp. 2-4) since the early 2000's (Hill, 2015, p. 2), but its project, the European Union Border Assistance Mission, which aims to provide technical help to the Moldovan state-building process is also putting the border area between the two entities under control (EUBAM mission report of the 2nd of November 2012). Moldova and the Union signed an Association Agreement in 2013, where the European organization openly states its point of view about Pridnestrovia, calling it an autonomy in the wording of the treaty (Harzl, 2016, p.3).
Only Moldova is a member of the United Nations, the organization does not recognize Transnistria as a state – so do no members of it either – but some development programs affect the area too – those mainly aiming to help with the protection of human and minority rights (UN mission reports given in the reference list).
Moldova also bears a NATO membership since 1992, but the organization of mutual military help stated early on that it wishes to have no direct rule with the conflict between the Moldovan and Transnistrian entities (NATO Statement of the 29th of May 1998).
There are only three entities that do recognize the Pridnestrovian Moldavian Republic, those are Abkhazia, South-Ossetia and Nagorno-Karabakh – all similar semi-states like Transnistria itself (Kühnhardt, 2017, p.84). They try and work together internationally through political and also economic relations. Transnistria is also a member of one international organization which it also founded among the earlier mentioned friend-states, at the 14th of June 2006 they signed the founding charter of the Community for Democracy and Rights of States – very ironically also called the Commonwealth of Unrecognised States (Founding Charter of the CDRS, find a Russian version under the in the reference list given link).
Being somewhat unlucky with the case of international recognition and relations, in 2005 Transnistria passed the Law on the - On Adoption of the Foreign Policy Concept of Pridnestrovskaia Moldavskaia Respublica, which calls for the strengthening of international presence. Article 4 of said document states the need for further allies while emphasizing the importance of the relations to the European Union, the Organization for Security and Co-operation in Europe and also to the Community of Independent States.

Altogether, even though the rights and capabilities of Transnistria in its current state are partially limited, in its semi-independence it still has more, that it could ever have while being oppressed in a federation with Moldova – no wonder it has been rejecting similar ideas all along the negotiation process. Federalism in this featured case of the Pridnestrovian Moldavian Republic really does seem like a swearword for an entity trying to reach full sovereignty and independence.

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