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EDITORIAL

Less West, or a Lesser (European) Voice?

Constantin IACOBIȚĂ

The main international event in the month of February is, traditionally, the Munich Security Conference (MSC was launched in 1963 and had, over the years, several titles).

As the organizers describe it, the conference has transatlantic and European roots, but its activities reflect a globalized world and aims at debating the most relevant challenges to international security.

The event also offers a unique opportunity for the participating leaders to „feel the pulse" of the transatlantic relationship.

This year's conference focused on „Westlesness", a term whose choice and significance were widely considered as being rooted in the concerns over the decline of the West.

Moreover, the meeting of the 12th generation of „Munich Young Leaders" (a group of young experts on foreign and security policy from over 20 nations who gathered simultaneously with the security conference to discuss with leaders taking part in the event) was accompanied by the publication of their own report, titled „Multilateralism is Dead. Long Live Multilateralism!"

Yet these worries and, to a certain extent lamentations are not new. For years there has been talking about the dilution of the global order determined by a West bonded by a solid and lasting transatlantic link. For years the Europeans have been reclaiming the right to their own voice on an international stage which has „migrated" from bipolarity to multipolarity, as they have been reclaiming their „strategic autonomy" (from the USA).

Nevertheless, these are only restricted or limited by what Europe in general and the European Union in particular can represent in an international system characterized by the great power competition, on one hand and the unilateralism of some of these powers on the other hand.

Where does Europe stand in this highly competitive environment? And how do the European voice and unity of action make themselves felt when relevant conventions governing the functioning of the international system are more and more blatantly ignored by a number of states (Ukraine and the Middle East being the most telling examples in this regard)?

Some answers or edifying aspects regarding the European cohesion and voice are put forward below.

This year's edition of the MSC distinguished itself by the absence of the Great Britain; the cabinet led by Boris Johnson had no participant in the conference, under the pretext of a cabinet reshuffle announced by the prime minister on the eve of the event.

While the absence of the British prime minister or at least one of his relevant ministers could be understandable, in the light of the Great Britain's recent separation from the European Union, one cannot say the same about Germany, whose chancellor was not present in Munich.

The EU and Europe did not have a truly representative leader on the conference stage, besides the French president Emmanuel Macron. He presented a vision of Europe and its place in the world, but this vision is more French than European.

On the other hand, America was represented by a numerous delegation including relevant leaders such as the state secretary Mike Pompeo, the secretary of defence Mark Esper and the speaker of the House of Representatives, Nancy Pelosi.

As regards the American and European visions and priorities, the following could be underscored:

- the American delegation acknowledged that there are differences between the two sides when it comes to major interests, yet they were keen to reassure the Europeans on the strength and durability of the transatlantic link. At the same time, they were clear in presenting the way the United States see the current challenges and what is deemed as priority, namely the great power competition. In a bipartisan manner in spite of internal dissension and disputes, the American representatives unequivocally showed that the US priority was China, then Russia, Iran etc. The secretary of defence Mark Esper spoke almost exclusively about China, which was labelled as a threat to the West, and Nancy Pelosy – a *democrat*, not a republican leader – asked the European directly not to cooperate with China on 5G technology;

- from the European camp, besides the *Gaullist* vision on Europe presented by the French president, the following were mainly heard: criticism (from the German president) of the unilateralism of an inwardly, rather than outwardly focused America, in the context of a global stage where powers such as Russia try to fill the vacuum created by the withdrawal of the former – the case of the Middle East, for example, and the call (of the French president) for a stronger and more independent - from the United States – Europe.

As far as China, the European countries do not see it the same way the United States do, as demonstrated by London's decision to grant access on the British 5G market to the Chinese company Huawei, decision which could be followed by similar ones in other capitals in the absence of a real American alternative.

It is also important to point out that Ukraine at least made it on the conference agenda even if no consensus was reached on a solution to the conflict in the east of the country, while the Palestinian problem seems not to have been deemed important enough for the leaders present in Munich. Here is where we have to mention, though that the secretary of state Mike Pompeo had a meeting (on the sides of the MSC) with the Russian minister of foreign affairs Sergey Lavrov, on which none of the two sides published something.

What could be the conclusions of this year's Munich Security Conference?

The most obvious could be the unequivocal reassertion of the supremacy of America, which calls its European allies to join it in the competition against China and in exchange reassures them of its commitment to the transatlantic link.

The second could be the lack - otherwise known – of European unity and cohesion, reflected in an even weaker (own) voice on the international stage especially after the exit of the Great Britain.

Another conclusion could be offered by the „cry of despair" of the Ukrainian president Volodymyr Zelenski, who stated that „the right of the strong" prevails in this century and no international arrangements would defend Ukraine or any other country from aggression.

From the perspective of European nations such as Romania can be learned that, in the context of this great power competition is necessary, on one hand, to truly clarify which of these powers would be ready for a military intervention in the case of an Article 5 type aggression, and on the other hand to prioritize the welfare and security of their own citizens.

EURO-ATLANTIC SECURITY

Interview with Valentin Naumescu: "The Current International System Seems More Divided than Ever in the Post-War Era"

Between the 14th and 16th of February, the capital of Bavaria hosted the 56th edition of the Munich International Security Conference. The event was dedicated to the strategic dialogue regarding current matters related to international relations. It registered the presence of 35 heads of states and governments and over 100 foreign and defence ministers.

Valentin Naumescu[1], a professor at the Faculty of European Studies, Babeş-Bolyai University in Cluj-Napoca and President of the think tank *Initiative for European Democratic Culture*, made an account of this year's Munich International Security Conference, the most prestigious international security forum, while being interviewed by Vladimir Adrian Costea, for the Geostrategic Pulse.

Vladimir Adrian Costea: Professor Valentin Naumescu, "De-Westernisation" and "Westlessness" were two of the major subjects discussed at this year's Munich International Security Conference. What are the crises which have lessened the beliefs that the West represents a guideline in a democratic value system?

Valentin Naumescu: The "De-Westernisation" of the global order is a new concept. As an expert on international relations, this year's Munich International Security Conference (MSC) only confirmed some of my observations and older predictions. These past few years even Romanian analysts, including myself but also others, have written explicitly and somewhat concerned, on several occasions about matters regarding the "De-Westernisation" of the world and of the international system, both from an outside perspective, as a competitive threat enhanced by non-western great powers - especially China and Russia whose influence is expanding, most of all domestically speaking - as well as from an inside perspective, as a division of the Euro-Atlantic Club, which Romania joined in the middle of the 2000s. There is a strong connection between the two "De-Westernisation" perspectives, which fuel each other and form a "vicious circle" we cannot know how and when to escape from.

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In 2013 he founded Citadel, a think-tank within the University, which deals with international relations. He is an independent expert on international relations for the European Commission. He used to be a Secretary of State for the Romanian Ministry of Foreign Affairs (2005-2007), a diplomatic counsellor within the ministry (2007-2008) and the Romanian Consul to Toronto (2008-2012).
Some of his latest books are: Romania, the Great Powers and the European Order: 1918-2018 (2018), The EU Crisis and the Global Order in the Trump Era (2017), Great Changes and Perspectives in International Policy (2015), Democracy and Security in the 21st Century: Perspectives on a Changing World (2014) and The European Union's Eastern Neighbourhood Today: Politics, Dynamics, Perspectives (published with Dan Dungaciu; 2015). He is also part of the team publishing The New European Union and Its Global Strategy: from Brexit to PESCO, coming soon at Cambridge Scholars Publishing, Great Britain.

We are going through a deep and complex change of the international system, where the West gradually loses the quasi inspirational, restructuring, and even decision-making hegemony, which it has had for many decades. For now, we are referring to multipolarity. We don't know what tomorrow brings. It is difficult to even say when and how the decline of this order started and if the West will ever lose global supremacy (we shouldn't mistake the hegemony from 23-30 years ago with the political, economic, military and technological supremacy it still has), however, unfortunately there are tendencies in that respect. We can, perhaps identify a series of critical milestones and moments of the changes in the free Western order, without specifically naming what precisely triggered them.

What could we include in this sad list? The catastrophic terrorist attacks on the 11th of September 2001, which delivered a blow to the USA and had long term global consequences, the harsh and long debates between the USA and Europe regarding the military intervention in Iraq, in 2003, the gradual development of an inborn anti-Americanism in a Western Europe which was free from the threat of the USSR and which steered between 2003 and 2008 towards a pronounced anti-Bush rhetoric, the scandal of US monitoring the calls (NSA) of European leaders in 2013, the failure of the EU Constitutional Treaty in 2005, the *weariness* related to EU integration and the Eurosclerosis, the terrorist attacks in London, Madrid, Berlin, Paris etc., the global financial crisis between 2008 and 2010, the Eurozone debt crisis, the European sovereign debt crisis (see Greece), and the increasing belief that there are uncompetitive states which are supported by the EU and which hinder its prosperity, the migrant crisis between 2015 and 2016, which Western and Central Europe took advantage from politically and electorally, the strong come-back of the nationalism and protectionism, the Brexit referendum in June 2016, and Donald Trump coming to the White House in November that year (which intensified Transatlantic mistrust), the yellow vests protest movement against the system between 2018 and 2019, a long series of misfortunate declarations regarding the "disappearance" of NATO in Washington and more recently in Paris, the West's inability to find a solution to Russia's defiant annexation of Crimea, in March 2014, the major difficulties in solving the crises in Ukraine/Donbas, Libya, Syria etc., left us with an overall sensation that the major actors of the Western order - the USA, NATO and the EU - lacked the authority, convergence, efficiency and ability to find real solutions. The rifts between the allies and the lack of trust in the ever present European internal institutions, policies and values made possible for China and Russia's interests to sneak through, which clearly wish to destabilize the Western world and undermine the credibility of liberal democracies. This doesn't mean the West has lost the battle and completely ran out of arguments, resources and leverages. It only means we have reached a chapter in history when we don't understand each other anymore and alliances are more difficult to forge and preserve. All options are on the table. Anything can happen; the struggle for power may have any result.

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From "NATO's brain death" to the "language of power", President Macron's position highlights NATO and the EU's need to be reshaped. How is the Conference in Munich a turning point in the relationship between NATO, the EU and Russia?

I wouldn't rush into saying that the MSC is necessarily a turning point. Not with regard to the relationship between the West and Russia, nor with regard to other matters. Certainly Munich's "winter speeches" are juicy and interesting

every year, especially to analysts, however, the decision making process doesn't take place at the MSC. There aren't any new developments either, since significant international actors only explain or maybe rephrase their ideas for the media, or at least highlight the opinions they have already exposed the year before. *"NATO's brain death" was probably the worst, most uninspired and harmful comment the French president made*, ever since his election in 645[1]. It may seem surprising to you, but this comment is in fact consistent with his foreign policy, through which the Paris leader is trying to draw attention on the autonomy of the EU in its strategic relationship with the USA, repeatedly referring to "European sovereignty" and the EU's "strategic autonomy" (ESA).

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Macron's vision aims at restoring France's former European and global glory, which in its turn is based on five main objectives: to reform the EU and the Euro Zone, to strengthen the political role of the French-German nucleus, to found the "European Defence" built on French military power and the interests of its defence industry, to diminish the influence of the USA in Europe, to become the EU's main leading and politically influencing power (especially since the twilight years of Angela Merkel) and to improve the relationship between the EU and Russia, up to a "partnership" with Putin, which Central and Eastern Europe object to.

I am afraid of the scenario where *the French President, wishing to separate the EU from the USA, would actually separate the EU* into the Western European nucleus which is against the USA and favours Russia on one hand, and the Central and Eastern European nucleus (Poland, Romanian and the Baltic states) which is against Russia and favours the USA, on the other. The post-communist region, maybe with a few exceptions (Hungary and Serbia) will take the side of the US and will be Russian-sceptical on a long term, out of a need to feel secure and due to the countries' history and location. In its turn, the USA will *never leave the European peninsula*, no matter what happens to today's NATO, and if France insists on separating Western Europe from the USA, then the latter (probably along with the UK and Canada, the great English speaking maritime powers) will decide to *dig* even deeper in NATO and the EU's Eastern flank, in order to strategically place itself between the French-German nucleus and Russia, and in order to stop the formation of an even greater Euro-Asian bloc. This means a more consistent US military presence in the area between the Baltic Sea and the Black Sea and new bilateral agreements between Washington and the capitals in *Zwischeneuropa*. As we have said many times before, we don't exclude the possibility of an extreme scenario where the USA might sign a regional defence agreement with the countries in Central and Eastern Europe, a *second*, smaller *NATO*. However, this means we would have already witnessed the break of the relations between the USA and Western Europe (France/Germany) and the end of NATO as we know it, which fortunately, for the time being, is not the case. We hope it will never be the case.

What were the main topics of interest for the USA, Russia and China? Where did the members of the delegations stand regarding the situation in the Middle East?

Even though it took place in the heart of Europe, this year's MSC was definitely "outshone" by the talks regarding the policies of the USA, China and Russia, three great powers led by highly mediated presidents, who, they say, have the attention of over 50% of the global news. The EU mattered less and was less interesting, perhaps because it goes through a

painful divorce from the UK, which comes with a series of unknowns, including the Multiannual Financial Framework 2021-2027, whose approval already foretells a long crisis. Neither the dull and predictable speeches of German dignitaries, nor Macron's one hour speech, created the feeling that the European bloc is in control of the global order. The European bloc left the impression that it slightly blamed the fierce competition between the great powers (President Steinmeier) and that, in a somewhat worrisome and spoiled manner, felt the need for an ambitious European action, which hangs between a well-rehearsed criticism against the USA, a generous idealism, and a pragmatism, which promoted, by means of a well-crafted hypocritical discourse, the interests of a single country (President Macron's, present for the first time to this prestigious forum).

As it is an election year in the USA, the US State Secretary, Mike Pompeo delivered a victorious speech. *The West wins*, victoriously stated Pompeo, but of course he meant to say *Trump wins*, which is what everyone understood. The plea for a united West, delivered in this manner, didn't work. The economic war of strategic influence between the USA and China, which focuses on the Huawei matter and more, was the main subject of the conference. However, China, seriously affected by the Coronavirus epidemic, didn't wish to fully engage in banter with the USA, preferring to dismiss all the accusations regarding its expansion interests and hidden ambitions, which Pompeo aimed at it. *China will play the card of resistance and tenacity.*

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Finally, as we have grown accustomed to, the all-time Lavrov delivered, once again, new accusations against NATO and the EU, which stir and intentionally *create tensions on the continent*, appealing once again to the need for cooperation with Russia, and that it was "time to say no to promoting the "Russian threat" phantom or any other threat for that matter, and to go back to things that unite us", a speech to which apparently Macron and other German leaders (especially social-democrats) are looking forward to having a positive come-back. Of course, the Russian foreign minister completely ignored President Zelensky's serious appeal to the West helping Ukraine, who, referring to the conflict with Russia stated that "it is not correct to say war in Ukraine. This is a war in Europe".

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Speaking about the Greater Middle East, it deserves an entire separate discussion. The complexity of the themes and the specificity of the positions of the western countries almost don't leave any room for a general interpretation or any principle for that matter, other than following their own interests. Circumstantial alliances appear and disappear overnight due to unpredictable factors. The Syrian tragedy is almost over, after nearly eight years, but the West is somewhat shaken after this terrible civil war, which it wasn't able to stop or solve, neither for the inhabitants in the area nor in the spirit of the liberal values it officially promotes. Yes, we can agree that Russia's all so interested intervention, in September 2015, changed the

original dynamic of the conflict, and it is not too flattering for the West's ability to promote solutions. *Libya is still the best example of our time.* Ever since the Arab Spring, Libya after the Gaddafi regime is one of the West's terrible failures towards finding solutions. Nothing worked. Failure after failure. The most recent one, "the Berlin Process". Let's see how the most recent international initiative after the MSC will help with the stabilisation and democratic reconstruction of Libya.

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In the end of this interview, please draw a conclusion regarding this year's most prestigious international security forum. What was the main news and what were the latest challenges? Were there any definite solutions to diminishing current international conflicts?

The 56th edition of the MSC didn't bring any understandings between international actors, should anyone have expected that three days of discussions could have solved existing issues. Almost 500 high dignitaries have exposed various perspectives and attitudes, a high range of strategic options and interests, with different ideological contents and nuances. *The current international system seems more torn apart than ever in this post-war age.* Surely discussions are always useful; at least to better understand all sides if not for finding solutions.

There are certain cleavages which have deepened and are worth defining or redefining at this time. *The Transatlantic bond* is getting weaker; there is no doubt about it. The *Transatlantic rift* is no longer just political; it is

becoming strategic, military economic and technological. Let's see the effect and impact of the US presidential elections in November, even though the hope of a reboot of the Western alliance on a short and medium term is modest. *The battlefield of the US-Chinese competition for global supremacy* is huge, and compared to it Europe and Russia seem mere spectators, with not much influence. *The cleavage between the East and the West within the EU re-emerges*, intensified by the political and financial disagreements regarding the 2021-2027 budgets - mainly between the net contributors and beneficiaries - and by the re-shaping of the Union on the concentric model or the one of a multispeed Europe, just as President Macron wishes. *The relationship with Russia* seems to divide Europe, as does *the relationship with the USA*. Overall, the *EU 27 will clash with the UK* in a series of negotiations, which don't appear to lead to a post-Brexit agreement by the end of this year. *Turkey as a part of the West (NATO)* becomes a controversy with pros and cons. As I have mentioned, no one understands anyone, neither in the West nor outside it.

So here are some of the major division factors that threaten the unity of the Euro-Atlantic area for the next few years, from Vancouver to Ankara, a political area which starts lacking coherence, is more and more divided and harder to comprise in a coherent concept and vision. The Romanian leaders and foreign policy decision makers should continuously work on flexible and alternate scenarios, identify solutions and make plans in order to face the fast and dynamic global political and diplomatic arena, so that we are not surprised by the positioning of the international players and by the structural changes of the world order.

The Phenomenon of Foreign Terrorist Fighters in the European Context

Andreea Stoian Karadeli[1]

The evolution of the phenomenon of "foreign fighter"

Wars, long-term conflicts, the fight against foreign occupations, the feeling of solidarity with the people of the oppressed community are just a few of the factors that have determined, in history, the evolution of the "foreign fighter" phenomenon. Heroes ready to sacrifice themselves for "noble" causes have been on the battlefield since the emergence of nineteenth-century nations in countries like Greece, the United States, Spain, Palestine, Afghanistan, the former Yugoslavia and Somalia (Colgan & Hegghammer, 2011; Hennessy, 2012). But this was only the first stage of the phenomenon.

The attacks of September 11, 2001 were a crucial moment for the evolution of the "foreign fighter" phenomenon, giving a negative note to the connotation acquired by this term: the heroes of the first stage of the phenomenon were now the fighters - terrorists or mercenaries who went to war pushed by another range of motivations (Malet, 2015). Despite the importance of the phenomenon for national and international security, the international community, at this stage, had not yet established a judicial regulation against individuals who became pioneers of far-reaching causes. This weakness in legislative, logistical and strategic terms was initially motivated by the relatively small number of cases and the inefficiency in predicting the possible damage that they can bring to the countries of origin, the countries of destination and other countries they transit or to which they can go at the end of the mission.

The emergence of Daesh in Syria and Iraq triggered a different and more dangerous phase of the "foreign fighter" phenomenon, which has expanded on a much larger scale. As a result, the United Nations Security Council, at Turkey's proposal, added the title of "terrorists" to the name "foreign fighters" and declared them illegitimate (UN, Resolution 2178 / 25.09.2014). Thus, the term "foreign fighter" became "foreign terrorist fighter" and the legal framework is represented by Resolution 2178 of 24 September 2014, which defines them accordingly:

"[...] persons moving to another state than their state of residence or nationality for the purpose of committing, planning, preparing or participating in acts of terrorism or in providing or receiving terrorist training, including in connection with armed conflict ... "(UN Security Council, Resolution 2178 / 25.09.2012)

The first of its kind to regulate the dangerous phenomenon, the UN Resolution 2178 represented a foundation for the future fight against those individuals and, at the same time, warned Member States of the threat and urged them to take the necessary measures to prevent the actions of these foreign terrorist fighters (FTF), as follows:

- "to prevent the movement of terrorists or terrorist groups by means of strict border control and control of the issuing of identity documents and travel documents, as well as by measures to prevent counterfeiting, falsification or fraudulent use of identity documents and security documents. travel",

- "to intensify and accelerate, through bilateral or multilateral mechanisms, the exchange of operational information on the actions or transit of terrorists or terrorist groups, including foreign terrorist fighters, in particular in relation to their states of residence

1.Dr. Andreea Stoian Karadeli is an independent resercher, lives in Turkey and is cooperating with a series of international organizations and institutions all over the world (NATO, UN, EU).

or states whose citizenship I own, "

- "to cooperate in the efforts to combat the threat posed by foreign terrorist fighters, including by preventing the radicalization of people and recruiting foreign terrorist fighters, including children, by preventing foreign terrorist fighters from crossing the border, by withdrawing and stopping financial support. aliens, as well as through the beginning and conduct of criminal prosecution, rehabilitation and reintegration strategies. in order to repatriate foreign terrorist fighters " (UN Security Council, Resolution 2178 / 25.09.2012).

The way in which the subject and the definition of the foreign terrorist fighters (FTF) is approached in relation to the displacement in the conflict zones or to the manifestation of the intention to commit a terrorist act is a result and a clear reflection of the level of threat that this phenomenon implies to the national and international security. Given the complexity, the high degree of difficulty and the uncertainty of the success of the process of de-radicalization of these fighters and understanding the "contagious" effect that they can manifest in the spread of violence at international level, regardless of the territorial borders, the third generation of fighters - the foreign terrorist fighters - presents a high level of threat, which justifies the content of UN Resolution 2178.

The threat posed by the "foreign terrorist fighters" is felt even more strongly nowadays, even if the Daesh terrorist organization was defeated in the territory. The victory of the international community is overshadowed by the uncertainty about how the situation of foreign terrorist fighters, their women and children will be resolved. Currently, a large number of foreign terrorist fighters are kept in improvised prisons under the control of Kurdish forces in northern Syria. Beside them, there are hundreds of women with their children, whose states of origin do not rush to repatriate them.

The table structured based on Fainberg's study (2017) presents estimative figures, based on information from open sources, for destinations within the evolution of the phenomenon of foreign fighters / foreign terrorist fighters (we used both names because

they are valid in depending on the period addressed), relevant for mapping the evolution of the phenomenon and for understanding the current threat: the first and second war in Afghanistan, the conflicts in Bosnia, Chechnya, Iraq and Syria. The table is a clear evidence of the presence of foreign fighters in virtually all conflicts in the Islamic world starting with the Soviet invasion of Afghanistan, where foreign fighters played a prominent role (Fainberg, 2017).

Country	Time	Number of foreign fighters / foreign terrorist fighters
Afghanistan	1978-1992	8.000 - 20.000 (3 - 8%)
Bosnia	1992-1995	300 - 6.000 (5.5%)
Chechnya	1994-2009	500 – 700 (4%)
Afghanistan	2001-2014	1.500 (2%)
Iraq	2003-2014	4.000 – 5.000 (5 – 6%)
Syria	2011-prezent	27.000– 40.000 (15 – 20%)

In view of these contexts, the term "foreign fighter" began to refer to radical Islam and jihadism, even though it did not have the name of a foreign terrorist fighter from the beginning and even if it is not only encountered in the context of religious extremism, by a salafist-jihadist type. In fact, the far right is currently another important source of "foreign terrorist fighters", both through the exodus to Kurdish organizations in Syria and to the conflict in Ukraine. According to the map made by Arkadiusz Legiec, an analyst at the Polish Institute of International Affairs, between 2014-2019, about 17,000 foreign terrorist fighters crossed the borders of Ukraine. Comparing the number with the approximately 40,000 foreign terrorist fighters in Syria, but also with the previous waves of foreign terrorist fighters, we can observe the magnitude of the phenomenon in the Ukrainian context as well. The EU states face about 5,000 terrorist fighters in Syria and 2,000 in Ukraine. Both values are worrying, and the long-term effect of this exodus is far from expected or predicted.

Map of Foreign Fighters in Ukraine: 2014-2019 (* as of 1 June 2019)

1. Russia	15,000<	11. Kazakhstan	40<	27. Spain	20<	43. Slovenia	5	
2. Belarus	800<	12. Kyrgyzstan	40<	28. Tajikistan	20<	44. Brazil	4<	
3. Germany	165<	13. Slovakia	38<	29. Albania	15<	45. Colombia	4	
4. Georgia	150<	14. Czech Republic	35<	30. Denmark	15<	46. Kosovo	4	
5. Serbia	106<	15. Finland	35<	31. United Kingdom	15<	47. Chile	3	
6. Moldova	85<	16. Israel	35<	32. Uzbekistan	15<	48. Afghanistan	2	
7. France	65<	17. United States	35<	33. Canada	14<	49. Belgium	2	
8. Croatia	65<	18. Bulgaria	31<	34. North Macedonia	14<	50. Hungary	2	
9. Italy	55<	19. Turkey	30<	35. Norway	12<	51. India	2	
10. Austria	50<	20. Armenia	25<	36. Australia	9<	52. Switzerland	2	
		21. Estonia	25<	37. Bosnia & Herzegovina	8	53. Montenegro	1	
		22. Lithuania	25<	38. Netherlands	8<	54. New Zealand	1	
		23. Poland	25<	39. Greece	7	55. Portugal	1	
		24. Sweden	25<	40. Ireland	7			
		25. Latvia	23<	41. Turkmenistan	6<			
		26. Azerbaijan	20<	42. Romania	5<			

Source: Independent research by Arkadiusz Legieć, Senior Analyst at the Polish Institute of International Affairs, 2014-2019

It is interesting to note that the number of foreign fighters (and subsequently their impact) was relatively low compared to the total number of fighters up to the example of Syria. In most conflicts, foreign fighters account for between 2 and 8% of the total number of fighters, but in Syria their number represents about 20% of the total number of fighters. Even if the profile (or profiles) of foreign fighters from the pre-war period in Syria is not known, their low percentage is also due to their limited geographical origin: almost all these foreign fighters come from Muslim countries, including (predominantly, but is not limited to) Saudi Arabia, Pakistan and Turkey. Finally, foreign fighters who participated in the aforementioned conflicts were not considered to be a danger to their countries of return. At the end of the mission, they tended to join another battlefield and, in some cases, made up the leadership of the new jihadist groups (Homeland Security Committee Report, 2015).

Moreover, in the case of Turkey, many of the veterans of these conflicts were treated as heroes upon their return to the country (Stein, 2016) and played a key role in the Daesh radicalization on Turkish territory. Previous waves of foreign fighters who preceded the
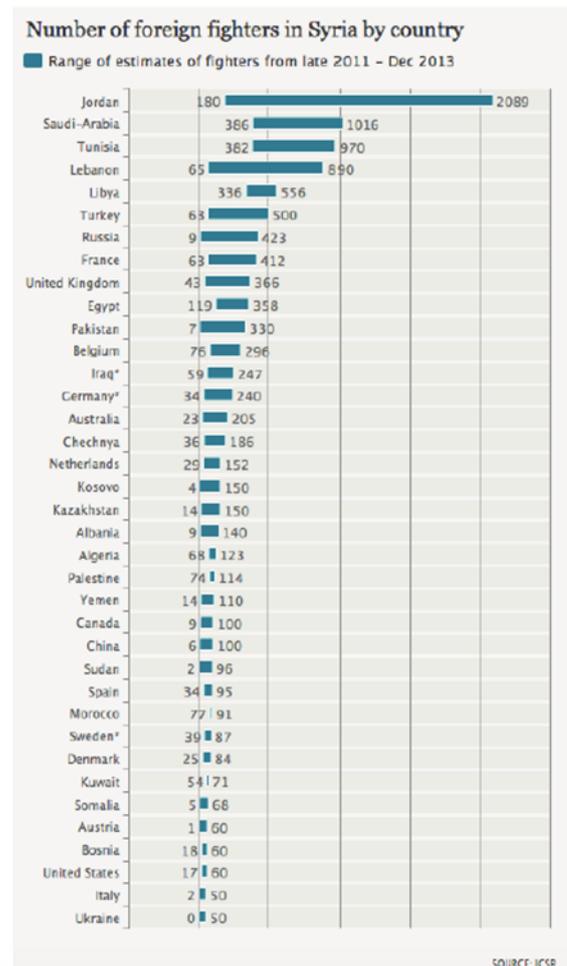
Syrian war are relevant because veterans returning from these wars are themselves a stimulating and encouraging factor for the recruitment process led by Syria's terrorist organizations, especially Daesh and the Al-Nusra Front. Both the war in Afghanistan and the rest of the armed conflicts with foreign jihadist fighters have led to the accumulation of jihadist experience used by terrorist propaganda to produce and spread certain messages. Withdrawal of Soviet forces from Afghanistan left an ambivalent narrative, which was amplified by the Bosnian, Chechen, Iraq and Syrian wars. On one hand, all these conflicts were presented by the jihadist propaganda as a series of victories over the "infidels", on the other hand, they represented evidence for the uninterrupted attacks of the Western world against Muslims around the world. Such ambivalence allowed jihadist groups and organizations to juggle the narrative and use it, in whole or in part, in their propaganda messages. Until recently, the dissemination of the narrative was limited due to the lack of the necessary technological tools. However, the jihadist discourse has been mainly spread physically, through mosques and independent religious communities, modeled and improved over the years, becoming an organic part of the worldview of many potential foreign fighters. The current Syrian conflict has completely changed the situation, and the use of social media by jihadists brought the story to light and prompted future terrorist fighters to reconsider, discussing online with others - an undeniable advantage of virtual social networks over other broadcasting tools of information.

The evolution of the phenomenon of foreign terrorist fighters in Syria and Iraq

The flow of foreign terrorist fighters to Syria and Iraq began a few years before the Islamic Caliphate was declared. With the outbreak and amplification of the Syrian crisis caused by the protests of the Arab Spring, the first data on foreign nationals traveling to this conflict zone also appear to join certain groups present in the region, including al-Nusra and ISI (later known as Daesh). Following the research of data from various sources (ICSR, 2015; Soufan Group,

2017; ICCT, 2017; Turkish Ministry of Internal Affairs, 2017) regarding the flow of foreign terrorist fighters to Syria, we identified three stages in the development of the phenomenon: 2011-2013, 2014-2015, 2016-2017. Since mid-2017, the travel of foreign terrorist fighters to Daesh has been significantly reduced due to international security measures, territorial losses of the organization and, at the same time, as a result of the messages transmitted by the organization as those wishing to travel to stay in the country of origin and fight for Daesh through terrorist attacks.

In the initial period from 2011 to 2013, the number of foreign terrorist fighters who traveled to Syria is smaller, but extremely important for two reasons: most of the terrorist attacks in Europe are committed, largely, by members of the organization that traveled during this period, while some of them were trapped and imprisoned in their attempt to reach Syria, releasing them in the next period

Number of foreign fighters in Syria by country
Range of estimates of fighters from late 2011 – Dec 2013

SOURCE: ICSR

representing a possible danger to international security, especially in the states of the European Union.

In the following stages, 2014-2015 and 2016-2017, the number of foreign terrorist fighters in the Daesh-controlled territory increases significantly, with the peak of travel to Syria being reached in the first half of 2016. The evolution of the phenomenon between 2013 and 2016 may be observed, according to information provided by the Soufan Group (Barrett, 2017) and the Ministry of Internal Affairs of Turkey (2017). One can notice the increase in the number of foreign terrorist fighters during the peak period of the organization, at the time and, in particular, after the declaration of the "Islamic Caliphate". This fact confirms the motivation of foreign terrorist fighters given the utopia of an "Islamic Caliphate" in the region.

After the second half of 2016, the number of foreign terrorist fighters in the territory begins to gradually decrease. Part of them are killed in the fighting between the terrorist group and its rivals. A significant number are caught on the reverse side of the phenomenon - the return of citizens to the countries of origin. At the same time, the number of Daesh members or supporters who traveled to Syria decreases, especially in the second half of the third stage (2016-2017) as a consequence of the successful military actions of the Counter-Daesh Coalition, of the security measures taken at the international level against this phenomenon and the messages of the organization within its propaganda that encourages its followers to continue jihad in its territory through attacks.

The number of foreign terrorist fighters in Syria far exceeds the number of fighters from previous periods, accounting for the largest percentage of the total number of militants of the Daesh terrorist group, compared to the percentages reached by foreign fighters from previous periods. This fact confirms the concern of the international community regarding the phenomenon of foreign terrorist fighters, a fact determined by a variety of factors. The current flow of foreign terrorist fighters involved in the Syrian and Iraqi sectarian conflicts is causing security experts to develop new theories and relevant approaches. First, unlike previous episodes, the number of foreign terrorist fighters participating in Syrian and Iraqi conflicts, as shown in the table, comprises 15-20% of the total number of fighters. Secondly, the current flow is characterized by two main features: the dynamics of development and the diversity of geographical and religious origins. While the previous conflicts were exclusively Sunni, the current ones involve both Sunni and Shiite participants, plus the affiliated military, eventually converted to Islam. Today, fighters come from over 120 countries and join military groups and their affiliates from all sides of the conflict, often moving from one group to another (BBC News, 13 December 2013). In general, there are three main types of militant groups in Syria: those associated with Sunni jihadism, Shiite fighters affiliated with the Assad regime, and pro-Kurdish militants. Each of these types of groups has particularities in recruitment, and the number of foreign terrorist fighters for each type of militant group is difficult to establish.

The geographical diversity of the countries of origin, caused by the technological development is one of the reasons why even the phenomenon of foreign terrorist fighters has surpassed the conflict in the Middle East and has transformed into an international phenomenon, considering the range of recruits worldwide. Another difference from previous conflicts is the visible

Period of time	First half of 2013	Second half of 2013	First half of 2014	Second half of 2014	First half of 2015	Second half of 2015	First half of 2016
Number of FTF	2.500-7.000	6.000-11.000	12.000	20.000	25.000	30.000	30.000-40.000
Number of countries	60	74	81	90	100	104	Over >100

participation of Western recruits, many of whom are teenagers, not always of Muslim origin, without previous military experience. Figure 4 shows the international character of the phenomenon of foreign terrorist fighters who traveled to fight with Daesh in Syria and Iraq, based on data from two stages (2011-2013 and 2014-2015) from several sources including the International Center for Study of Radicalization and Political Violence (International Center for the Study of Radicalization and Political Violence) and Soufan Group.

The International Center for Countering Terrorism in The Hague provides a useful framework for understanding the phenomenon of foreign terrorist fighters, developing a forecast model for its evolution. According to this model (van Zuijdewijn & Bakker, 2014), a foreign terrorist fighter can: be killed in the conflict zone, remain permanently in the conflict zone, or leave the conflict zone. The potential danger of foreign terrorist fighters to the international community begins, ironically, when they decide to leave the conflict zone. In essence, they can return to their country of origin or travel to a third country.

Foreign terrorist fighters can be integrated into the society peacefully, or they may decide to join other conflicts. In another scenario, they could engage in terrorist activities in their country of origin or in a third country, which makes them a real danger. Thus, the main concern regarding foreign terrorist fighters is the "blowback effect". It defines the potential of foreign terrorist fighters to spread violence in different geographical areas, when they return from conflict zones (Sageman, 2004).

The theoretical approach argues, arguing at the statistical level, that one out of nine foreign fighters engages in terrorist activities after their return (Hegghammer, 2013: 10-13). In the case of Daesh, it is very difficult to apply an analysis model to calculate the variables that would help us to understand the level of threat that foreign terrorist fighters pose, due to the fact that the number of those who did not know is exactly known. joined the group and, even less, those returning from the territory (Barrett, 2017).

The current threat to the European Union

After 2017, one can observe an upward trend of returns, caused either by the breaking of the utopia of the "Caliphate" or by the withdrawal of the organization's strategy to locate members in key points at international level. Given the role played by foreign terrorist Daesh fighters in the first wave of terrorist attacks in Western Europe, this upward trend in returns should be a cause for concern for European states and at the same time an incentive for developing a long-term strategy for preventing terrorist activity led by these individuals.

So far, in the context of the European Union, the phenomenon of foreign terrorist fighters in Syria has proved to be a time bomb, for the following reasons: they were behind the terrorist attacks in the European states after 2014, the countries with an increased number of fighters foreign terrorists were targeted for a larger number of attacks which, in their turn, were much better organized, using a complex modus-operandi. As such, the security of our states today depends, to a large extent, on how we will handle the crisis represented by this phenomenon, on three main sides: the terrorist fighters themselves, the Daesh women - often more radicalized than their husbands, and , more important than anything, Daesh children. The few states in the European Union that had the courage to repatriate a small number of the last two categories, were hit by the legal problem and chose to separate children from their mothers, the latter being tried and imprisoned. France is one of the countries promoting this solution, unfortunately creating even more serious long-term problems. The Daesh children come from Syria and Iraq with the trauma of war and radical ideology, many of them experiencing direct involvement in acts of violence. Separating them from the only person who inspires trusts will only cause a new trauma and transform them into future enemies, pushing indirectly into the arms of the same ideology.

Essentially, there are three international institutional forums fighting to combat the phenomenon of foreign terrorist fighters within

Daesh and, implicitly, against Daesh: the Anti-Daesh Coalition, the Global Counter-Terrorism Forum (GCTF), and the UN Committee on Combating Terrorism (UNCTC). The Anti-Daesh coalition is taking direct action against the terrorist organization in the territory, such as bombing key points for the organization and conducting attacks on Daesh militants. The Global Counter-Terrorism Forum (GCTF) creates a platform to decide the strategies underlying current threats and pave the way for international cooperation. The UN Committee to Combat Terrorism (UNCTC) aims to establish internationally harmonized national regulations.

The conceptualization of the phenomenon of foreign terrorist fighters (FTF) is an ongoing process, and the international community is trying to understand the phenomenon and to act accordingly. Therefore, the international organizations' efforts also include legislative projects, such as defining and regulating international travel standards. At the same time, the states of the European Union must collaborate in order to develop a warning system regarding terrorist activity, especially in the case of foreign terrorist fighters. This system can be part of a long-term strategy, developed by counter-terrorism commissions that is highlighted by multiculturalism, multidisciplinary and the ability to understand the contexts in which such phenomena evolve. It is absolutely necessary for researchers in fields such as national security, counter-terrorism, statistics, psychology, sociology, international communication to be part of these teams because the experience of the counterterrorism practitioner is no longer sufficient in the fight against extremism.

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The "Leave" Mirage: from a Lesser Europe to the Need for Cooperation in a Post-Brexit Context

Vladimir-Adrian COSTEA [1]

Summary

We shall wrongly understand the political meaning of Brexit if we fail to make reference to the timeline of the Brussels-London negotiations, and to the economic, social and political evolutions specific to the United Kingdom. An overall analysis of the evolution of the United Kingdom towards its withdrawal from the EU and Euratom helps us understand the contrast between the initial concept of a lesser Europe and the dire need to cooperate after Brexit.

Key words: Brexit, cooperation, negotiation, populism, the European Union

Daily Mail, 1st January 1973

The Triumph of Populism. The Temptation to Give up the Social Contract

The actual occurrence of Brexit marks the triumph of populism, which was the basic concept for the campaign that supported the withdrawal of the United Kingdom from the European Union, as the people's trust in traditional parties and European institutions[2] faded away, while public concerns increased and the need to cooperate at a community level[3] decreased. The strategy to delegitimize the populist phenomenon by deriding political leaders for their discourses (in contrast with the rhetoric of the traditional parties), together with the attempt to personify the "Leave" option exclusively by Nigel Farage, have allowed the society to grow further apart. Seeing Nigel Farage as a buffoon[4], the supporters of the European Union thought, ever since the beginning, that Brexit would fail, which is why the referendum was perceived by the Prime Minister, David Cameron as a double opportunity - strengthening legitimacy (within the UK and the EU) and discouraging later initiatives coming from the populists and the Euro-sceptics.

Nota bene! Euroscepticism didn't appear out of nowhere, as a result of David Cameron's referendum regarding the UK's remaining in the EU. A good example in this case is Nigel Farage's speech on the 29th of October 1999, in the European Parliament, when he referred to the option of the UK Independence Party to request the withdrawal of the UK from the EU.[5] At that time, Farage the MP highlighted the fact that being part of the EU affects the UK, since beef trade had been limited by the EU, as a follow-up to banning UK beef exports in 1996.[6] Farage criticized the requirements of the EU, seeing that the equal treatment of all EU members was unjust, if they were to consider the difference in their development.[7] The solution that Farage

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came up with for the United Kingdom "to rejoin the real trading world" was, ever since 1999, represented by the option "Leave".[8]

When the referendum for the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and from the European Atomic Energy Community took place, the stake of this initiative was not, paradoxically, fully acknowledged. These aspects are in full contrast with the principles of social contact promoted by Thomas Hobbes, concepts which have been at the basis of the development of modern societies[9]. Overall, the social contract represented the will of the community, which invested in a certain authority to protect it from the conflicts that may occur among its members, because "a man is a wolf to another man". (*Homo homini lupus est.*)[10] According to Hobbes when the members of the community stop feeling protected, the social contract ends and is replaced by another.[11] Applying Hobbes' pattern to Brexit we notice the existence of the choice to give up European membership, at the same time with the dire need for a minimum cooperation, which seeks to prevent the occurrence of negative consequences to the United Kingdom and the European Union.
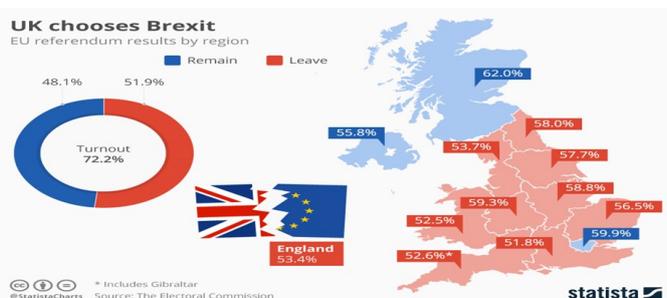
Brexit made room for many studies dedicated to the rise of populism and Euroscepticism[12], to the changes in voting patterns[13], as well as to the institutional architecture of the EU (starting with Article 50 in the TEU).[14] Our analysis aims at depicting how the "other" is seen by the supporters of Brexit, as well as looking into the prospects of cooperation after Brexit, on which the withdrawal agreement doesn't present any guarantees, but instead focuses on the cooperation between the United Kingdom and the European Union. We aim to highlight that the actual occurrence of Brexit brings along mainly mutual cooperation.[15]

A coordinated withdrawal and the transition period following Brexit still has a lot of issues to solve, such as registration rights of the citizens in the EU, the protection of personal data, judicial cooperation on criminal matters, asylum, migration and border control. The withdrawal agreement marks the finalization of tough negotiations between the UK and the EU;

however, there still are a lot of issues to solve by the end of the transition period.

"Remain" vs. "Leave"

On the 23rd of June 2016, British voters expressed their vote for the second time on whether they wished to remain in the EU, following the vote in 1975, when 67% opted to remain in the European Economic Community.[16] The result in 2016 is a major challenge to the EU member states as it puts a high amount of pressure on the economic, financial, social and political areas of the European community, as "Leave" was voted by 51.9% of the population.[17] Unlike Greenland exiting the EU (following a referendum in 1985, in an autonomous territory

of 60.000 people),[18] Brexit takes place on a much larger scale, given the fact that the United Kingdom is one of the largest contributors to the EU budget.[19]

Originally, the referendum started by the Prime Minister David Cameron found its legitimacy in the promise to negotiate more favourable agreements for the United Kingdom in order to maintain its status as an EU member.[20] The negotiation plans made public in 2013 by the Conservative Party were structured by Cameron starting from the premise that **"the answer to our problems isn't necessarily a greater Europe. Sometimes it is a smaller one."**[21] The terms of the Conservative Party meant EU reformation from the following perspective:

(1) Economic governance - so that the decisions taken for the Eurozone are optional for all non EU members;

(2) Competitiveness - supporting the free flow of capital, goods and services;

(3) sovereignty - a proposal that meant the

end of Britain's obligation to work towards an "ever closer union", the enhancement of the role of national parliaments which could stop the unwanted proposals of the European Parliament;

(4) Immigration - the protection of public services, school system and medical system from the pressure exerted by the increasing flow of migration. The proposal envisaged also the restricting the rights to free movement for new member states, whose economies had not converged with those of the existing member states, as well as limiting the access of the European citizens to the benefits of the social system.[22]

David Cameron's proposals focused on increasing the flexibility level within the EU, so that the amendments of the EU treaties were implemented according to the specific issues of each member state.[23] Matters regarding the breach of the fundamental freedoms of the single market, limited access to social welfare for the EU citizens have been labelled as "highly problematic" by the European Commission, as they were considered "a direct discrimination of the EU citizens".[24] Cameron's proposals meant less cooperation or no cooperation at all, meaning withdrawal from the EU. Thus, the referendum campaign hadn't been focused on redefining the EU anymore; the options of the voters had been clear, even if the Labour Party supported, in 2019, the idea of a new referendum.[25]

The referendum campaign focused on two main topics - the United Kingdom's contribution to the budget of the EU and the management of the migration flow, Brexit supporters citing economic and social imbalance mainly caused by the refugee crisis.[26] Lack of jobs and the increase of the real-estate market[27] tore the United Kingdom apart even more, as the EU membership was presented by the "Leave" side as one of the main causes for the poor living standards.[28] The populist rhetoric contributed to the dissatisfaction of the voters, so withdrawal from the EU seemed the only option for better living standards.[29]

Overall, the campaign focused on redefining the "other", and its rhetoric was aimed at highlighting the "unfair competition" between the citizens of the United Kingdom and the citizens from the other EU members, as well as the refugees. The solution provided by Brexit supporters was based on "unfair competition" as well, as a consequence to the significant restriction of the rights of the EU citizens. Moreover, Cameron's referendum came at a time when the EU was not only facing economic, social and political distress, but also when the subject of the reformation of the EU hadn't been on the EU's public agenda. The actions of the European Commission regarding the future of the Union were taken only after the results of the referendum had been validated, a

Jack Taylor/Getty Images

referendum that lead to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU and from the Euratom, by means of Article 50 from the TEU.

***We Have a Deal, but Are Looking for a Majority.* Sensitive Negotiations between Brussels and London**

The referendum regarding the withdrawal of the United Kingdom from the EU had London and Brussels involved in two rounds of negotiations, focused on two major objectives:

1. The period previous to the referendum when the Prime Minister, David Cameron, advertised the United Kingdom's main concerns.[30] These actions started at the European Council meeting on the 25th and 26th of June 2015, when David Cameron made known his intentions to holding a referendum.[31] Another important moment was the new settlement for the United Kingdom within the EU, a proposal issued by the President Donald Tusk, on the 2nd of February 2016.[32] The

decision taken by the EU heads of state and government present at the European Council meeting on the 17th of December 2015, clarified issues regarding economic governance, more specifically the voluntary participation of member states whose currency was not the euro to the further deepening of the economic and monetary union.[33] As for competitiveness, heads of state and government stressed out the need for "the establishment of an internal market in which the free movement of goods, persons, services and capital is ensured" this objective meaning the EU "will pursue an active and ambitious policy of trade".[34] The Conservatives' concern regarding security was emphasized by the members of the European Council, who highlighted that when a treaty is revised, it would be done with the consent of all EU members and it is the only option when referring to increasing or reducing the attributions of the EU.[35] Moreover, European leaders insisted on the fact that should treaties be revised, they would take into account the special status of the United Kingdom, which "is not committed to further political integration into the European Union".[36] Social benefits and free movement of workers within the EU was one of the most sensitive issues during the negotiations. European leaders insisted on justifiable restrictions on free movement, by adopting legitimate measures for "avoiding or limiting flows of workers of such a scale that they have negative effects both for the Member States of origin and for the Member States of destination."[37] The necessary requirement for the decision of the heads of state or government to take effect was based on the Government of the United Kingdom informing the Secretary-General of the Council that it had decided to remain a member of the European Union.[38] Overall, these amendments met with the concessions made for the United Kingdom in European treaties:

- Not to adopt the euro and therefore to keep the British pound sterling as its currency (Protocol No 15).

- No to participate in the Schengen acquis (Protocol No 19).

- To keep exercising border controls on persons, and therefore not to participate in the Schengen area as regards internal and external borders (Protocol No 20).

- To choose whether or not to participate in measures in the area of freedom, security and justice (Protocol No 21).

- To cease to apply as from 1 December 2014 a large majority of Union acts and provisions in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty while choosing to continue to participate in 35 of them (Article 10(4) and (5) of Protocol No 36).[39]

European leaders adopted during the European Council meeting in February 2016, the decision meant to consolidate United Kingdom's status within the European Union, a decision both legally irreversible as well as obligatory.[40] The British government decided to subject this new agreement to the referendum on the 23rd of June 2016, which lead to its invalidation. The common reaction of European leaders and the Netherlands Presidency came right away after the results keeping their ground and to the document "Decision of the Heads of State or Government, Meeting within the European Council, Concerning a New Settlement for the United Kingdom within the European Union", which states that the decision taken on the 18th and 19th of February 2016[41] was no longer valid and would ceased to exist. There would be no negotiations.[42] Besides, the European leaders insisted on the United Kingdom's responsibility to implement the results of the referendum "as soon as possible", no matter the difficulty regarding the withdrawal of a member state from the union.[43] Furthermore, the EU leaders brought up for the first time the relationship between the EU and the UK (as a third party) based on the principle of mutual recognition of the interests of both parties as to the establishment of a balance between rights and obligations.[44] The attitude of the EU leaders marked the end of the previous Brexit negotiations, which had a negative result due to the fact that the UK gave up the Agreement proposed by the heads of the member states and

the refusal to reprise any negotiations regarding remaining in the EU.

2. Following the implementation of Article 50, the negotiations followed the path towards withdrawing according to a Deal or without it, as well as establishing the terms of the withdrawal and the transition period. The main challenge was having a majority that would support the withdrawal Agreement (especially within the Parliament of the United Kingdom). The first stages of the negotiating process were Prime Minister Theresa May's engagement (2nd of October 2016) to start the implementation of Article 50 by the end of March 2018, as well as the points of view of the United Kingdom and the EU.[45] The EU's points of view were presented by Donald Tusk, president of the European Council, on the 13th of October 2016, during his speech at the European Policy Centre in Brussels, when he set conditions regarding the access to the single European market, the free movement of citizens, goods, capital and services.[46] After the 29th of March 2017 official notification of the amendments in Article 50[47], the special European Council (Article 50) met on the 29th of April 2017 and unanimously adopted the guidelines to the negotiation of Brexit[48]; then European leaders agreed on a gradual approach of the negotiations, in order to get a Deal based on an orderly withdrawal.[49]

The first round of negotiations started on the 19th of June 2017, when the parties discussed for the first time sensible aspects regarding citizens' rights, financial claims and the border with Northern Ireland.[50] After the sixth round of negotiations between Michael Barnier, the EU's head negotiator and David Davis, the Secretary of State for Exiting the European Union, European leaders adopted a new set of guidelines for the second phase of the negotiations, regarding the transition and the framework for the future relationship between the United Kingdom and the EU.[51] They were later seconded by a new set of guidelines regarding the position of the EU's 27 states in the transition period.[52] The negotiations mandate given to the Commission was based on the United Kingdom accepting the whole EU acquis on the entire duration of the transition period, as if "the country were still a member state", without "participating in or nominating or electing members of the EU institutions, nor participating in the decision-making of the Union bodies, offices and agencies."[53]

The first version of the withdrawal Agreement was made public by the European Commission on the 28th of February, 2018[54] and was adopted by the European Council (Article 50) during a special meeting, on the 25th of November, 2018, along with the Draft Declaration on the future relationship between the EU and the United Kingdom.[55] The Strasbourg Agreement between the European Commission and the United Kingdom, signed on the 11th of March 2019 was aimed at unblocking the negotiations, focusing on the judicial clarifications and guarantees regarding the nature of the protection solution.[56] The London political uncertainty made Theresa May request a two year extension of the withdrawal, by 30th of June 2019.[57] The EU leaders agreed to postpone Brexit until the 31st of October 2019[58], so that eventually the United Kingdom to ask for a last extension, until the 31st of January 2020.[59]

Putting an end to the negotiations meant having the necessary majority in the British Parliament to agree with the withdrawal Agreement, which was achieved by Prime Minister Boris Johnson, after the early elections on the 12th of December 2019. The United Kingdom House of Commons rejected the text of the withdrawal Agreement three times, especially due to the Northern Ireland Protocol (backstop), which had the EU avoid a "hard border" between Northern Ireland and the Republic of Ireland.[60] After more than three and a half years since David Cameron's referendum, the withdrawal of the United Kingdom from the EU and Euratom (with a transition period until the 31st of December 2020) marks the end of a political crisis that the Conservative Party had been facing, whose leaders had to negotiate the Agreement with the EU heads of state and government, and which had been rejected by the British Parliament. Theresa May's resignation and the election of Boris Johnson were the highlights of the political crisis the Conservative Party had to face.

Cooperation after Brexit. Prospects and Challenges

The EU and the United Kingdom signing the withdrawal Agreement on the 24th of January 2020, followed by its approval by the European Parliament on the 29th of January mark the end of the stages that led to Brexit on the 31st of January 2020, 24.00 CET, which made the United Kingdom a "third country".[61] Avoiding the "no-deal" scenario allows the United Kingdom to gradually withdraw from the EU, while focusing on mutual bilateral cooperation throughout the transition period (until the 31st of December 2020).[62] More specifically, during this time, the United Kingdom will still operate as an EU country but will no longer have representatives in the institutions of the EU.[63] It is worth mentioning that both parties may agree by the 1st of July 2020 on the extension of the transition period for "no longer than a year or two", which could, on a short term, minimise the effects Brexit'.[64] The separation from the EU will not create a void in the relations between the United Kingdom and the EU, since both parties engaged themselves in starting the negotiations for a future partnership.[65] Even if giving up its membership doesn't meet the expectations of the two parties involved, on a symbolic level it signifies the restructuring of the social contract, giving it more flexibility in the mutual cooperation process. Good faith and mutual respect are the main values that the most recent relations between the United Kingdom and the EU are based on.[66] Mutual assistance and protection for the citizens of the EU and the nationals of the United Kingdom and their families, but also for economic operators and judicial and administrative authorities will be provided in compliance with the non-discrimination principle and without damaging mutual sincere cooperation.[67]

The main issues amended by the withdrawal Agreement refer to: (1) equal treatment for EU-27 citizens who live or have lived in the United Kingdom and for the UK citizens who live or have lived in other member states, including their fair treatment and the guarantee that their status be subject to the principles of reciprocity, equity, symmetry and non-discrimination; (2) the settlement of financial obligations, contingent liabilities and prior commitments related to the withdrawal of the United Kingdom from the U, as audited by the European Court of Auditors; (3) "the recognition of the unique position of and the special circumstances of the island of Ireland, in order to mitigate the effects of the withdrawal on the border between Ireland and Northern Ireland, ensure the continuity and stability of the peace process and avoid a hardening of the border".[68]

The main stakes regarding the nature of the relationship between the United Kingdom and the EU, following the transition period are: (a) the registration procedures of EU citizens including those from Northern Ireland;[69] (b) ensuring the continuity of data protection of the EU citizens, which will be processed following the UK's withdrawal from the EU;[70] (c) the creation of a comprehensive security partnership, which will ensure law enforcement and internal security after the UK will cease to access the EU's information systems;[71] (d) avoiding ad-hoc decisions in the field of police and judicial cooperation in criminal matters;[72] (e) clarifying whether the United Kingdom is willing to continue its cooperation with the EU in matters regarding the Common European Asylum System and the Asylum Migration and

European Parliament/Twitter

Integration Fund;[73] (f) border management following the loss of its full Frontex membership status.[74]

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Redefining the Area of Freedom, Security and Justice in the Light of Brexit Limitations and Perspectives with regard to the European Arrest Warrant

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Abstract

In this article we aim to explain the main concepts regarding the jurisprudence of the Court of Justice of the European Union related to the operation of the European arrest warrant (EAW). We referred to the exceptions that place in the background the principles of mutual trust and recognition, which diminish the level of judicial cooperation between nations, in criminal matters. We are mainly interested in identifying the perspectives that redefine the area of freedom, security and justice in the light of Brexit, simultaneously with the redefinition of the internal and external borders of the EU.

Key words: jurisprudence CJEU, principles of mutual trust and recognition, European arrest warrant, Brexit, area of freedom, security and justice.

Introduction

The area of freedom, security and justice is one of the most important issues when it comes to taking safety measures for the protection of the rights of the citizens in the EU, taking into consideration the allocation of competences between the European Union and the member states (according to Article 4 of the Treaty of the European Union). Overall, the main idea favours strengthening the cooperation between the member states in criminal matters, due to the urgent need to combat human trafficking and contraband, as well as to interconnect the national justice systems.

Practically, the sacred duty to protect fundamental human rights as proclaimed by the European Convention on Human Rights interferes, whether directly or indirectly, with the legitimate interest of national authorities to ensure the area of freedom and protection of their citizens. At the level of the EU, the fact that there are breaches in the area of freedom, security and justice, affects, as we show in this article, the need to acknowledge and implement decisions at the level of the member states, a situation when the cooperation on criminal issues between the member states becomes (to a certain extent) moot. We are mostly referring to the situations when protecting the rights of a person who has been issued a European Arrest Warrant (EAW) is more important than enhancing state cooperation in the justice field.

In this article we analyse the jurisprudence of the CJEU on this matter, and we compare it to the dynamic regarding the use of the EAW with the sole purpose of identifying the main breaches in the area of freedom, security and justice, caused by the diminution of the cooperation between the member states in criminal matters. We also cover aspects regarding the perspectives of redefining the area of freedom, security and justice in the light of Brexit.

The Perverse Effect of the Jurisprudence of the CJEU. The Limitations of the Mutual Trust and Recognition

Overall the jurisprudence of the Court of Justice of the European Union (CJEU)[2] sees that the law is interpreted and applied uniformly, according to the laws of the European Union, in

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all its member states, at the same time with making sure that the EU members and their institutions abide by EU laws.[3] We must remember that the CJEU relates to the fundamental rights proclaimed by the *Charter of Fundamental Rights of the European Union* and to the text of the *Convention for the Protection of Human Rights and Fundamental Freedoms.* Seeing that it has the same legal value as the Treaty of the EU[4], the *Charter of Fundamental Rights of the European Union* is the main instrument "available which will be the principal basis on which they carry out its task of ensuring that in the interpretation and application of the law of the Union fundamental rights are observed."[5]

Clearly, the decisions of the CJEU are legitimised by their appeal to the moral and spiritual values of the European Union, and thus human dignity is given a sacred dimension, and "must be respected and protected"[6] by guaranteeing the right to life[7], while, at the same time, „no one shall be subjected to torture or to inhuman or degrading treatment or punishment" [8] that leads to the violation of phisical and mental integrity.[9] As proof, collective as well as single surrenders of the convicted persons are forbidden in countries where "there is a serious danger" of violating their human rights, "in the event of removal, expulsion or extradition."[10]

After the European Union acceded to the *Convention* (68 January 6455), the CJEU obtained the necessary instruments to observe the implementation of the principle of subsidiarity and the proper function of the EU judicial system, whose basic principle is "whether there was a presumption of Convention compliance at the relevant time[11]"(Case of Bosphorus).[12] The main challenge was the fact that the judicial system of the European Union was based on a general rule, according to which, "action by the Union takes effect as against individuals only through the intermediary of national measures of implementation or application."[13]

The main concept regarding human rights is mentioned in the *Preamble of the Charter*, which indirectly shows us the limitations of the jurisprudence of the CJEU:

"Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice."[14]

The appeal to the spiritual and moral values of the European Union is not intended for the sole purpose of legitimising the decisions of the CJEU, but also for recognising the inviolability of human dignity, which "must be respected and protected"[15] by guaranteeing the right to life[16], at the same time with the "prohibition of torture and inhuman or degrading treatment or punishment"[17], which lead to the violation of the right to physical and mental integrity.[18]

The surrender of the persons who are issued an EAW[19] circumscribes to the above mentioned requirements, which hinders the implementation of the decisions taken by judicial authorities. The perverse effect is that the judicial authorities are able to postpone or refuse the surrender of the "requested person only if one of the grounds for mandatory or optional refusal applies."[20] So we see that the limitations of the cross-border cooperation in the justice field are roughly in accordance with the inviolability of the human integrity of the "requested person", a sacred principle that confers a relative dimension to the judicial procedures.

For example, the judgment of the Court in the cases *Pál Aranyosi and Robert Căldăraru*,[21] faithfully reflect the consequences of the EU's accession to the *Convention*. In these cases, the Court dealt with issues regarding the execution of the EAW.[22] The preliminary rulings from the *Hanseatisches Oberlandesgericht in Bremen* (Higher Regional Court of Bremen, Germany)[23] regarding the inhuman detention conditions in Hungary and Romania highlighted the way in which the execution mechanism of the EAW doesn't necessarily relate to the principles of

mutual trust and recognition, the member states admitting to the fact that "their national legal systems are capable of providing equivalent and effective protection of the fundamental rights recognised at EU level."[24]

In the two joint cases, the argument used by the attorney general Yves Bot was based, however, on the execution right of the judicial authorities to refuse the surrender of the requested person because the member state that issued the warrant faces a "systemic deficiency of the prisons."[25] The attorney general Yves Bot highlighted the fact that creating the area of freedom, security and justice of the European Union[26] - present in the handbook on how to execute an EAW - cannot prevail over the obligation of protecting the fundamental human rights of the surrendered person.[27] Even if he admitted to the existence of "a clear and obvious risk that the offence would remain unpunished and that its perpetrator would reoffend, thus infringing the rights and freedoms of the other citizens of the Union"[28], the attorney general, Yves Bot appealed to the "the unwanted effects of excessive overcrowding."[29] Based on his opinions, the CJEU admitted to the fact that the execution of the warrant should have been postponed if there was "evidence of a real risk of inhuman or degrading treatment of individuals detained in the issuing Member State."[30] The executing judicial authority must comply with this decision "until it obtains the supplementary information that allows it to discount the existence of such a risk."[31] The CJEU left it up to the executing judicial authority to evaluate the need to bring the surrender procedure to an end should it come to the conclusion that the risk cannot be discounted in a reasonable time.[32]

This judgement made the CJEU set, for the first time, the limits of the implementation of the transnational cooperation principle in the field of justice, bringing into the forefront the rights of the person whom the judicial authorities from a member state issued an EAW. The implementation of justice must follow the letter of the *Convention* to allow unitary law enforcement in the European Union.

Furthermore, we must not forget the fact that the limits concerning transnational judicial cooperation over criminal matters are defined according to the situation the wanted person is in, but also according to the capacity of the country that issued the EAW to follow the letter of the *Convention*. Practically, between 2005 and 2017 the number of executed EAW increased from 12% to 36%, at the same time with the issued EAW, which were 2.5 higher. (See Table contents no. 1) At the same time, this tendency highlights the decreased efficiency of the judicial authorities in controlling the EU's internal and external borders.

Redefining the Area of freedom, Security and Justice in the Light of Brexit

In the case C-327/18 PPU,[34] the CJEU shed some light on the execution of the EAW in accordance with Article 50 of the Treaty of the European Union; the members of the Court came to the conclusion that the judicial system would be changed solely in the case of the withdrawal of a member state from the EU, which is why, the executing EAWs cannot be refused or postponed for this reason.[35] Moreover, as long as the country which has issued the warrant is part of the EU, the principle of mutual trust and recognition continues to be applicable.[36]

The framework decision of the CJEU falls under the conclusions of the attorney general, Maciej Szpunar,[37] out of which two are worth mentioning; they deal with the perspectives of

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
MEA issued	6.894	6.889	10.883	14.910	15.827	13.891	9.784	10.665	13.142	14.948	16.144	16.636	17.491
MEA executed	836	1.223	2.221	3.078	4.431	4.293	3.153	3.652	3.467	5.535	5.304	5.812	6.317
%	12.13	17,75	20,41	20,64	28	30,9	32,23	34.24	26,38	37,03	32,85	34,94	36,12

Table 1 - Statistics on EAW Use[33]

redefining the area of freedom, security and justice after the withdrawal of a member state from the EU. On one hand, mutual trust, and recognition are the *cornerstones* of judicial cooperation, a fine example of complying with EU law. The attorney general concluded that exceptional circumstances in the CJEU's judicial framework limited the principle of mutual trust, which is why member states don't share this "blind trust".[38] On the other hand, the attorney general Maciej Szpunar highlighted the fact that *Brexit means Brexit*[39] denoting that, following the withdrawal from the European Union, the rights and obligations included in the framework decision do not apply to the country that is no longer a member of the EU.[40] The exception is using more exceptions from the withdrawal agreement and if not otherwise, the extradition rules will apply.

To reduce the effects of Brexit on judicial cooperation, the United Kingdom of Great Britain and Northern Ireland modified its domestic legislation, regulating the temporary status of the EAW, together with the judicial cooperation related issues, which were pending at the time of Brexit. The British set a series of transitional withdrawal arrangements including a no-deal scenario.[41] More specifically, in pending cases, the EAW will not be replaced by extradition request.[42] In fact, the principle of mutual trust and recognition will continue to function for a certain period of time, in case of the EAWs issued before the UK leaves the EU. Following Brexit, judicial cooperation will make use of the requests for extradition, lest Article 5 of the *European Convention on Human Rights* should be breached.

The text of the Withdrawal Agreement lays down maintaining mutual assistance in criminal matters, before the end of the transition period.[43] An exception is made when an EU member state "raises reasons related to fundamental principles of national law", which forbid the surrender of their own nationals to the United Kingdom, if the EAW was issued during the transition period.[44] In this case, "the United Kingdom may declare, no later than 1 month after the receipt of the Union's declaration that its executing judicial authorities

may refuse to surrender its nationals to that Member State."[45] So, the provisions in the Withdrawal Agreement do not provide guarantees regarding the proper function of the area of freedom, security and justice during the transition period.

Taking Brexit into account, narrowing down the area of freedom, security and justice implies, according to our point of view, the redefinition of the limitations and exceptions in which the member states may postpone or refuse the surrender of a wanted person. This endeavour is against the intensification of the transnational cooperation, which is problematic, because it limits the access to justice and hinders the enforcement of a high security level due to lack of predictability, as far as the execution of the EAW is concerned. The main challenge is a more rigorous border control, both at the internal, as well as at the external borders of the EU (redefined borders, after the UK withdraws from the EU), and, at the same time, taking extra surveillance measures, should the execution of the EAW be postponed or refused by a judicial authority within an EU member state.

Conclusions

In this article we have highlighted the limits of transnational judicial cooperation in criminal matters between the members of the EU, with regard to the execution of the EAW. Our actions have shown the way in which the jurisprudence of the CJEU gave an inviolable dimension to human dignity, which prevails over the interests of the member states to execute the judgements of the judicial authorities. Maintaining public order and ensuring national security become relative issues, as they are dependent upon how a country is capable of protecting the rights of the wanted person. Should the surrendered person be exposed to torture and inhuman or degrading treatments, the EAW can be postponed or refused. The principle of mutual trust and recognition is applied only when the fundamental rights of the wanted person are protected.

When referring to Brexit, we have identified the tendency to gradually narrow down the area

of freedom, security and justice and we have provided you with a different framework for the function of the EAW during the transition period. After the end of this stage, a new transnational judicial framework is subjected to the provisions regarding extradition. At the same time, we have identified the need to redefine the internal and the external borders of the EU.

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NOTES:

2. According to Article 19, paragraph (1), the first paragraph of the Treaty of the European Union regarding the function of the European Union, the CJUE is the only body allowed to annul, if such is the case, EU legal acts.

3. More information regarding the jurisprudence of the Court of Justice of the European Union available at (https://curia.europa.eu/jcms/jcms/j_6/ro/), and at (https://europa.eu/european-union/about-eu/institutions-bodies/court-justice_ro).

4. The Treaty of Lisbon, in force since 1 December 2009.

5. The Court of Justice of the European Union, „Discussion document of the Court of Justice of the European Union on certain aspects of the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms", 5 May 2010, p. 1.

6. European Parliament, the Council of the European Union and the European Commission, Charter of Fundamental Rights of the European Union, 2012/C 326/02, Official Journal of the European Communities, 26 October 2012, art. 1.

7. Idem, art. 2.

8. Idem, art. 4.

9. Idem, art. 3.

10. Idem, art. 19.

11. The European Court on Human Rights, Judgement Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi (Bosphorus Airways) c. Ireland [GC], nr. 45036/98, CEDH 2005-VI.

12. The Court of Justice of the European Union, „Discussion document of the Court of Justice of the European Union on certain aspects of the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms", 5 May 2010, p. 2.

13. Idem, pp. 2-3.

14. European Parliament, the Council of the European Union and the European Commission, Charter of Fundamental Rights of the European Union, 2012/C 326/02, Official Journal of the European Communities, 26 October 2012, *Preamble*.

15. Idem, art. 1.

16. Idem, art. 2.

17. Idem, art. 4.

18. Idem, art. 3.

19. Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, (2002/584/

JHA,) (JO L 190, p. 1, Special edition, 19/vol. 6, p. 3).

20. European-Justice, „European Arrest Warrant" (EAW), available at:
https://e-justice.europa.eu/
content_european_arrest_warrant-90-ro.do

21. The Court of Justice of the European Union, *Judgment of the Court, joint cases, Pál Aranyosi (C 404/15) and Robert Căldăraru (C 659/15 PPU)*, 5 April 2016, ECLI:EU:C:2016:198

22. The issue in the two cases was „the interpretation of Article 1, paragraph (3), Article 5 and Article 6, paragraph (1) of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, (2002/584/JHA,) (JO L 190, p. 1, Special edition, 19/vol. 6, p. 3), and how it was chanced through the Council Framework Decision 2009/299/JAI, on the 26th of February 2009 (JO L 81, p. 24)", and Court of Justice of the European Union, Judgment of the Court, joint cases, Pál Aranyosi (C 404/15) and Robert Căldăraru (C 659/15 PPU), 5 April 2016, ECLI:EU:C:2016:198.

23.According to Article 267 of the Treaty of the European Union.

24.The Court of Justice of the European Union, *Judgment of the Court, joint cases, Pál Aranyosi (C 404/15) and Robert Căldăraru (C 659/15 PPU)*, 5 April 2016, § 77.

25. *Opinion of advocate general Yves Bot, 3 March 2016 (1) in the Cases Pál Aranyosi (C 404/15) and Robert Căldăraru (C 659/15 PPU)*, § 1.

26. According to Article 3, paragraph (2) TEU and Article 67, paragraph (1) TEU.

27. *Opinion of advocate general Yves Bot, 3 March 2016 (1) in the Cases Pál Aranyosi (C 404/15) and Robert Căldăraru (C 659/15 PPU),* § 5.

28. *Idem*, § 68.

29. *Idem*, § 143.

30. *The Court of Justice of the European Union, Judgment of the Court, joint cases*, Pál Aranyosi (C 404/15) and Robert Căldăraru (C 659/15 PPU), 5 April 2016*, § 88.

31. *Idem,* § 104.

32. *Idem,* § 198.

33. European-Justice, "European Arrest Warrant" (EAW), available at:
https://e-justice.europa.eu/
content_european_arrest_warrant-90-ro.do.

34. The Court of Justice of the European Union, Judgment of the Court C-327/18 PPU, 19 September 2018, available at:
http://curia.europa.eu/juris/document/
document.jsf?
text=&docid=205871&pageIndex=0&doclang=RO&mode=lst&dir=&occ=first&part=1&cid=7651667

35. *Ibidem*.

36. *Ibidem*.

37. Opinion of Advocate General Maciej Szpunar, 7 August 2018, Case C-327/18 PPU, available at:
http://curia.europa.eu/juris/document/
document.jsf?
text=&docid=204757&pageIndex=0&doclang=RO&mode=lst&dir=&occ=first&part=1&cid=7651667

38. *Ibidem*.

39. *Ibidem*.

40. Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, (2002/584/JHA,) (JO L 190, p. 1, Special edition, 19/vol. 6, p. 3).

41. The Government of Romania, "Substantiation note on the Emergency Ordinance no. 70/2019 enacting various measures applicable in the case of a no-deal Brexit", 13 November 2019 .

42. The European Convention on Extradition, Paris, 13 December 1957.

43. Art. 62, paragraph 1, (b) *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* (2019/C 384 I/01).

44. Art. 185 *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland cit* .

45. *Ibidem*

Geopolitical Traps or Opportunities? Romania's Pole Position at the Black Sea and the Maritime Danube

Dan Hazaparu[1]

At the end of the second millennium of its Christian history, Europe has changed.

After a nearly half-century long grim battle, communism abandoned the place, and suddenly vanished like an ugly nightmare at sunrise.

And capitalism has returned.

Unable to identify, re-evaluate, and spend time and efforts to promote its National Interest, and without leaders and a qualified political class, after December 1989 Romania needed a new slogan and a new foreign sponsor to replace the old "indestructible friendship" with the ex-Soviet Union. A new and strong ally represented by America's president Bill Clinton showed up in the University Plaza of Bucharest in July 1997 and Romania's new slogan, "the U.S. - Romania strategic partnership" was born that day.[2] That slogan ran smooth[3], and proved its validity for 23 years: "Mihail Kogalniceanu" by the Black Sea is the most advanced American air base in Eastern Europe, Deveselu is the closest NATO base to Russia and Iran, equipped with U.S. missile interceptors, and today Romania is the best Eastern European market for U.S. weaponry etc.

Romania also accepted, without negotiations or comments, the decision of the Madrid NATO summit (1997) and didn't join Poland, The Czech Republic and Hungary in the first wave of East European NATO members (1999). It lagged behind on the waiting list for another five years (2004). Moreover, in June 1997, one month before president Clinton arrived in Bucharest. The Constantinescu Administration consented to quickly conclude a broad treaty of friendship and cooperation with Ukraine, after several years of disputes and disagreements over the ownership of "Snake Island", and more importantly over the oil and gas reserves that lie beneath the Black Sea. The treaty also dealt with the issue of the northern border between Romania and Ukraine, which had kept the sides apart. Signed under pressure, at Euro-Atlantic request, that bilateral treaty with Ukraine pretended to solve territorial and ethnic minority issues that had impeded the development of improved relations between the two countries since the end of World War II:

1) the dispute between Romania and Ukraine over the borders near "Snake Island" (approx. 50km East of Sulina) and the continental shelf of the Black Sea beneath which significant gas and oil deposits lie, has been settled after the ruling of the International Court of Justice, in 2009;

2) the dispute between Romania and Ukraine over the construction of the Soviet era old Bystroye Canal. On September 16, 2004 the Romanian side brought a case against Ukraine to the International Court of Justice (ICJ) - a dispute concerning the maritime boundary between the

two States in the Black Sea. On February 3, 2009, the ICJ delivered its judgment, which divided the sea area of the Black Sea along a line which was between the claims of each country.[4]

Therefore, Romania entered, in 1997, under the "protection" of the global *Pax Americana*. For the sake of avoiding any local competition and defending the Euro-Atlantic political, economic and military interests and strategies in this sensitive part of Europe, a heavy lid was put on the territorial and ethnic disputes between Romania and Ukraine. Frankly speaking, the so called Romanian-Ukrainian treaty of "friendship" currently keeps under control another „frozen conflict" in the Black Sea area, the 8th one.

It is obvious that the absence of the Black Sea into the negotiations, and the regulations devised during and after the World War 2 in Casablanca, Teheran, Yalta, Potsdam etc. by the former allies against Hitler's Germany, resulted in the current tension and disputes of all sorts between the Euro-Atlantic allies and Russia in that maritime region. When the Cold War ended, Russia and the West failed to either rigorously specify their political interests or to decide on the status of their spheres of influence in the Black Sea region. Are Ukraine, Georgia and the Republic of Moldova within Russia's security space or not? Can they join NATO and the EU or not? Because of a lack of clear answers to these questions, today the respective region is being highly militarized.

Given their busy agenda after the fall of communism – the integration and stabilisation of Central and Eastern Europe, an end to the wars in the former Yugoslavia, over 1992-1999, the establishment of post-Cold War relations with Russia etc. – the Euro-Atlantic allies have neither had the time, nor the political will to concern themselves with the Black Sea area. In the 1990s the EU was virtually absent from the area and launched no regional initiative, while its cooperation with the United States or NATO was next to non-existent. Later on, the terrorist attacks in the United States on 11 September

2001 and the EU enlargement in the Black Sea region – new members and aspirant countries – brought new borders, new neighbours and new issues, such as international terrorism, massive migration from extra-European zones, and the security of resources and energy supplies to Europe etc. A little while later, the United States began to show an interest in the Black Sea, as part of its global strategy to fight terrorism and requested increased access through the straits for its warships. The EU was a slight presence in the Black Sea area – mostly economic and confined to statements of good intention in other areas – which was at odds with the joint Euro-Atlantic strategic planning, rightfully inviting criticism from the U.S. At the same time Russia has regarded the Black Sea and the straits as its outlet to the world for the last three centuries. Russia also perceives this geography as a natural shield protecting its borders from external threats. Furthermore, over the past one and a half decade, the already hectic Black Sea agenda has become even busier, as a result of growing international interest in East-West hydrocarbon transport corridors. At this point, the rivalry between the U.S./NATO/EU and Russia brought out another sign of a new Cold War.

Today, NATO's presence in the Black Sea area is tantamount to a strategic, political and military confrontation between two nuclear superpowers – the United States and Russia. NATO's "show the flag" presence in those places is a sample of the former Cold War, actually the first to occur after the end of that confrontation. Although the West has abandoned the communism vs. capitalism ideological controversy, it has been replaced in the Black Sea region with a unilaterally imposed security system and an attempt at Western-type democratisation, which ignore both Russia's view on its own national security and its almost millennium long societal experience and management.

Furthermore, developments in the last years have pointed to serious difficulties in

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4. The Court establishes the single maritime boundary delimiting the continental shelf and exclusive economic zones of Romania and Ukraine, International Court of Justice, The Hague, Netherlands, February 3, 2009;

establishing a coherent and consistent Euro-Atlantic strategy at Europe's both ends – at the Atlantic and at the Western end of the former USSR and its allies. Starting 2005 the Black Sea has been the # 1 priority of NATO's expansion eastward. However, the subsequent course of events proved that the leaders of the North Atlantic military alliance had relied on a series of inaccurate political calculations. They counted on "Russia's torpor" of the Yeltsin era but Putin gave his country a loud wake-up call, a redeemed national pride, and a whole bunch of new high-tech weaponry. Americans spoke of a return to the fine Turkish-U.S. relations of the past decades, but Turkey has proven uncooperative and anti-American. They thought democratization and the economic attractiveness of the EU would prevail and that NATO might be the binding agent to join together the littoral member states – Bulgaria, Romania and Turkey – and the aspirant countries – Ukraine and Georgia – but all these have proven to exist only on paper in Brussels and Washington, and were simply figments of the imagination for decision makers who were unaware of Black Sea realities.

Turkey, far from being the local military mentor and leader for NATO members and aspirant countries in the Black Sea region, has placed its economic and political interests as a littoral country well above its NATO membership and its long-stalled bid to join the EU – a declining Western institution that is suffocating in the grip of the German "anaconda" and of *brusselocracy*.

The East-European states' accession to the European Union was conditional upon their previous admission to NATO, which made sort of sense. It was a well-known fact that the NATO-EU "symbiosis" depended on strong U.S.-EU ties. Twenty years later however, the current trans-Atlantic crisis and the EU's poor economic performance in the ex-Soviet space has considerably weakened the North Atlantic military alliance in the East, and in the Black Sea region.

The Black Sea region is the place of a number of seven so called "frozen conflicts" (three in Ukraine) - historical and ethnic territories part of its littoral states and aftershocks of the fall of former Soviet Union in 1991. The term has been commonly used for post-Soviet conflicts, but it has also been often applied to other territorial disputes.[5]

Since the ceasefire, which ended the Transnistria War (1990–1992), the Russian-influenced breakaway republic of Transnistria has controlled the easternmost strip of the territory of Republic of Moldova, which continues to claim the territory.

In 2014, Crimea was occupied by the Russian troops, and soon afterwards was admitted into the Russian Federation. Today, this is widely regarded in the West as an annexation of the peninsula by Russia, and is considered likely to result in another post-Soviet frozen conflict.[6] While there are similarities between Transnistria and Donbas, where the unrecognized Donetsk People's Republic and Lugansk People's Republic have taken *de facto* control of areas in that region in eastern Ukraine, the conflict in Donbas is not a "frozen conflict", yet ceasefire violations are keeping the fighting on a low burner.[7] In Simferopol, Crimea in March 18, 2015 was created a „Republic of Crimea" considered part of Russia.

Another "frozen conflict" in the Black Sea area is Nagorno-Karabakh, a disputed territory, internationally recognized as part of Azerbaijan, but most of the region is governed by the Republic of Artsakh, a *de facto* independent state with Armenian ethnic majority. Also the 1991–1992 South Ossetia War and the War in Abkhazia (1992–93), followed by the Russo-Georgian War of August 2008, have left the Russian-backed Republic of South Ossetia and Republic of Abkhazia in control of the South Ossetia and Abkhazia regions in north and northwest Georgia.

5. Europe: „Frozen conflicts", The Economist, London, 2008-11-19;
6. Will Ukraine's Crimea region be Europe's next 'frozen' conflict?, CNN, Feb 28, 2014;
7. Self-proclaimed Luhansk People's Republic governs most residents, ITAR-TASS. 25 September 2014;Nowhere to Run in Eastern Ukraine, The New York Times, 13 November 2014;

At the beginning of 2020 the countdown for settling Ukraine's geopolitical position within Europe and Eurasia is entering its final stages. The ultimate outcome will probably occur under President Volodymyr Zelensky. He and his "Servant of the People" political movement won an overwhelming mandate from Ukrainian voters in 2019 by promising to succeed where his predecessors had failed: to settle the conflict with Russia while presiding over Ukraine's eventual integration into the Euro-Atlantic world.[8]

Time, however, is not on his side.

Russia's longstanding effort to bypass Ukraine as its conduit to Western markets is complete (North Stream 1 and 2 pipelines), while changes in both European and American political priorities and strategic assessments may diminish the importance and relevance of Ukraine as a central component in relations between Russia and the West.

For the last thirty years, U.S. policy towards Ukraine has been guided by former National Security advisor Zbigniew Brzezinski's aphorism: a Russia with Ukraine is an empire and a threat to the security of the Euro-Atlantic area, but a Russia without Ukraine has the chance to become a "normal" nation-state. While this created a clear imperative for the United States to oppose Ukraine's absorption into some sort of greater Russia, it left unclear whether it was necessary - or worth the cost - for Ukraine to be brought fully into the Western security structure, or whether the American strategy for Euro-Atlantic security could be secured by Ukrainian neutrality. For its part, post-Soviet Russia always drew a bright shining red line at Ukraine's joining NATO.

As a Euro-Atlantic bridge, post-1991, Kiev could have avoided a security dilemma with Russia but the vicissitudes of Ukrainian domestic politics prevented this from happening. First, there was the geographic division within the country between the South-Eastern regions, which wanted to maintain close economic and political ties with Russia, and the West, which wanted to break Ukraine once and for all out of the Russian embrace. At the same time, the Ukrainian economic oligarchy had promised reforms but was more than happy to become enmeshed in corrupt deals with Russian entities. Ukraine was content to remain addicted to cheap Russian energy and subsidies. Ukraine was hoping to continue its affair with Russian money while seeking a formal marriage with the West.

By 2004, however, the integration of Central Europe into both the EU and NATO brought the border of the Euro-Atlantic world squarely against Ukraine's western frontiers. This led to calculations that the inexorable eastward enlargement of the West would continue without imposing any major costs on the United States or Western Europe - and without provoking a major reaction from Moscow, and helped fuel the 2004 Orange Revolution, which brought Viktor Yushchenko to power. Yushchenko and Yuliya Tymoshenko, made it clear that they wished to end Ukraine's borderland status in favour of Ukraine becoming the eastward redoubt of the Euro-Atlantic world.

The Orange Revolution fundamentally changed the mood of the U.S.-Russia relations and strained Russia's ties with Europe. After 2004, there was now a government in Kiev demanding that NATO and the EU live up to their claims that any European countries could join them, while changes in both European and American political priorities and strategic assessments may diminish the importance and relevance of Ukraine as a central component in the relations between Russia and the West. Meanwhile, after 2004 Russia adopted new strategies, its longstanding effort to bypass Ukraine as its conduit to Western markets was completed (North Stream 1 and 2 pipelines) and, by involving itself in Ukrainian politics Moscow's approach shifted to pushing for the decentralization of power in Ukraine, ensuring that pro-Russian regions would be able to exercise veto power over the country's foreign policy and so forestall Ukraine's ability to eventually join NATO and

8 Gvosdev, Nikolas K., Where Will Ukraine Go from Here, The National Interest, October 13, 2019;

the EU.

Finally, Moscow stepped up its efforts to probe how strong the rhetorical American commitment to countries like Ukraine and Georgia would be in the event of clashes breaking out - both to judge the efficacy of the American response and demonstrate, as far as possible, the hollowness of any American guarantees. All of this culminated in the Russia-Georgia clash in August 2008 - which indeed exposed the limits of Western promises and the nature of their response. Former Ukrainian president Leonid Kuchma drew the following conclusion after watching the "gap" in the Western response to Georgia: "Is there anyone who really thinks we need to tilt against Russia and someone will take our side? I'm sure that neither the EU, nor the U.S. will lift a finger."

In 2014, the Kremlin dusted off its plans to detach Crimea from the rest of Ukraine via a rapid *fait accompli* that left the provisional Ukrainian government - as well as the United States and the Europeans - no time to react. Moreover, in keeping with Vladimir Putin's not-so-veiled threat to George W. Bush at the Bucharest NATO summit in 2008, Moscow showed that if it could not persuade Kiev and the West to halt plans for Ukrainian integration into the Euro-Atlantic world, the Kremlin would rely on making Ukraine a non-candidate by instigating separatist uprisings that would lead to unsolvable conflicts. Based on the Kremlin's read of NATO and EU attitudes, that Ukraine would not be a neutral bridge between Russia and the West.

At the same time, Russia accelerated its timetable for its bypass strategy so as to no longer be dependent on Ukraine's economy or the country's geography. Plans that had been put on hiatus during Yanukovych's presidency were reactivated, starting with a second North Stream pipeline, and, after the European Union's regulatory apparatus overruled Russia's attempt to bypass the country via the Black Sea (the South Stream pipeline), the Russians shifted to a line that would enter Turkey first.

Another side of the Russian strategy has longer-term implications. Moscow has spent the last five years attempting to recreate on Russian soil the Ukrainian enterprises and industrial concerns that it had previously purchased goods and services from - including by recruiting the necessary human capital from Donbas and other parts of eastern Ukraine. The disconnection of the Russian defence complex from the Ukrainian industry is nearing completion. This will allow the Kremlin to permit the current Ukrainian stalemate to become the norm. Moreover, the Zelensky Administration, which won a good deal of its popular support from its promise to improve living standards, will face the prospect of losing billions of dollars in revenues, which will have to make up for, from other sources.

Today, Moscow has a stern strategy with regards to Ukraine: make Ukraine non-eligible for EU/NATO membership; prevent a consolidation of the Ukrainian political system; and reroute Russia's geo-economic connections. The goal is to recreate a failing state and throw responsibility onto the Europeans and the United States. Putin's gamble is that the West will be disinclined to take upon itself the burden of renovating Ukraine.

Also it is not accidental that increased Russian efforts to influence Western political processes picked up after 2014. It seems that Russian political operations have created problems in Western democracies, which are now facing new forms of left and right-wing populism and manifest dissatisfactions with the structure of the Western alliances, such as Euro-scepticism, Brexit and America First. There are also signs of "Ukraine fatigue" in Western capitals. After the initial burst of enthusiasm in the wake of the *Maidan* revolution for helping Ukraine, the perception grew that the former government of Petro Poroshenko was not doing enough to push reform. This weakened the willingness of European states to give up their lucrative connections with Russia. Moreover, Europe's political landscape has changed since 2014. For the most part, European populists tend to prioritize the "Euro bottom line" in relations with Russia over abstract notions of the "international liberal order."

The Trump administration has continued to enforce the Obama-era sanctions and even began to supply weapons to the Ukrainian military - a move once seen as a red line by strategists in the Kremlin. At the same time though, Trump's personal interest in seeing whether some sort of a big bargain "deal" with Putin might be in the cards.

And for non-European U.S. allies, Ukraine is not the most important issue in the U.S.-Russia relationship. For Saudi Arabia and Israel, Russia's role in the Middle East trumps the Crimea question. For Japan and Korea, maintaining Russia as part of the Northeast Asian regional balance of power limits their support of the Euro-Atlantic position on Ukraine. Energy consumers like India are far less willing to curtail their relations with Moscow over Ukraine.

The risk for Ukraine, therefore, is that much of the world learns to live with the *de facto* Russian control of Crimea.

Does this mean that with Zelensky's surprise victory in the 2019 presidential polls, Ukraine had been given a third chance - following 2004 and 2014 - to change its destiny? In July 2019, *The Washington Post* wrote: *The United States, which under the Trump administration has been supportive of Ukrainian sovereignty, should do whatever it can to help. But it will be up to Mr. Zelensky and the new political elite he has created to show that Ukraine can succeed.*

But, the support given today by the West to Zelensky because he has an opportunity to implement the Minsk agreements might turn one day into a trap. Implementation of the peace plan in Donbas will turn the region into a virtually independent part of Ukraine. Hence, Russia will be able to influence Ukrainian politics through its connections in Donbas. That means Moscow will have gained exactly what it fought for: veto power over Ukraine's attempts to join the EU and NATO. As for the rest of Ukraine, even though they lost something, they get something else valuable in return: a neutral status between East and West. A federalized Ukraine led by Zelensky, in many ways, makes Ukraine „*Finlandised*". That is good for the Ukrainian people. It means they retain their independence, but peacefully accept that Russia controls their foreign policy. That kind of position benefited Finland between 1985 and 1991. Finland is now a peaceful and prosperous country, and it is no longer living under Russian influence. If "Finlandisation" led to happiness for the Finns, it can do the same for the Ukrainians.

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Zelensky's Ukraine faces in 2020 an appalling amount of problems. Let's count some:

- the 30 years old fascination of the West towards Kiev is fading just as the infinite bilateral promises faded on both sides;

- NATO admittance is out of question, as stipulates an official document of the alliance dated September 03, 1995: *"Promoting good-neighbourly relations, which would benefit all countries in the Euro-Atlantic area, both members and non-members of NATO"* (Chapter 1, A. 3.), and *"contribute to the development of peaceful and friendly international relations by strengthening their free institutions"* (B.5.), and *"States which have ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes must settle those disputes by peaceful means in accordance with OSCE principles. Resolution of such disputes would be a factor in determining whether to invite a state to join the Alliance"* (Chapter 1, B.5.)[9]. Zelensky' Ukraine **is not** promoting "good neighbourly relations" today, and **has** "ethnic disputes or external territorial disputes" with its neighbours Hungary and Romania, both members of the EU and NATO;

- Moscow's stern strategy is to cause ethnic and territorial disputes in Ukraine and thus make the country unstable and non-eligible for EU/NATO membership;

- The Hungarian Prime Minister Viktor Orban may have succeeded - during his visit to Washington in May 2019 - in shaping the U.S.

9. *Study on NATO Enlargement*, North Atlantic Organization, Brussels, 03 Sep. 1995;
10. Amy Mackinnon, *Did Hungary's Viktor Turn Trump Against Ukraine?*, Foreign Policy, Washington, D.C., October 22, 2019.

President Trump's negative views on Ukraine[10];

- Russia rapidly becomes free of Ukraine's industrial economy. Moscow has spent the last five years attempting to recreate, on Russian soil, the Ukrainian enterprises and industrial businesses from where it had previously purchased goods and services - including by recruiting the necessary human capital from Donbas and other parts of eastern Ukraine. The disconnection of the Russian defence complex from Ukrainian industry is nearing completion. This will allow the Kremlin to permit the current Ukrainian stalemate to become the norm. The Zelensky administration, which won a good deal of its popular support losing billions of dollars in revenues;

- Ukraine is not important to the U.S. non-European allies including Israel, and

- probably, the best solution for Mr. Zelensky would be the „finlandization" of his country.

If so, Romania will enjoy the opportunity to have next to it a neutral and a lot more peaceful and flexible neighbour.

Under all these circumstances mentioned above it is reasonable to believe that Romania, as an EU and NATO country should give a strong and positive "refresh" to its relations with Ukraine. It might turn out that Bucharest's strategic stays this time cool and has „no objection".

NOTE: The article is part of Dan Hazaparu's research for the thesis entitled "The Black Sea - from Ancient Sovereigns to the Montreux Convention and to NATO Expansion - 2005-2019".

THE BLACK SEA REGION

Ukraine Working out Revisions to the Minsk 'Accords'

Vladimir SOCOR[1]

Part One[2]

In the wake of last month's (December 2019) "Normandy" summit (see EDM, December 11, 12, 2019), and awaiting the same forum's April 2020 top-level meeting, Ukrainian officials are airing proposals to revise the Kremlin-imposed Minsk "accords" of 2014 and 2015. The "accords," designed to legalize Russia's control of the Donetsk-Luhansk territory and to disrupt Ukraine farther afield, remain unimplemented to date thanks to the previous Ukrainian government's successful maneuvering and stalling. That work has made it possible for President Volodymyr Zelenskyy's administration now to call for revising the Minsk "accords."

Whereas the former president, Petro

Normandy Summit in Paris, France, December 2019
(Source: Reuters)

Poroshenko, and the Ukrainian parliament had

unilaterally introduced domestic legal barriers to the implementation of the Minsk "accords," Zelenskyy's administration proposes to revise these documents by negotiation with Russia, Germany and France in the so-called "Normandy" format. Kyiv launched its revision campaign in a stunning volte-face on the eve of the recent Normandy summit (see EDM, December 9, 2019), partly adopting Ukrainian civil society's „red lines" against a solution on Moscow's terms. Zelenskyy, however, failed to make any headway with revisions at the recent summit. He is, moreover, trapped by his consent to negotiate a new "special status" law for Donetsk-Luhansk and his acceptance of the Steinmeier Formula, two commitments that the Ukrainian president confirmed at the recent Normandy summit.

Nevertheless, Zelenskyy's administration persists with its proposals in the Minsk Contact Group and in the public arena to revise the Minsk "accords" in Ukraine's favor. The proposed revisions concern a common interpretation of certain key clauses, the sequence of their eventual implementation, and a reconfiguration of the Minsk Contact Group. The Ukrainian side is channeling these proposals through the Contact Group in anticipation of the next Normandy summit to be held in April, in Berlin. It introduced these proposals in the Contact Group's December 18 and January 16 sessions, marking the start to a hoped-for revision process (ukrinform.ua, hromadske.ua, December 18, 19, 2019 and January 16, 17, 2020).

– Donetsk-Luhansk Special Status: Ukraine's

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presidential office is currently drafting constitutional amendments on the country's administrative decentralization, which applies country-wide. Moscow wants the amended constitution to include a reference to Donetsk-Luhansk's special status, as the Minsk "agreements" prescribe. However, the draft amendments' latest published version (Ukraiynska Pravda, December 16, 2019) does not reference any special status for any territory of Ukraine.

This version has, in the meantime, been withdrawn for reworking due to domestic political considerations unrelated to Donetsk and Luhansk. President Zelenskyy is committed to enacting the special status in a new law—one that would, moreover, incorporate the Steinmeier Formula. This is the high price that Zelenskyy agreed to pay for meeting with Russian President Vladimir Putin at the recent Normandy summit. However, Zelenskyy plans an enactment by ordinary law, necessitating a simple majority in the parliament. Enshrining the special status into the constitution would require a two-thirds majority, forcing Zelenskyy into a deeply embarrassing collaboration with Viktor Medvedchuk's pro-Kremlin party.

– "Elections" in Donetsk-Luhansk: The Ukrainian side calls for the right of internally displaced persons (IDP) to participate in these local elections as a precondition to such elections being held in this territory. The IDPs are those war refugees who moved to Ukraine's interior (as distinct from those who moved to Russia). The IDPs' return to participate in elections is a new precondition on Kyiv's part. It is also a security issue, as are the disarmament and/or withdrawal of "unlawful forces" and the replacement of Russian control by some form of international control of the Ukraine-Russia border as prerequisites to any elections in this territory.

– Sequencing of military and political steps: The Contact Group's December 18 and January 16 sessions have seen Kyiv reaffirm the "security first, elections afterward" principle (see above). For its part, Russia maintains that the term "unlawful forces" in the Minsk "accords" does not apply to the Donetsk-Luhansk forces (let alone to the Russian military, which Russia claims is not present there). Similarly, Russia holds strictly to the letter of the Minsk "accords," whereby Ukraine would not regain control of the Ukraine-Russia border in that territory even after the local "elections" there. Instead, under those 2014 and 2015 documents, Kyiv would merely begin negotiating with Donetsk-Luhansk about sharing control of that border. Kyiv considers, however, the possibility of accepting local "elections" in return for Moscow's acceptance of international control of that border, as a transitional solution toward ultimate Ukrainian control.

– Working Group on Border Control: Ukraine proposes that the Minsk Contact Group create an additional (fifth) working group to deal with the status of the Ukraine-Russia border in the Russian-controlled territory. Under Kyiv's proposal, Ukraine and Russia would delegate representatives of their respective border troops and customs services to begin discussing the procedures for transferring border control from Russian hands to international or Ukrainian hands, in conjunction with local elections (see above).

– Working Group on Political Issues: Ukraine proposes changing the composition of this working group within the Minsk Contact Group. This particular working group is mandated to discuss a special status for Donetsk-Luhansk and related issues such as local elections under the Minsk "agreements." Representing Donetsk and Luhansk in this working group are the delegates of those two "people's republics." But Kyiv is now challenging their claims to represent this territory's population. Instead, President Zelenskyy and his envoy to this working group, Oleksiy Reznikov, propose empaneling a larger and more diverse Donetsk-Luhansk delegation, one half of whose members would be approved by Kyiv from among IDPs (see above) or local residents not connected to those "people's republics."

– Crimea: President Zelenskyy had promised more than once to raise the issue of Crimea at the December 9 Normandy summit. That

promise was one of his justifications for seeking that summit as avidly as he did. He failed to bring up Crimea at the summit, claiming afterward to have run out of time and promising to bring it up at the next Normandy summit. Doing so would play well domestically and might also provide a smokescreen for concessions on the Donetsk-Luhansk special status and the Steinmeier Formula. But the Normandy format is only mandated to address the conflict in Ukraine's east.

Part Two

Normandy Summit in Paris, France, December 2019
(Source: Reuters)

Russia uses a strict-constructionist approach to defend the Minsk "accords" of 2014 and 2015 and the negotiation formats ("Normandy Quartet" and the "Contact Group on Ukraine") that it imposed on Ukraine five years ago under military duress. Kyiv, by contrast, is trying a revisionist approach to these same documents and forums. They never acquired any legal validity, but have been endorsed all along by Germany and France in the Normandy forum (bringing together the leadership of Ukraine, Russia, France and Germany), to which the Minsk Contact Group (Ukraine, Russia, the Organization for Security and Cooperation in Europe, and the Donetsk and Luhansk "people's republics") is subordinate. Revising the Minsk "agreements," and reconfiguring the negotiating formats designed to implement those documents, would necessitate the consent of all parties involved.

The Kremlin takes the position that the Minsk "agreements" are "without alternative" and that Ukraine must "execute of all of the Minsk agreements' stipulations to their full extent and in their sequence" (TASS, January 11, 17).

Ukraine's best available legal protection at this stage remains the legislation enacted by the preceding parliament in January 2018 and signed by then-president Petro Poroshenko in February of that year (Ukrinform, January 18, 19, 2018 and February 20, 2018). Under that enactment, it would be unlawful for Ukraine to accept the special status and "elections" in Donetsk-Luhansk in the presence of "unlawful armed formations" and while Russian forces control the border there. Although the 2018 enactment is valid in terms of Ukrainian domestic law (not internationally), the Minsk "agreements" have no legal standing of any kind, nor would any implementing arrangements, unless President Volodymyr Zelenskyy and his Servant of the People party decide to give them the force of Ukrainian law.

The 2018 legislation amended Ukraine's law on a special status for the Russian-controlled Donetsk-Luhansk, which had been adopted in 2014 and 2015 under Russian military coercion and German political pressure. The amendments passed in 2018 were designed to block the implementation of that special status on Russian terms, preserving, however, the possibility of a solution compatible with Ukraine's sovereignty.

The Kremlin wants President Zelenskyy to replace Ukraine's existing law on the special status (as amended in 2018) with a new law on the special status of Donetsk-Luhansk. The existing law never came into force, partly because Ukraine declined to introduce the notion of "special status" into the constitution (hence this inoperative law is unconstitutional), and partly because Moscow wants Kyiv to negotiate the special status legislation with Donetsk-Luhansk, instead of Kyiv determining that special status unilaterally. President Zelenskyy and the parliament have prolonged the validity of the existing law one last time in December 2019, a few days before its expiry, in order to avoid its extinction on December 31, and in understanding with Moscow that this old law would be replaced by a new one in 2020

(see EDM, January 16, 2020). The new law on the special status would incorporate the Steinmeier Formula, as per Zelenskyy's promise to Moscow and the other Normandy participants at the recent summit. Moreover, Kyiv seems willing this time around to discuss the special status and the ensuing implementing legislation in the Minsk Contact Group with Donetsk and Luhansk. To mitigate these concessions, Kyiv seeks to change the composition of the Donetsk-Luhansk delegation in the Contact Group and hopes to avoid amending Ukraine's constitution (see above).

The looming danger is that Zelenskyy's team would eliminate the 2018 amendments from the old law in the process of drafting the new law on the special status. If so, Ukraine would lose the legal safeguards that could, if necessary, block an externally imposed political settlement injurious to Ukraine's sovereignty.

Normandy Process Developing Against Ukraine's Interests

Vladimir SOCOR

A ticking clock and a shutting trap seem appropriate metaphors for the predicament of Ukrainian President Volodymyr Zelenskyy and his team hoping against hope for "peace" with Russia.

The "Normandy" leaders' (Russia, Germany, France, Ukraine) summit in Paris, on December 9, 2019, started the clock ticking toward the April 2020 summit in Berlin. There, Zelenskyy is expected to report to the same conclave about Ukraine's fulfillment of commitments he has confirmed in the French capital.

The shutting trap consists of Kyiv's unilateral concessions to Moscow (to legalize the Steinmeier Formula, to accept a permanent "special status" for the Donetsk-Luhansk territory under Russian control). Moscow extracted this price for agreeing to hold the December summit, which Zelenskyy's team was avidly seeking even if it had to pay this heavy cost.

To stop the ticking clock and to pry the trap door open may still be possible if Kyiv's current decision-makers understand that the Kremlin is unreconciled to an independent sovereign Ukraine - and that Russia's current president is not even reconciled to a Ukrainian Ukraine.

Ukrainian President Volodymyr Zelenskyy
(Source: president.gov.ua)

President Zelenskyy offered an impressive public performance at the "Normandy" summit in Paris. On a personal level, he outtalked and outsmarted Russian President Vladimir Putin, while on the political level, Zelenskyy adopted certain "red lines" that Ukraine's previous government had defended until 2019 and Ukraine's active civil society continues defending (e.g., no direct talks with Moscow's proxies in Donetsk-Luhansk, no "elections" in the presence of Russian troops there). Moreover, Zelenskyy unexpectedly called for revisions to the 2015 Minsk "agreements." But these positions are a far cry from the summit's concluding document, which Ukraine's leader accepted to Putin's satisfaction and forms the sole basis for follow-up negotiations (see EDM, December 9, 11, 12, 2019).

Kyiv is currently in the process of complying with the Normandy summit's document. Moscow, Berlin and Paris, for their part, are ignoring Kyiv's suggestions to have the Minsk "agreements" revised. Moscow, moreover,

followed up the Normandy summit by bringing yet another part of Ukraine's territory - the Black Sea coastal lands - again into the argument (see EDM, January 14, 2020). Examined on an issue-by-issue basis, the process is clearly developing against Ukraine's interests.

– Ceasefire: Ukrainian troops lose several killed and wounded every week, mainly to sniper fire, at a rate that has stabilized since July and continues unabated since the Normandy summit. Notwithstanding the summit's collective call for a ceasefire observance, Moscow will continue this form of attrition warfare on the contact line, as a form of political pressure on the casualty-averse Ukrainian leadership.

The ceasefire, prolonged on December 18, is supposed to be buttressed by Putin's assurances to Kyiv that he would restrain the Donetsk-Luhansk forces. Kyiv had actually requested such assurances, which played into Moscow's hands by making it look like a mediator, rather than a direct participant in the conflict (Ukrinform, December 18, 2019).

– Special Status: The Ukrainian parliament prolonged the existing law on a "special regime of local self-government in certain areas of the Donetsk and Luhansk provinces" (special status law) on December 12, and President Zelenskyy promulgated it on December 18. This law exists on paper since 2014 and is being prolonged on an annual basis, but it never went into effect. This time, however, Kyiv has accepted Moscow's demand to incorporate the Steinmeier Formula into this law in 2020.

The Steinmeier Formula is about bringing the special status law into effect in conjunction with "elections" in Donetsk-Luhansk. The pro-presidential Servant of the People party, holding an absolute majority in parliament, ensured smooth passage, and it can easily do so again for the Steinmeier Formula in 2020, as has been agreed first with Moscow and then at the Normandy summit (Ukrinform, December 18, 22, 2019).

Putin acts as if arm-wrestling Zelenskyy into yielding little by little. "The prolongation of the special status is a good step in the right direction. But it must be made permanent, as per the Minsk agreement, and incorporated into Ukraine's constitution, also in accordance with the Minsk agreements," Putin told German Chancellor Angela Merkel at their recent meeting in Moscow (Kremlin.ru, January 12, 2020).

– Minsk Revision: Within days of the Normandy summit, Kremlin spokesperson Dmitry Peskov declared, "If Minsk is to be revised, any changes or additions to it can only be made by negotiation between Kyiv and the Donetsk and Luhansk people's republics; whether in the Minsk Contact Group or outside it" (Interfax, December 13, 2019). This is fully in line with Moscow's insistence that Kyiv must settle the "conflict in Ukraine" by negotiation with Donetsk-Luhansk, thereby recognizing the latter, with Russia in the facilitator's role. Kyiv continues to resist this demand in any context, including that of hypothetical revisions to the Minsk "agreements."

It is, however, indisputable that any revisions would require quadripartite agreement in the Normandy format, meaning in the first place a negotiation between Kyiv and Moscow. According to Ukraine's Foreign Affairs Minister, Vadym Prystaiko, Kyiv could show some flexibility, accepting "elections" in the Donetsk-Luhansk territory, in return for Moscow revising the Minsk "agreement" so as to allow some form of Ukrainian or international control of the Ukraine-Russia border in that territory (Ukrinform, December 23, 2019). Moscow's sequence means: "hold elections first, regain border control after that." Kyiv's suggestion via Prystaiko would not reverse that sequence but would synchronize the two issues.

Chancellor Merkel had suggested during the Normandy summit that a degree of "elasticity" was inherent in the Minsk "agreements." That remark, unprecedented at the public level, seemed to respond to President Zelenskyy's pleas in the conclave to revise those five-year-old documents. But Merkel has not repeated her suggestion thus far. When she visited with Putin in Moscow, on January 11, Putin insisted at their joint press conference that the "Minsk

agreements have no alternative [incidentally a typical Merkel expression]. We understand all the complexities of Ukraine's internal politics, but the Minsk agreements must be implemented" (Kremlin.ru, January 11, 2020). For her part, Merkel expected "further progress at the next [Normandy] summit, in the sequence foreseen by the Minsk agreements" (Bundeskanzlerin.de, January 12). No hint at "elasticity" there.

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Putin and Ukraine's Black Sea Lands: Another Iteration of Novorossiya?

Vladimir Socor

In his annual press conference, summing up the year just past (Kremlin.ru, December 19, 2019), Russian President Vladimir Putin questioned Ukraine's title to the territory that Russian nationalists reference as Novorossiya; and he cast an irredentist glance at central Ukraine as well. Putin himself had launched a short-lived Novorossiya project in 2014, aiming at that time to create a Russian protectorate out of eight Ukrainian provinces, six of them along the Black Sea coast.

Putin refloated that theme under a different name, Prichernomorie (Black Sea coastal lands) in his 2019 end-of-year press conference: "When the Soviet Union was created, ancestral Russian territories [such as] all of the Prichernomorie and Russia's western lands, that never had anything to do with Ukraine, were turned over to Ukraine." In Putin's telling, this territorial arrangement was Vladimir Lenin's idea, which Joseph Stalin initially resisted but then accepted and enforced it. "And now we have to grapple with this."

Putin had used the same argument in 2014 in contesting Ukraine's title to "Novorossiya": the

Vladimir Putin speaks during annual new conference, December 19, 2019 (Source: Kremlin.ru)

Russian Bolsheviks gave that territory to Soviet Ukraine in 1922 (see below).

The term Prichernomorie, standard usage from Tsarist and Soviet times to date, is geographically more or less coterminous with Novorossiya, although the latter carries heavier political connotations. Prichernomorie encompassed the Russian Empire's and Soviet Union's territories along the northern shores of the Black Sea and Azov Sea, from Bessarabia to Kuban. Almost all of this coastal arc became part of Ukraine in 1991, excepting the Kuban (in the Russian Federation from its inception). Russia seized Crimea and the Novoazovsk district (part of Ukraine's Donetsk province) from Ukraine in 2014.

Putin has now added the intriguing reference to "Russia's western lands" (*zapadnyie zemli rossiiskie*), "ancestral" as well, on top of Prichernomorie, in his end-of-2019 press conference. It seems to hint at Russia's capacity for irredentist mischief. In Tsarist Russia, Zapadnaya Rus' was a commonly used, informal term that usually denoted areas in today's central Ukraine and Belarus (Ekho Moskvy, January 9, 2020).

According to Putin at his press conference, it was Polish publicists who first inspired a Ukrainian identity to the Ukrainians. "Admittedly, a Ukrainian identity exists, it has taken shape… Some elements of a real identity developed at some stage. We should respect this, are doing so and will do so, particularly within Russia… Three million Ukrainians live among us,

and a similar number have arrived after the tragic events in Donbas. People who come to us from Central Asia or the North Caucasus find it more difficult to adapt."

Conceding a Ukrainian identity (a simple "identity," not a national identity) is a slight variation on Putin's habitual theme that Russians and Ukrainians are "practically one and the same people." And in further remarks at the same event, Putin subsumed Ukrainians to a single "East-Slavic ethnicity: Russians and those same Ukrainians."

In introducing the Prichernomorie theme, Putin draws on his 2014 Novorossiya rhetoric. He was saying at that time, "The Bolsheviks—let God be their judge—incorporated substantial parts of Russia's historical south into Soviet Ukraine, without taking account of the ethnic composition of those regions, and now this is the present-day south and east of Ukraine." He added, "We are not just close neighbors; we are essentially, as I have said more than once, one and the same people" (se EDM, March 19, April 17, May 27, June 24, 26, July 2, 2014).

The Kremlin suspended the political project of Novorossiya after forcing Ukraine to sign the Minsk armistice in 2014. From that point onward, Moscow strengthened its grip on the occupied territories while developing the "one and the same people" thesis, which extends to Ukraine writ large, not just its Black Sea coastal lands. Putin has now refloated Novorossiya for the first time in five years under the name Prichernomorie, which is understood to cover those same lands.

On December 23, Russia opened railroad traffic from its own territory to the occupied Crimea via the Kerch Strait Bridge, with Putin leading the first convoy.

These steps followed in the wake of the December 9, 2019, Normandy summit (see EDM, December 11, 2019). Apparently, Moscow intends to demonstrate that it retains the strategic initiative and coercive capacity vis-à-vis Ukraine. The Kremlin wants President Volodymyr Zelenskyy to fulfill the commitments he signed at that summit and report the fulfillment at the next Normandy summit in April. Both the Ukrainian government and the German and French participants in the Normandy process have failed to comment on the Kremlin's post-summit moves against Ukraine.

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PAX Americana between the Palestinians and the Israel: "The Deal of the Century" or the Latest "Nakba"?

Ambassador Professor Dumitru CHICAN

MOTTO:

"Today's agreement is a historic opportunity for the Palestinians to finally achieve an independent state of their very own. After 70 years of little progress, this could be the last opportunity they will ever have."

Donald Trump, January 28, 2020

"President Trump, Donald, I am honoured to be here today. I believe that down the decades and perhaps down the centuries we will also remember January 28, 2020, because on this day you became the first world leader to recognise Israel's sovereignty over areas in Judea and Samaria that are vital to our security and central to our heritage."

Benjamin Netanyahu, January 28, 2020

"I say to Trump and Netanyahu: Jerusalem is not for sale, all our rights are not for sale and are not for bargain. And your deal, the conspiracy, will not pass".

Mahmoud Abbas, January 28, 2020

A Preamble

After two years of wait, controversies, scenarios and contradicting hypotheses, on the 28th of January 2020 president Donald Trump revealed, at the White House, the contents of the long-awaited US plan regarding the achievement of a peace solution to the conflict between the Palestinians and the Israelis, which the US president emphatically called "the Deal of the Century". The ceremony took place in the presence of the Israeli prime minister, Benjamin Netanyahu, White House officials, including the team (led by the son-in-law and presidential advisor Jared Kushner), who had been working for two years to develop and finish the massive dossier regarding the US peace initiative. Neither having been informed nor consulted when the US initiative was launched and – , developed, the Palestinians were not present when this "peace plan" was made official, a plan they had been contesting and rejecting since its inception.

A Brief Background

It is not less true that, for the past two years the USA hasn't stopped notifying the Palestinian leadership that "things have been evolving"; however, these notifications were - by their very essence and consequences, rather manifestations of an openly pro-Israel US policy, which contributed to a radicalization of the Palestinian approach and to them becoming a direct belligerent party. Here are some relevant illustrations:

- on the 20th December 2017 the Trump administration announced the US' recognition of Jerusalem as the indivisible, permanent capital of the State of Israel and the transfer of the US Embassy from Tel Aviv to the Holy City;

- that was followed by the recognition of Israel's right to ownership over the Palestinian occupied territories, where Israeli settlements were located;

- independently from his US ally, prime minister Netanyahu announced, most likely under the pressure of the elections calculations, his intent to claim sovereignty over the Jordan Valley and over lands north of the Dead Sea.

- the USA has also stopped its financial aid to the UNRWA and closed the Palestinian mission in Washington DC;

- on the 25th and 26th of June 2019, Manama (the capital of Bahrain) hosted, at the initiative

of Trump Administration, the forum "From Peace to Prosperity". While the Palestinians were not invited, the economic component of the peace initiative was presented; the component, which proposed for the Palestinians a Horn of Plenty filled with 50 billion dollars representing investments for the development of the future "State of Palestine", if they agreed with the American political conditions soon to be made public. It was actually a cosmetised return to the idea of an "economic peace" that had already been advertised over the years, including by Benjamin Netanyahu. The deal was rejected by the Palestinians.

Prime-Minister Benjamin Netanyahu (left) and President Donald Trump (source: http://www.cfr.org)

Reactions to Trump's Presentation of the Peace Plan

As expected, reactions to the publicized contents of the US plan official were swift and as many, as different and as wide - from criticism and rejection, to prudent calls for restraint and dialogue.

Mahmoud Abbas (source: afp.com)

"We say a thousand times, no, no, no!" was the first comment of the Palestinian president, Mahmoud Abbas who warned he would denounce them at the International Court for Justice. "It is impossible for any Palestinian, Arab, Muslim, or Christian child to accept a Palestinian state without Jerusalem as its capital" stated Abbas.

As for Hamas, the spokesperson of the organisation stated that "we won't accept any substitute for Jerusalem as the capital of the Palestinian state".

To the military-political Lebanese movement, Hezbollah, the "US peace plan is an attempt to annihilate the historical and legitimate rights of the Palestinian people".

The Turkish foreign minister, Mevlut Cavusoglu believed that the agreement was "stillborn" and "an annexation plan aiming at usurping Palestinian lands and killing a two-state solution", while in Jordan, the head of Jordanian diplomacy stated that "an independent Palestinian state within the 1967 frontiers [...] is the only path to a comprehensive and lasting peace."

Egypt was more reserved and called the Palestinians and the Israelis "to undertake a careful and thorough consideration of the US vision to achieve peace and open channels of dialogue, under US auspices".

In Berlin, the German foreign minister stated that the US proposal raised new and unforeseen questions, which would have to be discussed with all European partners.

The EU High Representative, Josep Borell highlighted the "firm commitment" of the European Union "to a negotiated and viable two-state solution that takes into account the legitimate aspirations of both the Palestinians and the Israelis".

The Russian Federation was in favour of "direct negotiations between the Israeli and the Palestinians in order to reach a mutual accepted consensus".

In London, prime minister Boris Johnson believed that the US peace plan "could prove a positive step forwards", while the British foreign minister, Dominic Raab encouraged the Israelis

and the Palestinians "to give these plans genuine and fair consideration".

Finally, the UN reiterated that the organisation stands with the two-state solution founded on resolutions of the UN Security Council and the UN General Assembly, which, therefore remains unchanged.

"The Deal": Text and Subtext

The new geographic configuration of the US peace plan. In green, the future Palestinian State (Source: www.jta.org)

Putting forward the "historical" proposals for peace between Palestinians and Israelis, president Donald Trump described his vision as "a realistic solution" based on the implementation of the formula of two states coexisting in parallel. However, the details of the plan include conditions that actually contradict his statement and, even

more, draw a potentially problematic roadmap, which imposes a new status quo and leads to regional changes and alterations of the map and geopolitical configuration of the "Palestinian dossier" and Israel's borders. To sum up, the inventory of the benefits and offers of the "deal of the century" include:

- the city of Jerusalem will remain - without negotiations between the two sides - in its entirety and permanently, the capital of Israel;

- the plan proposes the creation of a Palestinian capital in "Eastern Jerusalem", in one or two of its suburbs (Abu Dis, Shuafat or others). By using the phrase "Eastern Jerusalem", Donald Trump envisages areas adjacent to the actual Jerusalem's immediate outer areas, which means the future island capitals of the "Palestinian state" will actually be outside the wall separating Jerusalem from the autonomous Palestinian territories;

- the Palestinian state as imagined by its US planners will be a "coherent, contiguous and united" organism. The future state will be a *de facto* state made of what would be left of the West Bank after Israel annexes the Jewish settlements, on one hand, and Gaza Strip on the other. The two territories would then be connected by a system made of tunnels and roads. Israel would keep control over security, water reserves, energy resources and infrastructure;

- the "state" thus created will be demilitarised, and Israel would retain the veto over its electricity, water, custom duties destined to Palestinians, as well as other utilities. Under such circumstances, the two-state formula will become one of two Palestinian territories connected by roads and tunnels and forcibly called a "state" next to Israel. This actually is a tri-state formula - West Bank, Gaza and Israel;

- all these statehood benefits come with Palestine abiding by a set of prerequisites that include 1) recognising Israel as a "Judaic state", and 2) "institutional consolidation", a very confusing and ambiguous term, which is not explained by the text of the plan;

- the only concession the Israelis are willing to make refers to the agreement regarding the US proposal to freeze the building of new settlements for four years, with a view to conduct negotiations where the Palestinians can raise eventual claims. It is hard to believe that, under these circumstances

they would still want to negotiate since their most important and vital claims have been cast aside by the "deal of the century";

- reiterating the old idea of "territorial exchanges", Trump's plan says that the Palestinians will receive territories in the southern part of Israel, namely in the Negev desert, for agriculture and an industrial area;

- the USA agreed to recognize Israel's annexation of the West Bank settlements, as well as the Jordan Valley and the northern coast of the Dead Sea. The annexation of the settlements means that almost 30% of this autonomous Palestinian territory would become Israeli sovereign territory.

Note: The Jordan Valley is a strip of fertile land on the banks of the River Jordan and makes almost 30% of the West Bank. It is currently inhabited by almost 65,000 Palestinians and almost 10,000 Israeli settlers. While the Palestinians this piece of land represents a major part of Palestinian territory and future country, Israel claims that the Jordan Valley is vital to its own security. Moreover, president Trump himself stated that "Jordan Valley, which is vital for Israel, will pass under the sovereignty of this state".

- another vital matter to the Palestinians is cast aside by the American plan. We are referring to the fact that, according to the plan the issue of the Palestinian refugees will no longer exist. They will be able to make a choice whether to live in the "future" Palestinian state, or settle in the Negev desert, thus "integrating" in the Israeli society, or permanently integrate in the countries where they currently reside.

What do the Palestinians get in return?

At the Forum in Bahrain, the Americans spoke of a 50 billion USD financial aid for social and economic development, new jobs and infrastructure development. Smaller aids (between 5 and 10 billion dollars) would be given to Jordan, Egypt and Lebanon. We must mention that the funds would mainly come from Arab states.

The USA would open an embassy in the future Palestinian "state", in its capital in eastern Jerusalem.

The current *status-quo* of the Temple Mount will be maintained, as the location of the Muslim and Jewish holy sites.

Another Hotbed of Conflict

In Arabic language, as well as in political and historical Palestinian discourses, *nakba* is a term that translates into "catastrophe", "calamity" and refers to the beginning of the Palestinian drama along with the official creation of the State of Israel, back in May 1948. In the light of those made public by president Trump, there are many observers and analysts, mostly Palestinians, who believe that, given the way it was conceived ("to be purposely rejected by the Palestinians"), the American peace plan has all it takes to become the next, and perhaps the last *nakba*. It is very likely that the unrest – political and at the level of the Palestinian society, which has a rich and bloody experience with protests and *intifada*, should intensify in the upcoming future. However, beyond all political and legal reasoning, whether local or international, there are issues that create a real "Gordian knot" to any "peacemaker", since they are in direct connection to both Palestinian and Israeli collective memories and identities, which go beyond negotiations and treaties, only to exert new ways to perceive their sense of belonging to a cultural, anthropological, religious and historic background. "Foreign Policy" reminds us some of these matters:

Firstly, the Jewish and the Palestinian Arabs deeply identify themselves with their sacred lands, without which their peoples would be lost.

Secondly, one must recognize that any agreement or peace treaty would be considered moot by both sides when such a peace ignores the citizen's inalienable right to freedom and to the community they belong to.

Thirdly, the Jewish, the Muslims, as well as the Christians are organically, temperamentally and spiritually connected to the Holy City of Jerusalem whose loss is seen as a tearing of history, from which neither of the three great monotheistic religions have abdicated for millennia and are not about to give up now.

As long as the Palestinians and the Israelis, and along with them the international community will not acknowledge these realities that do not comply with the judicial, electoral, political, or otherness related paradigms, the "plans" and "deals" which "trade" peace and coexistence will keep on fuelling the flames of conflict and insecurity.

President Donald Trump's Peace Plan

H.E. Fuad KOKALI[1]
Ambassador of the State of Palestine to Romania

Introduction

In the beginning of the document, which includes his peace plan, President Donald Trump states that throughout history there have been conceived several peace plans for the Palestinians and the Israelis, however, none of them took into account the actual situation. He claims his plan is different. Nothing could be further from the truth, though. Completely built from clichés and lies, the so called plan, just like the others before it, ignores the national aspirations and rights of the Palestinians. Even though Donald Trump claims the plan is realistic and achievable, it favours one side only - the Israeli. Below we will approach every issue included in the US document, and will show how it ignores international law and the relevant UN resolutions on the Israeli-Palestinian conflict.

Political Context

The Palestinians have been accused over the years of having rejected all the peace proposals and solutions presented to them. By contrast, Israel posed and was depicted by the media as the only party willing to settle and pitied for not having a peace partner to negotiate with. We have seen this pattern ever since 1947, when the UN adopted the first Partition Plan. The truth is that the so called peace solutions have always been designed to disadvantage the Palestinians. In 1947, the Jewish people who had immigrated to Palestine from Europe and from the neighbouring Arab countries represented one third of the Palestinian population and owned 7% of the territory; however, the UN gave them 55% of the land to establish their own Jewish country. Of course, the Palestinians, who were much more and owned most of the land, disagreed. The Zionists brought their newly

formed armed forces and conquered yet another part of the territory designated by the UN for the Arab state. A large part of the Palestinians fled the country and found refuge in the neighbouring countries, most of whom continue to be refugees to this day (Israel has always opposed their return).

Nowadays, in 2020, benefitting from Trump the saviour's protection, Israel is where it was before. Posing as the victim again, claiming it wants peace while the Palestinians keep opposing it, and forgetting one simple thing: there can be no peace without justice. Israel claims it has to give territory in order to make room for the new Palestinian state, while the thruth is the Palestinians have been asked all the time, ever since the beginning of the conflict, to give up their mother land and make room for the newcomers. The conflict between the two sides is indeed a very delicate subject and a cause for instability in the Middle East. As long as there is no peace in the Holy Land, there will always be tensions in this all so fragile and worn out region.

The Two-State Solution

All the solutions to the Israeli-Palestinian conflict were based on the existence of two states - an Israeli state and a Palestinian one. Being addressed in Camp David and Oslo, the problem with the two state solution is that it lacks realism. Israel claims it has always wanted peace, but its actions have always proved otherwise. If Israel had wanted a Palestinian state as its neighbour, it wouldn't have built all those Jewish settlements in the West Bank, which disrupt the territorial continuity of a hypothetical Palestinian state. Israel did not want the existence of a neighbouring Palestinian state 70 years ago, as it did not want it 20 years ago and does not want it now. It is easy to speak and say words, they cost nothing. If your actions don't stand by your words but even more, they are in contradiction, then boasting that you are a

visionary and an innovator is in vain.

Donald Trump's plan doesn't bring anything new, but the same old clichés delivered as a vision. It brings something new, though - clarity. This time we are plainly told: "a realistic solution, that would give the Palestinians all the power to govern themselves, but not the power to threaten Israel". In case you didn't understand, the mere existence of an independent Palestinian state is seen by Israel as a threat and this is why the latter opposes its establishment, this is why Israel imposes conditions which it knows the Palestinians would never agree to. As we continue reading the document drawn up by the Trump administration, things become more and more clear: the hypothetical state of Palestine will be made of scattered enclaves in the West Bank, connected by tunnels and bridges, with Israeli settlements in between, and Israel will be responsible for the security of the whole area. So good bye to West Bank demilitarization, military checkpoints will never cease to exist, the Israeli Armed Forces will continue to be omnipresent, ensuring security by land and from the air.

We once again find out how the Palestinians are responsible for their own fate. We take a look at the Gaza Strip, which we are told is controlled by the terrorist organisation Hamas, at blame for the blockade that has been suffocating the territory for more than ten years. First of all, we must clarify that Hamas is not a terrorist organisation. Hamas is a "terrorist organisation" only because the USA and Israel call it that way and we know that the USA decides who is a terrorist on this planet and who is not. Hamas is a "terrorist organisation" only because once in a while, when the noose around the Strip is too tight, it launches a home made missile at Israel. No, Hamas is first and foremost a movement of resistance. The Fourth Geneva Convention states that any population under military occupation has the right to defend itself both by non-violent means as well as by military force. So, the Palestinians have both the moral and legal right to oppose occupation any way they can. Hamas has made use of "martyrdom", suicide bombings, but ceased doing so ever since the blockade. In 2006, Hamas democratically won the elections in the Strip, so, the will of the people made it possible for Hamas to govern the region. And Hamas hasn't conducted any military operations against Israel beyond Gaza Strip ever since. All they did was to fight back against Israeli military offensives against civilians in the Strip. Moreover, the leadership of Hamas have given Israel, on multiple occasions, the chance for a long-term truce, which the latter refused.

The UN Resolutions

The document drawn up by the Trump administration recognises the efforts made by the UN General Assembly and the UN Security Council in order to achieve peace, but it claims the plan is not based on their numerous resolutions. On the contrary, we say, this Peace Plan violates the UN resolutions and ignores the international law. Starting with the UN Resolution 181 (the Partition Plan) and moving on to 242, 446, 452, 465, 471, 476, and up to 2334, Israel has violated all of them. The International Humanitarian Law that refers to occupied territories, as formulated in the articles 42 to 56 of the Hague Convention and the articles 27 to 34 of the Fourth Geneva Convention, clearly state that the occupant cannot claim sovereignty over the territories under occupation, cannot forcibly or willingly move the population in and out of the occupied territories, cannot transfer its own citizens in the territories it occupies, collective punishments are strictly forbidden, seizure of private property is forbidden, cultural property must be respected, and the citizens accused of breaking the law should stand trial according to the rules of international law (should be informed of the reason of their arrest, should be charged with breaking a specific law and should be given the right to a fair trial as soon as possible). Israel has repeatedly breached all these provisions; so, it comes to no surprise that Mr. Trump says his Peace Plan is not based on the UN resolutions.

Other relevant resolutions to the Israeli-Palestinian conflict:

- Resolution 252 of the UN Security Council

(1968) states the following: the UN Security Council "*considers* that all legislative and administrative measures and actions taken by Israel, [...], which tend to change the legal status of Jerusalem, are invalid and cannot change that status".

  - Resolution 250 (1968) "calls upon Israel to refrain from holding a military parade in Jerusalem".

  - Resolution 251 (1968) "deplores" the Israeli military parade held in Jerusalem.

  - Resolution 267 (1969) confirms Resolution 252.

Territory, Self-Determination and Sovereignty

Transition to statehood is complex and full of dangers, says Donald Trump's document. The region cannot take another failed state, another state which violates human rights and international laws. Does he mean to say that the region cannot take another state besides Israel, which could do these things? For Israel is far from being a democratic state (how can a state be democratic when it wants within its borders only citizens of a certain religion?) and, as I have shown here several times, it broke international laws just as it saw fit.

We are again reminded of the sacrifice Israel has to make, how it has to give up territory so that the Palestinians can have a state of their own too. In other words, Israel is negotiating a territory which did not belong to it in the first place. Those who always had to compromise and sacrifice were the Palestinians. Starting with 1947 and during the war in 1967, the Palestinians lost more and more land and their expectations of having a state of their own lowered more and more, especially as the Jewish settlements on their land multiplied. And now, Donald Trump tells us the Palestinians would have a viable state, would regain their dignity and would be able to pursue their legitimate national aspirations, when in fact Israel won't withdraw from the territories it conquered during the war, claiming that such a withdrawal would be historically unheard of. This means that obeying international laws is also unheard

of, Mr. Trump, since Article 42 of The Hague Convention clearly states that a territory is considered under occupation when effectively under the authority of a hostile army, and the UN Security Council 242 resolution starts by highlighting that it is inadmissible to acquire a territory by war, which means that Israel cannot claim that the territories obtained during the 1967 war belong to it.

Picture no. 1
Donald Trump's Map, which pictures an imaginary State of Palestine - in green. The numbered white dots represent the Israeli settlements which are to be annexed. The green dotted line represents the tunnel which would connect the West Bank to the Gaza Strip. The continuous green lines show the bridges and tunnels which would connect the Palestinian enclaves (between them).
(Source: https://www.whitehouse.gov/wp-content/ uploads/2020/01/Peace-to-Prosperity-0120.pdf)

The so called Palestinian state envisaged by Trump would be made of small Bantustans - just

like in South Africa during the apartheid - connected by tunnels, surrounded by Israeli colonies and without a shred of authentic sovereignty. The existence of a hypothetical Palestinian state is conditioned by a series of demands such as Hamas' disarmament, the recognition of Israel as a Jewish state (thus destined only to Jewish citizens) and the establishment of a Western style government and legal system. A very important nuance refers to Israel as an all Jewish state. Israel, as an independent and sovereign state was recognised by the Palestine Liberation Organisation in 1993, when the Oslo Accords were signed. Recognizing Israel as a Jewish only state is an entirely different matter. It is like saying that the USA is a country for "whites only" or that Romania is a country for "Christians only". So, Israel wishes racism were recognized as state policy. What of the Israeli citizens of Muslim or Christian religion? Will they be thrown out? Killed? What Trump suggests is a second *Nakba*; another large scale catastrophe for the Palestinian people. Trump knows the Palestinians will never agree to this.

Another condition for a Palestinian state to be established is the cancellation of all educational programs (including schools) and books, which incite violence and promote hate against their neighbors. Perhaps Israel would like to discuss how its school curricula and books spread propaganda and intoxicate the brains of the Israelis since infancy, promoting a false history, how they describe Palestinians as born terrorists, and how they spread hate among the young, starting from a very early age. In Israeli schoolbooks the Palestinians are marginalised and vilified, justification is offered for massacres and ethnic cleansing, and the Jewish/Israeli culture is presented as superior to the Arab-Palestinian one. Nevertheless, Trump is lecturing the Palestinians on how their school curriculum should look like.

Refugees

The issue of the Palestinian refugees came with the Arab-Israeli war in 1948, when the Zionist armies, which settled Israel on 77% of the Palestinian land forcibly expelled 800,000 Palestinians – about 57% of the total population at that time. The issue of the refugees worsened after Israel occupied the rest of Palestine, in 1967, when approximately 300,000 Palestinians were expelled by force. The issue of the Palestinian refugees is the most prominent refugee crisis, if we are to compare the number of refugees to the overall number of citizens. Besides, it is the longest refugee crisis in modern history, which, even though more than 70 years have past, hasn't been solved yet.

More than half of the Palestinians live outside the historical Palestine. More than 88% of the Palestinians in diaspora live in Arab countries, natural hosts for the Arab Palestinians. Most of the Palestinian refugees live in countries neighbouring Palestine - Jordan, Syria and Lebanon host 80% of them. Many Palestinians also live in the Gulf countries, especially in the Kingdom of Saudi Arabia.

On the 11 December 1948, the UN General Assembly adopted Resolution 194, which affirmed the right of the Palestinian refugees to go back to their homes and mother lands. The choice was left to the refugees not to others, the resolution allowing them to choose what they saw safer - to return or not. Moreover, a UN commission was created with a view to facilitate the refugees return and their economic and social rehabilitation, as well as to ensure the necessary reparations.

This resolution was reiterated over the years, because Israel continued opposing its implementation. Israel refused to take responsibility for the Palestinian *Nakba,* so any discussion referring to the refugees became taboo. Nevertheless, the UN, more precisely the UN Security Council didn't make any effort to pressure or force Israel to implement the resolution. It granted Israel membership status under the condition that it allowed the return of the Palestinian refugees, which Israel never agreed to.

Trump's plan clearly says that there will be no return of Palestinian refugees to Israel. Israel knows that if it agrees to the return of even a part of the refugees, the Jewish people will

become a minority in their own country, and this is unconceivable to them. Trump's document mentions that Israel would accept 5,000 refugees a year for a period of ten years; a total of 50,000 people. However, according to the US peace plan, the refugees have three options: to become citizens of the countries they currently reside; to rebuild their lives in a third country, or to move to the newly formed Palestinian state. They won't have the right to return to Israel.

On the other hand, they are trying to distract our attention from the problem of the Palestinian refugees by bringing up the Jewish refugees from the Arab-Israeli conflict. We are suggested that it is the duty of the Arab countries to receive the Palestinian refugees, when in fact it is Israel's duty to agree to the return of all Palestinian refugees who wish to do so. The issue of the refugees hasn't been and isn't the biggest obstacle in the way of a peace solution; it can be solved a lot easier than other issues, such as that of the settlements, and this is due to the fact that many refugees have made a life of their own in other countries, which they are not willing to leave. So a mass return is out of question. It is a matter of principle. Israel must assume the moral and legal responsibility for the injustice in the past. Why can the Jewish refugees, who left 2,000 years ago, return, and the Palestinians who were cast away in 1948 cannot? The Israelis are trying to pose as victims of history and they wish to be the only ones.

Gaza Strip

The Gaza Strip was born out of the 1948 *Nakba* (catastrophe). Before $5^3 8^2$, the "Strip" didn't exist as a geographical entity. Before 1948, Gaza was a "district", a piece of land under the Mandate for Palestine, just as it was during the four centuries of Ottoman rule. By the end of the British Mandate, the Gaza Sub-district in 1948 had 1196.6 km² and was made of three major cities: Gaza, Al-Majdal (now Ashkelon) and Khan Yunis, besides other 53 towns and villages. All throughout history, the area of the Gaza District changed its size; however, for centuries, it kept most of the area which belonged to the Gaza Sub-district, until the eve of 1948.

During the war, Israel occupied territories beyond those designated for the Jewish state by the UN Partition Plan in 1947. The Israeli forces conquered 78% of the Mandate for Palestine, including 70% of the Gaza Sub-district. The other 365 km² left in the Gaza district were given to Egypt, the first to use the term "Strip".

Israel and the USA are making efforts to connect the Palestinian resistance to global terrorism, which is why they advance so much the idea that Hamas is a terrorist organisation and this is why they claim that disarming it is a condition for the Peace Plan to be implemented. If they cannot depict all Palestinian as terrorists (even though they have been trying), the least they can do is paint Hamas in these colours. Hamas is considered a branch of the Muslim Brotherhood, but it is unjust to judge its position on the rule of law and democracy based on the narratives of the movement it originated from. Hamas claims to have embraced new beliefs regarding this aspect and it has come to fully acknowledge the concepts of democracy and rule of law. By taking part in elections it has proven its willingness to function in a modern state and a democratic system. It has even demanded for coalition governments incorporating secular and left-wing parties. Its government, as well as its list for the parliament included women, and its first government had both Muslim and Christian ministers.

Trump and Israel want to make us believe that Gaza is a victim of Hamas, when in fact the small piece of land has been the victim of the Israeli blockade for more than ten years. Israel, not Hamas controls the borders, so it decides who and what comes in and out of the Strip; Israel is the one who deprives the population of water and electricity, medicine and food. Gaza suffers from an utter humanitarian crisis and what goes on there suggest a name - genocide.

Borders

The proposal to redraw Israel's borders doesn't do anything but give the Israelis even more Palestinian land from the West Bank, in exchange for two areas in the Negev desert

(where nothing grows). Just as the proposed map shows, the Plan gives Israel a large piece of land in the West Bank where a number of Jewish settlements reside. According to international law, these settlements are currently illegal and are not considered part of the present-day Israel. Numerous UN resolutions have affirmed that the establishment and existence of Israeli settlements in the West Bank and East Jerusalem are a violation of international law, including the resolutions 446, 452, 471, and 2334. The UN Security Council resolution 446 states that the Geneva Convention is applicable and demands Israel to stop transferring its population into occupied territories, or change their demographic structure. The resolution 2334 in 2016 reaffirms the illegality of the settlements and calls them "a flagrant violation under international law and a major obstacle to the achievement of the two-state solution and a just, lasting and comprehensive peace".

The enclaved Palestinian population will remain inside Israeli territory, but will belong to the Palestinian state, says Donald Trump's Plan. The security of the enclaves and access routes will fall under Israel's responsibility. In other words, if the Palestinians want a state of their own, let's give them some crumbles so they can call it a country. We will get the big piece.

The Jordan Valley, which stretches along the eastern coast of the West Bank, will be under Israeli control as well. This valley is an area highly populated by Palestinians and was occupied by Israel during the 1967 war, becoming the border with Jordan. It holds major Palestinians centres such as Jericho, and Israeli settlements too. Trump's plan claims that Israel's control over this area is a matter of security, and the presence of the Israeli army in the Jordan Valley is essentials to protecting Israel from potential invasions. Again, we appeal to the same resolutions we mentioned in the case of the West Bank, which clearly state that acquiring a territory by war and moving people in and out of this territory is forbidden. The UN Security Council reaffirms that "the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity

and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-state solution and a just, lasting and comprehensive peace". The UN Resolution 446 "affirms, once more, that that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem". In the eyes of the international community, Israel's presence in the occupied territories is subject to the international law dealing with military occupation, specifically with the Fourth Geneva Convention. It forbids legislative amendments, the transfer or the deportation of the local population and the occupation of the territory with its own citizens.

Jerusalem

Trump recognises the importance of Jerusalem to all three major religions - Christianity, Judaism and Islam. However, he promises an undivided Jerusalem as Israel's capital. A future Palestinian state would receive some outer neighbourhoods (Kufr Aqab, and the refugee camps of Shuafat and Abu Dis, united under the name Al-Quds - *The Holy*, which is the name attributed to Jerusalem, not to its outer neighbourhoods) to form its capital. The decision is huge. It is the main reason the entire Arab world rejects the peace plan of the US president. Jerusalem is important not only to Palestinians, but to the entire Muslim world. Over the years, Palestinian negotiators have asked for a Palestinian capital in East Jerusalem. Now here comes Trump saying that the future Palestinian state will have Abu Dis as its capital, an urban extension separated from East Jerusalem by a border wall. It doesn't have any religious significance or cultural depth, as Jerusalem does.

However, what is Jerusalem's current status according to international law? The city of Jerusalem has always been part of the Palestinian territory and didn't have a specific legal status until the Partition Resolution 181 in 1947, which proposed Jerusalem to be a separate entity under an international regime

administered by the UN. During the war between the newly formed state of Israel and the Arab countries, the Transjordan Arab Legion, under British rule, defeated the Zionists, annexed the West Bank, renamed itself Jordan and declared East Jerusalem as its second capital. Despite the hostilities in 1948-1949, the UN tried to impose Resolution 181, before giving up this attempt in 1951. The option has always remained open. The UN agreed with the Jordanian annexation, listing in 1981 the Old City of Jerusalem as under Jordanian custodianship. However, Jordan occupying East Jerusalem in 1948 didn't give it a legal right over it. Admitting to being weaker than the Israelis in the Six Day War, after 21 years of not being present, in 1988 Jordan gave up its annexation in favour of a Palestinian state. Currently it has no claim over Jerusalem.

Israel's steps to integrate West Jerusalem in its territory and its actions, following the war in 1967, to reclaim its sovereignty over whole Jerusalem have been condemned at length by the UN resolutions and have no legal ground. The Israeli occupation of West Jerusalem, starting with 1948 has never been legally recognised, even though most countries recognize Israel's authority over it. Israel has East Jerusalem under military occupation. According to international law, military occupation does not grant ownership. Moreover, UN Resolution 242 states that East Jerusalem is one of the territories Israel must withdraw from. The fact that Jerusalem has a special status - separated from Israel and the Occupied Territories - is accepted by the international community. The exact nature of this status is yet to be determined in the context of a final agreement between the Palestinians and the Israelis. In the meantime, the sovereignty over the city is on standby.

Putting aside all these aspects related to international law and global consensus, on 6 December 2017 president Trump stated, on behalf of the USA, that Jerusalem is the capital of Israel and initiated steps in order to move the American embassy from Tel Aviv to Jerusalem. Nowadays, President Trump says again that Jerusalem should remain undivided and become

the capital of Israel. So, the Arabs who live in Jerusalem, Israel's capital would have three options: to become citizens of Israel; to become citizens of the State of Palestine, or to keep their status as permanent residents of Israel (however, what Israel wants is a Jerusalem without Arab inhabitants, so it would make their lives miserable in order to make them leave). Jerusalem would be recognised internationally as the capital of Israel, and Al-Quds (or whatever other name the Palestinians would choose) would be recognised internationally as the capital of the State of Palestine. After the signing of the agreements, the US Embassy in Palestine would be opened in Al-Quds, in a mutually agreed location.

The status of Jerusalem is a classic example of utter violation of international law, tolerated by the international community because of the lack of implementation mechanisms, or better said because of the lack of desire to provide such mechanisms. This has allowed and allows Israel to completely ignore the international law and create a reality on the ground which sooner or later the international community will be forced to accept. And with Donald Trump's help it is quickly heading in that direction.

Security
The Israeli-US dream with respect to the Palestinian state? This is Donald Trump's great vision: a completely demilitarised state, a state incapable of defending itself against any aggression from outside. Is there any doubt that this "plan" was only designed to fail? Why was it conceived this way? Because the Israelis like the current state of things. The Israelis are happy with the present satus-quo, as long as the USA has stated that the "settlements" in the occupied territories are legal, has moved the embassy to Jerusalem and the plans to annex the West Bank run smoothly.

"Peace can never take roots in an environment where violence is tolerated, funded and even rewarded", said Trump. This is why we are being told that the Palestinians should be educated in this spirit of peace. Perhaps he would like to explain to us how he plans on

educating the Israelis in this spirit of peace because, meanwhile, the Israelis are the occupier, the Israeli army is present on Palestinian territory where they dictate, the Israeli army is responsible for nocturnal raids and sometime arrest even children, without reason, the Israeli army orders houses to be torn down and properties destroyed, the Israeli settlers terrorise the native population showing off their machine guns, throwing stones at shepherds and farmers, shooting and running over animals and so many other similar acts of violence.

Israel poses as a victim again, states that all its wars have been defensive and complains that ever since its establishment it hasn't known a day of peace with all its neighbours. Yes, this is what happens when you invade a country, when you expel its population to make room for your own, when you impose an occupational military regime on a territory which is not yours, people tend not to like you. Luckily there are the USA and Donald Trump to support their little brother. Actually, this is how Trump's document justifies the annexation of the Jordan Valley - Israel needs this region to defend itself from possible threats from East. Furthermore, Israel says it fears that if it withdraws from the Jordan Valley, just as it has done in Gaza, it risks creating a suitable environment for terrorism. In this regard, the future Palestinian state must pledge it will fight against terrorism (American obsession) on all fronts, pass and implement legislation to forbid terrorist activities and organizations, punish those involved in such activities and cease rewarding and paying the families of those accused of terrorism.

What Israel and the USA seem to forget is that Israelis too have been involved in terrorist actions; however, we have to a blind eye on these. Even before the establishment of the state of Israel, Zionist militant groups (Irgun, Lehi) have executed a series of terrorist attacks against the British governing Palestine at that time, to make them leave the territory more quickly and thus allow the Israelis to establish the state of Israel. Does the name Baruch Golstein ring a bell to the Israelis? In case they forgot, he was a retired Israeli officer who

entered Ibrahimi mosque in Hebron, murdered 29 people and wounded other 125 before he could be stopped. In 2015, two extremist settlers burned the house of the Dawabsheh family to the ground, orphaning a child and murdering an 18 month old. Terrorism knows no colour or religion. If the Palestinians must engage in the fight against Palestinian terrorism (even though what the USA and Israel call Palestinian terrorism is resistance against occupation, a right guaranteed by law), then Israel too must engage in the fight against Israeli terrorism.

Asking a country to have no army is absurd. The mere notion of statehood implies the ability to protect its own borders. This is why the UN insists on highlighting the fact that an Israeli-Palestinian peace plan must ensure peace and security for both states, within the established borders. Ironically, Israel is the one insisting so much on the right to defend its borders. Looks like the Palestinians cannot have the same right.

Donald Trump is asking the Palestinians not to have a military infrastructure, any kind of weaponry (anti-aircraft, missiles, mines, armoured vehicles, machine guns, laser or directed-energy weapons, military training facilities, or weapons of mass destruction). Israel, instead has one of the most powerful armies in the world. It is allowed to have all kinds of weapons. Besides, it shall retain the right to destroy any area on the territory of the Palestinians used to produce forbidden weaponry. It looks like, in case of an Israeli attack, the Palestinians are doomed to protect themselves as they have done until now, with slingshots and stones. And Mr. Trump still has the nerve to speak of how he would restore the Palestinians their dignity. What is this plan, if not a humiliation and a lack of respect for the Palestinians? A demilitarised country patrolled by the military of another is a colony. If Israel has the right to defend its borders, then the state of Palestine should have the same right.

Conclusion

"The Deal of the Century", as it is called by Donald Trump generated various reactions from the international community. The Palestinians

and their allies dismissed it right away, while the Israeli Prime Minister Benjamin Netanyahu welcomed the initiative of the US President. Turkey does not adhere to the US plan, calling it an "annexation plan aiming at usurping Palestinian lands and killing the two-state solution". Jordan stated it supported the efforts "towards a just and global peace" which can only be achieved by establishing an independent Palestinian state within the borders set in 1967, with East Jerusalem as its capital. Saudi Arabia appreciates Donald Trump's effort but asks for direct negotiations between the Palestinians and the Israelis.

France expressed its conviction that the "two state solution", in accordance with international law and with a set of guidelines agreed upon at an international level is necessary to establish a just and long lasting peace in the Middle East. Berlin reminded that only a "commonly agreed solution" can lead to peace. London sees Trump's plan as a "serious proposal", but insists that "only the leaders of Israel and of the Palestinian territories can say whether these proposals will satisfy the needs and aspirations of the people they represent". Russia supports the need for direct negotiations between the Israelis and the Palestinians in order to reach an "mutually acceptable compromise". The Romanian minister

of foreign affairs, Bogdan Aurescu stated that Romania would look into the plan and would continue supporting the two-state solution.

It is difficult to say what is more offensive - the countless breaches of international law which Trump's Plan contains, or the fact that the US President insists that this masquerade is a "peace" plan. Taking into consideration the present reality of the brutal Israeli occupation, any real solution must start with the cessation of this occupation. And yet, Trump's plan does exactly the opposite. Instead of independence within their own territory, Trump gives the Palestinians a long line of prisons guarded by the Israeli Armed Forces and surrounded by Jewish settlements. Instead of granting the Palestinians access to their own resources, Trump's plan allows Israeli settlers to steal even more from what rightfully belongs to the Palestinians. Instead of freedom for an imprisoned West Bank and a captive Gaza Strip, Trump's plan throws away the key to the prison. Instead of ending the Israeli occupation, Trump's plan seeks to make it permanent.

There is no serious response to this plan. The only thing which can be done is to expose this plan for what it is perceived by its victims - a crime; a crime not only against the Palestinians, but against the international community and against those who abide by the law.

Picture no. 2 Palestinian territorial losses over time, starting with 1917, during the British Mandate and up to 2020, along with Donald Trump's imaginary plan. In green is the Palestinian territory and in white is territory occupied by Israel, which has taken more and more land belonging to the Palestinians.
(Source: https://twitter.com/MaajidNawaz/status/1222622367492530176/photo/1**)**

We Do Not Want Escalation, but We Attack.
A New Eruption Threatens the Peace in the Middle East and Worldwide

**Ambassador Professor
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At a late hour in the night between the 2nd and the 3rd of January, close to Baghdad International Airport, on the road connecting the airport to the city, and following President Trump's direct orders, an US drone hit the convoy transporting the Iranian general Qasem Soleimani. He had been, ever 1999, the commander of the "Al-Quds Force" - a special unit of Iran's Islamic Revolutionary Guard Corps ("Pasdaran") responsible for foreign operations. Why him?

Reporting directly to Iran's supreme leader Ali Khamenei, the spiritual father, strategist, planner and implementer of the "export of revolution" policy in the region, main coordinator of military, intelligence and operational activities in Syria, Iraq, Lebanon and Yemen, mentor and beacon for all paramilitary groups, which the Iranian regime organized, financed, endowed and managed all over the Middle East and beyond it, a fierce adversary of the USA and of Israel, Soleimani was considered, after the supreme leader Khameney, the most powerful man in Iran and the genius behind all operations that, following the Islamic Revolution, were carried out by Iran against the interests of the USA and its regional allies.

Qasem Soleimani (middle) (source: middleeastmonitor.com)

The attack led to the instant death of Qasem Soleimani and Abu Mahdi Muhandis - the deputy chief of the pro-Iranian Iraqi militia alliance, the Popular Mobilisation Committee (Al-Hashd Al-Sha'abi) and commander of the Hezbollah Brigades, which are part of the Popular Mobilization Forces - as well as to the death of twelve members of their security team. One day later, on the 4th of January, the US and Iraqi media announced, unofficially, that a second drone strike took place and led to more loss of human lives. The attack targeted a location of the Iraqi militia Asaib Ahl Al-Haq, another group affiliated to the Popular Mobilisation Committee, which the USA designated as a terrorist organization.

Gen Ismail Qaani, Soleimani's successor (source: Agerpres)

The importance of general Soleimani's position and role in the Iranian military and intelligence apparatus were shown not only by the reactions coming from the Iranian leadership, who vowed to revenge the death of the dignitary, but also by the fact that just hours after the US strike, ayatollah Ali Khamenei signed the decree that appointed Soleimani's successor at the head of the Al-Quds Force – Brigadier General Ismail Qaani, who was Soleimani's right hand, well known for his military expertise and also for his aggressive hostility towards the USA and Israel.

Reactions Following the Attack

The reactions and declarations following the death of Qasem Soleimani were equally

numerous and dominated by concerns, and it is expected they will continue as the consequences of the US strike will crystallize. Here are some of the comments and opinions expressed in the hours following the event:

- the president of Iran, Hassan Rouhani warned that "there is no doubt that the great nation of Iran and the other free nations of the region will take revenge on this gruesome crime from criminal America";

- the Iranian minister of foreign affairs, Mohammad Javad Zarif stated that "the brutality and stupidity of American terrorist forces in assassinating Commander Soleimani… will undoubtedly make the tree of resistance in the region and the world more prosperous. […] The US strike is an extremely dangerous and foolish escalation. The US bears responsibility for all consequences of its rogue adventurism".

- in Baghdad, the Iraqi Shiite leader Muqtada Al-Sadr ordered the reactivation of the resistance faction "Mahdi Army" and asked it to be ready for action at any moment;

- shouting "death to America", thousands of citizes publicly protested in the Iranian capital, as well as in other cities in Iran;

- in Moscow, minister of foreign affairs Sergey Lavrov and the Chairman of the Committee on International Affairs, Konstantin Kosachev launched severe warnings regarding the "reckless" consequences of the US operation, which threatens to translate into a serious escalation of the tensions in the region. The two Russian dignitaries said that the step taken by the USA "is fraught with grave consequences" and it "won't be forced to wait for a response";

- in Brussels, the President of the European Council, Charles Michel launched an appeal in the name of the European community to stop the violence and aggravation in the entire Gulf region. The European dignitary also said that "the risk is a generalised flare up of violence in the whole region and the rise of obscure forces of terrorism that thrive at times of religious and nationalist tensions";

- in Berlin, the German government spokesperson, Ulrike Demmer said that the action taken on the 3rd of January caused "a dangerous point of escalation". She also urged for "prudence and restraint" in order to find a diplomatic solution to all disputes;

- the British secretary of state for foreign affairs, Dominic Raab expressed his country's concern and called all the involved parties to act in order to de-escalate the situation generated by the elimination of general Soleimani;

- the announcement of the death of the Iranian general caused a 4% increase in oil prices on the hydrocarbon market;

-the leader of the Lebanese organization Hezbollah, Hassan Nasrallah committed to "meting out the appropriate punishment to these criminal assassins who killed the martyr Qasem Soleimani";

- in Baghdad, prime minister Abdel Abdul Mahdi condemned the assassination of the Iranian official saying that the attack that killed the latter was a "flagrant violation" of the legal framework regulating the US military presence in Iraq. The prime minister also said that the escalation risks "triggering a destructive war in Iraq";

- US experts and analysts on the Middle East and Iran were unanimous in labelling the killing of the Iranian general as the most important US success for the past decades, even more important than the capture of the Jihadist leaders Osama Bin Laden and Abu Bakr Al-Baghdadi, and yet a conflict generator since the victim was one of those people supported by a society and a military with extensive experience in waging war, hostile to the USA and its policy.

How Could Iran Respond?

All the reactions and stances following the death of general Soleimani from both officials in Tehran and representatives of political and military groups in the pay of the Iranian regime constantly cited revenge and punitive measures against the USA. This insistence, under such circumstances, made analysts, politicians and media ask an inherent question: what kind of action would Iran take as a retaliation for the operation on the 3rd of January, whose victims were the commander of the "Al-Quds Force" (the

special unit in Iran's Islamic Revolutionary Guard Corps - "Pasdaran"), the leader of the pro-Iranian Iraqi militia alliance, Abu Mahdi Muhandis, deputy chief of the Popular Mobilisation Committee (Al-Hashd Al-Sha'abi) and the twelve members of their security team?

It is worth mentioning that a virtual front including objectives that might become targets covers a large area that stretches from the Persian Gulf to Iraq, Syria and Lebanon, as well as to the South of the Arabic Peninsula, all the way to the Indian subcontinent. This area includes the waters of the Gulf, the Strait of Hormuz and the Sea of Oman, and is packed with (deployed) forces of the Islamic Revolutionary Guard Corps, the backbone of the Iranian Armed Forces that includes the Al-Quds Force, whose commander used to be general Qasem Soleimani. At the same time, this area is also "host" to a significant US military presence - mainly maritime - which, from an Iranian perspective provides at least 30 potential targets.

On land, Iran already has national armed forces or militias under its control - in Syria, Lebanon, Iraq and Yemen, that can be quickly used in a conflict. Depending on the circumstances, Tehran can expand its area of interest up to Afghanistan and Pakistan. Seeing that it has at its immediate disposal a lot of resources, both human and strategic, as well as a vast geographical area, it is difficult to say where will Iran strike back and what will be its targets. It is also difficult to answer the question whether the Iranians will use forces of their own, without claiming the retaliatory actions taken against the US presence and interest, or will use non-Iranian forces who are spread on a vast regional and sub-regional geographical area.

Specialists, strategists and analysts that have paid attention to this conflictual matter are sceptical regarding the prospect of a direct military confrontation, claiming that the strategic and tactical approach of the Iranian Armed Forces is based on the principle that Iran doesn't whish to directly engage its enemy, favouring instead a series of swift, dispersed, targeted actions which do not provide enough incentive for the enemy to undertake massive counter-offensive operations, but which have a wearisome and demoralizing effect. The Iranians could also destroy airborne drones, without actually causing loss of human lives, or launch "unidentified" mines in the waters of the Gulf, or attack logistics, energy and economic infrastructure in regional states that are USA's allies, without claiming the actions and admitting ownership. The Iranians are aware of the fact that engaging in a direct and extensive confrontation with US' war machine would most likely mean losing the entire war.

We don't need sophisticated analyses to understand that, should a war of attrition start, the USA would gradually fight back, employing a strategy around Donald Trump's decision to assassinate a high official belonging to the Iranian political and military elite, a strategy that is not destined to fight a war of attrition indefinitely, but to accelerate a solution that eliminates Iran from the balance power and influence in the Gulf area and the entire Middle East region.

On the other hand, one should not ignore the fact that ever since the investiture of the theocratic regime, over 40 years ago, with the exception of the war with Iraq, all the other conflicts that Iran was involved in were asymmetric, where Khomeini's regime invested resources - human, logistics and technological, leaving in the background the implementation of a strategy to prepare the country – the human resource, militarily, financially, the economy – for an eventual "classic", large-scale and direct war with the USA. Huge efforts were made by Iran in two fundamental areas: building a vast "proxy" network and developing a nuclear programme that serves a military purpose.

Based on the above, it is possible that one of the levers Tehran might use in the very near future to be one of its proxies in Iraq, Yemen, Lebanon, or Syria. In parallel, raids in the regional maritime waters and violent operations against one or more of the Arab states in the Gulf area are possible.

On a longer term, Iran doesn't have the

interest, or the necessary potential to engage in large-scale warfare with the USA. Taking advantage of the non-conflictual relationships it has, to certain extents, with major global powers such as the Russian Federation, China, Turkey or the European Union, as well as with states or groups of states in the EU, Iran will take action - political, economic, propaganda - to discredit the US international policy, especially in the light of this year's presidential elections.

Iranian patrol boat in the Gulf waters (source: france24.com)

Warnings, Threats and Good Offices

The 5th of January was the day when, in the presence of the supreme spiritual leader and several thousand Iranian and Iraqi Shiites, Tehran hosted the funerals of general Soleimani and the other victims of the US strike on the 3rd of January.

Iran raised the red vendetta flag that has embroidered, with a golden thread, the name Husayn, the third Imam of Shia Islam, grandson to the Prophet and the son of the famous caliph Ali Ibn Abi Talib, killed in 680 AD by the armies of the caliph Muawiyah, during the legendary battle of Karbala and worshiped as "the Martyr of Martyrs". Hoisting the red flag means vengeance and, according to tradition, it will only be dropped after the vengeance is complete.

President Hassan Rohani announced his country's decision to abandon all the commitments to the terms of the JCPOA.

The Parliament in Baghdad, mostly Shiites, authorized the Iraqi government to ask that all US military forces (over 5000 troops) deployed in this country leave its territory. As a reaction, the leader in the White House stated that the US military forces will only leave Iraq when the Arab country has paid the USA all its financial, logistic and military expenses since the removal Saddam Hussein's regime from power.

It is too early to issue scenarios and prognosis regarding the unpredictable evolutions of this emerging conflict in such a sensitive area of the Middle East. We can state, though, that before it takes an irreversible turn, the new conflictual "dossier" of the Arab-Persian Gulf will go through a phase of bellicose statements, intense exchange of warnings, accusations and mutual threats, accompanied by external, regional, and extra regional offers of political and diplomatic good offices and mediations that are meant to stop this new volcano from erupting, a volcano that threatens the area and the world in the beginning of this third decade of our century.

With what results, we will know in the following weeks if not days.

Israel's Reaction to Nuclear Threat. The Case of the Iraqi, Syrian, and Iranian Nuclear Programs

**Professor
Christian KAUNERT[1]**   **Ori WERTMAN[2]**

Introduction

Since its establishment in 1948, the state of Israel has experienced many security incidents, some of which have posed a threat to its very existence. One of the prominent existential threats was the scenario of a hostile enemy state acquiring military nuclear capabilities, which would lead to an intolerable situation for the Jewish state. For the Israelis, such a scenario has repeated itself three times already: first, when Israel decided to destroy Iraq's nuclear reactor in 1981; second, when Israel demolished the nuclear reactor built in Syria in 2007, and third, when the Israeli leadership confronted the question whether to eliminate Iran's nuclear program in 2010-2011, but eventually refrained from this action. Empirically, these three incidents clearly demonstrate how Israel has responded to existential threats, taking into account its relationship with its main ally, the US.

The Iraqi nuclear reactor was perceived by the Israeli Prime Minister Menachem Begin (in office in 1977-1983) as an existential threat to the State of Israel (Nakdimon, 2007: 83). Concurrently with the diplomatic efforts to persuade France to stop aid to Iraq, Israel has taken various steps to thwart the Iraqi nuclear program. On April 6, 1979, Mossad agents destroyed parts of the reactor core that was intended for Iraq, manufactured in a factory in Toulon, France, and in the summer of 1980 Mossad agents killed three Iraqi scientists associated with the nuclear program (Nakdimon, 2007: 97; Bergman, 2018: 343-344).

Yet, Mossad Chief Yitzhak Hofi knew that these actions would not completely stop Iraq's nuclear program. Hence, he told PM Begin in October 1980 that the only way left is to bomb the reactor from the air (Bergman, 2018: 349-353). In order for Israel to bomb the Iraqi nuclear reactor, Begin had to obtain the approval of the Security Cabinet, which has the legal authority to go to war or launch a military operation. In May 1981, the Security Cabinet voted to destroy the nuclear reactor in Iraq, and in June Israeli air force planes destroyed the reactor (Nakdimon, 2007: 226-227). Yet, although he was in contact with the American administration under President Ronald Reagan on the issue of the Iraqi nuclear program, Begin did not involve them at all in his desire to destroy the reactor. In fact, Begin's decision not to inform the Americans about the bombing of the reactor stemmed from his fear that if he did so and the Americans would oppose Israel would have to attack before it was ready (Katz, 2019: 99).

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In contrary to Begin's perception, for the Israeli Prime Minister Ehud Olmert (in office in 2006-2009), sharing information with the Americans was necessary because the potential benefit from having the US carry out the strike, greatly outweighed the risk of earlier attack when Israel was not ready (Katz, 2019: 100). Thus, after the Mossad found out in March 2007 that Syria was building a nuclear reactor, Olmert, who immediately wanted to destroy the reactor, decided to share the matter with the American administration (Katz, 2019: 40-43). Hence, Mossad Chief Meir Dagan was dispatched in mid-April to Washington and presented to the Bush administration, Vice President Dick Cheney, National Security Advisor Stephen Hadley, his deputy Elliott Abrams, and CIA Director Michael Hayden, the evidence that Syria was building a nuclear reactor (Katz, 2019: 15-17; Olmert, 2018: 198-199).

Shortly after the Americans had received the report, Olmert asked Bush to bomb the nuclear reactor. The American president replied that he needed some time to look at the intelligence and promised the Israeli prime minister to give him an answer (Katz, 2019: 47; Bush, 2010: 421). On June 17, President Bush convened his national security team to discuss the issue of the Syrian nuclear reactor. The general working assumption in the American administration was that if the US refused to destroy the reactor, Israel would do it itself. It was the impression that Hayden and Hadley received from Mossad chief Dagan during their April meeting, and that is what Bush understood from his conversations with Olmert. In addition, the Americans believed that destroying the reactor would be an easy task for the Israelis (Katz, 2019: 56). Basically, the Americans had a dilemma: while militarily there was no problem in destroying the Syrian reactor, diplomatically, bombing a sovereign country without a justified warning would create severe blowback. Hence, since a covert mission to eradicate the reactor was too risky, the favourite option was to brief US allies on the intelligence, jointly expose the facility and demand that Syria shutter and dismantle it under the supervision of the IAEA.

Yet, if Syria refused to dismantle the facility, the American would have a clear public rationale for military action. Moreover, the CIA's intelligence assessment had a low confidence of a Syrian nuclear weapons program, a fact that only enhanced Bush's decision not to bomb the reactor but to follow a diplomatic path first (Bush, 2010: 421). This point was very crucial for the Bush administration, since the intelligence failure that led to the decision to invade Iraq in 2003 was still hung in the air. Therefore, President Bush had to know with a hundred percent certainty that Israel's information was accurate because he could not, politically or publicly, launch a military operation without an accurate intelligence justification (Katz, 2019: 44-45). Finally, the Americans, who were already involved in two wars in Afghanistan and Iraq, feared that after the bombing of the Syrian reactor, another war would erupt in the Middle East (Katz, 2019: 59-60).

Eventually, the American president favoured the position of most of his administration and decided that the US would first follow the diplomatic path (Katz, 2019: 115-118). On July 13, Bush spoke with Olmert and informed him of his decision not to bomb the reactor and alternatively follow the diplomatic route. The American president stated that he cannot justify an attack on a sovereign nation unless his intelligence agencies confirm that it is a nuclear weapon program (Bush, 2010: 421). Thus, Bush proposed to send US Secretary of State Condoleezza Rice to Israel to hold a joint press conference in order to press Syria to destroy the reactor (Olmert, 2018: 205). Olmert, who believed the Americans were still living under the trauma of their failure to assess intelligence before the war in Iraq and therefore feared from acting militarily against Syria (Olmert, 2018: 204), replied: "George, this leaves me surprised and disappointed. And I cannot accept it. We told you from the first day, when Dagan came to Washington, and I have told you since then whenever we discussed it, that the reactor had to go away.

Israel cannot live with a Syrian nuclear reactor; we will not accept it. It would change the entire region and our national security

cannot accept it. You are telling me you will not act; so, we will act. The timing is another matter, and we will not do anything precipitous" (Abrams, 2013: 246-247). Bush replied to Olmert that "the United States will not get in your way", acknowledging that Israel had a right to protect its national security. After the conversation, Bush instructed his administration to maintain absolute silence, and to ensure that Israel could carry out its plan (Abrams, 2013: 246-247; Katz, 2019: 120-122). Later on September 5, Olmert convened his Security Cabinet in order to authorize the strike against the Syrian nuclear reactor. Eventually, all the ministers of the Security Cabinet, except one, voted in favour of attacking the reactor. That same night, on September 6, Israeli air force planes took off and destroyed the Syrian nuclear reactor (Katz, 2019: 178-182; Olmert, 2018: 226 -227).

In comparison to Begin and Olmert's successful securitization, the Israeli Prime Minister Benjamin Netanyahu (in office in 1996-1999 and 2009-2020) failed twice to securitize the Iranian nuclear program during 2010-2011.

The Israeli Prime Minister Benjamin Netanyahu
(source:occrp.org)

Despite clandestine actions taken by Israel against the Iranian nuclear program from early 2000s, actions that included the assassinations of Iranian nuclear scientists and sabotage operations in the nuclear facilities, which eventually led to its delay (Kfir, 2019: 69-71), Netanyahu, who returned to the post of prime minister in 2009, believed that nuclear facilities in Iran posed an existential threat to Israel and should therefore be destroyed (Kfir, 2019: 62).

Unlike Iraq and Syria, each of which has built a single nuclear reactor in their territory that was eventually destroyed by Israel in 1981 and 2007 respectively, Iran has built several nuclear sites scattered around various places in the country, which were surrounded by air defence systems (Kfir, 2019: 90-92). In this situation, differently from Iraq and Syria where Israel had to destroy only one facility, destroying Iran's nuclear facilities was a complex task that required a timely bombing operation at several different locations. In fact, from a military point of view, Israel had the operational capacity to attack Iran and bomb its nuclear facilities alone. However, while an Israeli attack would delay the Iranian nuclear program for a maximum of three years, which would require Israel to attack Iran again in the future, the United States, which had special measures that include bunker penetrating bombs and advanced aerial refuelling aircraft that Israel did not possess, could completely destroy the Iranian nuclear program (Kfir, 2019: 56). Therefore, the Israelis preferred to receive from Washington those special measures and an American green light for an Israeli attack on Iran's nuclear facilities. Already in its first meeting with US President Barack Obama in May 2009, the Israeli prime minister tried to persuade him to give Israel a green light to attack Iran's nuclear facilities and provide Israel with bunker penetrating bombs and advanced refuelling aircraft needed for the attack. Obama, who opposed military action against Iran, responded that efforts were being made to delay the Iranian nuclear program such as economic sanctions and non-military covert operations in electronic and cyber warfare (Kfir, 2019: 48-49).

In addition, the Obama administration feared that an Israeli bombing would lead to a fierce Iranian response by launching hundreds of long-range missiles from Iran and tens of thousands of missiles from Lebanon by Hezbollah - which is actually a proxy organization for Iran - toward Israel, a scenario that could easily escalate to an overall war in the Middle East. In that context, there were also fears in Washington that in re-sponse to the bombing, Iran would shut down the Hormuz Strait in the Gulf for oil tankers,

causing a global energy crisis, especially in Asian and European countries that depended on fuel from the Gulf countries (Kfir, 2019: 116-117). Thus, the debate between Israel and the US was not about the danger in the Iranian nuclear program, but on the way to deal with it. While Israel wanted to destroy the Iranian nuclear facilities, the Obama administration preferred to pursue the path of economic sanctions, which would hopefully cause the Iranians to abandon their nuclear program, and if it would not work then to conduct a military attack. In other words, US President Obama has resisted a military attack in Iran as long as the diplomatic means and the economic sanctions are not fully exhausted (Kfir, 2019: 102-105).

After they had realized that the Americans would not cooperate, both the Israeli Prime Minister Benjamin Netanyahu and the Defence Minister Ehud Barak, who also supported an Israeli military attack on Iran's nuclear facilities, agreed that Israel should carry out the attack even without a green light from the Obama administration. Yet, in order to execute an Israeli strike against Iran's nuclear facilities, Netanyahu and Barak needed to obtain the approval of the Security Cabinet, which according to the Israeli law, has the legal authority to approve such a military operation. But before raising the issue before the Security Cabinet, Netanyahu and Barak had to obtain the support of the "Seventh Forum", which was in fact a limited body of the Security Cabinet that included the Prime Minister, the Defence Minister, the Foreign Minister, and four other senior ministers. Eventually, in both attempts in 2010-2011, Netanyahu and Barak failed to securitize the Iranian nuclear program. In the first attempt in 2010, Defence Minister Barak said during the "Seventh Forum" meetings that an action must be taken soon before the "immunity space" in Fordow reactor, which was the hardest target to hit, would be blocked, and then an Israeli attack in Iran will no longer be possible. Barak argued that the Iranians were going to complete all the defence systems of their nuclear facilities, which included setting up bunkers that would be immune to bombs in Israel, and hence an Israeli attack could not be carried out any time soon. In September 2010, Netanyahu and Barak, who were determined to execute the attack in Iran, ordered IDF Chief of Staff Gabi Ashkenazi to move the Israeli army to the highest alert level. The request meant the IDF was preparing for action in Iran. Chief of Staff Ashkenazi refused Netanyahu and Barak's request, indicating that the only the Security Cabinet has the statutory authority to order such a request. Ashkenazi, who believed that the IDF was operationally ready for action, thought that the mobilization of the army could lead the Iranians to conclude that Israel was going to attack, and so, without intention, Israel would find itself in a war that it did not anticipate. Moreover, Mossad Chief Meir Dagan and Shin Bet Chief Yuval Diskin also claimed that this order was illegal, and that the prime minister and the defence minister could not decide alone on an attack on Iran. As a result, Netanyahu and Barak realized that they had no way to carry out an attack in Iran at that point (Kfir, 2019: 108-111).

In the second attempt, during 2011, Netanyahu and Barak again tried to persuade members of the Seventh Forum (who became Eighth when Minister Yuval Steinitz was joined to the forum) to attack Iran's nuclear facilities. Yet, members of the forum were still hesitating to support the attack before an American support for the operation was obtained. In October 2011, a crucial meeting of the Eighth Forum was held in order to reach a decision of whether attack the Iranian nuclear facilities. During that meeting, which was attended also by IDF Chief of Staff Benny Gantz, IDF Intelligence Chief Aviv Kochavi, Commander of the Air Force Amir Eshel, Mossad Chief Tamir Pardo, and Shin Bet Chief Yoram Cohen, Netanyahu and Barak believed that a decision would be made to step up the army in preparation for an attack on Iran. Since the Eighth Forum had no legal authority to instruct the army for an attack but only the Security Cabinet, Netanyahu and Barak had to obtain a majority within the Eighth Forum and then pass a resolution for the approval of the Security Cabinet. At the meeting, Gantz, Pardo, and Cohen expressed their support for the operational ability of Israel to attack Iran, but indicated that it must be coordinated with the

Americans in advance, a scenario that Netanyahu and Barak objected to fearing that long alert time for the Americans would allow Washington to pressure Israel not to attack. Eventually, Gantz stated that although the IDF is ready and fully operational, he as the IDF chief of staff does not support the operation. Gantz believed that the Air Force could destroy the nuclear sites in Iran, though Israel had to harness the US for its own operation and for its future developments, such as a war with Iran.

F-15I Ra'am
(source: commons.wikimedia.org)

The problem was that Netanyahu and Barak could not guarantee that President Obama would be ready to support Israel in the event of a war against Iran. Thus, following Gantz's statement, the majority of the Eighth Forum opposed the attack in Iran as long as the American did not give their support, and hence the issue was not discussed in the Cabinet (Kfir, 2019: 135-140).

Conclusion

These three case studies above clearly illustrate that despite the special relationship between Israel and the United States, Jerusalem acts in accordance with Israel's national security interest, even if the course of action is contrary to the US position. In 1981, despite his contacts with the Reagan government, the Israeli Prime Minister Begin decided not involve the Americans at all in his desire to destroy the Iraqi reactor, as he feared that an American resistance could be an obstacle to an Israeli attack on the reactor. In 2007, the Israeli Prime Minister Olmert, who had an intimate relationship with US President Bush, also decided to destroy the Syrian reactor, although the American administration preferred a diplomatic solution instead of a military act. Yet, in a situation where there is fierce American opposition to an Israeli move, the hands of the Israeli prime minister, as it was the case with Netanyahu in 2010-2011, may be severely restricted if the majority of the Security Cabinet members believe that the American support for the Israeli act is essential.

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Lebanon, when "Kullu" Means "All"

Lamia FOUAD, Beirut

In the beginning of January 2020, the UN General Assembly announced that, according to Article 19 of the UN Charter the Lebanon's right to vote in the General Assembly was suspended for not having paid its financial contribution (to the organization) for the past two years - a total amount of 459,000 USD. The Lebanese foreign minister, Gebran Basil, president Michel Aoun's son-in-law and leader of the political party Free Patriotic Movement established by the current head of state, rejected any responsibility of his Ministry's on the matter, which led to a denigrating polemic with his colleague in the Ministry of Finance. The resolution of the international organization and the conflict between the two departing Lebanese ministers was but a tip of the iceberg which hid the state of chaos Lebanon and the Lebanese had been in for these past months. Lebanon was not the only country incapable of paying its contribution to the UN - less than half a million dollars. Lebanon, which in the eyes of its elders still was the "pearl" and the "Switzerland" of the Levant, found itself on the list of UN debtors along with Republic of Central Africa, Tonga, Venezuela, Yemen, Somalia, Lesotho etc.

For several months now, Lebanon has been shaken by massive protests which were said to have been caused - by leading politicians, especially - by the decision of the minister of telecommunications, Mohammed Shukeir, to introduce a daily tax on social media, usually free. In a country that had been suffering for a some years now from an acute government crisis and from an actual collapse of its infrastructure and services - from public sanitation to electricity, water, the banking system and to the fall of the national currency - the real cause of social distress and for the collapse of the country is merely the result of long, burdening cumulating factors, such as: chronic corruption, the inertia of the political system and of the interest groups, confessional elites hostage of a constitution behind the domestic and global realities; foreign interference and the so called *Al-Muwalat* ("loyalty"), which defines the orientation of the political, economic and financial interest groups relative to foreign groups and policies having nothing in common with "Lebanon for all Lebanese".

The youth who, solidary beyond confession and occupation, have taken it out to the streets are no longer animated by daily needs; in a solidarity unprecedented in Lebanese modern history, they demand the profound and complete change of a fossilised regime and turn down cosmetic changes such as the replacement of the prime minister or a minister. While in the Arab West, engulfed in 2011 by the fever of the "Arab Spring", the protesters' slogan was summed up by words such as *irhal* or *degage* - in former French colonies such as Tunisia or Algeria, both meaning *leave* and being aimed at Hosni Mubarak, Zine El-Abidine Ben Ali, or Abdelaziz Bouteflika, the marginalized of the "Lebanese Spring" claim a global cleansing starting with individuals, institutions, governing policies and systems, to the abolition of confessions and the modernization of the election system and the democratic alternance in power. "All and everyone should leave", *Kullu*, which means *all* and *everyone*, not just the head of the government or the leader of the parliament. The Lebanese are asking for a Lebanon that belongs, to its very core, to the Lebanese people.

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It is not less true that this country, whose morphology and history made it different from others in the region, was seriously damaged, following the 15 years old civil war (1975-1990) by an almost continuous series of profound functional and relational difficulties - foreign interferences and occupations, communitarianism and social, political and

territorial fragmentation, the presence of armed groups, security and confessional conflicts etc. – which, altogether, represented barriers in the path towards institutional functioning and economic, social and infrastructure development. If we are to take into account the events from the past 40 years we cannot but be surprised by the vivacity, cohesion and solidarity of the current social demonstrations to which the Lebanese leadership showed little interest, refrained from offering real solutions, and instead limited itself to the resignation of the prime minister Saad Hariri, who would only be replaced by a successor coming from Hezbollah affiliated circles and therefore swiftly rejected by the protesters. It had never been about taking real reformative measures.

aljazeera.com

There were many analysts and commentators who compared the public demonstrations which started last year and continued with the same energy in the new year (2020) to the massive popular movement in 2005, also known as "the Cedar Revolution", which started as a spontaneous reaction to the death of the former prime minister Rafik Hariri. What the two have in common is the magnitude of the mobilization as expression of the will of a single people eager to be the masters of its own destiny and live in dignity, equality and modern democratization. The difference between the two "revolutions" is that the mass protests in 2005 started rather as a demand for national independence and sovereignty and, more precisely as a gesture of condemnation, protest and rejection of the de facto occupation of Lebanon by the Syrian Ba'ath

regime. If "the Cedar Revolution" bore the mark of the cleavage that was tearing the Lebanese society in two large political and confessional blocs - the "March 14 Alliance" (Sunni Muslims and Maronite Christians) and the "March 8 Alliance" (Shiite Muslims, Armenian Orthodox and other Christians), the current "Lebanese Spring" displays an absolutely new national solidarity, which goes beyond political, confessional and ethnic identities and affiliations of the Lebanese citizens and favours a more intense politicization of the protests and claims, including to vocally move away from those elitist groups and communities which distinguish themselves as entities devoted not to a Lebanese ideal, but rather to foreign policies and interests - as is the case of the pro-Iranian Shiite political parties Hezbollah and Amal.

The Shiite based movement Hezbollah claims to have not only a Lebanese political dimension, but also one in connection with two coordinates of the Islamic Revolution in Iran, respectively that of avant-garde of "resistance and rejection" (*Al-Muqawama* and *Al-Rafd*) with regard to Israel, as well as "US and Western imperialistic hegemony". Taking into account this doctrine one can understand that to this Shiite group, as well as for its Syrian ally and its Iranian sponsor, taking down and abolishing the Lebanese confessional governing system would be a fully-fledged strategic catastrophe.

From left to right, Ali Khamenei, Hassan Nassrallah and
General Qasem Soleimani
Source: thetimesofisrael.com

Without a functioning government, which lost its authority when the prime minister Saad

Hariri resigned, and with a Hezbollah successor represented by Hassan Diab (former minister of education and higher education, member of Hezbollah), the situation in Lebanon in the beginning of the current year dramatically lacks clear and credible perspectives to get out of ongoing crisis in the foreseeable future. The division of the internal political chessboard was once again deepened by the separation of the existing political blocs, given the sabotage the governance process is subjected to by at least two of the larger political parties that dominate the Lebanese political stage and life. We are referring to the Christians from the "Lebanese Forces" led by Samir Geagea and the influential Progressive Socialist Party of the Druze minority led by the septuagenarian Walid Jumblatt, avid opponents of the leader Gebran Bassil, president Aoun's son-in-law and undeclared contender to the presidency in Baabda.

Lebanon goes through state of conflict between the nation and its government, a government that is neither willing nor capable of getting rid of the crust that covers the deep causes which have been developing for decades, and which no government structure - whether political, political-technocratic, or made of independent "experts"- will be able to overcome as long as the contract between society and leadership is not reformulated and based on the foundation which the citizens are more determined than ever not to give up: a new governing formula deeply and irreversibly separated from the illusion of the great Lebanon as created by the gentlemen Sykes and Picot 100 years ago and which must be what the protesters ceaselessly ask for - "A Lebanon for all!"

From left to right, Walid Jumblatt and Samir Geagea
Source: daylistar.com.lb

The Libyan Peace in Berlin: Numerous Participation, too Many Gordian Knots

Dinu COSTESCU

With the two front men of the Libyan civil war in the spotlight - Fayez Sarraj, the leader of the "Government of National Accord" recognised by the international community and headquartered in Tripoli, and the field marshal Khalifa Haftar, the commander of the so called "Libyan National Army" which controls the eastern part of the country - on the 19th of January 2020, and after long and difficult preparations, Berlin hosted the international peace conference on Libya.

Fayez Sarraj   Khalifa Haftar
(Source: BBC.com)

Twelve countries participated in the conference, including the permanent members of the UN Security Council[1], and representatives of four international organisations - the UN, the European Union, the Organisation of African Unity and the Arab League.

Before ...

In the period before the conference, the organisers went public with a draft peace agreement whose text "had suffered from" many changes claimed by at least ten of the participants; a text which basically doesn't bring anything vitally different from the previous ones discussed during the summits in Sukeyrat (Morocco), Paris, Abu Dhabi, Palermo and so on, peace agreements which were never complied with by the two Libyan sides. The project insists on several fundamental demands to open a path towards a durable Libyan peace:

- Cessation of all military confrontations and the reinforcement of a ceasefire that allows the start of peace negotiations in this North-African country.

- Cessation of all foreign interference in Libyan domestic matters; all countries must abstain from taking measures that favour either of the sides. Such a measure would be guaranteed by a UN Security Council resolution.

- Involvement of the international community by deploying peacekeeping forces provided either by the UN, by the Organisation of African Unity, or by the Arab League.
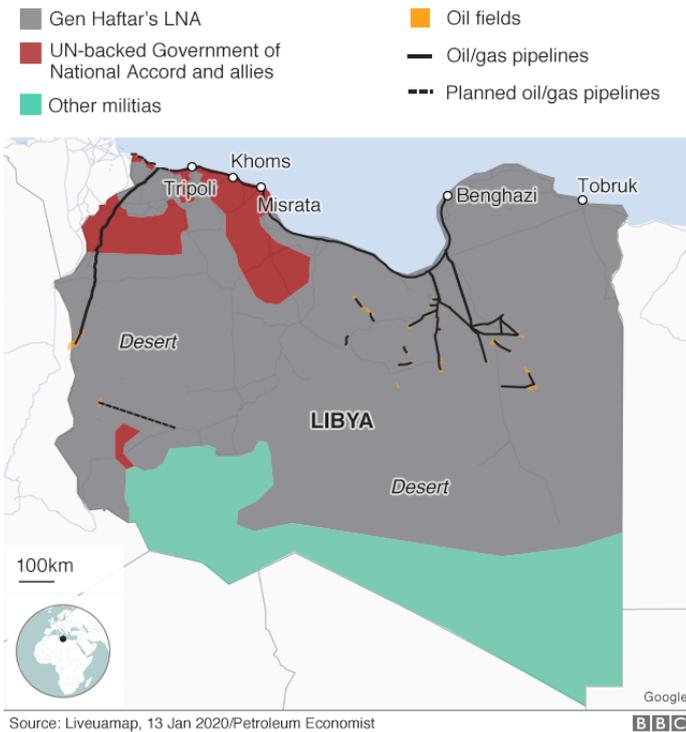
In an interview on the eve of the conference in Berlin, the Lebanese diplomat Ghassan Salame, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya mentioned three factors that could lead to the success of the Berlin Reunion:

- The fact that the preparations for the summit on the 19th of January started five months in advance, enough to reach a consensus and agree on whatever needs to be done, in order to end the lengthy Libyan civil war.

- The conference would provide, for the first time, the necessary international background to start and conduct a fruitful and direct dialogue between the two involved parties. To this end, an "International Commission" would be created, which would monitor the implementation of the agreements reached by the parties during negotiations, including the dissolution of the two parallel authorities that claim their legitimacy over Libya, and the formation of a single National Unity Government.

The summit in Berlin was also expected to

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1. The countries that took part in the summit in Berlin were: the USA, the Russian Federation, France, the UK, China, Germany, Turkey, Italy, Egypt, the UAE, Algeria and the Congo. Tunisia and Morocco - countries in the Maghreb and Libya's neighbours - protested for not having been invited in time (Tunisia) or not at all (Morocco) to the debate regarding an issue that exerts its influence on the security of their borders, from a migration and terrorist point of view. Cyprus and Qatar (supports Fayez Sarraj's government both financially and politically) also expressed their dissatisfaction of not having been invited.

Source: Liveuamap, 13 Jan 2020/Petroleum Economist

Haftar have consented to the measures proposed by the UN Secretary General, Antonio Gutteres."

However, observers and analysts didn't overlook the fact that neither the final summit declaration, nor the speeches at the end of it explicitly made reference to where the two "representatives of Libya" stand and what they really want, representatives who didn't even take part in the summit, but were mere spectators, located separately outside the conference area. And perhaps, just as some speakers, including the secretary of state Mike Pompeo said, the simple presence of those two in Berlin was a positive thing. But does this also mean that the world's greatest powers actually and officially decided their stead? It is a question whose answer has clearly been avoided.

The final communiqué speaks holistically of the fact that "the participants in Berlin commit to refraining from interference in the armed conflict or in the internal affairs of Libya." However, these

Source: aljazeera.com

rhetorical exercises are in danger of being just that … a simple rhetoric, unless formalized and signed.

The task of monitoring whether these commitments are met falls into the hands of a military commission (Commission 5+5) made of ten members, five for each party. As for the working mechanisms, the control over the activity of the commission or the steps towards achieving mutual trust, they are nowhere to be found, either in the final communiqué, or in the speeches and statements given in the press conferences following the official conclusion of the summit.

Despite verbal commitments to observe the ceasefire, there are no implementing measures; this issue, along with others - political or economic, are to be discussed during another possible reunion, which could take place in Geneva, at a time which is

determine regional and extra-regional players stop using the Libyan conflict as a chessboard for their political rivalries, or with a view to get control over the most significant oil reserves in the country. Those players would also be equally required to observe the arms embargo on weapons deliveries to the Libyan factions at war, a demand otherwise in effect ever since 2011, but which has been ignored. From this point of view, the presence of Turkish troops on the Libyan territory under "peacekeeping" pretences, or the presence of Russian mercenaries (denied by Moscow) may represent one of the Gordian Knots that would have to be eliminated by the parties present at the conference.

The day before the summit, a senior official in the US State Department, who wished to remain anonymous, stated that "the Libyan conflict resembles more and more to the conflict that tore Syria apart, and which keeps on expanding". Ultimately, the final objective of the summit had to be the prevention of Libya becoming a second Syria.

… And After

"We have agreed" - Merkel said as a conclusion to the works of the summit - "on a comprehensive plan forward. The most important thing is that the Libyan representatives, Fayez Sarraj and Khalifa

yet to be determined. Fayez Sarraj's proposal which says that in order to monitor how a ceasefire is implemented, the UN, the Organisation of African Unity or the Arab League should form a peacekeeping force, hasn't even been discussed because it was "not on the conference agenda" (Angela Merkel said).

On the other hand, the conference also dealt with the economic segment of the Libyan peace process, as it basically mentioned the possibility of establishing an economic "reconstruction mechanism", which would come to be implemented only after the formation of a new, sole unity government through the dissolution of the "Presidential Council" in Tripoli lead by Fayez Sarraj and of the "Parliament" in Tobruk lead by Khalifa Haftar.

A "Roadmap"

Summing up the main stipulations, the final communiqué includes ten objectives for Libya, which, in different forms, including by involvement of and under the auspices of the UN, could be considered a "roadmap" to achieving the purpose for which the international summit wasd organised. In brief, here they are:

1. Equitable distribution of public wealth, so that it truly belongs to all Libyans, regardless of their religion, ethnic background, confessions or culture.

2. Strengthening the state institutions through vast reforms, which should be connected and in accordance with internationally recognised standards and principles.

3. Monitoring implementation mechanisms; the two Libyan military and political leaders have finally agreed to the proposal regarding the creation of the "5+5 Commission", which monitors under international auspices the way the peacekeeping process is being implemented.

4. Cessation of foreign interference: "We commit to refraining from any interference in the armed conflict or in the internal affairs of Libya and urge all international actors to do the same."

5. International arms embargo: the participating countries committed to unequivocally adhere to the implementation of the Libyan arms embargo established by the UN in 2011.

6. Ceasefire: "We call on all parties concerned to redouble their efforts for a sustained cessation of hostilities, de-escalation and a permanent ceasefire."

7. Dismantling militias: steps will be taken towards dismantling militias and armed groups. Their members will be integrated in state military and security institutions. The state will have exclusivity on the use of force.

8. Return to the political process: all belligerent parties are urged to resume and continue the identification of a political solution to the domestic conflict, under the auspices of the UNSMIL.

9. Human rights: the participants urge all parties in Libya to fully respect international law. In this respect, Libyan authorities will give up arbitrary detention and will move on to the gradual close of detention centres for migrants and asylum seekers.

10. Economy and oil: the members highlight the importance of safeguarding the integrity and unity of Libyan sovereign institutions, such as the Central Bank of Libya and the National Oil Corporation. They disprove of all illicit exploitations of Libya's energy resources.

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Given the fact that for the past nine years the civil war has been creating havoc and is a permanent threat to the internal and regional security and stability, the conference in Berlin aimed after all at accomplishing a worldwide international agreement to truly resume, carry out and finalise the political peace process in Libya. Considering the multitude of players involved and the difficulties they have come up against, achieving this goal in one day was not very realistic. Even though they were welcomed - as far as providing a wider, more promising perspective for the Libyan and regional peace process, as well as for the international community - the outcomes of the Berlin summit remain uncertain. On the other hand, we must mention the fact that two of the main foreign players on the Libyan stage - Turkey and Russian Federation - stated several times that "a real peace in Libya will never be possible through military means".

So far, the summit in Berlin ended with an evocative failure, as far as the depth of the cleavage that separates the Libyans is concerned: that of not having succeeded in managing a proper and long-lasting dialogue between the two Libyan warriors - Fayez Sarraj and Khalifa Haftar.

There is still hope that this failure is incidental and can be mended as soon as possible.

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