PAPERS

THE US DRONE POLICY UNDER THE OBAMA ADMINISTRATION: A CRITICAL APPRAISAL

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The use of drones has increased exponentially under the Obama administration and now forms an integral part of the US government's counterterrorism policy. However, the President's extensive use of drones has been controversial and generated extensive debate and discussion in the US and abroad. This paper examines the factors that have propelled the Obama administration to use this strategy and its implications for American and international law as well as American foreign policy.

Introduction

The Obama administration's controversial plan to escalate the use of drone strikes throughout the Middle East and the Horn of Africa has generated extensive debate and discussion. Drones strikes and their resultant "collateral damage" have increased exponentially under the Obama administration to become the US' dominant counterterrorism instrument. The most controversial aspect of the drone program is the decision to target and kill American citizens living abroad. There are many unanswered questions about the legality and efficacy of the program. This paper will examine the Obama administration's drone policy including its origins, the patterns of its use, its impact on countries where the drones have been and are used, and the implications these have had for America's relations with these countries and for American foreign policy in general. The paper will conclude by making a case against drones. It will be argued that the US should abandon this policy. It is essential that a country based on the rule of law, accountability, and transparency set a responsible and legally sound global precedent.

The Emergence of the US Drone Policy and Specifics

Technical Aspects of Drones

There are two integral models of drones (UAVs: Unmanned Aerial Vehicles) that are currently in service by the US military. According to the US Department of Defense, a drone (UAV) is an "aircraft or balloon that does not carry a human operator and is capable of flight under remote control or autonomous programming."[1] These unmanned aircraft are used for armed attacks, search and rescue, and aerial surveillance. The two types of lethal drones that are predominantly used by the US include the MQ-IB Predator and the MQ-9 Reaper. The MQ-IB Predator was the world's first-ever weaponized unmanned aircraft system and is equipped with AGM-114 Hellfire missiles.[2] This potent creation of human engineering can spend over twenty-four hours in the air and is relatively inexpensive compared to the Air Force's other aircraft. The MQ-9 Reaper "is larger and more powerful than the MQ-1B Predator and is designed to prosecute time-sensitive targets with persistence and precision, and destroy or disable those targets."[3] The MQ-9 Reaper is widely considered the world's deadliest drone and strikes fear in those who are in its vicinity. The blast radius from the Hellfire missiles attached to these drones can extend anywhere from 15-20 meters,[4] and expel considerable quantities of debris that can also be potentially lethal.

Emergence of Drones as an Instrument of Counterterrorism

The use of drones by the US as a strategic counterterrorism policy emerged after the terrorist attacks on September 11, 2001. Before the wars in Iraq and Afghanistan, the Pentagon operated fewer than 50 aerial drones,[5] and they were primarily used for reconnaissance missions. Today, drones form an integral part of the US government's counterterrorism policy and allow the US military to kill from afar without putting American lives at risk. According to *The New York Times*, the Pentagon now has about 7,000 aerial drones

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1   US Department of Defense, *Dictionary of Military and Associated Terms*, 331 Joint Publication 1-02, (Washington, DC: US Joint Chiefs of Staff, 2010), as amended through July 15, 2012.
2   P.W. Singer, *Wired For War* (Penguin Books, 2009), 32-33.
3   "MQ-9 Reaper Factsheet," United States Air Force, http://www.af.mil/information/factsheets/factsheet.asp?id=6405 (accessed March 11, 2013).
4   Thomas Gillespie, Katrina Laygo, Noel Rayo and Erin Garcia, "Drone Bombings in the Federally Administered Tribal Areas: Public Remote Sensing Applications for Security Monitoring," *Journal of Geographical Information Systems* 4, (2012), 136-139.
5   Elisabeth Bumiller and Thom Shanker, "War Evolves with Drones, Some Tiny as Bugs," *New York Times,* June 19, 2011, http://www.nytimes.com/2011/06/20/world/20drones.html?_r=0 (accessed March 12, 2013).

and has asked Congress for nearly US $5 billion for drones in the 2012 budget.[6] After the tragic, horrifying, and psychologically disturbing events of 9/11, Congress passed the Authorization for Use of Military Force (AUMF) to expand the President's power. The AUMF gives the President authority to "use all necessary and appropriate force against those who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons."[7]

Expansion of "Targeted Killings" Under the Bush Administration

The subsequent steps taken by the Bush administration after the September 11, 2001 attacks, initiated a campaign of "targeted killings" against suspected members of Al Qaeda and other armed groups,[8] sanctioned by the AUMF. This action marked the beginning of an era in US foreign policy epitomized by advanced technological unmanned weapons systems. The controversy surrounding this precedential policy began with the CIA's expansion of their UAV program in countries that the US is not actively engaged in militarily. For example, on November 3, 2002, US officials operating a drone reportedly hit and killed six men traveling in a vehicle in an area of Yemen.[9] This strike in Yemen set the precedent for the evolution of a full-scale drone program of targeted killings throughout the Middle East. The US drone policy did not emerge overnight, but moreover, after a series of world events which set the wheels in motion for the development of a contentious policy.

Policy Expansion under President Barack Obama

Proliferation of Strikes under the Obama Administration

The US drone policy has expanded exponentially under President Barack Obama. When President George W. Bush left office at the end of 2008, "the US had carried out at least 45 drone strikes in Pakistan,"[10] according to the New America Foundation. Since President Barack Obama entered office in

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6   Ibid.

7   United States *Congressional Bill, Authorization for Use of Military Force,* Pub. L. No. 107-40, §2(a), 115 Stat. 224, 224 (2001) (codified at 50 U.S.C. §1541 (2006).

8   "Q & A: US Targeted Killings and International Law," Human Rights Watch, December 19, 2011, http://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law, (accessed March 12, 2013).

9   Doyle McManus, "A US License to Kill," *Los Angeles Times*, January 11, 2003, http://articles.latimes.com/2003/jan/11/world/fg-predator11, (accessed March 13, 2013).

10 Peter Bergen and Katherine Tiedemann, "The Year of the Drone: An Analysis of US Drone Strikes in Pakistan, 2004-2010," New America Foundation, February 24, 2010, http://www.newamerica.net/publications/policy/the_year_of_the_drone (accessed March 12, 2013).

January 2009, his administration has reportedly authorized more than 292 strikes in Pakistan alone.[11] This is six times more than the number of strikes under the Bush administration, and Obama's escalation of drone strikes has replaced Guantanamo Bay and Abu Ghraib prison as the recruitment propaganda of choice for militants. These covert strikes have become one of President Obama's key national security policies. According to Peter Bergen, "while Bush sought to decapitate the leadership ranks of al Qaeda, Obama seems to be aiming also to collapse the entire network of allied groups, such as the Pakistani Taliban."[12] President Obama and his administration have surrounded the program in a shroud of secrecy. The only details to emerge about the specifics of the program have been government leaked. Michael J. Boyle does an excellent job highlighting the Obama and Bush administration's policies. Boyle states, "while President Bush issued a call to arms to defend 'civilization' against the threat of terrorism, President Obama has waged his war on terror in the shadows, using drone strikes, special operations, and sophisticated surveillance to fight a brutal covert war against Al-Qaeda and other Islamist networks."[13] In other words, Obama's campaign promise to end the "war on terror" and improve the global perception and reputation of the US was merely a fallacy. He has been just as ruthless and indifferent to the stability and legality of the international system as his predecessor.

The Contributions of Drones on the "War on Terror"

In support of President Obama, the escalation of drone strikes in the Middle East has also contributed to many of the successes on the "War on Terror." Drones are progressively becoming more effective and precise as the technology continues to develop and improve. This will result in fewer civilian casualties and will help control the blast radius in future strikes. An important political facet of Obama's drone policy is that by expanding the number of drone strikes, the US does not have to commit American troops to the front lines. The "boots on the ground" scenario is extremely unpopular after the wars in Afghanistan and Iraq. Troop reduction is possible with the

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11 "Covert War on Terror – The Data," The Bureau of Investigative Journalism, August 10, 2011, http://www.thebureauinvestigates.com/2011/08/10/the-bush-years-2004-2009 (accessed March 10, 2013).
12 Peter Bergen, "Drone is Obama's Weapon of Choice," *CNN*, November 19, 2012, http://www.cnn.com/2012/09/05/opinion/bergen-obama-drone (accessed March 9, 2013).
13 Michael J. Boyle, "The Cost and Consequences of Drone Warfare," *International Affairs 89*, no. 1 (January 15, 2013), 2.

escalation of drone strikes and looks favorable in the eyes of the American public.

Effectiveness of Drone Strikes against Terrorist Organizations

"Osama bin Laden himself recognized the devastation that the drones were inflicting on his organization, writing a lengthy memo about the issue in October 2010 that was later recovered in the compound in Abbottabad, Pakistan, where he was killed."[14] In this memo, Osama bin Laden advocated for his men to leave the tribal regions of Pakistan and head to remote parts of neighboring countries to prevent themselves from being targeted by drone strikes. Recent studies published in *International Security* have concluded that drone strikes help kill terrorist leaders and in the process destroy the organizations. According to the study's author, Bryan C. Price, "of the 131 groups whose leaders were killed or captured, 70 percent are no longer in existence [and] when the leadership of a terrorist group were decapitated, they ended sooner by a significant margin."[15] Based on the findings from this study, drone strikes can be highly effective when terrorist leaders are taken out. However, this requires dependable intelligence about the individual to ensure that the drone operators have an accurate target.

The Development of "Signature Strikes" and the Continued Escalation of Strikes

The escalation of drone strikes under President Obama has led to the development of essential features for targeting suspects and the expansion of strikes. These so-called "signature strikes" have created a certain criteria based on established characteristics with terrorist activities. This has created a "profile" and "pattern of life" analysis[16] outlook for pinpointing suspected Islamic extremists. The US is now actively using drones strikes to kill suspected terrorists in at least four states including: Afghanistan, Pakistan, Yemen, and Somalia. Many critics argue that Obama has exceeded the executive's constitutional power of war by expanding the operation and conduction of drone strikes, as well as limiting the release of the neces-

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14 Peter Bergen, "Drone is Obama's Weapon of Choice," CNN, November 19, 2012, http://www.cnn.com/2012/09/05/opinion/bergen-obama-drone (accessed March 9, 2013).

15 Bryan C. Price, "Targeting Top Terrorists: How Leadership Decapitation Contributes to Counterterrorism," *International Security 4*, no. 36 (Spring 2012), 9-46.

16 Daniel Klaidman, "Drones: How Obama Learned to Kill," *Daily Beast,* excerpt from Daniel Klaidman, *Kill or Capture: The War on Terror and The Soul of The Obama Presidency*, May 28, 2012, http://www.thedailybeast.com/newsweek/2012/05/27/drones-the-silent-killers.html, (accessed March 15, 2013).

sary and mandated facts about the specifics of the program. The majority of Americans are oblivious to the damage to the international legal norms and rules resulting from the escalation of drone strikes since they are "out-of-sight, out-of-mind" from the public's perception.

An Analysis of the Positive and Negative Aspects

Positive and Negative Aspects of the US' Drone Policy

The US drone policy is riddled with positive and negative aspects, ranging from the economic benefit of drones to the anti-American sentiment they generate to the legality of strikes. There are strong arguments to be made on both sides of the spectrum for the continuation of drone strikes and their impact on the geopolitical system. Those in favor of the current policy advocate the economic benefit of using drones, the precision from afar, the disruption caused to terrorist organizations, and that drone warfare is more accurate than other forms of aerial combat. Those in opposition to drone warfare advocate the cost of civilian lives, the generation of anti-American sentiment (alienation of the Islamic world), the evidence suggesting that our drone strikes facilitate militant recruitment, and the fact that a substantial number of actual confirmed militant casualties are low level insurgents. These are all valid points and will be explored further.

The Economic Support for Drones

The economic benefit of drone warfare is immense compared to other forms of aerial warfare. Drones cost significantly less than the F-16 Fighting Falcon, B-52 Stratofortress, and other aircraft used by the US Air Force. According to the US Air Force, an MQ-9 Reaper drone costs roughly US $12.5 million, compared to the price tag of US $53.4 million of a B-52 Stratofortress, and US $18.8 million of F-16 Fighting Falcon.[17] By relying more heavily on drones, the US government is able to save a significant amount of money that can be funneled into other ventures. Since the recent economic downturn, many citizens have been advocating for the government to decrease military spending. With drones, the government is able to save considerable economic resources while not decreasing the strength of its armed forces.

Drones and the Increase in Anti-American Sentiment

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17   United States Air Force, "F-16 Fighting Falcon, MQ-9 Reaper Drone, and B-52 Stratofortress Factsheets," 2012, http://www.af.mil/information/factsheets/ (accessed March 8, 2013).

Opponents of the current US drone policy expound the anti-American senti-ment generated and the alienation of the Islamic world from these strikes. Recent studies conducted in Pakistan and other parts of the Islamic world indicate that although the US is not "technically at war with" these coun-tries, civilians believe that their sovereignty has been violated and the esca-lation of strikes has resulted in a visceral opposition across a broad spec-trum of peoples. For example, a Pew Research Poll in 2012 "found only 17 percent of Pakistanis favor the US conducting drone strikes against leaders of extremist groups, even if they are conducted in conjunction with the Pa-kistani government."[18] The same poll also found that roughly three in four Pakistanis now view the US as an enemy. This arguably provides validity to the viewpoint that drone strikes have indeed generated substantial anti-Americanism in the Islamic world and alienated the populations of these countries. However, it is highly unlikely that ending drone strikes would sig-nificantly reduce anti-American sentiment and win the hearts of the Islamic world.

Successes of Drones in Combat and the Reduction in US Military Casualties

Drone warfare enables the US to conduct lethal aerial assaults from thou-sands of miles away from the battlefield, which protects the lives of Ameri-can soldiers. As previously stated, drones prevent American ground troops from having to be sent into hostile territory and eliminates the sacrifice of American lives. This type of warfare is a political savvy move by politicians. It keeps public opinion high and minimizes the publicity of the "war on terror" by only highlighting the great victories such as the assassination of Osama bin Laden. Furthermore, drone warfare is more accurate than other forms of aerial combat. According to Bradley Jay Strawser, "empirical evidence shows that drones are more accurate and allow drone [operators] to be more ca-pable at discriminating between combatants and civilians than alternative means."[19] Drone operators can pinpoint exact targets, use tracers to lock onto the target, and can remain in the sky for an extended period of time. The B-52 Stratofortress on the other hand, can carry out bombing of large scathes of land, but are less accurate and run the risk of excessive collateral damage. For example, it is plausible that the firebombing of Dresden dur-

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18 "Pakistani Public Opinion Ever More Critical of US," Pew Research Center, June 27, 2012, http://www.pewglobal.org/2012/06/27/pakistani-public-opinion-ever-more-critical-of-u-s/ (accessed March 10, 2013).

19 Bradley Jay Strawser, "The Morality of Actual Use," *New York Times*, September 26, 2012, http://www.nytimes.com/roomfordebate/2012/09/25/do-drone-attacks-do-more-harm-than-good/coming-to-terms-with-how-drones-are-used (accessed March 12, 2013).

ing World War II would not have occurred if armed drones existed and could have specifically targeted the industrial infrastructure. However, due to the fact that drone strikes are classified, we cannot fully know the statistics and casualty figures behind each strike.

Collateral Damage

Another negative aspect of the US' drone policy that critics assail is the cost of civilian lives in strikes and the evidence that these casualties facilitate terrorist recruitment. For instance, there is the widely controversial practice of "double strikes." These strikes target the area of the first attack to ensure that the target was killed. Unfortunately, they also kill the first responders who are attempting to rescue the innocent bystanders. In 2009, the US launched a drone strike on a funeral procession in the city of Makeen, Pakistan. The attack targeted Baitullah Mehsud, one of the leaders of the Taliban who was believed to be behind the assassination of former Pakistani Prime Minister Benazir Bhutto. This attack resulted in the death of at least 60 innocent civilians and some sources claimed up to 83 people were killed.[20] The loss of civilian lives is a valid argument by critics and the US government should be held responsible for the excessive collateral damage resulting from such strikes. It is morally unacceptable to target a funeral procession consisting of a majority of civilians in an attempt to kill one individual. There are more efficient and less costly ways of targeting and killing a terrorist. These attacks often result in individuals, whose families were obliterated in these strikes to reach out to the Taliban, Al-Qaeda, and other affiliated groups to join their ranks.

The Disruption of Terror Networks and the Elimination of Senior Leadership

Some evidence suggests that drone strikes significantly disrupt and weaken Al-Qaida and the Taliban. This in turn protects American lives and enhances domestic security and therefore justifies the continuation of attacks in some proponent's eyes. Numerous leaders of Al-Qaida have reportedly been killed by drone strikes throughout the Middle East in recent years. In June 2012, a missile fired from a drone reportedly killed Al-Qaida's second-in command, Abu Yahya al-Libi in a remote region of Pakistan.[21] Patrick Johnston, a mem-

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20 Pir Zubair Shah and Salman Masood, "U.S. Drone Strike Said to Kill 60 in Pakistan," *New York Times* June 23, 2009, http://www.nytimes.com/2009/06/24/world/asia/24pstan.html (accessed March 13, 2013).

21 Sean M. Lynn-Jones, "Do Drone Strikes on Al-Qaida Make Us Safer?," *The Diplomat,* July 20, 2012, http://thediplomat.com/flashpoints-blog/2012/07/20/do-drone-strikes-on-al-qaida-make-us-

ber of the RAND Corporation, recently conducted a study and found that "removing the leaders of militant groups enables governments to defeat insurgencies more frequently."[22] In this sense, drone strikes that target terrorist leaders are immensely beneficial to the US and help promote international security and stability.

Repudiation of Drones Strikes Significantly Disrupting Terrorist Networks

However, critics point out that an overwhelming majority of the terrorists killed are low-level militants and not high-ranking officials. A recent joint-study by New York University School of Law and Stanford Law School found that, "the vast majority of the "militants" targeted have been low-level insurgents, killed in circumstances where there is little or no public evidence that they had the means or access to pose a serious threat to the US."[23] This sufficiently refutes the claim made by proponents for the success behind the elimination of copious numbers of terrorist leaders. The report also found that "the number of high-level targets killed as a percentage of total casualties is extremely low estimated at just two percent."[24] Two percent of "high-level" targets are disheartening, considering that the government vocally advocates for its successful policy.

A Psychological and Sociological Perspective

Psychological Effects of Drones Strikes

A recent study, *Living Under Drones,* provides extensive research into the psychological and sociological impact of strikes in Pakistan and their broader implications. The escalation of drone strikes has had a profound psychological impact on both the people living in the affected areas and the people operating the drones. Drones are ubiquitous. They patrol the skies around the clock, monitor the daily activities, and then occasionally reign down terror when they strike. People in the communities where drones are present have begun to change their lives to account for this intrusion in their daily routines. Parents might refrain from sending their children to school in

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safer/ (March 14, 2013).

22 Patrick B. Johnston, "Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns," *International Security 37*, no. 4 (Spring 2012), 47-79. http://belfercenter.ksg.harvard.edu/files/Johnston.pdf (accessed March 17, 2013).

23 International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School of Law, *Living Under Drones: Death, Injury, and Trauma to Civilians From US Drone Practices in Pakistan* (Stanford Law School, September 25, 2012), 129.

24 Ibid., VII.

fear of a strike against a potential target located in the school's vicinity. The constant noise overhead prevents many from achieving a peaceful night of sleep. But more importantly, sociologically, people might refrain from going to the local mosque because of the perpetual fear of it being targeted. The *Living Under Drones* study found that the constant noise overhead makes people experience extreme bouts of emotional trauma and severe symptoms of anxiety. "Medical practitioners have asserted that these anxiety-related disorders amongst the people of Waziristan [Tribal region in Pakistan] often manifest themselves in the form of physical illness, ranging from headaches to heart attacks, even suicides."[25] Drones produce what some mental health professionals describe as anticipatory anxiety. According to the Diagnostics Statistical Manual (DSM-IV), anticipatory anxiety is a form of generalized anxiety disorder and is described as an episode of incredibly intense fear or apprehension that is of sudden onset.[26] Also, studies on drone operators, based hundreds of thousands of miles away from the front lines of combat, have been found to still suffer from post-traumatic stress disorder (PTSD). The study was conducted by the Air Force School of Aerospace Medicine and determined that roughly four percent of operators (in this particular sample) were found to be at high-risk for developing PTSD, and about 40 percent of operators in general were termed "high operational stress."[27] This study shows that operators who are out of harm still suffer from elevated levels of stress and accentuates the importance of governmental support for veterans and active duty servicemen.

Sociological Implications of Drone Strikes

The perpetual presence of drones overhead has torn at the fabric of the societies where they are present. "Drone strikes have an invidious and subtle effect on the social fabric of the societies where they occur,"[28] states Michael J. Boyle. These societies are religious and rely on companionship and trust of their local communities. The suspicion generated from drones circling

25 Taylor Owen, "Drones don't just kill. Their Psychological Effects are Creating Enemies," *The Globe and Mail,* March 13, 2013, http://www.theglobeandmail.com/commentary/drones-dont-just-kill-their-psychological-effects-are-creating-enemies/article9707992/?cmpid=rss1 (accessed March 10, 2013).

26 "Generalized Anxiety Disorder (DSM-IV-TR #300.02)," Brown University, http://www.brown.edu/Courses/BI_278/Other/Clerkship/Didactics/Readings/gad.pdf (accessed March 14, 2013).

27 Elisabeth Bumiller, "Air Force Drone Operators Report High Levels of Stress," *New York Times,* December 18, 2011, http://www.nytimes.com/2011/12/19/world/asia/air-force-drone-operators-show-high-levels-of-stress.html (accessed March 12, 2013).

28 Michael J. Boyle, "The Cost and Consequences of Drone Warfare," *International Affairs* 89, no. 1 (January 15, 2013), 21.

overhead has resulted in the erosion of these social frameworks. This has resulted in extreme forms of communal mistrust, to the point where people do not know if their neighbors are reporting them as terrorists to receive money from the US government. These multidimensional issues that are tearing at the fabrics of these Islamic societies has led to the precipitation of hostilities toward the US, which provides terrorist groups with a steady flow of new recruits.

The Legality of Policy in the US Legal System

The Question of Legality

The most controversial issue surrounding the current US drone policy is whether or not it is legal and constitutional. The jurisprudence for US drone policy falls into several legal categories. These categories include international law as well as domestic law. It also calls into question the legality of the US' violation of state sovereignty in countries such as Pakistan. The US government's reluctance to release substantial information surrounding its drone policy has prevented a thorough debate and analysis from occurring. The government has also not provided the public with an in-depth legal memorandum to outline its rationale for its decisions. There are compelling arguments on both sides of this controversial debate regarding the legality of drone strikes in domestic and international law.

The Targeting of US Citizens Abroad

The US government maintains that the current drone policy of targeting citizens abroad is legal under the Constitution. The US Constitution states under Article II that the President (Commander-in-Chief) has the right to significant amounts of executive power over questions of national security.[29] According to current information for the justification of drone strikes against suspected terrorists, this Article enables the President to terminate any "imminent threats" to national security. Suspected terrorists are viewed as imminent threats to the US under the government's current rationale, and there are no exceptions to this. The wartime powers given to the President under Article II of the Constitution grants him permission to use lethal force against anyone the country is at war with. This power has typically been applied to state actors, but since terrorists are non-state actors in a highly volatile international system, they bear the brunt of this lethal force. Presi-

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29 US Constitution, art. II, sec. 2., http://www.archives.gov/exhibits/charters/constitution_transcript. html (accessed March 14, 2013).

dent Obama has used his executive power to from the legal basis for the escalation of drone strikes in the Middle East.

The Legal Basis for the Policy

The AUMF resolution forms the principal legislative basis for the legality of drone strikes under domestic law. It empowers the President to use "all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons."[30] The AUMF forms the legal basis for the "War on Terror" and the use of drones to combat terrorists throughout the world. The broad jargon of the AUMF makes it highly subjective when initiating strikes against suspected terrorists. It is important to note that the AUMF does limit the warmaking ability of the President substantially, by only authorizing the use of force against those who were responsible for the attacks on 9/11.

Obama's Use of the CIA to Circumvent Congress

The President has the legal authority to authorize the CIA to use preemptive drone strikes against terrorist groups, which goes beyond the parameters of congressional authority. The Obama administration's justification for this is that the CIA can take action in self-defense to protect the US from any potential imminent threats that might arise, while bypassing the lengthy Congressional process of approval. "The express purpose of the CIA is to safeguard vital national interests by means of covert action that may go beyond the parameters of the law."[31] The CIA cannot directly violate the Constitution or any US statute for that matter, but they can legally engage in controversial tactics to combat terrorism.

Placing the Legality of the Policy into Context

The opponents of current US drone policy, who advocate that these strikes are illegal, argue that the President has overreached his executive authority, that the policies violate the Constitution, and that no comprehensive legal memorandum explicitly laying out the government's basis for strikes has

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30 United States Congressional Bill, "Authorization for Use of Military Force," Pub. L. No. 107-40, §2(a), 115 Stat. 224, 224 (2001) (codified at 50 U.S.C. §1541 (2006).

31 Kathryn Stone, "All Necessary Means" Employing CIA Operatives in a Warfighting Role Alongside Special Operations Forces," (US Army War College Strategy Research Project #0704-0188, April 7, 2003), quoted *Living Under Drones: Death, Injury, and Trauma to Civilians From US Drone Practices in Pakistan*, 121.

been released. Many of the arguments dealing with legality consist of one side trying to directly refute the other. There are many similarities, and it is evident that there is room for a mutual agreement to be reached. Human rights groups and numerous other organizations have promulgated that President Obama has vastly overreached his executive authority by carrying out drone strikes. According to Robert Taylor, "the president has the power to order extrajudicial killings if an "informed, high-level official" deems a suspect a "continuing" and "imminent" threat to the country."[32] The definition of "imminent" and "continuing" is purposely vague, so in essence, the President can hide behind this legal façade while targeting anyone that his administration deems as a terrorist with lethal force. This broad interpretation prevents the necessary restrictions from being in place to ensure that the murders are justifiable, transparent, and not being conducted in a shroud of secrecy. Another major component of Obama's excessive use of executive power is that "the administration claims that limits on its power are simply not enforceable in court..."[33] This accentuates the problem of legality and transparency by the administration flaunting its self-proclaimed authority in the face of the country. The prevention of judicial oversight of the administration's policies upsets the balance of power in Washington D.C. and renders the system of checks and balances useless. Without the full legal justification for these extrajudicial killings, the legality of the US policy will continue to be called into question.

Constitutionality of Drone Strikes against American Citizens

The question of constitutionality regarding the use of drone strikes against American citizens living abroad has come to the forefront of the debate in recent months. According to a memo released by the Justice Department, it is legally justifiable for a US citizen to be killed if: he or she is a "senior operational leader of Al-Qaida or an associated force;" a "high-level official" determines that they are a threat to US security; if capture is "infeasible;" and if it is conducted "in a manner consistent with the applicable law of war principles."[34] This directly violates the constitutional right of due process un-

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32 Robert Taylor, "Find Out What The Constitution Really Says About Obama's Drone Strikes," *PolicyMic*, February 12, 2013, http://www.policymic.com/articles/25382/find-out-what-the-constitution-really-says-about-obama-s-drone-strikes (accessed March 12, 2013).

33 Robert Taylor, "Find Out What The Constitution Really Says About Obama's Drone Strikes," *PolicyMic*, February 12, 2013, http://www.policymic.com/articles/25382/find-out-what-the-constitution-really-says-about-obama-s-drone-strikes (accessed March 12, 2013).

34 Carl Schreck, "Legality of Drone Strikes, Assassinations Under Fire in US," *Ria Novosti*, February 6, 2013, http://en.rian.ru/military_news/20130207/179269245.html (accessed March 13, 2013).

der the law. It is plausible that it would be more efficient and cost-effective for the US government to use a drone to carry out an assassination rather than using ground troops to detain the suspect. The unchecked authority of the government and its affiliated groups will result in widespread abuses that will deny the right to due process for many Americans living abroad. In the case of young (16-year-old) Abdulrahman Al-Aulaqi, an American citizen living abroad in Yemen, the right to life and due process were despairingly eradicated when the CIA decided to kill him while he ate dinner. To this day, no direct connection between terrorism and Al-Aulaqi has been established. The American Civil Liberties Union (ACLU) stated that Al-Aulaqi was "killed in violation of the Constitution's fundamental guarantee against the deprivation of life without due process of law."[35] The brief filed by the ACLU also states that "the Executive has the unilateral authority to carry out the targeted killing of Americans it deems terrorism suspects—even if those suspects do not present any truly imminent threat, even if they are located far away from any recognized battlefield, and even if they have never been convicted (or even charged) with a crime."[36] What dangerous precedent will be set if it becomes socially and legally acceptable for the US to execute its own citizens? This subverts everything the US has advocated for and will cause instability in the international system.

The Lack of Transparency and the Difficulty of Interpreting the Legal Basis

The US has not released a comprehensive legal memorandum explicitly outlying its legal justifications for its drone policy. The legality of the US' drone policy will continue to be called into question until substantial information materializes. The US government's reluctance to be transparent and provide the legal basis for its drone program "has impeded [a] much-needed democratic debate about the legality and wisdom of US policies and practices [from occurring], and stymied [the] understanding about their actual impacts."[37] If the current drone policy is legal, the US government should actively pursue public discourse to increase its perception in the world's eye as well as its transparency. The US has refused to answer questions posed in litigation, by journalists, or anyone for that matter. Releasing the legal justifications for executing drone strikes will not pose any significant risk to

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35 Noa Yachot, "ACLU Court Filing Argues for Judicial Review of U.S. Targeted Killings of Americans," *ACLU,* February 6, 2013, http://www.aclu.org/blog/national-security/aclu-court-filing-argues-judicial-review-us-targeted-killings-americans (accessed March 13, 2013).

36 Ibid.

37 *Living Under Drones: Death, Injury, and Trauma to Civilians From US Drone Practices in Pakistan*, 104.

national security and the government can easily release a redacted form of the memorandum without releasing classified material.

The Legality of Drone Strikes under International Law

The Justification for Drone Strikes under International Law

Drone strikes against terrorist organizations in foreign countries pose many legal challenges under international law. The same questions that have been addressed under domestic law are also applicable to the case of legality under international law. The jargon of most international laws and norms are conspicuously vague and border on the verge of vacuous. A compendium of international agreements and understandings are invoked to justify the current policy in the US. One of the predominant agreements used is the United Nations Charter. According to Article 51, states have the right to self-defense, but only "if an armed attack [has] [occurred]."[38] This clause is used to justify strikes against non-state actors (terrorists) in sovereign nations by the US government. The attacks on September 11, 2001, give the US reason to invoke Article 51 and legally conduct strikes. A key component of understanding the justification under Article 51 is that states interpret it accordingly. The invocation of Article 51 is exorbitantly controversial in the current multi-polar international system. This controversy stems from the question of whether or not this clause can be invoked after an actual attack or merely out of anticipation. According to Kurt Larson and Zachary Malamud, "the US is finding legal justification for the employment of drones in Pakistan, using self-defense as its basis – the *Jus ad Bellum* concept."[39] However, the long-term continuation of drone strikes in these sovereign nations will eventually become illegal. The US will be forced to address this issue in the coming years to justify the legality under this basis.

The Power of the President and the Ability to Withdraw from Legal Obligations

Another legal justification for drone strikes under the context of international law is that the President of the US has the power to withdraw from international legal obligations. Michael Paulsen has stated that under the Constitution, the President has the ability to freely abandon or suspend in-

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38 United Nations, "Chapter VII: Action With Respect to Threats to The Peace, Breaches of The Peace, And Acts of Aggression, Article 51," *Charter of the United Nations,* http://www.un.org/en/documents/charter/chapter7.shtml (accessed March 13, 2013).

39 Kurt Larson and Zachary Malamud, "The United States, Pakistan, The Law of War and The Legality of The Drone Attacks," *Journal of International Business & Law* 10, no. 1 (March 30, 2011), 5-6.

ternational legal obligations, even if domestic laws protect them.[40] The basis for this is grounded on the principle that the US is a sovereign power and sovereignty outweighs international obligations. This ensures "international law's existence by reducing incentives for nations to withdraw from a regime they might otherwise regard as too restrictive."[41] The negative aspect of reducing incentives is that it limits the power of international law to solve complex disputes. Thus, President Obama has the legal right to withdraw from certain agreements that stand in opposition to his drone policy. This complicates matters due to the basis that the US is violating international law by selectively pulling out of certain agreements. It has the potential to set a dangerous precedent in the global system by countries manipulating international agreements.

International Law and the Issue of State Sovereignty

The fundamental question of the US drone policy in international law is whether it violates state sovereignty. The United Nations Charter explicitly states the prohibition of use or threats of force between states in Article 2(4).[42] Article 51, and its implication in regards to self-defense offers a loophole to this clause. However, "legal experts, including the current UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Christof Heyns, have questioned whether the killing carried out in 2012 can be justified as a response to [events] in 2001..."[43] The US has been following this clause to justify their actions for nearly 12 years. This cannot lawfully continue under any circumstance, and the US will have to revise its current policy. For example, drone strikes occur in Pakistan, a sovereign nation that the US is not at war with, on a daily basis. The US government claims that this is necessary since Pakistan's government is incapable of capturing or stymieing terrorists and their operations in the vast tribal regions. However, the Pakistani believe that the US is violating their sovereignty and disrespecting national sentiment. Two other nations that have also felt the impact of US drone strikes include Yemen and Somalia. The US has progressively continued to break almost every international agreement by violat-

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40 Michael Paulsen, "The Constitutional Power To Interpret International Law," *Yale Law Journal* 118, no. 8 (June 2009), 1800-1804.

41 Afsheen John Radsan and Richard Murphy, "The Evolution of Law and Policy for CIA Targeted Killing," *Journal of National Security Law and Policy* 5, (January 19, 2012), 447.

42 United Nations, "Chapter I: Purposes And Principles, Article 2, Paragraph 4," *Charger of United Nations*, http://www.un.org/en/documents/charter/chapter1.shtml (accessed March 14, 2013).

43 *Living Under Drones: Death, Injury, and Trauma to Civilians From US Drone Practices in Pakistan,* 107.

ing the sovereignty of these countries. President Obama's war on Al-Qaida and its affiliated terror groups "has been used as an excuse to assassinate anyone anywhere in the world whenever the president gives the order."[44] Even if the Obama administration identifies a terrorist living in one of these sovereign territories, the US cannot legally justify military strikes against the individual since the US is not actively at war with the state. The US bellicose rhetoric will have to change alongside its policy if it wants to be viewed as a global leader for good.

The Dubious Nature of the CIA's Drone Program

The Secrecy Surrounding the CIA's Program

One of the more controversial aspects of the US' drone policy (established under Bush and continued by Obama) is that the CIA has free reign over their own program. This program has come under immense scrutiny in recent years, due to the lack of oversight and the shroud of secrecy surrounding the program. "Critics [contend] that drone strikes might constitute crimes in the countries which they occur, [due] to the violations of [these] foreign nation's laws..."[45] The CIA has publicly refused to release any official documentation or memorandum laying out the legality of their program and contends that by doing so would be a breach of national security. Even in court, the CIA refuses to acknowledge that their drone program exists. According to Jameel Jaffer and Nathan Freed Wessler, "the agency's argument [for refusing to acknowledge the existence of their program] is based on a 35-year-old judicial doctrine called Glomar, which allows government agencies to respond to requests under the Freedom of Information Act, or FOIA, by refusing to confirm or deny the existence of the records that have been requested."[46] The American Civil Liberties Union (ACLU) and *The New York Times* have both filed cases against the CIA demanding that they acknowledge the existence of their program and provide the legal basis for its conduction. The Obama administration must require the CIA to improve its transparency by acknowledging the existence of its program and releasing the legal memorandums

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44 Marjorie Cohn, "Killer Drone Attacks Illegal, Counter-Productive," *Huffington Post*, June 25, 2012, http://www.huffingtonpost.com/marjorie-cohn/killer-drone-attacks-ille_b_1623065.html (accessed March 15, 2013).

45 Mary Ellen O'Connell, William C. Banks, David Glazier, and Kenneth Anderson, "Legality of Unmanned Targeting, Hearing before the Subcommitte on National Security and Foreign Affairs of the House Committee on Oversight and Government reform," 111th Congress. 2d Session, (2010).

46 Jameel Jaffer and Nathan Freed Wessler, "The C.I.A.'s Misuse of Secrecy," *New York Times,* April 29, 2012, http://www.nytimes.com/2012/04/30/opinion/the-cias-misuse-of-secrecy.html?_r=0 (accessed March 14, 2013).

that authorize the program. The agency should also provide evidence to justify their strikes against American citizens living abroad who have been victimized by drone strikes in Yemen and elsewhere. President Obama and his administration must hold the CIA accountable for their actions.

Violations Committed by the CIA

The legal standing of the CIA's program is much more difficult to analyze conclusively due to the nature of how the espionage world operates. According to Afsheen John Radsan, "the CIA habitually violates the laws of other countries – and arguably international law – as it conducts espionage around the world."[47] To operate effectively and protect American interests, the CIA is expected to violate other nations' laws.[48] However, giving unrestricted control of a tremendously lethal program to an agency with a checkered history is unnerving and unscrupulous. The CIA has proven time and time again that it is prone to abusing power and believes that it has no obligation to follow the long-standing rules of military engagement. It is apparent that the CIA's targeted killing program might constitute crimes in the countries in which they occur,[49] but there is no legal basis to prosecute those responsible for conducting their job as an intelligence agency.

Reformation and Potential Solutions

Reformation of the Policy is Essential

The US drone policy needs to be reformed. If the current policy continues, the US will alienate its allies and set a dangerous global precedent. Increasing the transparency of the program by providing oversight and releasing the legal justification can reform the current policy. A second essential aspect for reforming policy is to eliminate the CIA program and place all drone operations under the direct control of the US military. Reformation of this pernicious policy will enable drone strikes to become legal, transparent, more efficient, and uncommon.

Increasing Governmental Transparency and Potential Solutions

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47 Afsheen John Radsan, "The Unresolved Equation of Espionage and International Law," *Michigan Journal of International Law* 28, no. 597 (2007), 595-596.
48 Afsheen John Radsan and Richard Murphy, "The Evolution of Law and Policy for CIA Targeted Killing," *Journal of National Security Law and Policy* 5, (January 19, 2012), 446.
49 Mary Ellen O'Connell, "Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009," *Notre Dame Legal Studies Research Paper* no. 09-43 (July 2010), 1.

It is essential to increase the transparency of the US drone policy and eradicate its negative implications. The US government needs to be held accountable for strikes and the only way this can be achieved is to institute an effective oversight body. A non-governmental organization can be set up to conduct thorough investigations into controversial strikes. This would be similar to the Congressional Oversight Panel, but would have more prosecutorial authority. The only way oversight can be conducted effectively is if the government releases the legal justification for strikes. A much needed academic debate will ensue, and a comprehensive legal analysis can finally determine the legality of the drone program. Public discourse will hold the government accountable and initiate the reformation of policies. It is also essential for the Obama administration to release the accurate casualty figures and discontinue the "practice of counting all dead males of military age as militants."[50] Accurate casualty figures in the hands of the public will also contribute to holding the US government accountable. Lastly, transparency will enhance the global perception of the US, guarantee the legality of strikes, and ensure that they are used infrequently.

US Domestic Implications of Drones

The Intrusion of Drones into US Domestic Life

The current drone policy in the US will have a profound impact on domestic policy and the everyday lives of American citizens in the coming years. According to the Federal Aviation Administration, 10,000 drones could potentially be in US airspace by 2020.[51] These drones will not be armed with Hellfire missiles or serve a military purpose, but moreover, provide technical assistance to local authorities as well as surveillance for federal agencies. This intrusion of drones into the everyday lives of American citizens has struck terror into the hearts of millions and called the role of government into question. George Orwell's novel *1984* comes to mind when envisioning life with drones hovering overhead and monitoring every second of our lives. It brings to mind the concept of "Big Brother" watching our every move for dissention. Drones that monitor our daily lives violate the right to privacy that is protected by the Constitution. In theory, if this occurs, when will the

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50 Conor Friedersdorf, "Let's Make Drone Strikes Safe, Legal, and Rare," *The Atlantic*, March 27, 2013, http://www.theatlantic.com/politics/archive/2013/03/lets-make-drone-strikes-safe-legal-and-rare/274399/ (accessed March 11, 2013).

51 Brian Bennett and Joel Rubin, "Drones are taking to the skies in the US," *Los Angeles Times,* February 15, 2013, http://articles.latimes.com/2013/feb/15/nation/la-na-domestic-drones-20130216 (accessed March 12, 2013).

government intrude upon our other constitutional liberties? Certain "guide-lines" have been made in an attempt to limit the role of drones in domes-tic airspace. Some of these guidelines include obtaining a search warrant prior to launching drones in the sky to conduct surveillance. The American Civil Liberties Union stated, "We don't think these recommendations go far enough to ensure true protection of privacy from drones... privacy protec-tions [need] to be enshrined in law, not merely promulgated by the police themselves."[52] It is apparent that judicial oversight needs to be ensured as well as legislation to regulate the government's use of drones. Chris Cala-brese from the ACLU said, "Unmanned drones must not become a perpetual presence in our lives, hovering over us, following us and recording our every move."[53] The government operating 10,000 unregulated drones in domestic airspace is irrational, unjust, repressive, and despotic.

Precedential Nature and Potential Repercussions

Potential Repercussions of the Precedent the US is Setting

The current drone policy will also have a profound impact on the internation-al system and set a dangerous global precedent. Leon Panetta, the former Secretary of Defense and head of the Central Intelligence Agency has stated that the US will reduce the size and scope of its conventional forces. Instead, the US will expand the role and place an additional emphasis on its Special Forces and the development of advanced technological warfare systems. The success of covert military operations, such as the SEAL Team 6 raid in Abbottabad has played an integral role in the US militaries use of drones. However, the precedent the US is setting with its use of drones has many experts horrified. Jon Frosch, a prominent journalist with experience cover-ing the use of drones, emphasizes this point in stating "how a nation uses its weapons reflects on how others will use them."[54] In other words, by carrying out extrajudicial killings and violating the national sovereignty of countries, the US is encouraging other states to follow its example in the future. What will stop Russia or China from using a drone strike to eradicate a dissident

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52 Kevin Johnson, "Even The Leaders of US Police Departments Want to Restrict Domestic Drone Use," *Business Insider,* September 10, 2012, http://www.businessinsider.com/chiefs-of-police-urge-restraint-in-domestic-drone-use-2012-9 (accessed March 12, 2013).

53 American Civil Liberties Union, "ACLU Supports Bipartisan Domestic Drone Bill," *ACLU*, February 14, 2013, http://www.aclu.org/national-security/aclu-supports-bipartisan-domestic-drone-bill (ac-cessed March 13, 2013).

54 Jon Frosch, "The Risks and Rewards of Obama's Drone Policy," *France 24*, February 26, 2013, http://www.france24.com/en/20130225-risks-rewards-obamas-drone-policy (accessed March 13, 2013).

living in refuge in the US? The answer is nothing. This is the problem with the precedent being set by the US. The US government cannot kill hundreds of people in Yemen, Somalia, or Pakistan and then not expect another nation to do the same to the US. We live in a global world that has condensed societies and made geography no longer an obstacle. The most advanced countries in the international system are currently developing their own sophisticated drone programs and the US will soon see its monopoly on drones disappear. Once this monopoly has disappeared, the precedent set by the US will come to the forefront and dictate the course for the next several decades. This is precisely why policy reform is of the upmost importance. The US needs to address these pressing issues, and by doing so, can change the course of history for the betterment of the world.

Conclusion

The ongoing debate of the current US drone policy will continue to garner international attention as the proliferation of strikes progresses. The recent expansion of the drone program by the Obama administration has generated copious amounts of controversy, especially in regard to the targeting of American citizens living abroad. The CIA's drone program needs to be eliminated and all drones for military purposes need to be placed under the direct control of the US military. Recent comprehensive studies have shown the negative implications that drone strikes have on the psychological well-being of people living in the areas of strikes. These studies have also conclusively analyzed the sociological impact of strikes and concluded that they are tearing at the fabric of Islamic societies by generating widespread mistrust and interrupting every aspect of daily life. Furthermore, the US government needs to release the legal justification for strikes to increase the transparency of the program and prove that their actions are in fact legal. Drone policy in the US need immediate attention. The first step toward reforming policy is to provide oversight of the program and increase the transparency by releasing essential information. The future of the world is in the hands of the US and we can avoid setting dangerous precedents to create a more stable and transparent world. The US has the ability to carry the torch of freedom while increasing world perception. **Y**

BRUSHED PAST: US-CCP RELATIONS, 1941-45

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This article explores the controversial "lost chance theory" that CCP leader Mao Zedong genuinely wished to build a working relationship with the Roosevelt and Truman administrations, but was rebuffed by shortsighted decision makers in Washington who passed on the opportunity to cooperate with China's future ruler. The authors note key historiographical developments and explain the major arguments both for and against the lost chance theory before advancing a post-revisionist position that its opponents have in recent years inadvertently created the false impression that there was never any real possibility that Washington and the CCP might have built a positive working relationship during the war years, while the window for CCP-US cooperation was far more ephemeral than lost chancers understood. This paper argues that Mao's wartime expressions of his desire to work with the United States were indeed sincere through to the end of 1944, however by the spring of 1945 cooperation had become an impossibility because the Roosevelt administration badly misread Jiang Jieshi's ability to unite the country andclung to unfounded suspicions that the CCP would serve as an obedient Soviet proxy in East Asia.

INTRODUCTION

The "lost chance" debate is one of the most contentious topics in modern Sino-American relations because its implications are so profound. In broad terms, "lost chancers" argue that Chinese communist leaders were more ideologically flexible than the Truman administration gave them credit. Thus, had America's looming Cold War with Moscow not colored all American dealings with China then Washington could have won over the country's future rulers. The Truman administration's failure to realize this meant that Washington ended up backing the losing faction in the Chinese Civil War and subsequently Communist China tilted heavily towards the Soviet Union. Ad-

ditional implications of this failure include direct confrontation with China in the Korean War during the early 1950s, and again by proxy in Vietnam in the 1960s. The Nixon-Mao thaw in 1972 restored a sense of normalcy, but only after much treasure and many lives had been wasted. Early advocates of the lost chance school working with the limited documentary evidence of the period included Tsang Tsou and Anthony Kubek writing in the early 1960s, followed by a young Warren I. Cohenin the late 1960s and Barbara Tuchman in the early 1970s.[1] The pessimistic backdrop of the Vietnam War colored these works and implicit in them is a harsh critique of what these authors saw as a pattern of profound foreign policy blunders in East Asia.

After the collapse of the Soviet Union, many new source materials emerged within Russia that made "lost chancer" claims seem greatly exaggerated if not completely untenable. Michael Sheng, who acknowledges that Mao and Zhou were flexible towards the United States while the Chinese Communist Party (CCP) was fighting Japan but disputes the notion that they ever genuinely considered friendship with Washington after war was over, has made an invaluable contribution to our understanding of this debate.[2] Chen Jian has definitely quashed the argument that opportunities for CCP-American collaboration continued to exist as late as 1948 or 1949.[3] Other revisionists have advanced similar and related arguments, including Steven M. Goldstein[4], who advocated that American aid to Jiang Jieshi'sGuomindang (GMD) alienated the CCP to the point that it gave up on the idea of appealing to Washington for support; Michael H. Hunt[5], who argued that Mao would only have kept the door to the United States open had it been willing to outbid the Soviet Union; and Steven I. Levine[6], who wrote

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1   For seminal works by these authors, see: Tsang Tsou, *America's Failure in China* (Chicago: University of Chicago Press, 1963);Anthony Kubek, *How the Far East was Lost, American Policy and the Creation of Communist China* (Chicago: Henry Regnery, 1963); Warren Cohen, "The Development of Chinese Communist Policy toward the United States, 1922–1933" and "The Development of Chinese Communist Policy toward the United States, 1934–1945," Orbis 11, no. 1 (1967): 219–37 and 551–69; and Barbara Tuchman, "If Mao Had Come to Washington?," *Foreign Affairs* 51, no.1 (1972): 44-64.

2   Michael Sheng, "America's Lost Chance in China? A Reappraisal of Chinese Communist Policy Toward the United States Before 1945,"*The Australian Journal of Chinese Affairs*, no. 29 (1993): 135-57.

3   Chen Jian, "The Myth of America's 'Lost Chance' inChina: A Chinese Perspective in Light of New Evidence," *Diplomatic History* 21, no. 1 (1997): 77-86.

4   Steven M. Goldstein, "ChineseCommunistPolicy toward theUnited States: Opportunities and Constraints,1944–1950," in *Uncertain Years: Chinese-American Relations*, 1947-1950, eds.Dorothy Borg and Waldo H. Heinrichs(New York: Columbia University Press, 1980).

5   Michael H. Hunt, "Mao Tse-tung and the Issue of Accommodation with the United States, 1948–1950," in Uncertain Years: *Chinese-American Relations*, 1947-1950.

6   Steven I. Levine, "Notes on Soviet Policy in China and Chinese Communist Perceptions, 1945–

that Mao would never have joined an anti-Soviet alliance under any conditions, in addition to Thomas J. Christensen[7], amongst others. Cumulatively, these authors have made a powerful case that Mao was committed to an anti-American policy when the PRC was founded in October 1949. In light of all this new scholarship, Cohen had no alternative but to backtrack from the position he helped advance.[8]

This paper argues that the original advocates of the lost chance school had seized on an idea that was partially correct: that there was an opportunity for CCP-US cooperation before the conclusion of the Chinese Civil War. In light of what we have learned about CCP-American relations in the 1940s, it would be more appropriate to add heavy qualifiers to their positionthat simply reject it out of hand.This paper argues that there was a very brief period of curiosity and openness between the CCP and numerous American civil and military personnel that made contact with Mao and his compatriots in 1943 and 1944. During this time a cooperative relationship was indeed a possibility, though the authors acknowledge the revisionist position that the depth of that relationship would have been limited by Mao's ideological affinity for the Soviet Union. What might have been possible during the Roosevelt years was the establishment of a *modus vivendi* with the CCP that was limited to mutual tolerance, diplomatic recognition, trade and possibly some cultural contact once the country had been reunited. That this never came to pass was the result of the Roosevelt and Truman administrations'decision to make policy based on the advice of China hands that failed to comprehend how Mao's willingness to work with Washington could have profoundly beneficial consequences for American interests in East Asia.

The Truman administration failed to grasp that Mao's preference was to keep the door open to the prospect of cooperation with both the United States and Soviet Union and that this orientation was vastly preferable to Washington than pushing Mao fully into Stalin's embrace. Passing on this opportunity to court Mao—which would have entailed an alternate scenario in which the CCP pursued its own domestic communist agenda but took on a more neutralist foreign policy stance—was indeed a great tragedy. It is entirely reasonable to argue that Mao would have permanently shelved his ideological differences with the United States had Washington recognized the merits of cooperating with him and dropped its support for Jiang and

1950," in Uncertain Years: *Chinese-American Relations*, 1947-1950.

7   Thomas J. Christensen, "A 'Lost Chance' for What? Rethinking the Origins of the U.S.-PRC Confrontation," *Journal of American-East Asian Relations* 4 (1995): 249–78.

8   Warren Cohen, "Symposium: Rethinking the lost Chance in China. Introduction: Was There a 'Lost Chance' in China?," *Diplomatic History* 21, no.1 (Winter 1997):71-75.

the GMD. Had Truman pursued this alternative, which was advocated by numerous American civilian and military officials stationed in China during the war and later by his Secretary of State Dean Acheson, Mao would have been in his debt. The alternative to the Sino-American Cold War was not true friendship, but it was vastly superior what came between the two countries in the 1950s.

THE ROOSEVELT ADMINISTRATION'S WARTIME INTERESTS IN CHINA, DECEMBER 1941-1944

The Roosevelt administration planned to adopt a "Europe First" strategy for fighting World War II, but Japan's lightning air raid on the US Pacific Fleet at Pearl Harbor rudely forced Washington to refocus its attention on East Asia. Propping up Britain was Washington's overriding military priority, but once war began with Japan, the Roosevelt administration saw military advantages for the United States in supporting the Chinese resistance, which would pin down much Japanese manpower. Additionally, the Roosevelt administration hoped to groom China as a long-term American partner in the Far East, which prompted a greater degree of American involvement in China's internal affairs. From 1941 to 1945, the United States could have forged a cooperative, possibly even cordial, relationship with CCP that would have secured the long-term American foreign policy aim of stabilizing the region in the aftermath of Japan's defeat. The CCP, which ultimately reunited China by force in 1949, made serious attempts to convey its desire for good relations to Washington and made earnest efforts to secure American cooperation throughout the war. However, the CCP's goodwill was ignored or misinterpreted by all except a handful of junior diplomats who lacked policy-making authority. In the end, Washington brushed past an opportunity to set the framework for a stable security framework in East Asia due to its haste to use the more overtly pro-western GMD as the basis for its East Asian Cold War policies.[9]

China's most pressing difficulty when the Sino-Japanese War broke out in 1937 was the great rivalry between the GMD and the CCP, both of which aspired to unite and rule China alone. It was nearly impossible after Pearl Harbor for the United States to use China as a weapon against Japan without wading into the complicated relationship between the two parties. GMD leader Jiang Jieshi was relatively urbane, internationally recognized as the

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9   In this paper, the authors use the new Pinyin system, but have kept older transliterated names in quoted passages. These would include Such as: Guomindang—Kuomindang, Jiang Jieshi—Chiang Kai-shek, Yan'an—Yenan, and so on.

Chinese head of state and a favorite of the American press, but the United States could not neglect the CCP because it held a strong military position behind Japanese lines and controlled more bases than the GMD. American military planners soon concluded that GMD efforts to suppress the CCP weakened China's defenses against Japan and seriously threatened to undermine the country's political stability. If Washington simply caved to Jiang's demands and offered exclusive support for his government in Chongqing, China would descend into a large-scale civil war that would benefit only the Japanese invaders. At the same time, American planners were dismayed by the Chongqing regime's token resistance to Japan. Meanwhile, the staff of the American embassy could not ignore the despotic tendencies of the Jiang regime and all but abandoned hopes that a liberal GMT-ruled China could assume the mantle of Asian leadership Washington so desired of it. Lieutenant General Joseph W. Stilwell, the American commander in the China-Burma-India theatre, bluntly reported:

> [Chiang Kai-shek] has no intention of making further efforts to prosecute the war... He has no intention of instituting any real democratic regime of forming a united front with the Communist. He himself is the main obstacle to the unification of China and her cooperation in a real effort against Japan...the United States will not get any real cooperation from China while Chiang Kai-shek is in power.[10]

These comments reflected serious frustrations with the Chongqing regime and its leader commonplace in American military and diplomatic quarters during the war.

Representatives from the CCP and the American government did not have an opportunity to meet until early 1941. The GMD had just attacked and destroyed most of the New Fourth Army in An'hui, ending hopes for any real military cooperation between the GMD and CCP against Japan. Some American officials and private observers, such as Evans Carlson and Edgar Snow respectively, sympathized with the CCP and advised the Roosevelt administration to drop its policy of dealing exclusively with the Nationalists.[11] One month after this incident, Roosevelt's Administrative Assistant Lauchlin Currie travelled to China to meet Zhou Enlai, the CCP's senior diplomat, in Chongqing on February 14, 1941. Currie asked Zhou if Jiang would surren-

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10 Reports by General Stilwell, *The China White Paper, August 1949* (Stanford: Stanford University Press, 1967), 68.
11 Carlson to Hornbeck, December 19, 1940, Dept. of State, Decimal File, China, 893.00/14630; see Michael Schaller, *The US Crusade in China, 1938-1945* (New York: Columbia University Press, 1979), 43-44.

der to Japan and what the CCP's reaction to such a development would be. Zhou offered some information designed to "expose" Jiang, stressing that if Jiang did not change his anti-Communist stance, a civil war was possible and the war of resistance would fail. This would enable the Japanese to turn their forces south against Anglo-American forces.[12] Currie responded with Roosevelt's message, "[t]here are more common grounds between the GMD and CCP than their differences. I sincerely hope that the two parties will eliminate their differences and strengthen their solidarity for the common purpose of resisting Japan…" This was Washington's first clear statement on China's internal difficulties. More significantly, Roosevelt did not conceal his admiration for some of the CCP's accomplishments, noting, "The Communist Party's attitude toward peasants, women and the Japanese deserves our commendation."[13]

It was extremely difficult for Americans to get accurate first-hand information on CCP activities in the interior provinces of Shanxi, Gansu and Ningxia given that these areas had been placed under a GMD blockade since 1939. GMD propaganda directed at the American public portrayed the CCP as completely disorganized, but most Americans viewed this with a healthy dose of skepticism.[14] John Patton Davies, a junior officer in the State Department's Division of Far Eastern Affairs, argued that the Communists had succeeded brilliantly in merging their doctrine of social revolution with an upsurge in peasant nationalism in the wake of the Japanese invasion. A report from American military intelligence described the process in some detail:

> Wherever the Eighth Route Army (Communist) penetrated, its retinue of propagandists, social and economic workers, schoolteachers, etc., immediately started organizing and training the peasant masses for resistance through guerrilla warfare. Their central idea in all these efforts was that the social and economic level of the peasants had to be improved in order to maintain morale and to instill among the people a will to resist Japan and support their own armies.[15]

When measured against the GMD, many Americans respected the CCP despite its politics because of the superior fighting prowess it consistently dem-

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12 Zhongyangwenxianyanjiushi, ed., *Zhou Enlainianpu*[Chronology of Zhou Enlai] (Beijing: Zhongyangwenxianchubanshe, 1998), 503.

13 Dong Guangxian, *Jiang zongtongzuan* [The Biography of President Jiang] (Taibei: Zhongyangwenhuachubanshiyeweiyuanhui, 1962), 455.

14 Tao Wentao, Yang Kuisong and Wangjianlang, *Kangrizhanzhengshiqizhongguoduiwaiguanxi* [Sino-Foreign Relations during the Anti-Japanese War] (Beijing: Zhonggongdangshichubanshe, 1995), 426-27.

15 Report of December 27, 1941, Far Eastern Section, G-2, Regional File; see Schaller, 45.

onstrated against the Japanese. American Ambassador Clarence E. Gauss correctly gauged the American mood in noting that the GMD's numerous mistakes had given the CCP an opportunity to shine.[16]

Washington's greatest concern was whether the GMD could effectively unite other partisan groups against Japan. Early in 1943, John Service, a Foreign Service officer working partly for Stilwell, reported that the United Front was "definitely a thing of the past." There was no longer any question of whether civil war could be avoided, "but whether it can be delayed at least until a victory over Japan" given that both parties had braced themselves for renewed fighting. The GMD in particular had cracked down on all political dissidents, which Service predicted might swing the revolution to the left, "going beyond the moderate democracy which the Chinese Communists now claim to be seeking."[17]

Service feared that Washington's alliance with the GMD would alienate it from all other Chinese groups, which could drive the CCP toward friendship with the Soviet Union out of desperation or revenge. This led Service to reconsider an effective means for the United States to distance itself from the GMD while still maintaining its support for China's war against Japan. He argued that the war had to be fought against Japan and fascism, not for Jiang Jieshi. Above all, he insisted that the United States not take up arms directly or indirectly against the CCP, which was still a relatively unknown force to Washington. Service further urged that American officials should go to the Communist base at Yan'an to discover who the revolutionaries really were.[18]

John Davies made a similar recommendation following a conversation with Zhou in March 1943. Zhou reiterated his invitation of the previous summer for a small group of American officers to set up observer posts in Shanxi, though he wondered whether Washington would accept this opportunity. Zhou stressed that this offer was not conditional on American aid to the CCP.[19] Davies responded by advising his superiors that Jiang had to be immediately coerced into fundamental military and political reforms if any of Roosevelt's East Asia plans were to be salvaged. If Jiang could not or would

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16 "Memorandum of Conversation by the Second Secretary of Embassy in China (Davies)," The US Department of State, ed., *Foreign Relations of United States: Diplomatic Papers*(hereafter FRUS), 1942, Vol. 1, China, GPO, 1956, 247.

17 "Memorandum by the Third Secretary of Embassy in China (Service), Temporarily in the United States," *FRUS, 1943.China*, 193.

18 Ibid.

19 Ibid.

not change, Washington had to consider working with the Chinese Communists as a real alternative.[20]

THE DIXIE MISSION TO YAN'AN AND ITS AFTERMATH: SUMMER-EARLY AUTUMN, 1944

Jiang demonstrated his unwillingness towards cooperating with the CCP by launching a new attack on CCP territories in mid-1943. This prompted Stanley Hornbeck, senior Political Advisor to the State Department, to remind senior GMD diplomat Song Ziwen on August 19 that Jiang's actions flew in the face of Washington's position that China should avoid descending into civil war at all costs. General Stilwell went even further in his comments, suggesting that the GMD's blockade prevented Communist troops from being sent to the front against Japan and was thus thwarting the war effort. By the end of 1943, Stilwell and his embassy supporters were so disillusioned with the GMD that they decided to break the blockade of Yan'an in order to put Americans in a position where they could learn more about the CCP and gauge its interest in cooperation with the United States. The first group of Americans to set foot in wartime Yan'an was made up of roughly a half dozen journalists who arrived between mid-July and October 1944. Their reports emphasized that a popular CCP government was leading the peasants in an active guerrilla campaign against the Japanese, but even these statements frightened GMD censors, who heavily redacted them before they could be sent outside of China. The GMD was so rattled that it cancelled any further visits by foreign journalists to Yan'an in October. This meant that American readers only gained the barest glimpse of what Edgar Snow called "the other side of the river."[21]

On June 21, 1944, Vice President Henry A. Wallace flew to China for high-level talks with Jiang. Wallace informed Jiang that Roosevelt demanded that an American delegation be permitted to meet the Communists. John Service had stressed to Wallace in Chongqing the significance of relieving Washington of its total dependence on the GMD by building ties with the CCP. Service argued that with adequate support the Communists could transform China

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20 See Gauss to Hull, October 21, 1942, *FRUS 1942, China*, 161-62. "We should avoid committing ourselves unalterably to Chiang. We should be ready during or after the war to adjust ourselves to possible realignments in China. We should wish, for example, to avoid finding ourselves at the close of the war backing a coalition of Chiang's Kuomindang and the degenerate puppets against a democratic coalition commanding Russian sympathy."

21 Kenneth Shewmaker, *Americans and Chinese Communists,* 1927-1945 (Ithaca: Cornell University Press, 1971), 158-79.

into a viable, pro-American ally. He added that this involved only "very modified and indirect intervention in Chinese affairs."[22]

During his meeting with Wallace, Jiang denounced the CCP as a Comintern-allied Soviet puppet. Jiang's ultimatum for cooperation with the CCP included CCP obedience to the GMD government, GMD command of CCP armies and the surrender of all CCP territory. In exchange, Jiang would grant "political amnesty" and give the CCP the right to continue operating as a political party. This was Jiang's perennial demand and it provided no room for bargaining. Wallace immediately sensed that there could be no Communist-Nationalist coalition on these terms, but he did salvage Jiang's authorization for an American observer team to go to Yan'an.[23]

The United Stated Army Observer Group, informally called the "Dixie Mission" because of its location in "rebel territory", arrived in Yan'an on two flights in July and August. Led by Colonel David D. Barrett, this small group represented all the major American agencies in China: the Army, Air Corps, Navy, State Department and Office of Strategic Services (OSS). Barrett, who later became involved in several military schemes, supervised the mission, while political advisors Raymond Ludden and John Service investigated the nature of Communist policies toward the United States and Soviet Union. The OSS officers were to explore the possibilities of utilizing Communist guerrilla forces against Japan.[24]

Yan'an had every reason to welcome the US Army Observer Section. The CCP intended to frame itself as the practitioner of American "democracy" as opposed to the GMD's one-party dictatorship. It also stood to benefit from showcasing its military prowess and setting it against the Nationalists' unwillingness to fight the Japanese. Ultimately, it hoped to convince the Americans visitors to provide military aid.[25] The Central Committee saw the arrival of the Dixie Mission as an important turning point that would position the CCP as a major participant in the unified international anti-Fascist front. Party elites predicted that cooperation with the United States would enable the CCP to bring more liberated areas under its control and foresaw the possibility of continuing this cooperation after the war.

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22 See Memorandum by Service, June 24, 1944, Senate Committee in the Judiciary, *The Amerasia Papers: A Clue to the Catastrophe of China,* Vol. 1 (Washington, D.C.: US Government Printing Office, 1970), 575-91.
23 Alexander Bevin, The Strange Connection – *U.S Intervention in China, 1944-1972* (New York: Greenwood Press, 1992),6-7.
24 Schaller, 181-82.
25 Sheng, 151.

The Communists gave their visitors total cooperation from the moment the Dixie Mission arrived. Several members of the high command—Chief of Staff Ye Jianying, Chen Yi, He Long, Peng Dehuai and Lin Biao—gave extensive briefings on the military situation and tailored their research to suit American needs. At lower levels, cadres were assigned to each member of the mission to provide information and assistance in a variety of areas: enemy and Communist orders of battle, weather, targets, rescue of downed airmen, communications, coastal defenses, propaganda and interrogation of Japanese prisoners. Special units guided the Americans on long excursions to Communist bases behind enemy lines.[26] Finally, the Communist press celebrated this new partnership with enthusiasm in its Fourth of July editorial:

> Democratic America has already found a companion and the successor to the cause of Sun Yat-sen, in the Chinese Communist Party and the other democratic forces.... The work which we Communists are carrying on today is the very same work which was carried on earlier in America by Washington, Jefferson and Lincoln; it will certainly obtain and indeed has already obtained, the sympathy of democratic America.[27]

The CCP did not request assistance of any kind at this point, but sought to demonstrate its energy and determination in a bid to convince the foreigners to offer help of their own accord. This quest for foreign aid, Yan'an explained, must not erode the commitment to self-reliance:

> We must intensify the feeling of national self-respect and faith in ourselves, but without boycotting foreigners; we must study the positive experience of others while improving cooperation with them, but without worshipping and flattering the foreigners. This is what constitutes the correct national platform; this is what constitutes the essence of the prototype of the new man in new democratic China.[28]

American government officials that visited Yan'an in 1944 liked what they saw. American accounts have identified a handful of Foreign Service officers with a special sympathy for the Communists and a desire to aid them, but it was Colonel Barrett who, after less than a month in Yan'an, first recommended sending arms to the Communists. In his report of August 18 calling

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26 David D. Barrett, *Dixie Mission:The United States Army Observer Group in Yenan, 1944* (Berkeley: University of California Press, 1970), 29, 43-45.

27 *Jiefangribao,* July 4, 1944.

28 CPC Central Committee Directive on Diplomatic Work,"seeJames Reardon-Anderson, *Yenan and the Great Powers: The Origins of Chinese Communist Foreign Policy, 1944-1946* (New York: Columbia University Press, 1980), 41.

for immediate military assistance, Barrett wrote, "Since the Section came to Yan'an, we have certainly been subject to no high pressure salesmanship except a burning desire to convince us that they want to fight the Japanese and help the people." He added:

> If the Communists are willing to fight and have the people on their side, it would appear that they are worthy of the support of the United States. I believe that a small amount of aid in the way of ammunition, automatic weapons, pack artillery and signal equipment would bring immediate results. If it did not, we would have lost very little. I am in favour of giving this aid now, not to wait until we have sent out observers to cover areas from which reports cannot be received for a long time.[29]

The American observer most sensitive to this point was John Service, who prepared extensive reports from Yan'an between July and November 1944 that provided a unique glimpse into the origins of American-CCP cooperation. On July 28, he wrote, "We have come into a different country and are meeting a different people."[30] The Communist capital of Yan'an seemed both a city and a state of mind opposite to that of Chongqing. Relations between the city residents, peasants and Communist officials appeared relaxed and informal. All voiced one thought in Yan'an: a desire to cooperate with the United States in the struggle to defeat Japan and build a new China. Service believed the Communists espoused a moderate revolutionary program that was well suited to China and deserving of American support.[31]

MAO'S APPEAL TO WASHINGTON: SUMMER, 1944

On August 23, 1944, CCP head Mao Zedong spoke with Service regarding his interest in encouraging friendship with Washington and warned that the threat of civil war was growing. Chongqing would eventually attack the Communists and "China will become a major international problem." Any hope for preventing civil war depended on the ability of outside powers to restrain the GMD and "among these, by far the most important is the United States." Mao wished to know if the American government was willing to force the GMD to accept a democratic proposal.[32] In addition, Mao specifically de-

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29 Ibid., 39, 178. Report from Colonel David D. Barrett to Commanding General, The Records of US Forces, China Theater, August 14, 1944.

30 Report No. 1 by Service, July 28, 1944, *The Amerasia Papers*, Vol. 1, 681-84.

31 Ibid.,Report No. 2 by Service, July 28, 1944, 684; Report No. 3 by Service, July 30, 1944, 690, 691-717.

32 American policy was of vital concern to the "democratic peoples of China." Mao told Service the Communists' broad terms for political compromise in China included the basic demand that the Chinese government "broaden its base to take in all important groups... to convene a provisional

sired information about Washington's current attitude toward the Communists, namely in terms of economic assistance. Mao believed that a CCP-led China could work with the American government by becoming a vast export market for the United States and a stabilizing force within the region:

> Even the most conservative American businessman can find nothing in our program to take exception to...China must industrialize. This can be done–in China–only by free enterprise and with the aid of foreign capital. Chinese and American interests are correlated and similar. They fit together, economically and politically. We can and must work together.

Giving Service the impression that Yan'an could deliver what America wanted, Mao implied that he preferred to deal with Washington over Moscow:

> America does not need to fear that we will not be cooperative. We must cooperate and we must have American help. This is why it is so important to us Communists to know what you Americans are thinking and planning. We cannot risk crossing you – cannot risk conflict with you.[33]

Mao may well have exaggerated the compatibility of the long-term CCP and American goals, but there is little reason to doubt the sincerity of his remarks.

In the same period, Zhou Enlai frequently contacted the United States Embassy in Chongqing to inform the Americans that the GMD was stalling on an offensive against the Japanese in order to conserve its strength for a civil war against the CCP. He suggested that Washington take steps to insure that Lend Lease supplies to the GMD would not be hoarded for a civil war. Zhou emphasized that Washington should recognize the Communist army "as a participant in the war against fascism," consider intervening to the end the GMD blockade of Communist bases and that Communist armies should receive a proportionate share of American supplies sent to China.[34]

Communist power was undeniably growing and its appeal to the peasantry was especially strong. The CCP's military strength had developed to the point that it was stronger than that of the GMD in northern China, continually increasing the possibility of civil war, and with it the likelihood of some form of Soviet intervention. Service thought Washington must consider the advantages of dealing with this reality in the event that the CCP gained per-

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National Congress." Delegates from all parties should attend this congress which would then reorganize the government and make new laws until a formal constitutional structure was created.

33 Ibid.,Report No. 14 by Service, August 19, 1944, 776; Report No. 15 by Service, August 27, 1944, 690, 786-97.

34 See *FRUS, 1942, China*, 99-102, 207-11, 277-328; 1943, 193-99.

manent control of at least part of the country. He noted that American aid to Yan'an would "affect the nature, policies and objectives of the Chinese Communist Party, which was of vital, long term concern to the United States."[35]

The Communists' efforts were not wasted and they won the support of most American officers in China. Members of the OSS team in Yan'an broached the subject of American military cooperation with the CCP before Service had even suggested it. On August 7, the OSS began detailed discussions with Communist military personnel on how they might provide assistance to OSS operations and what sort of training it might provide Communist units. In its earliest form, this plan envisioned the creation of an American training program in Yan'an teaching selected students communications, demolition and espionage skills. It was proposed that joint OSS and specially trained and equipped Communist units might begin anti-Japanese operations sometime in September.[36] By August 30, OSS personnel had started simple training classes in the use of American explosives and small arms.[37]

John Davies was convinced that American policy in China was doomed unless the Joint Chiefs of Staff could be induced to support Stilwell's new military scheme. To seize the initiative, Davies developed a plan to land American forces in north China in cooperation with the Communists. Communist forces would be provided with American arms and enlisted under American command. Davies asserted that this held the key to both military and political success, leading him to ask Stilwell's permission to fly to Yan'an to develop his plan.[38] In Davies' view, civil war was inevitable and a Communist victory a near certainty. The issue that Washington had to face was whether it would get drawn into the battle on Jiang's side, forcing Yan'an to turn toward the Soviet Union.

In reports he sent to the OSS theater and Washington headquarters, Captain Charles Stelle asserted that the Communist position in north China was rock solid and predicted that the CCP's military and popular strength would continue to grow after Japan's defeat. Stelle acknowledge that the Communists were genuine revolutionaries who had "sympathy with Russia," but saw no evidence that Yan'an was in thrall to Moscow. Instead, the leaders of the CCP appeared to believe that "the actions of the United States will determine the immediate trend of events and thus their own long term poli-

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35 *The Amerasia Papers*, Report No. 16 by Service, August 29, 1944, 797-800; Report No. 20 by Service, September 3, 1944,823-25; Report No. 22 by Service, September 4, 1944, 836-42.

36 Schaller, 187.

37 Ibid., 187-88. Memorandum to Lt. Colonel R. Peers, August 30, 1944, OSS-Yenan Documents.

38 Ibid., 190. Davies to Stilwell, October 2, 1944, Box 10, Stilwell Papers.

cy." Should Washington continue to supply the GMD after civil war erupted, Stelle warned, Yan'an would seek Russian assistance "against what they would undoubtedly regard as American intervention in Chinese affairs."[39]

Roosevelt seemed primarily interested in using the Dixie Mission to maneuver both Chinese factions into a crude coalition. Neither Roosevelt's words nor actions indicated he planned to support the CCP, either independently or against the GMD. For the time being, policymakers in Yan'an could do nothing but wait. Talks on Stilwell's command were proceeding at a pace that Yan'an could not control. Meanwhile, in Washington, the Roosevelt administration was preoccupied with the upcoming election in November. Coverage of the campaign in the Chinese Communist press strongly favored the familiar and friendly Roosevelt over the "isolationist" Republican, Thomas Dewey. Both Mao and Zhou told Service that they expected no change in American policy until after the election.[40]

ROOSEVELT'S REBUFF OF CCP OVERTURES: LATE SUMMER-FALL 1944

Stilwell was removed from China before any of the plans he, Service, Davies, and the OSS advocated could be put in place. As early as on July 6, Roosevelt advised Jiang to place Stilwell in command of all Chinese forces, including the Communists. In return for Roosevelt's efforts to treat China as a great power, Jiang received this request, but asked the President to send a representative to China to discuss it further. Roosevelt agreed, dispatching Major General Patrick J. Hurley to Chongqing on September 6. By this point his initial curiosity about the CCP had worn off and Roosevelt suddenly shifted course to a new policy of undercutting the CCP and other perceived pro-Soviet groups. Washington now offered virtually unqualified political support to Jiang.

In September 1944, Zhu De invited Hurley to Yan'an and on November 7, Hurley finally flew in for two-day conference. Hurley told Mao he had come as Roosevelt's personal representative to discuss matters pertaining to China. He claimed that Jiang approved of American mediation to promote democracy and speed the defeat of Japan through the unification of Chinese military forces. To accomplish this goal, Hurley said, the Generalissimo was prepared to recognize the legality of the CCP and allow some form of Communist participation on the Supreme War Council.

During the discussions, Hurley revealed a new document that had been revised by the GMD. Although Hurley had originally planned to ask the CCP

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39   Ibid., 193-94. Stelle to OSS, R&A/Kunming No.37, October 23, 1944, OSS-Yenan Documents.
40   "Report by the Second Secretary of Embassy in China (Service)," *FRUS, 1944. China*, Vol. 6, 636.

to subscribe to a broad declaration in support of the Nationalist regime, Mao insisted that any "unity proposals" must include a procedure for the true sharing of military/political power and American aid with the Communists. His conditions resulted in a Five Point Proposal calling on both the CCP and GMD to pledge to work for political and military unity. It stated that the existing central government and its military organs were to be reorganized as a broad-based "Coalition National Government." This new government and the GMD would adhere to a set of principles closely paralleling the American Bill of Rights. Finally, the proposal ran, American military aid would be equally distributed by the ruling coalition. The proposal was signed by Mao Zedong as Chairman of the Central Executive Committee of the CCP and by General Hurley as a witness.[41]

These political discussions in Chongqing reached an impasse on November 21, 1944. The Three Point counter offer was a rehash of old GMD demands calling for the CCP to submit control of its armed forces to the government in return for some token of political representation. Even more troubling were Zhou's discussions with Hurley and General Albert C. Wedemeyer, the new commander of American Forces in China, in which the Americans insisted that there were positive elements to the GMD's proposals. On December 8, 1944, Zhou told Hurley of his refusal to continue talking on the basis of the GMD's Three Points. Nevertheless, he carefully avoided shutting the door on direct cooperation with Washington. Zhou expressed the CCP position to explore "concrete problems of our future military cooperation" and thereby working with the US. However, this was shot down by Hurley almost immediately.[42]

The CCP reaction to these developments came directly from Mao through Barrett. Mao asked why the Americans raised hopes for a genuine coalition in the Five Points and then asked Yan'an to "tie its hands behind itself" by accepting Jiang's Three PointsIf no coalition were possible, then the CCP would move to establish a separate Chinese government even if the formal existence of two Chinese governments destroyed all pretensions of Chinese unity. Mao told Barrett that Yan'an could turn to Britain or the Soviet Union if American aid was not forthcoming because he knew this was exactly what Washington hoped to prevent.Whatever the outcome of the political duel with the GMD and the CCP, the Washington still might be able to salvage their relationship through military cooperation, Mao noted. The CCP would

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41 For more detail on the Five Point Proposal, see *The China White Paper, August 1949*, 74-75.
42 Schaller, 201. Zhou to Hurley, December 8, 1944, Box 97, folder 13, Hurley Paper; Hurley to Zhou, December 11, 1944.

cooperate in joint operations and willingly serve alongside or even under American forces.[43]

From mid-December 1944, the Communists engaged in a desperate gamble to circumvent Hurley. However, almost from the moment of his arrival in China, Patrick Hurley took it as his mission to achieve the unification of all Chinese military and political groups under Jiang's leadership. In doing so, Jiang and Hurley fed each other's fear of conspiracy. Jiang warned the ambassador that all of their shared opponents, including Stilwell, Service, Davies, Barrett and various journalists, were Communist agents, to which Hurley indicated agreement. Jiang also thanked Hurley for saving all Asia of from Communist conquest, while Hurley assured his host that "when the war with Japan is over your well-equipped divisions will have a walk over in their fight with the Communists."[44]

FADING HOPES FOR US-CCP COOPERATION: WINTER 1945

The CCP reacted by committing itself against Hurley. Mao intended to let the world see the practical cooperation document Jiang refused to endorse. This would obviously embarrass Hurley, who had signed the Five Point Proposal as testimony to its reasonableness, but now insisted that Yan'an accept the GMD's radically different Three Points.[45] At the end of December, Zhou sent Hurley a message informing the American that he would never resume "abstract discussions" with the GMD until the blockade of Yan'an was lifted, political prisoners were released, repression of political dissent ceased and the Five Point Plan was accepted as the basis for all negotiations.[46]

As those Americans who supported cooperation with Yan'an lost influence, the CCP desperately sought to communicate with President Roosevelt. On January 9, 1945, Mao and Zhou handed Major Roy Cromley, the acting commander of the Dixie Mission, a message to be sent directly to Washington through military channels. If Roosevelt received them as "leaders of a primary Chinese party," Mao and Zhou would travel to Washington."[47] This revealed the lengths to which the CCP was prepared to go in its effort to win American support and a measure of international legitimacy. After learning of this, Hurley urged Roosevelt to refuse to meet with the Communists and instead press on with a plan to win Soviet support for Jiang at the upcom-

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43   *Barrett,Dixie Mission*, 75-76.
44   See Memorandum of conversation by John Service, February 28, 1945, *The Amerasia Papers*, Vol. 2, 1372-73.
45   Schaller, 199. Barrett to Wedemeyer, December 10, 1944.
46   See Zhou to Hurley, December 28, 1944, *FRUS, 1944*, Vol. 6, 755.
47   Barbara Tuchman,*Notes from China* (New York: Collier, 1972), 78.

ing Yalta Conference. Hurley insisted this two-pronged response would bring the CCP back to Chongqing and pave the way for an American-mediated compromise.

Still, the CCP imagined that if it could send representatives directly to America they might be able to make contact with sympathetic officials. For both this reason and their desire to achieve an aura of political legitimacy, the CCP demanded that it be included in the Chinese delegation to the up-coming San Francisco conference of the United Nations. They requested that Roosevelt pressure Jiang to include several Communists in the Chinese delegation, expecting him to take Zhou. However, at Hurley's urging, the president deftly parried this request. On March 15, Roosevelt did ask Jiang to permit Communist participation as a sign of good faith, but Jiang responded by selecting a single Communist, the aging and obscure Dong Biwu.[48]

At Stilwell's departure, Hurley's growing hostility and the diminished power of the GMD in many areas compelled the CCP to think in terms of expanded military action. The CCP de-emphasized the likelihood of achiev-ing a coalition with the GMD. However, on December 15, 1944, John Davies, Colonel Barrett and Colonel Willis H. Bird of the OSS flew to Yan'an, giving the CCP's leaders new hope. They told Bird that "the people of north China looked upon the United States as their best friend and General Wedemeyer as the commander-in-chief and would follow his military orders if he chose to give them."[49] Nevertheless, the CCP had little success with General Wede-meyer. Wedemeyer preferred to cooperate with Jiang and defer to his au-thority. Although he remained opposed to aiding the CCP without Jiang's ap-proval, Wedemeyer retained some interest in utilizing Communist guerrillas against the Japanese.

While some American officers in China still thought Washington needed to cooperate with the CCP, Solomon Adler, the Treasury Department repre-sentative, wrote to the Treasury Secretary that the president's special envoy totally misunderstood and misrepresented reality. He argued that it was the GMD, and not the CCP that desperately needed American pressure. Jiang possessed a "death wish," a drive to precipitate civil war and Adler hoped that the president would put a leash on Hurley. At the very least, American policy must not promise Jiang support in a civil war, which Hurley's contin-ued blunders might well provoke. Adler warned against the complete aliena-

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48 See Roosevelt to Chiang, March 15, 1945, FRUS, 1945, Vol.7, 283-84.
49 Schaller, 203.Colonel Willis Bird to McClure, January 24, 1945.

tion of the CCP, which threatened to turn China into a focal point of the com-
ing Soviet-American conflict.[50]

On February 28, 1945, all the political officers in the American embassy sent
a cable to the Secretary of State, Edward Stettinius, Jr. while Ambassador
Hurley and General Wedemeyer were off in Washington for consultations.
They warned that the ambassador's actions had compromised any chance
for peace and unity in China. The only hope for averting civil war lay in dem-
onstrating America's willingness to cooperate with Yan'an and to press Jiang
into sharing power. Even the small group of OSS officers still in contact with
the Communists warned General Donovan that Hurley had destroyed almost
any chance for peace in China and had no credibility outside Jiang's clique.

However, American decision makers in both China and Washington
chose to ignore or reject the prospect of working independently with the
CCP. Despite some conciliatory gestures, American policy focused almost
solely on the question of how to minimize the CCP's power, either through
cooperation with the Soviet Union or by bolstering the GMD. From December
1944 until June 1945, the pattern was punctuated only by Yan'an's tenacity
in struggling against the tide.

Although the CCP felt many disappointments during the preceding
months, the Communists still believed "America would eventually realize
that support of the Central Government was not the best way to fight the
war, to speed China's progress toward democracy or to ensure stability in
the Far East." Mao was convinced that unless Washington forced the GMD
to establish a more representative regime "all that America has been work-
ing for will be lost." Mao was disturbed by the contradictions in American
behavior. Those Americans visiting Yan'an usually praised the Communists
and expressed a desire to work with them, yet Washington and Hurley con-
tinued to support the GMD. Although Hurley might choose to call this nonin-
tervention, Mao thought otherwise. He argued, "[T]here is no such thing as
America not intervening in China! You are here, as China's greatest ally. The
fact of your presence is tremendous."[51]

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50 Ibid., 208. Adler to White and Morgenthau, January 16, 1945.
51 See Memorandum by Service of conversation with Mao, March 13, 1945, *The Amerasia Papers*, Vol. 2, 1400-402.

THE WINDOW CLOSES: LATE WINTER/EARLY SPRING 1945

The dramatic developments in China during early 1945 coincided with the momentous Yalta Conference of early February. Roosevelt sought to strike a bargain, accepting the reality of an expanded Soviet sphere in hopes of securing general Soviet cooperation in postwar diplomacy.[52] Clearly, the president hoped to seal off China from Soviet political influence and in this controlled environment compel the CCP to join a GMD-dominated coalition. The president looked to a postwar world divided into "spheres of interest." If China could not be a great power, it must at least fall into the American sphere, thus Roosevelt urged Stalin to secure his desired Manchurian port and railroad privileges by negotiating a treaty with Jiang's government. Stalin seemed willing to trade a pro-American China for special Soviet privileges in Manchuria.[53]

The CCP's position continued to deteriorate. Service's tenure in Yan'an was cut short on March 30 on Hurley's orders that he return to Washington immediately. Mao asked that Service convey to Washington the CCP's pledge to fight Japan and assist American forces "whether or not they received a single gun or bullet." Mao stressed that after Japan's defeat, Washington and the CCP should try to avoid conflict.[54] It was all for naught, though; Service's forced exit on April 4 eliminated the last remaining communications channel between the CCP and United States.

Through March and early April, Hurley and Wedemeyer made the Washington rounds, securing support from the Joint Chiefs, the president and the War Department. Late in March, Wedemeyer and Commodore Milton Miles of Naval Group China all appeared before the Joint Chiefs to discuss the situation in China. These three leading Americans all agreed that the Communists were a minor, weak party whose "rebellion in China could be put down by comparatively small assistance to Chiang's central government."[55] Wedemeyer went on to tell his colleagues in the War Department and Secretary of War Henry Stimson that Jiang had vastly improved the quality of his forces and would have little difficulty destroying his domestic opposition.[56]

The dissidents among the junior officers–Davies, Service and Atcheson– had been removed from China. Congress expressed the only strong opinion

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52 For more details, see Diane S. Clements, *Yalta* (New York: Oxford University Press), 1970.

53 In fact, the Soviet Red Army already occupied most of Eastern Europe in February 1945 and would eventually launch a campaign against Japanese forces in Manchuria, whether the United States wished it or not.

54 See Report by Service, April 1, 1945, *FRUS, 1945*, Vol. 7, 310-17.

55 William D. Leahy, *I Was There* (New York: McGraw-Hill, 1950), 337.

56 Albert Wedemeywer, *Wedemeyer Reports* (New York: Henry Holt, 1958), 342.

other than Hurley's that the president took into account. In March, Congressman Walter Judd delivered a savage speech in the House denouncing American critics of Jiang. Judd defended the generalissimo as a great patriot and loyal ally, denouncing the CCP as an evil Soviet puppet that desired a "Red China" that would endanger the interests of the United States. John Foster Dulles warned against any desertion of the GMD so "that the 400 million of China shall not become harnessed to the predatory design of any alien power." Jiang had come to rely on the "ultimate support of the Christian democracies, notably the United States."[57]

Whatever hopes the CCP retained for a presidential reversal of America's China policy were ruined on April 2. In a Washington press conference, Hurley announced that Washington would exclusively support China's central government and would have nothing to do with what he called "the armed party" and warlords. Furthermore, in addition to denying that the Communists had ever requested American military aid or political recognition, he also insisted that only minor issues separated the Communists and Nationalists. This implied that Yan'an's refusal to enter into a coalition with the GMD was completely unwarranted. Hurley went on to lump the Communists together with various separatist movements and "decadent" warlord factions.[58] He also warned that he would not tolerate any dissent from his directive that the United States and its agents would support only the GMD regime. Anyone who did not follow his orders would meet the same fate—recall and disgrace—that had befallen Stilwell, Gauss, Davies, Barrett, Service and Atcheson.[59]

Reacting quickly to Hurley, the April 5 edition of the *Xinhua ribao* printed an editorial denouncing these assertions. The CCP organ claimed that Hurley completely misunderstood and distorted the true Communist effort to collaborate with the United States against Japan. It argued that American policy would only encourage civil war and prolong China's suffering.[60] This was followed on April 9 and 10 with the publication of a major article attacking American imperialist policy in Latin America.[61] The unspoken message was that postwar Asia would look similar to an oppressed and exploited Latin America controlled by United States.

57 Schaller, 217-18. Speech by Congressman Walter Judd, March 15, 1945, Vol. 91, pt. 2 (1945), 2294-2302, Dulles to Henry Luce, January 29, 1945, Box 130, Dulles Papers.
58 See Transcript of Hurley's press conference, April 2, 1945, *FRUS, 1945*, Vol.7, 362-65.
59 Schaller, 221. Notes on talk with Hurley, May 8, 1945.
60 See *Xinhua ribao,* April 5, 1945.
61 See *Jiefangribao*, April 9 and 10, 1945.

Whatever slim possibility remained for a modification of American policy in China died in mid-April along with Franklin Roosevelt. Inexperienced in foreign affairs and heavily suspicious of the Soviet Union, Harry Truman was easily swayed by the anti-Communist opinions of advisors like ambassador to Moscow Averell Harriman, Assistant Secretary of State Joseph Grew and Navy Secretary James Forrestal. These consultants deeply feared Soviet behavior in Europe and Moscow's possible expansion in Asia. By and large these men agreed that Stalin planned to seize a foothold in northeast Asia and leave only after installing puppet revolutionary movements in power. In May, Harriman warned Truman that international Communism under Soviet direction had begun an aggressive march. He predicted that within a year at least half, possibly all, of Europe would be "Communistic." If the United States made the terrible error of supporting Communist armies in China against Jiang they would ultimately put two or three hundred million people under the Kremlin's marching order.[62]

On June 6, the New York office of the leftist Asian affairs journal, *Amerasia*, was raided by the FBI in what became the so-called "Amerasia Case." John Service and five others were charged with violations of the espionage law for possessing stolen government documents. Yan'an considered the six as "friendly Americans sympathetic to China's cause of resistance and democracy," and the arrests were interpreted as a clear sign of the reactionary tendency in the United States.[63] This incident finally shattered the CCP's last hope that more moderate views might prevail in Washington.

Hurley's public condemnation and ridicule of the CCP, Roosevelt's death, Truman's growing resistance to Communism and developments inside China forced the CCP to reappraise its policy towards the United States. Between April 23 and June 11, the Seventh Party Congress met in Yan'an, where Communist officials argued the merits of continuing to seek American cooperation in solving China's political and military crises. Mao warned of an American-GMD conspiracy to launch a civil war as soon as the forces the Chinese mainland had been cleared of Japanese aggressors. On July 11, 1945, Mao Zedong released his famous "*Yugongyishan* (The Foolish Old Man Who Removed the Mountains)" speech to conclude the Congress. In it Mao decried the two "dead weights" of imperialism and feudalism that lay upon the Chinese people. Hurley and other unspecified American leaders were clearly identified as enemies of China who plotted to send American

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62 John Melby, *The Mandate of Heaven* (Toronto: University of Toronto Press, 1968), 22.
63 Reardon-Anderson, 94.

forces against the Communists' "liberated areas." Mao pledged that the CCP would fight any such American effort.[64]

Mao's general theme was elaborated specifically in *Jiefangribao* on June 25, 1945. The editorial charged that the true friends of China–identified as the dead Roosevelt and the powerless Welles, Wallace, Gauss and Stilwell– had been replaced by an imperialist and reactionary clique who advocated a policy that recognized the GMD government's regressive leader, Jiang, rather than the great strength of the Chinese people. The Communists warned that any decision to intervene on Jiang's behalf would inevitably involve Americans in a Chinese civil war. The CCP stressed that if imperialists like Hurley did not "withdraw their hands … then the Chinese people will teach them a lesson they deserve."[65] In mid-July, Mao, no longer doubtful that Hurley's policy was the policy of the American government, wrote three articles for the CCP press attacking the United States. Even though the war against Japan had not yet ended, cooperation between the CCP and Washington now seemed impossible.

CONCLUSION

American policy towards China during the anti-Japanese war can be summarized as supporting Jiang and tolerating the CCP so long as it was useful in resisting Japan. It is important to keep in mind that the very basic aim of American policy was to acknowledge that Jiang's Nationalist Government was the only legitimate government representing China while the CCP was only one faction to be used against the Japanese. Although Roosevelt was not satisfied with Jiang, he truly believed that there was no man in China who could serve as a better leader. Deputy Secretary of State Sumner Welles expressed the same idea that Jiang was the only Chinese leader who could keep the Chinese armies in the field against the Japanese and who would be able to hold the Chinese people together after the war.[66] The president, said Wedemeyer, ordered all American military officers to "support the existing Chinese government." No aid would be given to any "elements" in China that Jiang did not approve, whether or not "the decision seemed wise." Henceforth, Wedemeyer instructed all army personnel in China not to "assist, negotiate, or collaborate in any way with Chinese political parties, activities or

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64 For more details, see *Mao Zedong xuanji* [Selected Works of Mao Zedong], Vol. 3 (Beijing: Waiwenchubanshe, 1965), 255-324.

65 See *Jiefangribao*, June 25, 1945.

66 Sumner Welles, *Seven Decisions that Shaped History* (New York: Harper and Brothers Publishers, 1951), 15.

persons" without his authorization.[67] Hurley assembled embassy personnel to hear him lecture on the danger of dallying with Communists, declaring that Americans were in China to ensure that all military and political factions were united under Jiang's leadership.[68]

On the other hand, the CCP's dealings with the Americans were based to a large extent on a realistic acknowledgement that the Soviet Union was absent from the Far East and that the United States was the only allied power with resources in the area. The CCP would have cooperated with Washington despite American repugnance for its beliefs. The CCP chose its way according to its environment and the obstacles it faced, hoping to gain American acceptance as a legal party. In order to woo the Americans, the CCP even identified their political program with the American brand of democracy.[69]

As early as 1936, Mao Zedong had told Edgar Snow that he considered America as a potential ally against Japan.[70] When the United States entered the war after Japanese attack on Pearl Harbor, the CCP applauded the American war effort and portrayed the United States as a progressive ally against fascism. More specially, the Communists applauded both Roosevelt and Wallace as progressive heroes fighting against American reactionaries.[71] Zhou, the CCP representative in Chongqing, did everything imaginable to court the personal friendship of Americans, continually inviting embassy staff and journalists to informal discussions. Zhou declared that the Communists led an independent revolutionary movement, that the history of the Party was marked by "Comrade Mao's idea to form a line for Chinese Communism–to make Marxism and Leninism Chinese."[72] This revealed his desire to maintain a pragmatic and independent stance.

The New Democracy initiative prescribed cooperation with the Nationalists as the legitimate government of China. In July, 1944 Mao told foreign journalists:

> The fundamental policy of democracy had been unchanged. It would remain unchanged under any conditions because concrete conditions

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67 Schaller, 207. Memorandum of a talk with Wedemeyer, January 17, 1945, Chennault Papers, Memorandum by Wedemeyer, January 30, 1945, Box 1, Wedemeyer Files.

68 John P. Davies, *The Dragon by the Tail* (New York: Norton, 1972), 402.

69 The CCP's United Front performance was so impressive that the Chinese Communists managed to persuade John Service to believe that their political program is simple democracy. This is much more American than Russian in form and spirit. See John Service's memo in J. W. Esherick (ed.), *Lost Chance in China* (New York: Random House, 1974), 308-16.

70 See Edgar Snow, *Red Star over China* (New York: Random House, 1938), 80-81.

71 Mao, *Selected works*, Vol. 3, 27-29.

72 Schaller, 182-83.Transcript of speech by Zhou Enlai at Yan'an, August 10, 1943, Dept. of the Army, G-2 Regional File, China, 1933-44.

in China dictated continuation of democratic policies for a long time to come. What China needs most was democracy–not socialism. We were still very far from socialism.[73]

With regard to foreign policy, Mao emphasized the main theme of unity against Fascism, minimizing the role of the Soviet Union in China and maximizing that of the Americans. He thought cooperation between the United States and CCP would be beneficial and satisfactory to all concerned.

The CCP was never the Soviet puppet that many Americans supposed. Although the Soviets had instigated the formation of the CCP in 1921, Mao had repudiated Soviet control in 1935 and had eased out of the topmost positions the "twenty-eight Bolsheviks," young Chinese trained in the Soviet Union who had been running the party largely as an arm of the Comintern. The experience of strained relations with Stalin's Russia made the CCP leadership want to maintain a certain distance from the Soviet Union.

To Soviet Communists Mao Zedong was an apostate, both because of his heretical beliefs and his rejection of Soviet direction.[74] On June 10, 1944, Stalin told Harriman that Jiang was the best man available to run China under the existing circumstances. He maintained that the Chinese Communists were "not real Communists" but "margarine Communists." The year before, Stalin had dismantled the main Soviet foreign infiltration organization, the Third (Communist) International (Comintern).[75] On August 31, 1944, talking to Hurley in Moscow before he arrived to China, Soviet Foreign Minister Vyacheslav Molotov denied any Soviet connection with the CCP and insisted they had no relationship whatsoever to Communism. This was even more of a blanket repudiation of any Soviet relationship with the CCP than Stalin had made in June to Harriman.[76]

Nevertheless, American leaders assumed that Moscow would use the CCP after the war to undermine the Nationalists and gain control of at least part of China. Therefore, the shadowy Naval Group China began assisting the Nationalists' preparations for civil war by secretly training an army of anti-Communist guerrillas in 1942. Although flexibility was the CCP's short-term objective, it did not imply that there was no common interest between

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73 For Mao's presentation of CCP domestic policy to foreign journalists, see interviews with Gunther Stein and Maurice Votaw, in Service, Report no. 3, July 30, 1944, *The Amerasia Papers*, Vol. 3, 691-702.

74 Bevin, 6.In China, Mao Zedong also asserted the revolution would be won by the oppressed peasants, not, as Marxist theory called for, by the industrial proletariat, which represented less than one percent of the Chinese population.

75 Ibid., 4-5.

76 Ibid., 12.

itself and the United States. If only the Americans could be made to understand that the CCP was not Stalin's puppet in Asia, mutually advantageous relations between Washington and the CCP could have developed. In the end, the United States passed on the opportunity to keep the CCP from gravitating closely towards the Soviet Union, which resulted in a quarter century of needless hostility between Washington and China's new rulers. **Y**

NATIONAL SECURITY IMPERATIVES IN AN ERA OF ENVIRONMENTALLY-INDUCED CONFLICTS, POPULATION DISPLACEMENTS, AND POLITICAL DISEQUILIBRIA

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The emergence and incremental intransigence of global environmental degradation and climate change discourses into social sciences have, in recent years, provided a fecund ground for debate and analyses of wide ranging geopolitical ramifications the predicted climatic variations would present for national security and human well-being. It is commonly held that climate-induced crises, in the next two to three decades, will exacerbate already fragile relations between Sub-Saharan African, the Middle Eastern, and South and Southeast Asian states, destabilize regions, topple governments and issue in mass migrations, widespread pandemics, and food scarcity. The following study aims to closely investigate the security implications resulting from global climate change and explore the geopolitical dimension of the relationship between environmental degradation and armed conflict. In attempting to better understand the impacts the destabilizing climatic patterns may have on human and national security, the appraisal of available policy and strategic responses by governments, the military, and non-governmental actors, will be given due consideration.

Introduction

The gradual emergence and incremental intransigence of environmental and global climate change discourses into social sciences in general and studies of international relations, in particular, have in recent years provided a fecund ground for debate and analyses of wide ranging geopolitical ramifications the predicted climatic variations would present for national security and human well being. The 2014 Intergovernmental Panel on Climate Change Report predicts that increased occurrence, duration, and intensity of droughts, rising sea levels, and flooding can pose significant challenges to

national stability and eventuate in global economic vulnerabilities and political instabilities as well as internal civil and political unrest and "inter-group violence by amplifying well-documented drivers of these conflicts such as poverty and economic shocks."[1] Conflict over basic natural resources, i.e. water, oil and gas, scholars predict, may strain relations between states and engage them militarily.

Internal government reviews, climate and security conferences, and domestic security reports focus increasingly on the strategic challenges posed by changing global climate. It is commonly held that climate-induced crises the next two to three decades will exacerbate already fragile relations between Sub-Saharan African, the Middle Eastern, and South and Southeast Asian states, destabilize regions, topple governments, and issue in mass migrations, widespread pandemics, and food scarcity. A proliferation of studies, chief among them being the 2007 CNA *National Security and the Threat of Climate Change* report suggest that, "the projected climate change is a threat multiplier in already fragile regions, exacerbating conditions that lead to failed states — the breeding grounds for extremism and terrorism."[2] The University of Toronto's "Project on Environment, Population and Security" predicts that environmental change will significantly stress or reduce the supply of vital natural resources, such as fresh water, cropland, forests and fisheries, leading to environmental scarcity and increased probability of armed conflict.[3] A quantitative study conducted by the State Failure Task Force assembled at the request of US policymakers to identify factors associated with serious internal crises, concluded that massive environmental damage provoked by general patterns of global climate change could directly contribute to political collapse and destabilization.[4] Similarly, studies conducted by the North Atlantic Treaty Organization and the Swiss Peace Institute assessed the potential for environmentally induced conflict to be assisted and exacerbated by proximate causes of social, political, and economic nature. In 2009, the United States Central Intelligence Agency

1   The Intergovernmental Panel on Climate Change, "Climate Change 2014: Impacts, Adaptation, and Vulnerability (Summary for Policy makers)," http://ipcc-wg2.gov/AR5/images/uploads/IPCC_WG2AR5_SPM_Approved.pdf, (accessed 23 April 2014).

2   The CNA Corporation, "National Security and the Threat of Climate Change," https://www.cna.org/sites/default/files/news/FlipBooks/Climate percent20Change percent20web/flipviewerxpress.html, (accessed 23 April 2014).

3   The University of Toronto Project on Environment, Population and Security, "Project Description," http://www.homerdixon.com/projects/eps/descrip.htm, (accessed 23 April 2014).

4   Center for Conflict and International Crisis Management, "State Failure Task Force Report: Phase III Findings", University of Maryland, 2000, http://www.cidcm.umd.edu/publications/papers/SFTF percent20Phase percent20III percent20Report percent20Final.pdf, (accessed 23 April 2014).

(CIA) has launched the Center on Climate Change and National Security with a mandate to oversee "the national security impact of phenomena such as desertification, rising sea levels, population shifts, and heightened competition for natural resources"[5] and provide American policymakers with information and analysis on the effects climate change can have on security. In its 2010 Congress mandated *Quadrennial Defense Review*, the Pentagon planners included climate change among national security threats. Such developments should be seen in the broader context of the potential for conflagration in the Arctic region, as it undergoes significant climatic transformations. Global governance gaps in this area "threaten to fuel major diplomatic tensions among regional actors over natural resources, navigation rights and fishery management"[6] increasing competing claims to continental shelves and economic trade routes, worsening diplomatic frictions, and resulting in pronounced regional and international instabilities between major powers, the United States, Canada, Norway, Russia, China, and Japan.

In view of the above, the following study aims to closely investigate the security implications resulting from global climate change and explore the geopolitical dimension of the relationship between environmental degradation and armed conflict. In attempting to better understand the impacts, the destabilizing climatic patterns may have on human and national security, the appraisal of available policy and strategic responses by governments, the military, and non-governmental actors will be given due consideration. Based on that, the article will seek to bring together viable policy options that should prove well suited for improving global governance architecture/ framework oriented towards abetting/ with regard to environmentally induced conflicts, population displacements, and serious political and diplomatic disequilibria.

Environmental Change and Conflict: An Overview of strategic drivers of the international security consensus

Environmental security, Richard Matthew et al. note in "The Elusive Quest: Linking Environmental Change and Conflict," is a highly contested term which seeks to account for disparate forms of human vulnerability by relating them directly to resource scarcity and its consequents, chief among them, vio-

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5   CIA News and Information, "CIA Opens Center on Climate Change and National Security", Central Intelligence Agency, https://www.cia.gov/news-information/press-releases-statements/center-on-climate-change-and-national-security.html, (accessed 23 April 2014).
6   Corneliu Bjodi, "Keeping the Arctic 'Cold': The Rise of Plurilateral Democracy?," *Global Policy* 4, no. 4 (2013): 347.

lent conflict. Although, consensus on the directionality of causation is presently lacking, some scholars have underscored the importance of positing climate change in the context of political, social, and economic variables. Advocates of this, most prominently, Thomas Homer-Dixon, believe that environmental factors are necessarily related to intra- and inter-state conflicts and present a viable threat to national and international security.[7] Scarcity of renewable resources caused by patterns of global warming, Homer-Dixon and scholars affiliated with the Toronto School contend, may precipitate in economic decline, social segmentation, and mass population migration, thus putting significant stress on national infrastructures with predictably negative socio-political effects.[8] Gleditsch and de Soysa hold that environmentally induced depletion of resources will reduce agricultural production and create extreme conditions of poverty and food scarcity, which increase the probability of conflict. Societies, challenged by limited knowledge base and constrained by inadequate human, social, and institutional capital as well as confronted by their own domestic "ingenuity-gap", Homer-Dixon argues, will be increasingly unable to quickly and effectively adapt to the shifting and fluctuating conditions on the ground, causing them to fall into social disrepair and violence.

Critics of the above view contend that resource scarcity ought not to serve as a sufficient explanatory variable of social unrest and violent conflagration. Alleging myopic view of the causes underlying conflict, some scholars argue for a more expansive and more convincing explanation of its determinants. Notwithstanding the proliferation of bleak climate change scenarios and their adverse implication, Richard Matthew, Geoffrey Dabelko and Steve Lonergan hold that human proclivity toward innovation and adaptation is much more robust and dynamic than scholars such as Homer-Dixon allow. By countering overt conflict with cooperation, these scholars believe, it is increasingly possible to imagine that future trajectory of development and adaptation will be guided by collective and inter-state problem solving. Such a pronounced plurilateral response to climatic variations will very likely result in greater democratic and trade openness, development of coping and adjustment mechanisms through the introduction of intergovernmental entities and panels for global climate norms regulation and oversight as well as emergence of active and mobile networks of transnational legal regimes

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7   Thomas Homer-Dixon, and Jessica Blitt (eds.), *Ecoviolence: Links among Environment, Population, and Security* (New York: Rowman and Littlefield, 1998).

8   Thomas Homer-Dixon, *Ingenuity Gap* (New York: Knopf, 2000).

and nongovernmental organizations working to abet and eradicate the root causes of resource scarcity and resource competition-induced conflicts.

To counter the scholarly pessimism surrounding the relationship between environmental stress and security concerns, Richard Matthew recommends embracing an expanded mid-temporal range view of the problem. In so doing, questions of mal-adjustment, poverty, and scarcity, which have come to dominate scientific-social research and discourse, will lose their urgently compelling power, revealing instead a potential for learning, innovating and adapting to the effects of the much changed environmental scenario, rather than merely glimpsing with alarm on its fragmented, short-term picture. And, although the possibility for poverty and violent conflagration assisted by weak political institutions is a present and abiding possibility, the view of "societies collapsing into acute violence under additional burden of environmental stress may be mistaken."[9] The claim, however compelling, has failed to persuade. The current trend in political, diplomatic and military circles hints at increased investment in and commitment to drawing up detailed plans for a wide variety of contingencies, including, in addition to threats stemming from nuclear terrorism, deadly pandemics or biological warfare, the exploration of strategic political responses and military initiatives concerning sustainable security by the United States and India, among others.

Climate Change and the United States National Security Imperatives

The United States Department of Defense 2006 *Quadrennial Defense Review (QDR)* identified climate change as a serious threat to America's national security. The "irregular, disruptive, traditional, and catastrophic challenges are surfacing as a result of global climate change … with disastrous consequences" requiring blending of "the sustainability tenets of environmental security, ecological economics, and social/environmental equity with the pillars of democratic peace theory" with a purpose of "avoiding the unmanageable and managing the unavoidable."[10] Identifying global climate change as an asymmetric strategic and security challenge, the US Department of Defense, fearful of the potential disruptions to its operational and tactical capabilities, deems the creation of a tangible "roadmap to victory" over its climatic superior, an indispensible tool in the military arsenal. The

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9   Richard A. Matthew et al., "The Elusive Quest: Linking Environmental Change and Conflict," *Canadian Journal of Political Science* 36, no. 4 (2003): 864.

10 John T. Ackerman, "Climate Change, National Security, and the Quadrennial Defense Review," *Strategic Studies Quarterly*, (Spring 2008): 56.

report recognizes that the 'chaotic climate system' will bring about precipitous surprises and much uncertainty, necessitating conventional and unconventional responses, encouraging "innovation, agility and adaptability, collaboration and partnership"[11] in the interest of protecting the nation's security. Such an endeavor, the US Defense Department recognizes, can yield dividends if agile, dynamic and continuous change and reassessment of strategies will readily inform the building of networks of global communication, cooperation, and intelligence gathering. Ackerman points out that operationalizing the strategy will require, however, a commitment to the mitigation of the effects of global climate change and resilient adaptation to its inhospitable consequences.[12]

By placing climate change on par with other security threats, i.e. terrorism, the US Department of Defense aims to accentuate the severity of its potentially adverse outcomes and consolidate a capacity and capability building efforts necessary for authoritative and successful response and management of eventual crisis situations. It is projected that such an initiative will require the Department to acquire resources for building 'partnership capacity' and 'outsourcing' authority in delegating tasks to other subcontracting entities; install precautionary measures which would ease or eliminate possibility of escalation of conflict or "prevent problems from becoming conflicts and conflicts from becoming problems"[13]; and increase the freedom to act aggressively against threats with all "elements of national power, not just the military."[14]

The report recognizes that for the United States to be successful in its stated mission, it must adjust its initiatives to four main categories of prospective environmental challenges: traditional; irregular; disruptive; and catastrophic. Although, present US interests already call for mobilization of traditional military instruments in conventional activities, environment-driven challenges may necessitate deployment of the military in severe instances of mass flooding, droughts, and heat waves. It is acknowledged that climate change would also extend the duration of deployment and "magnify the scale and intensity"[15] of the problem at hand. Shifts in seasonal snow-melts, increase in droughts, quadrupling frequency of wildfires, extreme precipitation resulting in devastating floods, lengthened cyclone season, and threats of disease outbreaks and large-scale pandemics, can lead to

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11 Ibid., 57.
12 Ibid., 58.
13 Ibid., 59.
14 Ibid.
15 Ibid., 60.

mass population migrations and put significant stress on state infrastructure and administration with significantly destabilization impacts on respective governmental entities. Researchers predict "a sea level rise of one to five meters by 2100 would displace roughly between 130 and 410 million people."[16] Such a scenario, the report concludes, must meet with realistic and urgent military and logistical planning. The loss of the means of subsistence following widespread natural disaster, presents the military with an irregular challenge, that of massive movements of 'environmental refugees.' It is projected that the expansion of arid landmass and deserts in China, Tunisia, Morocco, and Libya, as well as soil erosion in Egypt, Turkey, Louisiana, and Alaska, alone, will intensify the migratory patterns of populations and put significant stress on potential host countries, requiring support and management mechanisms suitable for attenuating prospective outbreak of social, economic, and political frictions and conflict.

Erosion, desertification, deforestation, irregular floods and droughts, and pandemics can also prove disruptive to vital US security interests. It is predicted that climate change-induced famine, water stress, and vector-borne disease will, in the severity of their consequences, exceed those resulting from revolutionary political upheavals or technologies aimed at countering US interests and capabilities. The US Department of Defense recognizes that risk of recurrent pandemics will have "broad and complex ecological, security, and social ramifications for humans"[17] pushing many states to the brink of failure and collapse, thus dispersing further the risk of social and political destabilization across ever wider regions of the globe. State failure contagion induced by environmental stress will present the United States with catastrophic challenges, comparable only, the Defense Department projects, to "WMD-like effects against US interests."[18] Security specialists contend that suboptimal living standards in parts of Asia, Africa, and the Middle East, exacerbated by degradation of the environment, collapse of natural ecosystems and its attendant health and social consequences, will significantly upset normal patterns of subsistence, degrade the quality of life, and increase the probability of political instability and state failure. Moreover:

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16 Robert J. Nicholls et al., "Global Estimates of the Impact of a Collapse of the West Antarctic Ice Sheet," 2006, http://www.mi.uni-hamburg.de/fileadmin/fnu-files/projects/atlantis/annex6.pdf, (accessed 23 April 2014).

17 Ackerman, "Climate Change, National Security, and the Quadrennial Defense Review," 69.

18 Ibid.

> Economic and environmental conditions in already fragile areas will further erode as food production declines, diseases increase, clean water becomes increasingly scarce, and large populations move in search of resources. Weakened and failing governments, with already thin margin for survival, foster the conditions for internal conflicts, extremism, and movement toward increased authoritarianism and radical ideologies.[19]

Climate-induced population movements in the Darfur region of Sudan and across political borders between Bangladesh and India have already significantly contributed to the renewal of tensions, depleting sources of political toleration and increasing the likelihood of violence.

The US Department of Defense's sensitivity to terrorism-breeding conditions compels it to acquire means and technologies for facing grave and unpredictable threats of climate-change in order to strategically respond to and gain control over its inevitable socio-political corollaries. The sustainable security strategy promoted by the Department of Defense aims to marry the sustainability paradigm with democratic peace theory. The historically American acknowledgement of the "innate right of all people to free, equitable, and secure lives"[20] extends to the questions of environmental vulnerability of populations and states, and calls for a development of checks and balances that are better attuned to the promotion of universal justice and fair governance. The United States recognizes that "cooperation and concern for one's neighbor" will require a degree of trust in inter-state intelligence sharing, collective action strategizing, and technology transfers, in addition to economic and scientific research cooperation with an end goal of promoting social and environmental equity, security, and justice. Contributing to the plethora of voices and arguments concerning environmental security, scholars, well-versed in disaster-relief and climate change challenges, propose invasive changes to US legislation in the form of a new National Security Act, which would be configured to "oblige intergovernmental cooperation and support for formal planning"[21] and codify, thus, the goodwill of intra- and inter-governmental agencies into a holistic and legally-binding security policy.

India's Military Strategy and Prospects for Environmental Security

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19 Ibid., 73.
20 Ibid., 77.
21 Douglas V. Johnson, "Global Climate Change: National Security Implications," 2007, www.strategic-studiesinstitute.army.mil, (accessed 23 April 2014).

The political and social implications of the anthropogenic climate change and the predicted trajectory of global warming also commands much attention in states laying at the very fault lines of prospective climate-induced conflicts. The 2008 Indian National Interest Policy Brief, in its attempt to assess the subcontinent's vulnerability to extreme weather patterns and security concerns issuing therefrom, points to three key areas of strategic concentration: international cooperation; management of "hot peace"; and, outright military conflict.[22] The cumulative effect of glacial recession on the Tibetan plateau, rising sea levels and extreme weather patterns characterized by increasing intensity of cyclones and floods, are likely to result in the submergence of low lying areas, including river deltas, coastlines and small islands and put the population of Karachi, Mumbai, Dhaka, and Mangalore at a significant existential risk, while at the same time, imperiling the livelihood of the people of Bangladesh, Sri Lanka, Myanmar, and Pakistan.[23]

Figure 1. Impact of Climate Change on Ongoing Conflicts in the Indian Subcontinent

Conflict System Impact mechanism	Glacial recession	Rising sea levels	Extreme weather	Net assessment
Jammu & Kashmir	High	-	Medium	Risk or war, motivated in part by the quest for water resources
India-China border	High	-	Medium	Risk of natural disasters in India, worsening India-China relations
Bangladesh 'ethnic invasion'	High	High	High	Risk of mass migration into India
Pakinstani separatism	High	Medium	Medium	Risk of existential crisis in Pakistan, and of ethnic conflict
Sri Lankan civil war	-	High	Medium	Risk of mass migration, and of ethnic conflict
Nepal civil war	High	-	High	Risk of natural disasters and mass migration into India due to social unrest
Table 1: Impact of climate change on ongoing conflicts in the Indian subcontinent				

Source: The 2008 Indian Policy Brief, p. 3.

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22 Nitin Pai, "Climate Change and National Security: Preparing India for New Conflict Scenarios," *The Indian National Interest Policy Brief* 4, No. 1, (April 2008): 1-9.

23 Ibid.

Due to already strained relations with Pakistan and unresolved inter-state disputes with regional actors, India considers the risk of renewed con-flagration with its neighbors to be high, provoking ethnic conflict, social un-rest and mass migration. Pakistan's insistence on fair distribution of water in the Jammu and Kashmir region, which is an important factor in Pakistan's strategic calculations, according to Pai, is also a necessary prerequisite for the resolution of conflict between the two countries. In India's assessment, a water deficient Pakistan may be more likely to sabotage water-manage-ment infrastructures and renew the possibility of tensions and cross-border skirmishes. Moreover, the risk of natural disasters in India is also more like-ly to worsen India-China bilateral relations. A characteristic feature of the countries' political cooperation is their mutual commitment to weather and disaster related collaboration and sharing of information. Severe landslides, which affected India in 2004, however, pointed to Chinese reluctance to alert in a timely manner the Indian subcontinent of an impending natural disaster. It is projected that should the Chinese continue to resist living up to the obligations of their bilateral agreements with India, future relations may very likely be characterized by mutual suspicion and distrust. Any overt monopolization of resources, such as China's attempt to take full control of the waters of the Himalayan Rivers by diverting their natural flow, may be perceived as tantamount to "a declaration of water war" on India and Bangladesh.[24]

The Indian government fears that rising sea levels, flash floods, and severe cyclone cycles will inundate the subcontinent with mass migrations from Sri Lanka and Nepal, precipitating in a refugee crisis and putting fur-ther stress on the country's already vulnerable infrastructure systems. The Indian Policy Brief points to nine key scenarios which may necessitate the employment and deployment of Indian armed forces, they are: providing support to water-management facilities in Jammu and Kashmir against po-tential sabotage and system disruption; fighting limited conflicts in Jammu and Kashmir to secure India's control over the dams, irrigation headworks, and hydro-electric power plans; engaging in "reconnaissance and covert ac-tion along the India-China frontier to ensure uninterrupted flow of water"; "erecting cordons sanitaire in districts adjoining Bangladesh to manage the refugee crises"; "building, maintaining, and securing ... aircraft land-ing strips, helipads, and staging areas in neighboring countries"; providing humanitarian relief inside Bangladesh and Sri Lanka; intervening in neigh-boring states for humanitarian relief and peacekeeping purposes; securing

24   Ibid.

"vital installations" against Pakistan in neighboring provinces; and, lastly, cooperating with the United States, NATO, China, Russia, and Japan in humanitarian relief missions in and around the subcontinent and the Indian Ocean region.[25]

Urgent concern for the Indian military, as for its United States counterpart, lies in its urgent personnel and strategy enhancements and significant technology upgrades. Having recognized the necessity of improved interstate cooperation, India, nevertheless, had stressed the importance of acting, whenever possible, in its own narrowly defined self-interest. The country's strategy of 'hot-peace' characterized by frequent deployment of armed forces to quell aggressive behavior of its more belligerent neighbors, Indian officials believe, will prove a suitable deterrent policy, which will effectively extinguish any prospects for resource-based and environmentally-induced large-scale wars.

Environmental Challenges and International Norms Regimes: A Quest for Consensus

In light of rising concerns over environmental security, the question of the means by which self-interested states will find themselves sufficiently willing and capable of informing the emerging and increasingly important global environmental norms regime for the purposes of addressing environmental scarcity and climate change, remains vital. Recognition of climatic interdependence necessitates a reevaluation of legal coping mechanism and entrenched value systems. Non-governmental panels and organizations can play a key role in initiating a comprehensive environmental legislation, which once enacted within the legal regime of the United Nations, would acquire an *jus cogens* status, or a non-derogable and universally binding legal-normative standing, operating on a global scale, irrespective of whether governments are willing to accept the theoretical and scientific claims of a direct causal path between environmental degradation, resource scarcity and violent conflict.[26] Such global environmental legislation may be compromised, however, by a lack of scholarly consensus on the proximate relation between climate and the potential for political destabilization. A quantitative cross-national time-series study covering the 1950-2000 period conducted by Henrik Urdal of the Centre for the Study of Civil War, International Peace Research Institute in Oslo (PRIO), does not collaborate the neo-Malthusian per-

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25 Ibid.
26 See Thomas Homer-Dixon's *Ecoviolence: Links among Environment, Population, and Security* (New York: Rowman and Littlefield, 1998).

spective advocated by Thomas Homer-Dixon, whose main premise for the inevitable conflict scenario rests in the recognition that population growth will likely exert increased pressures on the earth's renewable resources making societies consequently prone to low-intensity civil war. Urdal's empirical research reveals that post-Cold War age of environmental insecurity, which calls for the introduction of decisive measures aimed at curtailing or controlling population growth and military preparation are, at best, unfounded and, at worst, much too hyperbolized.

Undergirding the concerns expressed in the above cited military and national security reports issued by the United States Department of Defense and India, are three key destabilizing factors which stay loyal to the dominant neo-Malthusian consensus which dominated the post-Cold War discourse, those of: conflicts over resources; environmental (in)security; and population migrations. Henrik Urdal's 2005 large-N study of conflict prone areas, attempted to disabuse scholars and policymakers of the claims that "the world has entered a 'new age of insecurity' after the end of the Cold War, where demographic and environmental factors threaten security and state stability." Urdal claims that treating population pressure on natural renewable resources and resource-scarcity variables as culpable for making "societies more prone to low-intensity civil war" or using them as a "macro rationale for reducing global population growth" urbanization, or refugee migration, seem unwarranted and do not provide sufficiently strong reasons for commanding an expended military and political attention. His research disconfirmed the link between conflict and resource scarcity, while asserting that countries that host large refugee populations are not any more likely to experience domestic armed conflict or ethnic violence than countries that do not.[27]

Others, such as Richard Matthew, vehemently argue for paying increased attention to macro and micro-level mechanisms for adaptation that would delay, mitigate or resolve impending resource-based and climate change-induced conflicts. Contending for adaptation strategies in lieu of military planning, Matthew believes that the very dynamism of 'action-response-reaction' cycle merits more attentive concentration of policymakers and security strategists on technological innovation, environmental regulation, state-capacity building through regional regimes, greater "political openness, economic exchange and value change fostered by the activities of international

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27   Henrik Urdal, "People vs. Malthus: Population Pressure, Environmental Degradation, and Armed Conflict Revisited," *Journal of Peace Research* 42, no. 4 (2005): 426-430.

organizations and other non-state actors."[28] Moreover, by recognizing the value of micro-interventions by farmers experimenting with alternative crops and streamlining relocation of populations may abate the unsettling concerns presently shared by defense ministries and political heads of state. While acknowledging limitations to adaptation in the face of high-impact natural disasters, Matthew advocates expanding the time frame for assessing the success of human adaptive output.

Figure 2. Revised Theoretical Model of the Relationship Between Environmental Stress, Adaptation and Conflict.
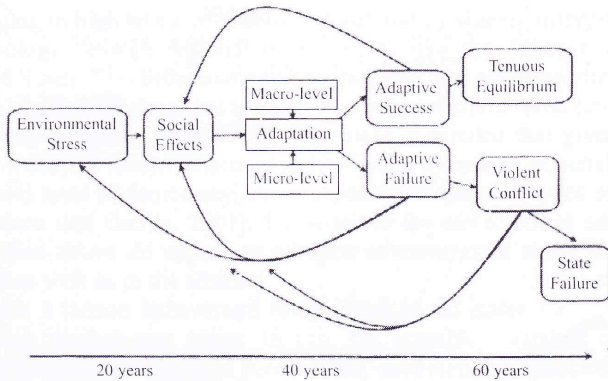
Source: Matthew (2003), p. 867.

As such, governmental processes and policy prescriptions which are connected to economic restructuring, building of sustainable regional institutions, and democratization of internal mechanisms for more open information sharing and inter-state cooperation will require a significant investment of time and may not amenable to short-term evaluation. Thus, to find effective strategies and policy solutions and "to understand better how environmental stress and conflict are related, one needs to take a longer look at how societies respond to environmental stress."[29] Reliance on 'brief time frames' may compound the severity of a single phenomenon and result in spurious conclusions, which inevitably obfuscate the rationale for and choice of adequate remedial and counteractive measures. And, although, embracing a cornucopian vision advocated by resource-optimists, which insists on humankind's uncanny ability to transform scarcity into opulence via economic discipline and technological innovation, may prove deleterious to

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28 Matthew et al., "The Elusive Quest: Linking Environmental Change and Conflict," 867-8.
29 Ibid., 871.

fashioning realistic responses to substantial changes in weather patterns, many would likely agree that one should not underestimate the role of civilian adaptive mechanisms in ensuring environmental security.

International Law Mechanisms and Value-based Policy Prescriptions

Tangible reorientation in the scale and quality of human values and ethical principles concerning the environment may reduce the "quantity and quality of life choices" and put the ethos of "sacrifice" at the forefront of individual action.[30] The derivative benefits to such a compromise may encourage a logic that is increasingly steered by expanded circle of concern for international environmental justice, equity in resource distribution, and sustainable development. Concerns over implosion of states at the brink of environmental disaster are justified as long as evidence exists to collaborate such a condition. India's militant stance regarding Pakistan, for instance, may rest on false premises concerning its environmental intentions and jeopardize political relations already steeped in mutual distrust and persistent enmity. A number of security analysts and scholars point to Pakistan's likely collapse under the demands of environmental stress imposed by deforestation, soil erosion, mudslides, flooding, influx of Afghan refugees, and population growth. Yet, a closer look at Pakistan's initiatives and collaboration with international organizations warrants a much more nuanced conclusion. The country's recognition of the potentially perilous effects of climate change on its infrastructural and administrative capacity prompted Pakistan to integrate and adapt itself to the prescripts of the international environmental norms regimes, and actively seek out the assistance of nongovernmental organizations in coping with resource scarcity and crop insecurity in the agricultural sector. Moreover, environmental NGOs, such as the "International Union for the Conservation of Nature, the Aga Khan Foundation and Sustainable Development Policy Institute are experimenting with reforestation and alternative energy resources such as mini-hydroelectric plants" while encouraging dialogue between landowners, refugees, and government officials.[31] Since Pakistan ranks high on the list of strategic partners in the 'war on terrorism' and is an influential actor on the Middle Eastern and Asian political arena, its incorporation into the international community and cultivation of a 'special relationship' with the United States, guarantees an infusion of monetary support and foreign assistance funds necessary for the

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30   Richard Ullman, "Redefining Security," *International Security,* (1983): 127.
31   Matthew et al., "The Elusive Quest: Linking Environmental Change and Conflict," 870.

implementation of measures indispensible for the achievement of sustainable environmental security.

It is reasonable to assume, however, that countries that do not meet with an exceptional interest of foreign powers nor command the authority in strategic key areas of foreign policy, may meet with internal disintegration and collapse under the taxing effects of environmental degradation, unleashing a wave of civil strife, genocidal tendencies, insurgencies, strikes, riots, or coups.[32] The ongoing crisis in the Darfur region of Sudan is a case in point. Ackerman attributes the conflict's resurgence and duration to increasingly strained natural resource reserves, i.e. water availability, which prompted mass population movements. His research advances the view that "large movements of people in response to climate change will inevitably degrade environmental conditions in areas that receive the refugees."[33] Suboptimal ecosystem services, which have been unable to support the needs of the civilian population, have resulted in sizeable migrations of the desperate and disposed. Uneven migratory patterns and their intensity, in turn, have further taxed and exacerbated the already poor environmental conditions in Sudan and aggravated local residents, who have laid claim to the scarce resource base, fueling and intensifying the violence of conflict itself.[34] Similarly, the rising average winter temperatures in the geographic North are likely to uncover large swaths of arctic territories in Alaska, Canada, and Russia, provoking renewed tensions between states and issuing in a political scramble for land and resource-claims based on migration and settlement. It is not an accident, therefore, that complementary competencies of institutions such as NATO, the International Maritime Organization (IMO), the United Nations Development Program (UNDP), the Global Environment Facility (GEF) in conjunction with the Arctic Council and the 1982 United Nations Convention on the Law of the Sea (UNCLOS)[35] have been mobilized to ease anxieties over resource extraction and unregulated fishing and address the impending scramble for oil and gas resources and control of Arctic trade routes in the region.

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32 Thomas F. Hunter-Dixon, *Environment, Scarcity, and Violence* (Princeton: Princeton University Press, 1999), 136.
33 John T. Ackerman, "Climate Change, National Security, and the Quadrennial Defense Review," 65.
34 Ibid., 65.
35 Bjordi, "Keeping the Arctic 'Cold': The Rise of Plurilateral Democracy?," 348.

Conclusion: Assessing Impact, Promoting Ethics of Security-bound Environmental Activism

With fundamental national security interests at stake, desire to strengthen sovereignty over vital resource bases and a determination to maintain competitiveness in global markets, countries torn between environmental protection and sustainable development, security and potential for rapid conflagration of climate change-induced conflict in the early decades of the twenty-first century, may do well to engage in what Bjola dubs 'plurilateral diplomacy'. Significant climatic transformations thus warrant creation of a plural governance architecture consisting of an "effective web of contracts involving institutional networks" and agencies that are both quick and flexible.[36] Global governance gaps can be closed and rigid multilateral and bilateral legal mandates can thus be supplemented with pluralist diplomatic initiatives which develop sturdy foundations that allow relevant stakeholders to "reduce transaction costs, share critical resources, exchange know-how, and facilitate the implementation of agreements"[37] in addition to trading crucial intelligence and abiding by the terms and conditions of jus cogens norms of international law and pertinent values of the international community. Likewise, the contributions of the International Court of Justice (ICJ) to the development of International Environmental Law have potential for standardizing legal expectations in the arena of contested environmental policymaking, abetting interstate conflict and compensating for transboundary injuries in line with well-recognized principles of international law and elementary considerations of humanity. Thus, in holding states liable for failing to live up to the standards of the Charter of the United Nations and auxiliary international conventions and declarations, the ICJ can ably delineate the scope of responsibility for the misappropriation of states' jurisdictional powers and limit recurrent damage to the environment and resulting social and economic harm as well as eliminate the root causes of and prospects for intra- and inter-state conflict.

In addition to the above, it is equally important to underscore human security and wellbeing in the climate change response and adaptation scenarios in order to adjust accordingly the economic, political and diplomatic efforts of states in the mitigation of conflict and protection of the most vulnerable strata of society. The Intergovernmental Panel on Climate Change (IPCC) introduced into an ecological health lexicon a "monetizing" effect in

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36 Ibid., 347.
37 Ibid., 353.

its assessment of the seriousness of environmental impacts on human populations and reinvigorate further commitment their mitigation. In its report on "Integrated Assessment of Potential Vulnerabilities and Impacts" IPCC argues, at length, for:

> Integrating the range of potential impacts of climate change [in order] to derive a comprehensive monetary estimate, which adds all impacts expressed in their dollar value. This approach allows for comparison of the seriousness of climate change with other problems, comparison of vulnerabilities to climate change among regions and sectors, and comparison of the impact of climate change with the impact of greenhouse gas emission reduction. Expressing effects on marketed goods and services (e.g., land loss resulting from sea-level rise, energy savings in winter) in monetary terms is relatively straightforward because the price is known. Expressing damage to nonmarketed goods and services (e.g., wetland loss, mortality changes) in monetary terms can be accomplished by examining market transactions where such goods or services are implicitly traded (e.g., landscape beauty) or by interviewing people about their preferences. That is, human preferences are expressed by people's willingness to pay to secure a benefit or their willingness to accept compensation for a loss.[38]

The modeling of impacts along the proposed scale can offer a persuasive argument for action and spur economic innovation necessary for the advancement of counteractive and remedial measures aimed at reduction of environmental security risks. In congruence with the premises of Democratic Peace Theory, the cumulative effect of economic cooperation across states and all technological spectra under an umbrella of a regulatory global climate regime can reduce anxieties over environmental devastation and propel collaborating states toward greater stability and more sustainable peace. The recognition of the financial burden climate change poses to individual economies, can very well issue in what Peter Singer terms, a "community of reciprocity", which "entwined in a common fate, sacrifices and compromises"[39] in the name of distributive justice and mutual well-being. By abandoning thus the zero-sum logic of belligerent realism, states, compelled by the imperatives of their own vulnerabilities to drastic climate changes and strategic insecurities, may come to embrace and encourage, on the economic and entrepreneurial side, the promotion of viable:

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38 Martin Beniston (ed.), "The Regional Impacts of Global Climate Change," *Intergovernmental Panel on Climate Change*, 2005, http://www.ipcc.ch/ipccreports/sres/regional/119.htm#integrated, (accessed 23 April 2014).

39 Peter Singer, *One World* (New Haven: Yale University Press, 2002), 168.

i) Market-based programmes in which customers or manufacturers are pro-
vided technical support and/or incentives; ii) increased emphasis of private
or public programmes to develop more efficient products" and to encourage
technology transfers, and information sharing.[40]

Economic cooperation buttressed by political consensus is all the more es-
sential in the face of probable violent struggles over scarce resources and
proliferation of environmental problems that are likely to emerge during
coming decades. Therefore, to eliminate the possibility of: "disputes arising
directly from local environmental degradation"; "ethnic clashes arising from
population migration and deepened social cleavages"; "civil strife caused
by environmental scarcity that affects economic productivity and ... people's
livelihoods," and the ability of groups to meet changing demands; "scarcity-
induced interstate war over natural resources; and, North-South conflicts
over mitigation of, adaptation to, and compensation for global environmen-
tal problems,"[41] it will become increasingly necessary to compound not only
the cumulative knowledge base of states, but reassess the critical role that
intergovernmental and non-governmental entities can play in the negotia-
tion, regulation, and distribution of counteractive, proactive and reactive
measures aimed at promotion of democratic stability and economic pros-
perity in the context of resource depletion and appreciable threats to human
existence and flourishing. **Y**

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40   Robert T. Watson (ed), "Technologies, Policies and Measures for Mitigating Climate Change," *Inter-
     governmental Panel on Climate Change*, 1996, http://www.ipcc.ch/pdf/technical-papers/paper-l-
     en.pdf, (accessed 23 April 2014).
41   Homer-Dixon, *Environment, Scarcity, and Violence,* 5.

THE PRACTICE OF DUALITY: WHY THE TRANS PACIFIC PARTNERSHIP AND THE REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP ARE COMPETING PARADIGMS IN ASIA

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A cursory look at Asia Pacific regionalism will leave any observer bemused. Why have competing paradigms continually developed in the region? How can such diverse states cooperate? The following paper will answer the following: why do the Trans Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership (RCEP) exist as competing paradigms in the Asia Pacific. It will propose that classical theories of International Relations cannot adequately answer how or why competing paradigms exist in the Asia Pacific. Instead they can only explain partial truths about their existence. Political theory has largely led to a stagnation of enlightening scholarship. Too often diametric debates are held with limited enlightening ideas being created. All too often debates on the TPP and the RCEP are framed in realist and liberal terms. Constructivism is also inadequate in explaining this phenomenon. Self-conscious norm creation preferred by such a theory seems rather superfluous in reality. Identity is no doubt important but the way constructivism proposes a creation of norms through deliberate process appears unfounded and superficial. Instead we must turn to sociology for an answer. This paper proposes that if we go along this practice path we can further understand why regionalism is bifurcated in the Asia Pacific. Through a Bourdieuian exploration of the TPP and the RCEP it appears that divergent habitus is causing complementary regional building initiatives in the region.

Introduction

A cursory look at Asia Pacific regionalism will leave any observer bemused. Why have competing paradigms continually developed in the region? Can such diverse states cooperate? The following paper will answer this question: why do the Trans Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership (RCEP) exist as competing paradigms in the Asia Pacific? This raises further questions: What regionalisms exist in the Asia Pacific? What are the goals of regionalization? What states belong to the Asia Pacific? Are there precedents for dualism in the Asia Pacific?

To answer these questions, this paper will be split into three sections. The first will look at global trade liberalization in general and regional trade liberalization in particular. This section will begin with a brief discussion of the World Trade Organization (WTO), and the most current round of talks, the Doha Development Round. Through this discussion it will become apparent that global liberalization of trade is not a phenomenon. It is more of a myth than a truism in the contemporary world. Even though the Bali Package was recently signed on December 7, 2013, the WTO and the Doha round of talks are floundering. As these failures have proliferated, regional attempts at liberalizing trade have amplified. This can be seen by the finalization of the European Union (EU), and in particular the growth of organizations in the Asia Pacific. However, in Asia, regionalism has increasingly taken on a dual character. This section will explore two sets of examples where dualism that have occurred in the Asia Pacific. The first is the duality of Asia-Pacific Economic Cooperation (APEC) and the East Asia Economic Caucus (EAEC), and the second is the more recent competition of the TPP and RCEP.

The second section will look for a way to explain why and how two separate paradigms are competing for similar ends in the Asia Pacific. To do this I will elaborate on the three major theoretical schools of international relations (realism, liberalism and constructivism), and expose how they are not effective at explaining this phenomenon. Thus, I will look into the political sociology abyss. There is a wealth of information within the sociological discipline and more and more international relations theorists are turning to it for explanation. This paper will use practice theory based on Pierre Bourdieu sociology to explain the development of duality in the Asia Pacific. It suggests that innate knowledge learnt through interactions with others and through practical experience tempers diplomatic practice.

The final section will further this theory by exploring the possibility that there are in fact two habitus' within the Asia Pacific region: a Pacificist habi-

tus and an Asianist habitus. These have specific operating procedures and doxa which temper particular diplomatic practice. Therefore if a two track diplomatic environment is forming based differing habitus, free trade may be unfounded or diffused.

For the purpose of simplicity this paper will use a very broad definition of the Asia Pacific: the geographic location of the world that encompasses East Asia, South East Asia, and Oceania. However, any use of the term Asia Pacific can be problematic as there is little consensus on defining the region. The lack of consensus on definition should set alarm bells off in any scholar or policymaker's brain, as it indicates that the reality of an Asia Pacific may not exist.

Before going further it would be useful to explain what this paper is not trying to achieve. Although it seeks to explain why two different trade liberalization mechanisms exist, it will not give the reader an in depth analysis of trade theory. The first section will briefly explain what trade liberalization entails, and also what the TPP and RCEP are, but will not look into the chasm of trade liberalization literature. Instead the following will be a purely international relations theoretical look at why competing paradigms exist. In particular it will seek to explain through a sociological prism why competing paradigms exist. By using this theory a thorough exploration of trade theory would be both long and redundant.

Section One: The Beginning of Trade Liberalization: Doha Development Round and the Bali Package

Trade liberalization (or free trade) is a policy proposing governments should not discriminate against imports or exports, through tariffs, quotas and so on, from any other state. A regional free trade bloc is an advancement of trade liberalization. A trade bloc occurs when a group of states sign a Free Trade Agreement (FTA) which eliminates import quotas, export subsidies, tariffs and preferences. This could be exemplified by the EU or the North Atlantic Free Trade Agreement (NAFTA), which have established open markets with little restrictions to trade. However, an overarching global multilateral liberalization organization is still absent. The WTO encompasses much of the world's nation states, but many governments are still protectionist, intending to keep local employment strong, whilst protecting local industry.

Global trade liberalization has been trumpeted by the WTO, but its success has been dire. It has signed off on only one agreement since its inception in 1995. The Bali Package, signed late last year, should not be applaud-

ed too loudly. The WTO Director-General Roberto Azevedo famously stated after the agreement was reached that "For the first time in our history, the WTO has truly delivered."[1] With this almost all of the member states of the WTO unilaterally praised the completion of the Bali Package. The signing of this has raised confidence in the ailing multilateral system, and the Doha round of talks. However, does this affect the TPP or RCEP agreements in any way? This paper proposes that it does not. The Bali Package covers only a minute fraction of the original Doha proposals, and was signed off and missed by many commentators who are still transfixed by regional institu-tionalizing, in particular the TPP.

The End of the Cold War: A New Duality Commences with APEC and the RCEP

The end of the Cold War sparked changes in all aspects of international relations. The bi-polar dichotomy of communism and capitalism essentially ended, but in the Asia Pacific a new dualism began: Asianism versus Pacifi-cism. These terms have been selected not for ethnic or racial reasoning but purely as a way to distinguish the evolving patterns of diplomacy in the region. This era began in earnest in 1989. This new duality developed with the creation of APEC and the EAEC.

APEC is a forum of 21 countries in the Asia Pacific. This forum seeks to promote free trade and economic cooperation. However, as of now, these have not been implemented.[2] APEC formed at a time when the Uruguay Round was floundering, and regional bloc creation was the common goal of numerous states. APEC adopted the Bogor Goals in 1994 with the aim of open and free trade in the Asia Pacific by 2012 for developed countries, and by 2020 for developing countries.[3] Nonetheless, free trade was received lukewarmly by newly industrializing economies and the goals have been unfulfilled thus far. However, many see the TPP and the RCEP as two new groupings that are aiming to fulfil these goals.

From APEC's inception there was strong opposition to what some viewed as white expansionism into Asia. Some Asians states, particular those in

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1   "W.T.O. Reaches First Global Trade Deal," *REUTERS*, December 8, 2013, http://www.nytimes.com/2013/12/08/business/international/wto-reaches-first-global-trade-deal.html?_r=0 (accessed December 9, 2013).

2   Asia-Pacific Economic Cooperation, "Member Economies," http://www.apec.org/About-Us/About-APEC/Member-Economies.aspx (accessed December 9, 2013).

3   Asia-Pacific Economic Cooperation, "Assessment of Achievements of the Bogor Goals in 2010," http://www.apec.org/About-Us/About-APEC/Achievements-and-Benefits/2010-Bogor-Goals.aspx (accessed December 9, 2013).

Southeast Asia, perceived APEC as led by white powers such as the US and Australia. They felt this undermined what the Association of South East Asian Nations (ASEAN) has been attempting in the region for thirty years. The main opponent of this expansion into Asia in the 1990s was Malaysia's Prime Minister Mahathir Mohamad. Dr Mahathir has promoted the idea of an Asian regionalism, one that does not include Australia or other 'non-Asian' states. This was famously proposed with the EAEC, which was unofficially referenced to as the caucus without Caucasians.[4] This was to be furthered through ASEAN, but it did not garner support. The EAEC will be discussed in more detail later, where a clarification of its hysteresis will be held.

The New Duality

The duality that began in the early 1990s has been recreated in the early 2010s where two initiatives are vying for free trade liberalization in the Asia Pacific. One has been driven as an APEC initiative and one has been driven through ASEAN. This section will briefly introduce the TPP and the RCEP highlighting some differences between the two.

The TPP (APEC Based Liberalization)

Contrary to popular sentiment the TPP was not a US-led initiative. Instead it has its roots in a much smaller agreement between Brunei, Chile, Singapore, and New Zealand: the P4 Agreement.[5] This agreement created a model of free trade that could potentially attract new Asia Pacific members to free trade ideas. The P4 negotiations finished in 2005, and then new ideas were introduced. These ideas included how to rearrange the group, and the regulation of financial services and investment.[6] When these ideas were being negotiated in March 2008 the US joined the group, pending the decision that the P4 would be expanded to the TPP. In September 2008 the US joined and Australia, Peru, and Vietnam followed suit.[7]
In 2009, after President Obama took office, the US began to engage with the TPP with "the goal of shaping a regional agreement that will have broad-based membership and high standards worth of a 21st century trade

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4   Baogang He, "The Awkwardness of Australian Engagement with Asia: The Dilemmas of Australian Idea of Regionalism," *Japanese Journal of Political Science* 12, no.2 (2011): 276.
5   "Trans-Pacific Pertnership (TPP) Negotiations," *New Zealand Ministry of Foreign Affairs and Trade Manatu Aorere*, http://www.mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/Trans-Pacific/index.php (accessed December 9, 2013).
6   Ibid.
7   Ibid.

agreement."[8] During the third round of talks in Brunei in October 2010 Malaysia joined the negotiations. At the APEC Leaders' Meeting in Honolulu in November 2011 the leaders announced an outline for the TPP. This would include a comprehensive regional agreement that liberalizes trade and investment and addresses traditional trade issues. Following this Canada and Mexico also joined the negotiations, and then Japan in April 2013.[9] Although not officially sponsored by APEC many view the TPP as an end to the Bogor Goals proposed in 1994. Thus, this paper refers to it as APEC driven.

However, the TPP will not be the vision it once was. Originally it was meant to remove all tariffs and other trade protection policies, and more crucially it was proposed to change corporative policy behavior including state enterprises and agriculture issues. The concept of broader progress will show us that the TPP is much further advanced than RCEP. Nevertheless, it faces many challenges. This includes whether Japan is willing to open up its agriculture to the rest of the signatories. There is possibility that the broader Asian field could open up as proven by Korea recently allowing American products to be imported. It remains to be seen whether this trend will continue in the future.

RCEP (ASEAN Driven)

RCEP is a regional FTA negotiation that was launched "in the margins of the East Asia Summit on 20th November 2012."[10] This is an ASEAN based initiative that includes the 10 ASEAN countries, and the 6 states that have FTAs with ASEAN. The RCEP has slightly different goals where it would be "a modern, comprehensive, high quality and mutually beneficial economic partnership agreement establishing an open trade and investment environment in the region to facilitate the expansion of regional trade and investment and contribute to global economic growth and development."[11]

RCEP has its roots in ASEAN frameworks. Its guiding principles state "Negotiations for the RCEP will recognize ASEAN Centrality in the emerging regional economic architecture and the interests of ASEAN's FTA Partners in supporting and contributing to economic integration, equitable economic development and strengthening economic cooperation among the partici-

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8   "Trans-Pacific Pertnership (TPP) Negotiations."

9   Ibid.

10   "Regional Comprehensive Economic Partnership (RCEP)," *New Zealand Ministry of Foreign Affairs and Trade Manatu Aorere,* http://www.mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/RCEP/index.php (accessed December 9, 2013).

11   Ibid.

pating countries."[12] One major issue to RCEP is whether ASEAN will remain the center of its development. For it to stay central the other members must be willing to accept their operating mechanisms. However, at the recent 2014 ASAN Plenum many Chinese scholars expressed the idea that Chinese decision makers do not full buy the political rhetoric of an ASEAN led RCEP. Thus, if China does indeed leave this grouping, or perhaps join the TPP in the future, this makes RCEP another redundant attempt at liberalizing trade in the region.

The continued prominence of the TPP in the media has reduced RCEP to only a footnote by many onlookers. This has led to concern from ASEAN states.[13] Although both arrangements are likely to coexist, and not fall away like the EAEC, there is likely to be a rivalry between the two. RCEP is a more flexible arrangement that could see its proposed liberalization in a sequential manner, and will include special differential treatment for ASEAN member states. This pragmatic approach takes into account the level of development of a state following the same habitus as ASEAN, and diverging from the TPP's "No Gold Standard, no deal" approach.[14] Thus, this approach is likely to gain support from ASEAN members, but likely garner distrust from others who see it as an umbrella protecting ASEAN states.

RCEP is a less ambitious arrangement that focuses on eliminating tariffs amongst the member nations. One of the salient challenges this faces is the multiple visions for RCEP that exist. This includes the ASEAN vision, a unified China-Japan-Korea vision, an Oceania vision, and an India vision. These diverse interests lower the level of liberalization that can occur as they are less likely to agree upon a common agenda. This will be explored later in the paper.

Lastly, some advocates of RCEP propose using ASEAN to 'lick' the proverbial FTA noodle bowl clean.[15] ASEAN was formed on an all for one and one for all mentality and this is prevalent in RCEP discussions. They promote the idea that the TPP will accentuate economic cleavages that have developed in the region since self-determination post World War II. Thus, a staggered approach for developed and developing states is frequently discussed. However, for this to be effective a double standard or 'floating yardstick' must

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12 "Guiding Principles and Objectives for Negotiating the Regional Comprehensive Economic Partnership," http://www.iadb.org/intal/intalcdi/PE/CM percent202013/11581.pdf.

13 Daniel Wu and Marc Mealy, "Explaining "competing" visions: ASEAN-RCEP, TPP, FTAAP," *PacNet* 4, 1.

14 Ibid.

15 John Ravenhill, "Extending the TPP: The Political Economy of Multilateralisation in Asia" (paper presented at Asia Pacific Trade Economists, Bangkok, November 2-3, 2009, 1).

not be institutionalized.[16] With these ideas in mind we must consider why these two groups exist in the region. To achieve this I will now turn to international relations theory.

Section Two: International Relations Theory and Why It Is Mistaken

In an increasingly global world it has become clear that analytical monotheism cannot fully explain contemporary phenomena. In particular "the complex links between power, interest, and norms defy analytical capture by any one paradigm."[17] This is pronounced when dealing with regional integration. Instead of trying to normalize a region to fit a preferred paradigm, it would be much more enlightening to look at a situation from varying perspectives. Relations in the Asia Pacific are not shaped solely by power, interest, or identity but always by a combination of the three tempered by innate learning. To understand why this is needed it would be useful to first look at the three major paradigms of international relations to show their analytical pitfalls.

Realism

Realist theory has long been the analytical paradigm of choice for many scholars. Whatever realist scholarship one reads, realism has some central tenants. The most important of these being the security dilemma that tempers state conduct. Therefore power plays a central role. Kenneth Waltz would attest that the unipolarity of the US will be short, and when multipolarity arises balancing amongst states will occur. Although Waltz's theory does not encompass all realists he does introduce many key ideas. This includes the distribution of capabilities, such as absolute security needs and threats. In the Asia Pacific, China and Japan are two such great powers who according to realist literature would be a prime cause for a security dilemma in the region. Also with the current pivot to Asia by the US, it seems logical for realists to suggest China, or indeed Japan, would balance against it. What does this tell us about regionalism?

Realism brings many ideas that are crucial to any discussions about state behavior. There is no doubt that power and capabilities play a role in diplomatic practice. However, realist theory is farcical if one looks beyond its power hungry façade. Peter Katzenstein and Nobuo Okawara aptly point out the limitations of realism. "To infer anything about the direction of balancing requires auxiliary assumptions that typically invoke interest, threat, or pres-

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16 Wu and Mealy, "Explaining "competing" visions: ASEAN-RCEP, TPP, FTAAP."
17 Peter Katzenstein and Nobuo Okawara, "Japan, Asian-Pacific Security, and the Case for Analytical Eclecticism," *International Security* 26, no.3 (2001): 154.

tige-all variables that require liberal or constructivist styles of analysis."[18] With this statement it becomes apparent that realism loses much of its explanatory power in the Asia Pacific.

Realist theory is also indeterminate. It does not explain who a state will balance against in a particular case.[19] For instance without identity who would South Korea try to balance in the region? Without an ingrained ideational disposition, Korea could balance against China or the US. If there is no identity that is pro-US, then it could make sense for Korea (in a realist sense) to balance against the US encroaching to the region by aligning with the regional powerhouse China. Realism exposes an omnipresent balancing behavior, but it tells us little about which the direction in which this balancing will occur. Regionalism is proposed as a game of chess with states balancing off one another to limit loss. However, this tells us nothing about why the RCEP and TPP are two varying groups with varying membership. If states were primarily concerned about balancing, why does each initiative include many competing powers? If it is suggested that the RCEP is a Chinese based initiative, and the TPP is a US led initiative then this argument could hold true. However, as will be discussed later this is not the case. Therefore this picture is limited, clouding scholarship on regionalism.

Liberalism

Liberal analysis also encounters analytical problems. There are essentially two schools of liberal tradition: one based on common values driving alliance creation, and a school based on efficiency driving interactions.[20] These theorists state that developing a principle norm based relationship is the only way for group to develop. This suggests that shared democratic values provide a basis for a good relationship. Dialogues such as this are included in both the preambles for the TPP and the RCEP. Thus, it appears that if a state adheres to these norms a positive relationship will develop. However, what if a state changes its political orientation drastically? Liberal theory cannot answer this. Instead it proposes that identities are unchanging.

If it is presumed that the promotion of democracy is the unifying norm of institution building, assumptions tempering democracy should be universal amongst states. For example Australia and South Korea have varying philosophies on the method used to create institutions. Australia, much like the US and the UK, enters into diplomatic exchanges legally and with 'sticks'

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18 Ibid., 168.
19 Ibid.
20 Ibid., 169-171.

in mind. South Korea, much like her Asian neighbors, prefers dialogue with others and the proverbial carrots.[21] Such a difference leaves the linear alliance promoted by norm creation as a limited theory.

The other school of liberalism focuses on efficiency. This promotes the idea that if relationships are efficient, economic growth will occur when states enter into such arrangements with vigor. However, once again identity does not play a role in this either. Free trade is an idea that creates efficiency in the trade of goods and services, and yet the Doha round, and APEC's Bogor goals have both failed to gain a footing. As will be exposed by practice theory, habitus of each state is what has limited the expansion of so-called efficient institutions.

Constructivism

Analysis using a constructivist paradigm also runs into difficulties. Contrary to neoliberalist sentiment, regional multilateral organization can do more than just facilitate the exchange of information and goods. For instance the ASEAN way of trust building is seemingly a real phenomenon in the Asia Pacific. For instance, the ways the RCEP and also the ASEAN Regional Forum (ARF) have functioned suggest these mechanisms have been created in a uniquely Asian manner. Nikolas Busse's work on ASEAN suggests that instead of balancing against perceived threats, in the realist tradition, they attempted to export the ASEAN way to other Asian states through track two diplomatic meetings and the ARF.[22] Therefore informal consultations, consensus building, and non-intervention norms have been created by ASEAN. They tried to inform the US, Japan and China of such norms. However, self-conscious norm creation preferred by such a theory seems rather superfluous in reality. Identity is no doubt important but the way constructivism proposes a creation of norms through deliberate process appears unfounded and superficial. Instead this paper turns to sociology for an answer.

Political Sociology

Political theory has led to a stagnation of enlightening scholarship. Too often diametric debates are held with limited enlightening ideas being created, and debates surrounding the TPP and RCEP are framed in realist and liberal terms. With one side claiming states are entering for their own gain and expansion. This debate suggests that the US is supporting the TPP as

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21 Ibid., 170.
22 Ideas expressed in Peter Katzenstein and Nobuo Okawara, "Japan, Asian-Pacific Security, and the Case for Analytical Eclecticism," *International Security* 26, no. 3 (2001): 173.

an expansion of NAFTA to complete its pivot to Asia, as a method to balance against China. RCEP is often represented as the opposite, with China promoting such an arrangement to balance against the pivot. On the other hand liberal theories suggest that norm creation and liberal trade will lead to these initiatives being signed off. Both theories have merits but miss the mark on why two arrangements have developed. This paper proposes that identity plays a key role in the development. Not identity in the constructivist mold, but one tempered by learning and practice. In particular the theories of Bourdieu and Vincent Pouliot can be particularly enlightening.

The issue of how to understand differences in civilizations, or cultures is a central tenant of social theory. To do this sociologists attempt to expose how, or not, society and civilization as a whole has changed in the last few centuries. This could aid in our exploration for how and why the TPP and RCEP exist. What makes Bourdieu more applicable to the political world is the method in how he has carried out critical and epistemological research without embracing traditional philosophical consciousness or subjectivity.[23] Similarly he developed his ideas into a critical theory that could expose the material of interaction as more practically. By promoting a reflexive theory is becomes applicable for analysis outside the realm of sociology.

Practice Theory: Innate Knowledge Tempers Diplomacy

International relations is a discipline defined by its clear cut theoretical schools. However, these all suffer from what Vincent Pouliot calls 'representational bias.'[24] Realism, liberalism and other normative examples of international relations theory suffer from their use of rational calculations. Rational calculations refer to decisions made by leaders of states where they see a situation and act accordingly to a situation. They make a judgment strictly based on the situation and do not bring other decision making modes into account. Constructivist approaches are constrained by ideas about how communities and actors must cultivate a collective identity of "'we-ness' while consciously blurring the self and other."[25] To deal with these shortcomings Pouliot has crafted a theory founded on Pierre Bourdieu's 'theory of practice.' The resulting practice theory changes "the arrow of social action-from ideas to practice- and emphasizes how practices also shape the world

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23 Craig Calhoun, Edward LiPuma and Moishe Postone, eds., *Bourdieu: Critical Perspectives* (Chicago: Chicago University Press, 1993): 62-64.
24 Vincent Pouliot, "The Logic of Practicality: A Theory of Practice of Security Communities," *International Organization* 62, no.2 (2008): 260.
25 Ibid.

and its meaning."[26] Practice theory better explains why some organizations have been more successful than others. If onlookers no longer observe through the looking glass of 'rationalism' or 'collective identity' creation it becomes apparent that agents act on preconceived knowledge.

Theory is like painting a picture, we try to get it as close to real-life as possible. We can start by sketching with pencil on paper, then move to painting with color on canvas, then we can take a photograph, and 3D images are then created. All of this creates a more life-like image but it is still a representation of reality. This metaphor highlights how theories of international relations view the world. They suffer from representation bias. In response to this, Pouliot puts forth a theory based on Pierre Bourdieu's idea of practice.

Practice theory is based on concepts of field, habitus and doxa. The position of each actor is tempered by interaction between the agents' habitus, doxa and their cultural and social disposition. Diplomatic habitus is a "set of regular traits which dispose its bearers to work in a certain way, making diplomacy possible."[27] Habitus is historical, where history is turned into second nature and is thus actualized in the present.

The field is a setting where agents (in this sense diplomats and state actors) and their social positions, or symbolic positions, are located. A field has three dimensions: relations of power, objects of struggle, and taken-for-granted rules. They are comprised of unequal positions, where some agents dominate others through historically constructed capitals, be it economic or social. Fields can be seen as relatively autonomous from one another as they have been characterized by certain struggles that have been socially and historically constructed.[28]

Actors in a specific order accept the "doxa" - the operational assumptions, rules and norms- that are utilized by the dominant actors. Bourdieu proposed doxa is the experience by which "the nature and social world appears as self-evident."[29] Crucially, this idea of doxa is in opposition to constructivism. The future anticipated by social agents is "rooted in perceptions of past and present conditions, and harmonized with the "objective" possibilities in the structure for the agent, one cannot, as Bourdieu accused

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26 Vincent Pouliot, *International Security in Practice: The Politics of NATO-Russia Diplomacy* (Cambridge and New York: Cambridge University Press, 2010): 5.

27 Ibid., 46.

28 Ibid.

29 Pierre Bourdieu, "Structures, Habitus, Power," in *Culture / Power / History: A Reader in Contemporary Social Theory*, eds., Nicholas B. Dirks, Geoff Eley and Sheey B. Ortner (Princeton: Princeton University Press, 1993): 160.

Jean-Paul Sartre and Alain Touraine of doing, attribute "conscious and deliberate intention to social agents."[30] Therefore a constructivist analysis is highly limited. The ASEAN way may exist in reality but not through conscious creation, and instead it occurs through unconscious creation. Communities and arenas of regional governance are not based on developing collective identities; they are instead based on "relationships of domination where all parties internalize the reigning symbolic order imposed by the dominant actors."[31] As this becomes internalized, so does the practicality of diplomacy as the acceptable means of state interaction. When practical sense becomes a self-regulating mechanism, preferences are in line with the arrangement and rules of the game. This creates a situation where, as Pouliot puts it, an orchestra exists without a conductor.[32]

If the homology between the field and historically made habitus are broken, the diplomatic pattern that was created falters. Bourdieu calls this phenomenon of disconnection between positions and dispositions hysteresis. This refers to the lag that may occur between cause and effect in social interactions. Bourdieu suggests that hysteresis occurs when "dispositions function out of phase, and practices are objectively adjusted to conditions because they are objectively adjusted to conditions they can no longer obtain."[33] Hysteresis is captured in diplomacy when the interplay between habitus and field is adapted inadequately to a situation. Thus, they are not acting in harmony with common sense. In global governance, this can occur when a state tries to engage in a diplomatic activity not congruent with the habitus of a particular organization.

Lastly, the easiest way to explain this theory is by using an analogy from real life. In the English game of cricket, when an individual hits a boundary six (similar to a home run in baseball), the umpire signals this to the scorers by lifting both of his arms above his head. Why does he do this? He is not told to do this by an individual. Instead he does this due to a set of background habits, skills and dispositions - the aspects which make up inarticulate knowledge. As soon as the umpire sees a situation he acts upon it. In diplomatic practice when such practices are enacted everyday they

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30 Deborah Reed-Danahay, *Locating Bourdieu* (Bloomington: Indiana University Press. 2005): 109.

31 Peter Jackson Review in Catherine Lu and Diane Labrosse, eds, "H-Diplo/ISSF Roundtable Review of Vincent Pouliot's International Security in Practice: The Politics of NATO-Russia Diplomacy," *Roundtable* 2, no.5 (2011): 17.

32 Vincent Pouliot, *International Security in Practice: The Politics of NATO-Russia Diplomacy* (Cambridge and New York: Cambridge University Press, 2010): 46.

33 Bourdieu quoted in Vincent Pouliot, International Security in Practice: *The Politics of NATO-Russia Diplomacy* (Cambridge and New York: Cambridge University Press, 2010): 48.

become the background of what future social interactions are based on. States become involved in regional governance not to consciously form a collective identity, they do so due to an inarticulate understanding that this is the practical way to act. Practice theory could therefore provide us with a new and unique way to view regional integration in the Asia Pacific, as it is not pure rational calculation that dictates diplomatic efforts. Rather it is inarticulate knowledge tempering behavior.

Section Three: A History of Hysteresis in the Asia Pacific

The Asia Pacific is no stranger to hysteresis. Although ASEAN is a likely candidate for a doxic regional organization, many other efforts have fallen flat. This section will briefly go through three examples of hysteresis in the region, promoting the idea that habitual differences is historical and will also hinder the TPP and the RCEP.

EAEC (East Asia Economic Caucus): A Miscalculation of Asian Values

The EAEC was a free trade agreement proposed by former Malaysian Prime Minister Dr. Mahathir bin Mohamad. This proposal included all ASEAN members and Japan, China, and South Korea (the states included in ASEAN+3). It was the Asianist reaction to APEC, and it was essentially the same as APEC without the US and Australia. However, it was never put into effect. Instead it garnered much opposition from Pacificist and Asianist states. Why was this?

Japan largely opposed this initiative as it did not include Pacificist states. This highlights the specific habitus of Japan at the time and perhaps its habitus to this day. For years Japan was under the US umbrella of safety during the Cold War. Thus when it ended, Japanese habitus was one of anxiousness as it was unsure whether the US would continue to provide security in the region. Simultaneously, the EAEC proposed that Japan would be the lead of this organization when Japanese habitus still wanted to have a protected economy and growth tempered by export growth. These could not occur in this EAEC field. Therefore, a hysteresis relationship occurred between Japan and the EAEC.

The method of introduction by Mohamad did not follow the operation habitus of the Asianist field. Seemingly the 'Asian values' debate that occurred in Malaysia and Singapore existed only in these two nations, rather than being a more coherent Asian identity.[34] Therefore when Mohamad pro-

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34 Baogang He, "The Awkwardness of Australian Engagement with Asia: The Dilemmas of Australian Idea of Regionalism," *Japanese Journal of Political Science* 12, no.2 (2011): 269.

claimed this new initiative was being created some states balked at it. Self-determination in the economic and security fields of Asian states was not the habitus of Japan, South Korea, China, or Taiwan. Therefore the EAEC was met with great opposition. This is important as it points to a bloc that is not unified, and different habitus exists in each state. This could occur in the RCEP and the TPP in the future.

The Asia Pacific Community (APc)[35] Failure: A Miscalculation of Australian Practice

The APc was first articulated by former Australian Prime Minister Kevin Rudd in June 2008 at an Asia Pacific Community Forum, and further explained at a Shangri-La conference later that year in Singapore. The APc was enunciated as an Asian Pacific regional institution spanning the whole region. It was envisioned as an institution that "Would engage in the full spectrum of dialogue, cooperation and action economic and political matters and future challenges related to security."[36] It would not supplant ASEAN, APEC and other regional groupings, but would complement them.

During the drafting of the APc it appears no consideration was paid to how it would actually function. This appears to revolve around hysteresis, the clash of habitus and the field. Australian policy makers, and in fact Kevin Rudd's practical sense, was socially inadequate for this situation. The APc could have functioned in one of two ways: through the aforementioned ASEAN way, or through an Australian way tempered by their past diplomatic efforts. The APc failure also shows us the definition of field in the region. Australian diplomacy concentrates on Pacificism, emphasizing the inclusive pan-Pacific notion of region and a belief in the San Francisco system. Pacificist habitus would have been inappropriate for the field where Rudd first proposed this idea. Similarly the ASEAN way would have also been unlikely to succeed. If this practice was adapted the consensual style would have had to been adapted by Australia, New Zealand and the US.

The APc idea fell flat due to the Don Quixote effect.[37] Their actions were out of place, inappropriate and out of touch with the field they were trying to act within. This led to a situation where outside behavior was met with hostility. The field they were trying to act within was the Asia Pacific, which

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35 The 'C' is a small c in this acronym. Rudd did this to try and minimise criticism that this group would supersede other group. This is hysteresis in action.

36 Frank Frost, "Australia's Proposal for an 'Asia Pacific Community': Issues and Prospects," *Parliament of Australia Research Paper* 13 (2009): 6.

37 Vincent Pouliot, *International Security in Practice: The Politics of NATO-Russia Diplomacy* (Cambridge and New York: Cambridge University Press, 2010): 48.

includes ASEAN states. This is crucial as the ASEAN way of consensus build-ing should have been used. However, it seems Australian diplomats were unaware of this practice. In the early 1990s, Australian diplomacy moved to-ward Asia with the Paul Keating administration. This Asianist turn was most famous with the foundation of APEC. However, when John Howard was inau-gurated as Prime Minster in 1996 diplomatic capacity was skewed toward the US. This made Australian officials learn an entirely different field, and in turn their habitus was altered, causing this proposal to fail.

Following the initial APc speech many ASEAN nations were scathing in their criticism of Rudd's proposal. Theo Sambuaga (head of the Indonesian foreign affairs committee) suggested "Rather than create a new body in the Asia-Pacific, why don't you push development through ASEAN."[38] Similarly a Malaysian expert suggested in response "(Mr. Rudd) has a responsibility to tell us more instead of just giving us a skeleton and telling us to discuss-you know, we are quite busy ourselves."[39] The best criticism of the proposal perhaps comes from William T. Tow and Brendan Taylor of ANU. They sug-gested that there are differences in the way the US and ASEAN approach co-operation. The US (and consequently Australia) attends global governance initiatives with a goal of achieving material outcomes, where ASEAN see the process of cooperation as a means to an end, and thus use such forums to build trust.[40]

Joe Biden's Habitual Pivot at Yonsei

US Vice President Joe Biden recently made a trip to Asia. This was largely done to transmit information that Barrack Obama refused to do earlier this year due to the disaster that was the US federal government shut down in October. Biden's trip ran into some bad timing when China announced its new Air Defense Identification Zone (ADIZ). Thus, his trip largely digressed into the US reiterating they would protect their Asian allies. The actual rea-son of his visit is not important, but the speeches he gave are. On December 6, 2013, Biden gave a speech at Yonsei University. A close reading of this speech helps decipher American habitus toward the region, and also the way they conduct diplomacy.

If it is contended that the Pacificist habitus of diplomacy is to talk openly and frankly then Biden lived up to this, and did not use the Asianist way of

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38 Frost, "Australia's Proposal for an 'Asia Pacific Community': Issues and Prospects."
39 Ibid.
40 He, "The Awkwardness of Australian Engagement with Asia: The Dilemmas of Australian Idea of Regionalism," 277.

talking around an issue. For example, he frequently expressed that the US "means what it says, and does what it says."[41] Using direct language such as this could lead to skepticism from Asianist states in the region. However, Biden did show some restraint and was not confrontational on the issue of the TPP. Instead on this point he talked around the issue, much like an Asianist diplomat may do. For instance he urged South Korea "to pursue major agreements"[42] in the economic field. It does not take much thought to realize this was an allusion to the TPP. The method of bring it up seemed to be quite effective and non-confrontational, conforming to the Asianist field. This dichotomy showed that the US habitus in the region is still largely Pacificist, but has changed somewhat to include rhetoric more applicable to Asia.

However, this has not always been the case. An example of hysteresis by the US in the Asia Pacific occurred in 2010 when China's increasingly modern naval presence caused a rift. This was especially poignant as there are numerous territorial disputes in the region, such as the Spratly and Paracel islands. The US could have aided in the conflict if their habitus was congruent with the Asianist field. It was not. The US Secretary of State at the time Hilary Clinton suggested that the US would be willing to facilitate "multilateral talks on the issue."[43] This was unsurprisingly met with vehemence by Beijing, as they suggested that the US was interfering in an internal Asian issue.

Chinese Habitual Hysteresis: Highlighting the Difference in Habitus

The Chinese strategy toward multilateral arrangements in the Asia Pacific is to be skeptical of US involvement due to their habitus being tempered largely by geopolitics and not by economics. Therefore, no matter whether the US has other motives or not, China views the US with suspicion.[44] This can be attributed to China looking through the proverbial looking glass. They see the US as themselves and thus see the US as a state looking to expand geopolitically. The US has been omnipresent since its pivot with the goal of hijacking China's rise regionally and ultimately globally. Therefore, it should come as no surprise that China views the TPP with suspicion.

According to Chinese scholarship, the TPP is viewed as useless without China's involvement. China's innate learning of its economic success has

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41 Quoted from Biden's Speech at Yonsei University on December 6, 2013.
42 Ibid.
43 Ibid.
44 Wen Jin Yuan, "The Trans-Pacific Partnership and China's Corresponding Strategies," *A Freeman Briefing Report*, Centre for Strategic and International Studies (June 2012): 1-3.

led their diplomats and government officials to suggest China has unilaterally been prompting growth in the region for the last decade, and if they are not included the TPP could be considered a charade. This is coupled with ideas that the TPP "contains an obvious political purpose to construe China's rise."[45] Chinese scholars have noted almost all of the TPP members are close allies of the US, and thus accuse the US for giving preference to these states in the new trade infrastructure developing in the region.

However, what makes this hysteresis is the fact that the US did not create the TPP. Instead, it was signed by the aforementioned P4 states in 2005. It was not until New Zealand invited the US, that it showed any interest in the group, and it was not until 2008 that the US even agreed to become a part of the TPP. The US did not join until 2008 due hoping the Doha round would reach a positive ending. When it did not, the pro-Bush administration looked at pursuing alternatives. The TPP was found as the alternative. This continued when in November 2009 the Obama administration elected to continue negotiations.

With this knowledge it appears that the Chinese habitus on the TPP is not bound in reality or fact, but by innate learning within a specific field. The US habitus in the Asia Pacific field is to ultimately include China, but the Chinese did not see it this way. They see the TPP diluting trade by forcing China to export to less efficient places, thus causing trade diversion.[46] Also, such an arrangement would make other states closer to the US via treaties, undermining what China has done for the past decade. Chinese rhetoric revolves around the idea that "some Asian countries are currently trying to coup with economies outside the Asian region to establish a wider range of inter-regional free trade relations."[47] The official rhetoric was along the lines of an old Chinese saying "close neighbors are better than distant relatives."[48]

There is still habitual distrust among states in the region due to history. For instance, the three large East Asian states (China, Japan and South Korea) have a unique habitus created by strategic distrust of each other, and this has recently grown stronger by the new ADIZ proposed by China in early

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45 Ding Gang and Ji Peijuan quoted in Wen Jin Yuan, "The Trans-Pacific Partnership and China's Corresponding Strategies," *A Freeman Briefing Report*, Centre for Strategic and International Studies (June 2012): 2.
46 Yuan, "The Trans-Pacific Partnership and China's Corresponding Strategies," 6.
47 Ibid.
48 Ibid.

December. No matter how often China proposes that "integrating China will yield benefits,"[49] the habitus of other states remains skeptical.

Two Competing Habitus: Asianist versus Pacificist

With this background of duality, it appears that differing habitus is driving the diverging initiatives. The idea of Pacificism and Asianism explains the difference in habitus between the TPP and the RCEP. The Pacific is in this section is largely represented by Australia, the US, and New Zealand and Asia by the East Asian states. The Pacific states are faced with an identity problem that can easily lead to hysteresis. When Paul Keating suggested that Australia was an 'Asian' country he drew criticism from many in Australian society.[50] The 'Asianization' of Australia would be difficult and flawed on many levels, none more obvious than habitus. Through years of interaction with first the United Kingdom and now the US, Australia has practiced diplomacy though Western-centric doxa based on achieving tangible results, for instance, the creation of a new, seemingly unnecessary multilateral APc arrangement. This includes open talks and transparency in the decision making process. One could also suggest through democratic means. This is the Pacificist way. Australia for all its attempts to fit into the Asian doxa, it is still seen as a White English speaking country, a member of the global North. Australia practically represents a colonial power from the Asian perspective, far away from the doxa prevalent in Asianism. The US also suffers from a hysteresis relationship with Asia, where is appears the general populous sees itself firmly rooted in America, and not in the Asia Pacific. Similarly when they enter diplomatic negotiations they usually use strong inflammatory language that could cause hysteresis. The TPP has begun to suffer from this. When President Obama and Vice President Biden speak of the TPP it is presented as a join us or leave us group. There is no interaction with others, no track two diplomacy, and no flexibility.

Asianist habitus is based on consensus building and quiet diplomacy: the ASEAN way. Although some authors suggest that Asianism itself is not based on clearly defined regional identity, I would venture that it is more doxic than scholars suggest. Although it would be a fallacy to suggest all Asian countries are the same, they do share an acute knowledge they are indeed Asian. This doxa can be found in ASEAN and within East Asia. For instance South Korea for example it has been good at conducting diplomacy

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49 Ibid., 9.
50 He, "The Awkwardness of Australian Engagement with Asia: The Dilemmas of Australian Idea of Regionalism," 278.

with ASEAN, and more recently China. An example of this is the method of diplomacy. Track one diplomacy in the Asia Pacific has had minimal success in the last two decades. APEC was formed out of mainly track-one initiatives, but since then little has been institutionalized. Instead new forms of diplomacy namely two-two and track 1.5 diplomacy, has been introduced to this field. These fit the Asianst habitus more so than Pacificist habitus. Track 1.5 diplomacy denotes a situation where non-official and official agents work together to promote new initiatives. Track-two diplomacy refers to unofficial dialogue aimed at encouraging new ideas and building relationships at the state and domestic level. Many groups are involved in these processes including academics, NGO's, civil society and others. This has giving way to a proliferation of working groups and conferences in the Asian Pacific. Seemingly many, if not most, of the states in the Asia Pacific are promoting and becoming involved in such diplomatic initiatives. However, South Korea and more broadly Northeast Asia highlight the geopolitical baggage the whole region carries. Regional politics frequently evolve but historically entrenched legacies of past conflicts and struggles still proliferate. Where does this leave the RCEP and the TPP?

Questioning Duality: Alternatives to the Asianist and Pacifist Fields

This paper has shown that the larger Asia Pacific exists geographically but not politically. Instead it was proposed that an Asianist and Pacifist habitus' compete in the region. However, practice theory could propose that further fields exist that are causing hysteresis in regional trade liberalization. As was discussed earlier RCEP has many competing visions that likely represent habitus: an ASEAN field, a unified Chinese-Japan-Korean field, an Oceania field, and a US field. These sub-fields can further complicate the analysis within the region. This is not like realist balancing rhetoric that is used by defensive realists, but is instead innately learnt fields that disrupt interaction in the region.

Continuing with the sports motif used earlier we can expose the complexity of states conducting diplomacy in the Asia Pacific. The generic Asia Pacific diplomatic field is moot without agents competing on it. To explain the diverse habits use the national sports to explain why hysteresis arises. If it is proposed that ASEAN and Chinese-Japan-Korean habitus is football based, Oceania rugby based, and US American football based observers can see how see how the 'Asian Pacific' field will be inundated with hysteresis. It becomes clearer how ASEAN and East Asia may be able to interact,

but can see why the others may not be playing by the same rules. Whilst East and Southeast Asia want to slide tackle, Australia, or the US, wants to spear tackle. Asian states may want to conduct 1.5 or 2 track diplomacy and discussion, and the others want 1 track diplomacy and results. These sports use rectangular fields, have goal posts, and painted lines. However, differences in habitus create a situation where different sports are played on a similar field. Further, study of this must be done to see if multiple habitus exists and whether this is hindering development. Although far from a perfect analogy when anyone thinks of European sport they think of football. Thus, could all the states in the EU be playing the same sport leading to a toxic relationship? Furthering this argument could states in the Asia Pacific create a hybrid game where they can all play on the same field? Can they all learn the same game? These are question that must be addressed in future scholarship.

Conclusion: Effective Proliferation or Stagnation of Regionalism in the Asia-Pacific

Why do these two paradigms exist in the Asia Pacific? If Asian Pacific regionalism is examined through practice theory, it is becomes clear why competing regionalisms occur. It is due to two unique habitus' existing in the region: Asianist and Pacificist. Thus, if it is proposed that an Asian Pacific diplomatic field exists, states that are using diverging belief systems will likely enter diplomatic talks that will turn into hysteresis. This paper proposed that this hysteresis is what caused the APc failure, the EAEC failure, the US pivot to Asia, and China's recent issues in the region. Regional initiatives have proliferated since the signing of APEC in 1989. This has included the EAEC, ASEAN+3, ASEAN+6, the APc, the East Asian Summit, and others. However, the duality of proliferation using two varying habitus has made these groupings largely redundant.

Duality caused by diverging habitus is the driving force behind the TPP and the RCEP. The TPP is based in Pacificist diplomatic practice, and the RCEP has developed using Asianist practice. Therefore, if we promote the idea that organizations being created using varying diplomatic practice lead to redundancy, the TPP and the RCEP experiences will travel along a similar path. The duality of the past has not changed, habitus has not been tempered buy these experiences. Therefore, this paper predicts that proliferation of regional initiatives will lead to stagnation, or non-institutionalization, of trade liberalization in the Asia Pacific. **Y**

TRANSIENT PROFESSIONALS: LOCAL NGO EMPOWERMENT

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South Korea's native-English-speaking hakwon (South Korea's version of a private language school) instructor population is college-educated, well paid, and yet suffers from a lack of empowerment via a representative organization of its own creation. Of the attempts made by instructors to form such an NGO to advocate on their behalf the Association of Teachers of English in Korea (ATEK) stands out as perhaps the most ambitious, in spite of its rather short tenure and eventual collapse. Typical explanations given for that collapse can be divided among those internal, such as in fighting, and external, such as online harassment, but this paper seeks to show that such explanations remain insufficient. Using material obtained through interviews with former members, along with information gleaned from various online sources, this paper argues that a lack of official recognition of the organization by the South Korean government can be seen as the proverbial straw that broke the back of ATEK. Further, application of theoretical material presented in Bringing Transnational Relations Back in: Introduction by Thomas Risse-Kappen, regarding the way in which domestic governmental structure can either allow transnational actors access to that structure or not, will show that domestic actors such as ATEK are subject to the same sort of institutional discrimination. It is the author's hope that the examination of ATEK's collapse presented in this paper will constitute a useful framework to guide upstart instructor NGOs of the future, so that similar problems can be successfully avoided.

Introduction

Ethnic homogeneity is a highly contentious issue central to, and with ramifications for, policies concerning areas as diverse as demographics, education, marriage, migration, activism, and human rights. The Korean people have long held that theirs was a land of one people, but in contemporary

South Korean society this concept is being challenged. One way in which ethnic homogeneity in South Korea is being directly challenged can be observed in the size of the foreign resident population, which calls South Korea home. As of June 2008 about 2.36 percent of South Korea's population was made up of non-Koreans,[1] and according to the South Korean Ministry of Statistics, by May of 2013 the number of non-Koreans working in South Korea was approximately 760,000.[2] In addition to these, approximately 333,000 other foreign residents are described as not economically active, and listed as such for three reasons: "'Child care and home duties,' 'Rested,' and 'Attending a regular school.'"[3] Thus it can be assumed that these are dependent family members of migrant workers residing and working in South Korea. In this way it is clear that many among these workers have settled in South Korea, with their families, to make a life for themselves. However, to say that South Korea's migrant worker population's relationship with its host country has been a rocky one, essentially from the start, would be something of an understatement. It is not the purpose of this paper to go into detail about the formation and activities of both Korean and foreigner led domestic NGOs advocating on behalf of this industrial migrant worker majority of the foreign resident community of South Korea. However, suffice it to say that with the opening of the South Korean labor market to migrant workers in 1991 NGO involvement in activism on behalf of this community followed quickly and has remained a constant feature ever since.

In contrast, South Korea's migrant native-English-speaking English language instructor population, members of which work at either public or private schools or universities (hereafter, instructors), numbered roughly some 22,000 as of 2010.[4] Yet the E2 (foreign language teacher) visa holding segment of that population, some 21,082 individuals as of 2009,[5] lacks domestic representation through an NGO of its own formation. To date only one such organization has emerged to advocate on behalf of this portion of the greater migrant population. The Association for Teachers of English

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1   Hyuk-Rae Kim, "NGOs and the Governance of Migration," in *State-centric to Contested Social Governance in Korea* (London: Routledge, 2013), 116.

2   "2013 Foreigner Labour Force Survey," *Statistics Korea,* last modified November 7, 2013, http://kostat.go.kr/portal/english/news/1/1/index.board?bmode=read&bSeq=&aSeq=310276&pageNo=1&rowNum=10&navCount=10&currPg=&sTarget=title&sTxt. (accessed November 30, 2013).

3   Ibid.

4   "Animosity against English Teachers in Seoul," *Global Post*, last modified May 30, 2010, http://www.globalpost.com/dispatch/south-korea/100122/english-teachers-seoul-racism. (accessed November 30, 2013). (accessed November 30, 2013).

5   "Number of E2 Visa Holders by Region and Gender," *English N Korea,* last modified June 2009, www.englishnkorea.com/download/Statistics_n_Homepages.pdf. (accessed November 30, 2013).

in Korea (hereafter, ATEK) was an incipient NGO with sustained operations from the first half of 2008 to about April of 2011. Exact dates are difficult to pinpoint as the organization never fully crystalized as a formal NGO for several reasons which will be discussed in detail below.

Conversely, as was mentioned above, South Korea's much larger industrial migrant population has long benefitted from the assistance of Korean NGOs, particularly religious NGOs. Under the Korean Confederation of Trade Unions, industrial migrant workers formed the Equality Trade Union - Migrants' Branch, which later transformed into the independent Migrants' Trade Union. While the Korean government has refused to recognize the legality of the independently founded migrant workers' union, the highly educated and economically empowered migrant English teaching population of South Korea can certainly envy such an achievement. So, in terms of the foundation of a domestic body for the purposes of advocacy, how have industrial migrants achieved the success which has eluded instructors?

Instead of investigating the factors which led to the creation of ATEK, this paper will constitute a thorough examination of the causes of its disintegration. First, an examination of material assembled from qualitative interviews conducted with former ATEK officers and members will demonstrate that chief among internal causes of ATEK's disintegration were that organization's alienation of and subsequent failure to successfully mobilize key elements within its potential membership pool of instructors, namely those holding F visas, and further that the organization was plagued by in-fighting. Second, by contrasting portions of that same interview material with material published online this paper will demonstrate that ATEK suffered further from external problems including attacks levied against it from outside the instructor community and an inability to obtain official NGO status from the Korean government itself. Third, by applying theoretical material presented in Thomas Risse-Kappen's article *Bringing Transnational Relations Back in: Introduction*, regarding the role of domestic governmental structure in facilitating or blocking access to that structure by transnational actors, this paper will show that despite being a domestic actor ATEK failed at least in part because of South Korea's having, as Risse-Kappen puts it, a *state-dominated* domestic governmental structure. In this way, it is the argument of this paper that ATEK did not disintegrate under the weight of commonly understood internal and external pressures alone, but also in part due the specific structure of the South Korean state, which made gaining access to that state's political systems a virtual impossibility.

Causes of the Disintegration of ATEK: Interviews with Informants

To get as clear a picture of the situation concerning the disintegration of ATEK as possible, in order to understand it as fully as possible, it was necessary to contact and interview several people directly involved in the foundation and running of the organization. While the initial research goal was to contact as many people as possible it quickly became clear that due to the particular circumstances of ATEK's disintegration a focus on obtaining an unbiased account of that disintegration would likely be a far more fruitful goal. Snowball sampling methodology was initially employed to this end, beginning with the first informant, Rob O., who recommended several further informants with whom to get in contact for potential interviews.

Ultimately, a total of five informants were contacted online and asked the question, "Why, in your opinion, did ATEK fail?" Limitations which had to be reconciled included the rather small size of this sample set, the fact that one could quite naturally question the reliability of the informants therein, and the particularly sensitive nature of the disintegration of the organization (one informant told me he was, "going to try to keep [his] emotions out of it…"). Therefore, it was incumbent upon the author to investigate the possibility that tangential perspectives of the story of ATEK's disintegration might provide further insight and paint a fuller picture of it. Thus, it became necessary to investigate the existence of various forms of pertinent online material as well. Gathered below is a summary of the material gleaned from those interviews and online material.

Rob O. was ATEK's National Communications Officer from April of 2010 to January of the following year, and a member of ATEK's Executive Council, which also included the organization's president and other national officers. In that capacity he participated in voting on issues and advised the council as to the public relations implications of ATEK's actions and projects. Finally, he was also in charge of managing the organization's public relations through various forms of media, doing interviews, writing press releases, and responding to inquiries and criticisms.[6]

According to this first informant, the most central reason for the downfall of ATEK was its having gotten a poor start. The organization's initial operation, entitled the "Equal Checks for All" campaign, was unintentionally divisive, essentially pitting the longer-term resident instructors, whose membership would ultimately turn out to be quite valuable to the organization,

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6   Rob O., online text message to the author, December 9, 2013.

against other resident instructors.[7] To explain, the South Korean law this campaign was focused on changing required E2 visa holding instructors to undergo medical exams, including HIV screenings. Exempted from such exams were F-visa holders, a group which includes visiting and resident ethnic Koreans not holding Korean citizenship and spouses of Korean citizens, of whom many were long-term residents of South Korea. These people either correctly or incorrectly felt that any changes the campaign might engender would not be beneficial to their specific life situations, for if the campaign were successful they too would be subject to such medical exams.

This was compounded by Rob O.'s opinion that whereas it was potentially easier for short-term E2 visa holding residents, who perhaps felt, "the exit option is attractive enough," to simply pack up and leave South Korea when the going got tough, those holding F-visas had invested themselves in marriages here.[8] Hence the membership of longer-term F-visa holding instructors simply ended up being of more value for the organization. The "Equal Checks for All" campaign unfortunately alienated this segment of the membership pool. Finally, according to Rob O. the organization was also plagued by internal problems, ultimately being "brought down by a toxic mix of personalities."[9]

Darren B. was ATEK's Vice President and Chair of the National Council from roughly 2009 to 2011. As vice president, his role was to assist the president and take that person's place during absences, while as National Council Chair he led the meetings held by that body which focused on a wide variety of topics from scheduling and voting to the organization's agenda.[10]

Mirroring comments made by Rob O. regarding in-fighting, Darren B. confirmed that divisiveness was not unique to ATEK's membership pool alone; there seems to have been a great deal of in-fighting within the organization itself among those who worked for it. According to this second informant ATEK suffered from a, "lack of quality people," which meant that the organization was very limited in its recruiting options. This meant that ATEK and its members were forced to, "recruit anyone and everyone, and put up with masses of [bullshit]." According to Darren B. this made it difficult to dismiss potentially difficult organization members who inevitably ended up disagreeing with other members,[11] which necessarily led to the in-fighting Rob O. mentioned.

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7   Rob O., interview with the author, November 19, 2013.
8   Ibid.
9   Ibid.
10   Darren B., online text message to the author, December 9, 2013.
11   Darren B., online text message to the author, November 26, 2013.

Furthermore, according to Darren B., "Nobody [would] admit they lost because procedures for dispute resolution weren't clear," hence in his opinion the personnel problem was compounded by ATEK's lack of mechanisms for the resolution of internal disputes. This problem led inexorably to a fractured organizational focus, which in the informant's opinion ran the gamut of possibilities. There were those who felt the organization should strive to increase public visibility through the provision of services for members. Others, of the opposite opinion, felt that a neutral course could be struck by undertaking a minimal amount of activities. Ultimately, the organization ended up split between two factions, neither of which would agree to understand the organization's charter in the same way. Regardless of which side was right or wrong it did not matter, because dispute resolution mechanisms did not exist, and furthermore, in Darren B.'s opinion, neither did, "central leadership."[12]

Jared A. was ATEK's membership coordinator in Incheon, having organized ATEK's first meeting there in February of 2009. He was subsequently the organization's chairperson in Incheon for a little more than a year from late 2010 to early 2012, during which time he was responsible for coordinating the activities of active members in Incheon and attending national meetings in which he participated in raising, discussing, and voting on various issues.[13]

According to this third informant, "ATEK was founded by ordinary people with good intentions,"[14] which arguably resonates strongly with what Darren B. mentioned about the organization lacking mechanisms for the management and settlement of disputes. It stands to reason that at an initial phase the ordinary and good-intentioned people of ATEK simply did not feel or realize that they needed such mechanisms as all they were trying to do was help people. Who would disagree with or try to undermine such a goal? Further, Jared A.'s comments mesh with the implication inherent to Rob O.'s: "ATEK's struggles began when they alienated the very people upon whom they most depended for success -- the F-Visa holders."[15] In Jared A.'s own words, "Ultimately, the polar-opposite combination of inexperience, transience, and volunteer leadership were unable to gain traction towards even defining common goals, let alone achieving any."[16] So while the organization was busily, though unintentionally, alienating those among the instructor

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12 Ibid.
13 Jared A., online text message to the author, December 10, 2013.
14 Jared A., online text message to the author, November 30, 2013.
15 Rob O., interview with the author, November 19, 2013.
16 Jared A., online text message to author, November 30, 2013.

community who would potentially have been the most valuable assets to the organization it was simultaneously not focused enough to successfully remedy such a failure. This mirrors the opinion expressed by Darren B. regarding ATEK's not having had a clear focus, an opinion expressed by the next informant whose comments are summarized below.

Bryan H. was the ethics officer for ATEK's Seoul chapter for a few months during the end of 2009. Aside from being tasked with assisting in writing and codifying the organization's charter he described the job as comprising a role of checking and balancing the organization, but with a relative degree of autonomy.[17]

This fourth informant felt that, "ATEK had failures at multiple levels, planning, execution, and leadership." The organization was initially over-designed as something much larger and more complex than it needed to be because its founders unrealistically wanted ATEK to represent every instructor in South Korea, even those who only planned to spend a very short amount of time living and working in that country. This unreasonable goal was supposed to be facilitated, in the opinion of Bryan H., by an organizational structure that was far too complex, meaning that new rules and regulations were difficult to impose and that joining the organization was far more complicated than it should have been. Further, because of, "lofty goals and aspiration [sic.], the original founders created a [spider web] of checks and balances."[18] This unrealistic initial goal resonates strongly with what Rob O. stated about the organization's having gotten off to a bad start. Further, the overly-complex structure described by Bryan H. arguably echoes what Darren B. mentioned about ATEK's having lacked internal mechanisms for conflict resolution. Bryan H. continued, "Instead of starting small and simple, they came out of the gate saying they repped [sic.] everyone and were focused on changing a system that didn't really need changing," hence his opinion that the organization came undone partly because of a focus on unrealistic goals.[19]

Greg D. joined ATEK early in the organization's formation and rose quickly to the position of chairperson of the Gyeongnam Chapter in March of 2009, becoming ATEK's communications' director in May of that year. He subsequently became ATEK's first elected president in September of 2009, a position he held for one year.[20] His main function as president was the cre-

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17 Bryan H., online text message to author, December 10, 2013.
18 Bryan H., online text message to author, December 1, 2013.
19 Ibid.
20 Greg D., online text message to the author, December 9, 2013.

ation and implementation of organizational policy, but as the organization's leader, jobs left undone often fell to him. In this way, at any one time he could have been focused on recruiting and training new members, helping with the election of new national and local officers, participating in conferences and government events, and helping out with the day to day running of the organization.[21]

According to this fifth informant the causes of ATEK's failure involved reasons related to four groups of people. First, the organization was subject to online harassment by F-visa holding long-term resident instructors who, the informant felt, saw ATEK and its "Equal Checks for All" campaign as an upset to the established status quo; this opinion was also mentioned by Rob O.. Second, Greg D. was the only informant to have mentioned ATEK having been attacked externally by, "Korean nationalists," who, in his opinion, feel that foreigners in Korea, "are stealing their women, raping, miseducating, and destroying their culture. ATEK gave them a focal point to aim their sights on." Greg D. also mentioned attempting legal action against a group known as Anti-English Spectrum (hereafter, AES), but says that the case was summarily dismissed despite feeling his accusations against that organization were well documented.[22] While the leveling of racism and xenophobia against a foreign community is certainly nothing new, this information was unfortunately not corroborated by material provided by the other four informants, but instead will be discussed below with regard to the online research portion of this paper.

Third, Greg D. went into great detail concerning the existence of extensive in-fighting within the organization, as was mentioned by Rob O. and Darren B.. In short, the organization was split among two factions, one of which the informant discussed as, "usurpers," who, "joined the organization with the idea of changing it from a non-profit group to a [for-profit] business with no democratic council." Such incompatible views concerning the direction and focus of the organization, as was also mentioned by Darren B., could not be mediated, as the organization was both overly complex, as was discussed by Bryan H., and lacked mechanisms for internal conflict resolution, as Darren B. mentioned.[23]

Finally, and most importantly for the final section of this paper, Greg D. leveled blame directly at the Korean government itself. According to him ATEK was subject to a great deal of confusion when he attempted to register

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21 Greg D., online text message to the author, December 10, 2013.
22 Greg D., online text message to the author, November 26, 2013.
23 Ibid.

the group nationally as an NGO, despite initially being told that legally ATEK would be able to be so registered. Subsequently Greg D. was sent from one government office to the next in a fruitless search for even one government official or employee who could provide the information necessary to get ATEK registered as an NGO. In his own words Greg D. stated that, "Magically every office I went to and every officer I met had no idea how," to register ATEK as an NGO in South Korea.[24] Whether ATEK was being intentionally given the run-around or was simply suffering from an overabundance of institutional red tape will likely never be known and therefore cannot be speculated upon. However, the fact remains that upon attempting to register ATEK as an NGO, Greg D. was stymied at every turn.

In Greg D.'s opinion, the fact that only "large" and well-established IN-GOs had ever successfully registered within South Korea, meant there was perhaps a disconnect vis-à-vis ATEK's ability for registration, as no such "small," domestic, or less well known group had ever done so before.[25] Obviously South Korea has NGOs of its own, but the point to be understood here is that South Korea's instructor community lacks even a single advocacy group, made up of foreign membership, which is both autonomous from associated Korean groups and officially recognized by the South Korean government. Furthermore, it is important to note here that such obstacles, as were mentioned above with regard to the Migrants' Trade Union, seem all too common or even constitute quasi-institutional practice in South Korea. For, along with refusing to recognize the MTU as an official union, "the South Korean government has consistently deported MTU leaders,"[26] such as happened to then MTU President Torna Limbu and Vice President Abdus Sabur on May 15, 2008,[27] and more recently to another former MTU president, Michel Catuira, who even after successfully appealing a government deportation order in 2011 was subsequently barred from re-entering South Korea the following year.[28] This sort of apparently institutional denial of the legitimacy of migrant generated advocacy groups, in the form of domestic NGOs, will be further explored below in the final section of this paper.

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24 Ibid.

25 Ibid.

26 "Migrants' Trade Union in South Korea Grows, Gains International Support," *AFL-CIO Now,* last modified January 13, 2012, http://www.aflcio.org/Blog/Global-Action/Migrants-Trade-Union-in-South-Korea-Grows-Gains-International-Support. (accessed December 7, 2013).

27 "Migrants' Trade Union Leaders Deported," *International Trade Union Confederation*, last modified May 20, 2008, http://www.ituc-csi.org/korea-migrants-trade-union-leaders. (accessed December 7, 2013)..

28 "Former Migrant Union Organizer Denied Entry," *The Hankyoreh,* last modified May 2, 2012, http://www.hani.co.kr/arti/english_edition/e_international/530855.html. (accessed December 7, 2013).

The following is a quick summary of the opinions expressed by the inform-ants listed above.

1. Rob O.: A poor start, alienation of F-visa holders, in-fighting
2. Darren B.: In-fighting, no mechanisms for internal conflict resolution, lack of focus
3. Jared A.: Lack of experience, alienation of F-visa holders, lack of focus
4. Bryan H.: Unrealistic goals, overly complex internal structure
5. Greg D.: Alienation of F-visa holders, external attacks by "Korean Na tionalists," in-fighting, government obstruction

Causes of the Disintegration of ATEK: Online Materials

Upon doing online research into the disintegration of ATEK, in the interest of presenting as full a picture as possible of opinions concerning such, it was discovered that the most complete published records in existence were those written by bloggers living in South Korea. One such article, "ATEK is Dead; Let's Bury it: A Eulogy", was written by this paper's first informant, Rob O., known in the blogosphere as "Roboseyo." Among the article's seven rea-sons listed for ATEK's disintegration, all three summarized above are includ-ed in detail.[29] Additionally, the "Korean nationalists" mentioned by Greg D. are briefly discussed in the form of the group Anti-English Spectrum, though unfortunately the final point made by Greg D. concerning government ob-struction of ATEK's receiving official NGO status is not broached.

However, included in that article's first sentence is a link to another arti-cle entitled "ATEK: the Great White Hoax", published on a website called The Three Wise Monkeys, which is described on its "About" page as, "a weekly updated blogazine [sic.] with inside-out reportage, interviews, images, vid-eos and everything else we can frame into it that is provocative, smart, en-tertaining and takes on life here from the Korean Peninsula."[30] The article takes the form of a three part exploration of the history of ATEK's formation, activities, troubles, and speculates on several possible reasons for the or-ganization's disintegration, including all of those discussed by the five in-formants interviewed for this paper, without exception.

However, it must be noted that informant opinions expressed about this article were by no means only all positive or negative. Rob O. described

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29 "ATEK is Dead; Let's Bury it: a Eulogy," *Roboseyo Blogspot,* last modified March 26, 2012, http://roboseyo.blogspot.kr/2012/03/atek-eulogy.html. (accessed November 30, 2013).

30 "About," *The Three Wise Monkeys*, last modified 2011, http://thethreewisemonkeys.com/about-2/. (accessed December 7, 2013).

the article as, "very one-sided and overwhelmingly negative," because its authors apparently gave those of the opposite opinion expressed in the article no opportunity to refute it.[31] On the other hand, Bryan H. expressed his opinion of the article saying it was, "written in more of a gonzo journalistic flair, but they did their due diligence and [it's] a great article on the organization."[32] Conversely, Greg D. characterized the article as, "a hit piece," written without the authors having conducted interviews or meetings with any members of ATEK, that the article contained false accusations and rumors, and finally his opinion that the real motivation for writing the article lie in the fact that the subject was controversial and would garner the website more traffic.[33] Ultimately, published material concerning the history and activities of ATEK is extremely limited, leaving "ATEK: the Great White Hoax" as the lone published comprehensive examination of ATEK. Thus, in the opinion of this author, a critical examination of the points raised in the article would seem necessary in order to paint a fuller picture of the reasons surrounding the disintegration of ATEK. In this way, how closely the material of "ATEK: the Great White Hoax" corresponds with the substance of interview material presented above must be determined.

Among the reasons for ATEK's disintegration listed by the five informants interviewed for this paper both "alienation of F-visa holders" and "in-fighting" were given three times each. Part two of "ATEK: the Great White Hoax" begins by addressing the causes of this first problem directly: "some expats with visas other than the E2 opposed the ["Equal Checks for All" campaign] for both sensible and self-serving reasons—they'd married a Korean citizen, had a master or doctorate degree, or some other condition that provided an exemption for the common work visa. Why should they be subjected to HIV/Drug tests in addition to full physicals and the hassle of obtaining an FBI check?"[34] Obviously this dovetails precisely with what was stated by Rob O., Jared A. and Greg D.. In-fighting is likewise discussed directly in the first installment of the article: "it's hard to prevent infighting in an organization that's desperate to make progress, faces constant critiques and requires council representatives to dedicate their time for free."[35] This resonates

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31 Rob O., online text message to the author, December 9, 2013.
32 Bryan H., online test message to the author, December 1, 2013.
33 Greg D., online text message to the author, November 26, 2013.
34 "ATEK: the Great White Hoax (Pt. 2)," *The Three Wise Monkeys,* last modified March 28, 2011. http://thethreewisemonkeys.com/2011/03/28/atek-the-great-white-hoax-pt-2/. (accessed November 30, 2013).
35 "ATEK: the Great White Hoax," *The Three Wise Monkeys,* last modified March 21, 2011, http://thethreewisemonkeys.com/2011/03/21/atek-the-great-white-hoax/. (accessed November 30, 2013).

strongly with what Darren B. characterized as the gravest challenge faced by the organization. Thus, while opinions of "ATEK: the Great White Hoax" expressed in the interviews summarized above can hardly be characterized as only positive, it can at least be assumed that the article includes material of generally the same substance as was given in those interviews. That the article presents this material with a rather negative tone can be ignored in favor of attempting to draw from the article material which supports the informant interviews; as was shown above, such material is plentiful.

In addition to supporting the alienation of F-visa holders and in-fighting claims "ATEK: the Great White Hoax" includes material which parallels the second reason provided by Greg D., who stated his opinion that "Korean nationalists" were somewhat to blame for the disintegration of ATEK.[36] In part two of "ATEK: the Great White Hoax" two incidents are discussed which led to animosity being directed at the foreign population in South Korea in the form of xenophobia and nationalism: first, the 2002 deaths of Shin Hyo Sun and Shim Mi Son, two fourteen-year-old Korean girls, who were accidentally hit and run over by a US military vehicle, the operators of which were acquitted of negligent homicide, and second, a 2005 scandal surrounding posts made on a website called English Spectrum in which an individual identifying himself as "the Player" posted lewd pictures of young Korean women along with "advice" for finding such women for the purposes of casual sex. In part two of "ATEK: the Great White Hoax" this second incident is credited as the direct impetus behind the birth of the group known as Anti-English Spectrum,[37] the same group which Greg D. identified as the "Korean nationalists" who focused their destructive energy on ATEK.[38] Thus while Greg D. was the only informant who mentioned such a link between ATEK and these "Korean nationalists,"[39] such a claim is reinforced by the second portion of "ATEK: the Great White Hoax" in which AES is characterized as, "a vigilante Korean group," which, "mainly exaggerates and exacerbates any information that builds the case against evil English educators residing in South Korea."[40] Greg D. also discussed ATEK's failed attempt to address the situation with AES through legal channels, saying essentially that the case was dropped by the police,[41] a detail further supported by the article which concluded its discussion of AES with this eye-opening statement: "It

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36   Greg D., online text message to the author, November 26, 2013.
37   "ATEK: the Great White Hoax (Pt. 2)".
38   Greg D., online text message to the author, November 26, 2013.
39   Ibid.
40   "ATEK: the Great White Hoax (Pt. 2)".
41   Greg D., online text message to author, November 26, 2013.

is reported that law enforcement appreciates some efforts of AES given that the group acts a bit like an arm of the law in cases where the law may not have the manpower."[42] Thus what is being further hinted at is tacit government approval of, or at least an allowance for, the activities of this group in supplementing the police to the clear detriment of the lives and livelihoods of the instructor community.

Greg D.'s fourth reason for the disintegration of ATEK, government obstruction, is further supported by material from part two of "ATEK: the Great White Hoax." On June 17, 2010 an ATEK officer named Mark Barthelemy attended a meeting of the Seoul Metropolitan Police Agency (SMPA)'s Foreign Affairs Advisory Committee, which essentially constituted a dialogue between the non-Korean members of the committee and top representatives of law enforcement in Seoul. The committee's members came from several countries whose nationals call South Korea home including the Philippines, Nigeria, China, as well as a few of the seven English-speaking nations of which E2 visa holders are required to be citizens. The opposite side included Kim Ki-yong, the then director of the National Security Department.[43] This first step at building a relationship between the instructor community, albeit with ATEK as its mouthpiece, and a central branch of the South Korean government was followed by the SMPA inviting Mark Barthelemy to present at a lecture series entitled the "Multicultural Training Program." About this Barthelemy was quoted as saying, "It is a great honor to participate in these trainings and to represent ATEK on the committee ... SMPA's willingness to reach out to expat communities is a major step forward. Giving ATEK's members a voice will enhance the city's readiness, and will boost Seoul's image as a truly world-class city that welcomes people from everywhere."[44] Barthelemy's enthusiasm seems to have been shared by government officials as Choi Ho-ryul, Deputy Director of Foreign Affairs, commented on Barthelemy's lecture, given bilingually in English and Korean, saying, "Mark's entertaining and informative presentation provided our field officers with invaluable advice for engaging expat residents and tourists across cultural and language barriers."[45] It seems rather obvious that a relationship of such dually recognized mutual benefit would continue to be fostered by both sides, but that does not seem to have been the case.

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42 "ATEK: the Great White Hoax (Pt. 2)".

43 "English teachers' group connects Seoul police with expats," *Korea Herald*, last modified July 13, 2010, http://www.koreaherald.com/view.php?ud=20100713000612. (accessed December 7, 2013).

44 "ATEK: the Great White Hoax (Pt. 2)".

45 Ibid.

Barely a year later it was published in "ATEK: the Great White Hoax" that the relationship between ATEK and the Seoul Police had apparently come to an abrupt end and that Barthelemy had at some point in the previous year ceased his membership with ATEK. Further, his vacancy on the Foreign Affairs Advisory Committee had apparently not been filled by another ATEK member. Likewise, the Seoul Police had failed to follow the first Foreign Affairs Advisory Committee meeting up with another as of March 2011. In researching "ATEK: the Great White Hoax" the authors of that article were told by a Lieutenant Kim of the Seoul Police's public relations department that ATEK was not a member of the Foreign Affairs Advisory Committee. They quote him as saying, "The Foreign Affairs Advisory Commission [sic.] is composed of commissioners, which means an organization cannot be a member of the commission," and further explained that questions related directly to Barthelemy were, "met with obliviousness."[46]

While it presumably was not Barthelemy's charge to build a relationship with the Seoul Metropolitan Police Agency with the ultimate goal of having ATEK registered as a domestic NGO, creating such a relationship would have no doubt bestowed upon ATEK a certain measure of clout in that regard. Furthermore, can it be assumed that calling the Foreign Affairs Advisory Committee a "commission" was simply the lieutenant's mistake? Was it a typo in the article? Or should it be assumed that the "committee" was changed in some way, ultimately making it a "commission?" Such confusion may seem unremarkable, but when seen as part of an overarching pattern of dysfunction and even possible obstruction, it cannot simply be dismissed. Finally, while this sort of information can only be speculated upon it seems at least plausible that where there is smoke, there is fire, and presumably there is more to this story than has been published in the public record. Unfortunately, for the purposes of this paper the author was unable to contact Mark Barthelemy directly for an interview. However, a possible explanation of the situation comes in the form of the theory explained in the next section of this paper.

Thomas Risse-Kappen and Domestic Governmental Structure: Theoretical Implications

In the introduction to his 1995 book, *Bringing Transnational Relations Back In*, Thomas Risse-Kappen argues that, "The extent to which transnational actors gain access to the political systems seems to be primarily a function

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46   Ibid.

of the state structure. National governments ultimately determine whether foreign societal actors are allowed to enter the country and to pursue their goals in conjunction with national actors," (italics in the original).[47] He goes on to identify three ways in which states can be categorized according to their domestic structure. With specific regard to the case of South Korea, Risse-Kappen places that country within the *state-dominated* domestic governmental structure, which he typifies according to the three traits. First, he characterizes South Korea as a "centralized state," exhibiting centralized political institutions concentrating executive authority at the apex of the political structure. Governmental systems of this sort are typically relatively independent of the state legislature and, "emphasize the state as caretaker of the needs of the citizens."[48] Second, Risse-Kappen identifies South Korea within the category of "weak societies," typified by an internal weakness of civil society, and states that such weakness stems from cleavages of class and/or ideology.[49] Civil society within states of this category would presumably find it rather difficult to mobilize citizens for political causes because of a distinct lack of consolidated economic, industrial, or religious social and/or advocacy organizations. Third, Risse-Kappen places South Korea within the category of states exhibiting "consensual policy networks," typified by rather well developed and powerful political intermediary groups. Such groups, political parties for example, act as channels for the aggregation of the demands of the populace about which compromises are made among the political parties themselves, quite separate from direct involvement by the populace; these groups then channel certain information into the higher areas of government.[50]

The most obvious implication of this argument is that a given transnational actor's potential for successfully accessing a *state-dominated* political structure can be contrasted with such success vis-à-vis what he deems a *society-dominated* state like the United States of America. The difference implicit to this dichotomy is the centralized governmental structure of the former, which leads to transnational actor difficulty accessing political systems and domestic institutions, and the fragmented governmental structure of the latter, leading to the opposite situation. Risse-Kappen also argues that while a state like South Korea may be initially quite difficult for a trans-

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47 Thomas Risse-Kappen, "Bringing Transnational Relations back in: Introduction," in *Bringing Transnational Relations Back In: Non-state Actors, Domestic Structures, and International Institutions* (Cambridge: Cambridge University Press, 1995), 25.

48 Ibid., 22.

49 Ibid..

50 Ibid.

national actor to access, the potential for that actor to induce change once this initial challenge has been mastered is quite high. Conversely he argues that the opposite would be true for a state like the US. wherein the government's inherently fragmented nature makes building coalitions among a host of groups manifesting disparate views and goals much more difficult. Thus while penetrating such a system may be initially accomplished with relative ease, guaranteeing policy impact is far more difficult.[51] While it is important to note this second of Risse-Kappen's two arguments, if for no other reason than to include within this paper a full summary of the cited writing, for the purposes of this paper's argument implications of Risse-Kappen's second argument will not be further explored.

Returning to Risse-Kappen's characterization of a *state-dominated* political structure like that of South Korea, the functions inherent to such a domestic political structure are echoed by Kim Nam Kook in *Catalysers in the Promotion of Migrants' Rights: Church-Based NGOs in South Korea*. In discussing South Korea's democratization movement of the 1980s, Kim states, "One can find a common pattern in the procedure of Korean democratization: citizens initiate changes through militant collective action, then the regime surrenders, and finally citizens are excluded in the stage of institutionalization that results from militant struggle."[52] This institutionalization no doubt takes place among the political intermediary groups Risse-Kappen discussed, for as Kim continues, "Explosive debates were often excluded or distorted by the incumbent political elites, not least in the aggregation process that occurred at the National Assembly."[53]

Finally, Kim specifically discusses the implications of this pattern with regard to the June 1987 protest movement against South Korea's military regime, characterizing it thusly: "Extensive participation by citizens at the beginning stage was not swiftly turned into a new political organization of their own and was simply replaced by negotiations between the existing political parties in the process of legislation and thus resulted in the extended tenure of the military regime until 1992."[54] It is centrally important to the argument of this paper to note that while Risse-Kappen makes very sound arguments vis-à-vis the ability of transnational actors to access the political systems of states of varying governmental structures, he does not address the ability or inability of domestic actors to do the same. However, as was

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51 Ibid., 26
52 Nam-Kook Kim, "The Migrant Workers' Movement in Democratic Consolidation of Korea," *Journal of Contemporary Asia* 42, (November 2012): p. 679.
53 Ibid., 679-680
54 Ibid., 680

discussed above, Kim's characterization of the South Korean democratiza-
tion movement of the 1980s demonstrates the existence of strong domestic
parallels with Risse-Kappen's arguments vis-à-vis transnational actors. For
it would seem that Korean citizens themselves were blocked by South Ko-
rea's domestic governmental structure and as such were unable to directly
take part in institutionalization of the legislative changes their protests had
at least incited. Likewise, as was discussed above, the industrial migrants'
movement has been unable to have their union, the MTU, officially recog-
nized by the South Korean government, and their leaders are almost rou-
tinely rounded up for deportation.

Thus the inability to access a given government's political systems is
particularly relevant with regard to the case of migration, which involves
both the international and domestic spheres directly. Case in point, instruc-
tors in South Korea constitute an internationally migratory population resid-
ing domestically within the country. While some of these instructors are no
doubt ethnically Korean and hence constitute international returnees, the
vast majority of these instructors are expatriates who can legally only teach
English in South Korea if they are nationals of one of seven English-speaking
countries: Australia, Canada, Ireland, New Zealand, South Africa, the United
Kingdom, and the United States. Therefore if South Korea is first considered
a "centralized state" which sees itself as the caretaker of its own citizens,
what is the role of that government with regard to foreign nationals residing
within its borders? Can it be assumed that instructors are not going to be
taken care of in the same way as South Korean nationals also residing do-
mestically? Second, if South Korea, as a "weak society," is typified by class
and ideological cleavages, would non-citizenship not automatically lead to a
deepening of such divisions? Can it be assumed that instructors would likely
be more, rather than less, unable to connect with South Korean civil society
groups or form similar groups of their own? Third, if access to the top of the
South Korean governmental power structure is even potentially controlled
by "consensual policy networks," made up of strong political intermediaries
like political parties, what ability might instructors have to sway the opinions
and influence the actions of such groups, without the ability to vote? Can
it be assumed that instructors have little or no ability to make their voices
heard by and express their needs to those in the South Korean government
taking part in the final institutionalization of policy?

Finally, if Korean citizens themselves within their own country cannot
participate directly in the final institutionalization of legislative changes they
have directly initiated through collective action, what hope do instructors,

as foreign nationals residing in South Korea, have of achieving that goal? In this way, it seems more than reasonable to assume that the political structure of South Korea's government is at least partially to blame for the inability of ATEK to register domestically as an NGO, in the same way that the MTU has likewise been unable to obtain official recognition from that same government. It remains to be speculated over whether or not ATEK, upon having been able to successfully register as an NGO, would have thus obtained enough legitimacy, clout, recognition, or what have you from the instructor community to overcome its internal problems, but it can be assumed that having successfully registered as such would not have caused the organization further injury or setback. Unfortunately, before that could happen ATEK disintegrated.

Conclusion

While it is not the purpose of this paper to speculate about which single reason directly caused the disintegration of ATEK, the inability of that group to successfully register as an NGO with the South Korean government can arguably be understood as the proverbial final straw that broke the camel's back. Having started by alienating the most important portion of its membership base, plagued by internal division, suffering from a lack of unified focus, and subject to external attacks by Koreans and non-Koreans alike ATEK had still managed to continue moving forward. However, it seems that ATEK was finally undone by an inability to access the South Korean political system, which could have bestowed upon the organization a measure of legitimacy through official recognition of NGO status: the glue that might have held ATEK together. In this way, the only plausible remedy would involve the South Korean government's inauguration of an institutional system whereby civil society organizations, composed of non-Korean membership and operating domestically, could quickly and easily apply for and receive official government recognition as NGOs. Such a framework would constitute a strong move toward ensuring that advocacy for South Korea's instructors, industrial migrant workers, and foreign brides, including protection of their human rights, is a goal the South Korean government is interested in pursuing. Ultimately, the fact of the matter is that the non-Korean population of South Korea is growing, and as such the government has a responsibility to see to it that that population is allowed to advocate on its own behalf.

Today however the situation is much the same as it was before ATEK was founded for almost all of South Korea's native English-speaking English lan-

guage instructors. The community is migratory in nature, meaning instructors tend to fall into one of two resident categories: long and short term. Short-term residents make up the vast majority of the population, every day going about living their lives and doing their jobs for the most part protected by neither their home country nor the country which they now call home. With regard to redress, they are for the most part advocated for by neither powerful international nongovernmental organizations nor small grassroots associations of their own creation. While some among the community once sought to improve both the quality of their life and work situations here in South Korea through the previously discussed Association for Teachers of English in Korea, that organization succumbed to a lethal combination of mistakes, attacks, and impediments to the development which would perhaps have bestowed upon it the legitimacy it required to overcome its various failings. During his interview Greg D. described ATEK as he envisioned it: an organization by which English teachers would selflessly use their personal experiences to pay the benefits forward successively to each group of newly arrived instructors. "Imagine if an ATEK rep met you at the airport or online before you arrived,"[55] he said. Such lofty goals may sound idealistic or even downright impossible to accomplish, but those criticisms cannot negate the validity of one last point he made: "Korea needs strong civil society organizations."[56] Today South Korea's approximately 22,000 instructors ultimately need only one. **Y**

55 Greg D., online text message to the author, November 26, 2013.
56 Ibid.