



DIŞ POLİTİKA - FOREIGN POLICY

A Quarterly of the Foreign Policy Institute

Vol: XXVI

2001

Nos:1-2

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OUR MEMBERSHIP IN THE EUROPEAN UNION*

Faruk Loğođlu**

The history of relations between Turkey and the EU go back a long way. While relations can probably be traced to earlier years, the conclusion in 1963 of the association agreement is generally taken as the point of departure. Here, I shall not dwell on the past evolution of this relationship, though this history has a rich texture, has high relevance to the present day and must in any case be viewed as an integral part of the "acquis" between Turkey and the EU. I shall focus on our future in the EU in what might call the "post-Helsinki" phase.

The recognition of Turkey as a candidate for accession at the Helsinki European council in December 1999 ushered a new era in the relations between Turkey and the EU. At that summit, Turkey was given not just a historic message that the road to membership was open, but also a map and instruments with which to make that adventurous journey. In other words, the summit was good news for Turkey. Because Helsinki was in a way proof of the Turkish society's European vocation and vindication of its constant quest over the past centuries for modernity and progress.

The prospect of EU membership enhanced Turkey's strategic importance and political stature in the global setting. Turkey's neighbors to the east in a sense now share borders with the EU. Our friends regard us with greater interest, particularly as a possible model and as an instrumental avenue for closer relations with the EU and the west in general.

But Helsinki was also good news for the EU. For it meant that by embracing Turkey, the EU member states were finally freeing themselves from the quicksand of exclusionary values and perspectives concerning the world beyond the EU/by opening their folds to Turkey with its unique societal characteristics, the EU member states were in fact expressing their readiness to proceed with their integration at a truly universal level in terms of cultural and civilization references. With its decision on Turkey, the EU became stronger, philosophically more complete and with a firmer claim for leadership in international affairs. After all, as an old EU-hand succinctly observed, "the map of Europe begins with geography, later becomes economic geography but in the end is a matter of political philosophy."

* Statement at the Foreign Policy Institute, Ankara, 2 October 2000

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Helsinki therefore marks a qualitatively new beginning for both Turkey and the EU and the setting in of a mutual process of strategic transformation. For both sides, it is a gigantic enterprise, with great promise and rewards, but also one replete with hurdles and difficulties. In this linkage, Turkey and the EU have to work hard and with persistence to meet their reciprocal obligations. Undue delays and squandering of good intentions and resources should be avoided.

It is thus stating the obvious to remark that candidacy is not the end, but only the beginning of the road for Turkey. We are aware of our responsibilities and the obligation to fulfill the relevant EU criteria. We know that success will depend not merely on the efforts of the government and that the active involvement of the civil society, of each and every citizen will be needed. It is also of critical significance that the EU act with wisdom and respect for the unique features, complexities and sensitivities of Turkey.

The accession criteria that we have to meet are well established. We have not only the Copenhagen, but also the Maastricht criteria. The preparatory process for accession therefore means extensive and continuous change and transformation in practically all spheres of life for the Turkish society.

Let me now turn to what we have been doing vis-à-vis our EU candidacy. There are several areas, political, economic and other issues that we must address all at the same time. I am happy to report that Turkey is engaged on all fronts, making intensive preparations for the start of accession negotiations.

There is no EU timetable for this purpose and it thus depends on Turkey just how rapidly it fulfills the initial political criteria in order to initiate membership negotiations. It is my considered opinion that Turkey will meet the political standards sooner than later and that accession negotiations will get underway earlier than generally presumed. This is at least what the Turkish government will aim for.

An economic reform package being currently implemented will bring Turkey closer to the Maastricht criteria. The customs union, in force for the last five years, places Turkey in a uniquely advantageous position with regard to economic integration and meeting the relevant criteria. No other candidate country has a similar agreement.

It is important to note that the candidate status provides us with additional motivation and impetus to proceed with our reform projects more energetically. Moreover, EU financial support, when it begins to flow in significant quantities, will also enhance our capacity to fulfill the conditions of membership. But even at this stage, the encouraging atmosphere that emerged following the containment of the terrorist campaigns has been fortified by the prospect of EU membership. The candidate status ensures that Turkey's own choices, needs and the society's own demands converge with those relating to EU accession.

The improvement of the human rights situation is an irreversible process. The government is determined to continue its program in this sphere and has already taken a number of steps to this

end. The public is increasingly insistent and sensitive on the fuller enjoyment and protection of its rights and freedoms.

The flourishing civil society institutions serve the indispensable role of a barometer of the government's performance.

As part of its preparations for the fulfillment of the Copenhagen political criteria, the Council of Ministers adopted at its meeting of 21 September a report outlining a detailed program of action with a specific timetable. In the official announcement made the same day, it was underlined that the government gave utmost importance and priority to preparations towards EU membership and that the report prepared by the board of coordination for human rights was adopted as reference and working documents of the government.

After having enumerated the priority objectives in this respect, the government concluded that "with the opening of the new legislative season, the Council of Ministers will continuously follow developments to be made in the areas of human rights, democracy and the rule of law, evaluate periodically our adaptation effort to the EU acquis and will take necessary measures to speed up these activities."

As for institutional reinforcement to speed up the process of integration, the general secretariat for EU affairs, established in June 2000, started functioning under the authority of Deputy Prime Minister Yılmaz. Accordingly, the general secretariat has been given the primary responsibility of carrying out the preparations of the national program for the adoption of the acquis.

This autumn has been particularly busy with numerous meetings and contacts.

Minister Cem and I have recently visited Brussels. During our respective visits, we have met the high ranking officials from the EU council, commission and parliament. These contacts certainly contribute to enhancing the dialogue between Turkey and the EU. I should underline that the EU is essentially receptive to our priorities and sensitivities.

What are the expectations in the short and medium-term? The coming months will be particularly important since the basics of the Turkish candidacy will emerge and be established then. We have already started the groundwork for the preparation of the national program for the adoption of the acquis, and the commission on its part, has been drafting the accession partnership document as well as the progress report for the year 2000. On the other hand, the council will be adopting the framework regulation for Turkey, which will be followed by a second regulation on financial cooperation.

We are counting on the close support and cooperation of the member countries so that these exercises can be completed by the end of the year.

In this last part of my statement, let me make a few more observations on the nature of the relationship between Turkey and the EU.

The European Union will draw a whole range of benefits from its relationship with Turkey in the interconnected areas of politics, economics, security, society and culture. Turkey's unique historical experience, cultural wealth, contemporary characteristics, its dynamic economy, its defense and security posture are springs of benefit that will be open to the EU. When Turkey takes its place among the EU's members, the union will be transformed into a truly multi-cultural and multi-religious geography, heralding perhaps novel patterns of human and cultural interaction.

As Turkey progresses towards becoming a more developed democracy, it will benefit from the stimulating and facilitating dynamics of candidate status as well as from the accumulated experience of the European Union. As is true for all exercises of integration, the interaction between Turkey and EU could not be expected to be immune from problems. In the first place, there are doubts inside the EU as to the future of the enlargement itself, at least, different ideas as to how and if it should proceed. This compounds Turkey's difficulties as a candidate whose accession is assumed to be not a thing of the near future.

Then, remember that it was not an easy decision to have Turkey declared a candidate country. Just recall the atmosphere after the Luxembourg summit. There are skeptics everywhere and even those who oppose Turkey's inclusion for their narrowly defined reasons. What is important in the course of the many ups and downs we are likely to experience is not to lose sight of the final objective, that is, the desirability of Turkey's accession. We should all avoid questioning the fundamentals of the relationship every time there is a crisis. Both sides must show constraint and patience and neither side should succumb to the temptation of the "I know better" syndrome.

An essential requirement for the process of Turkey's integration in the EU to be pursued more effectively is that the Union fully implements the commitments it undertook at the Helsinki Council. Many of the measures that Turkey has to take in preparing itself for membership would bring benefits independently of whether they are related to EU candidacy or not. It is also clear that the difficult path that Turkey has to follow will be made easier if Turkey's efforts receive the support from the Union that has often been promised but rarely delivered. In this respect, financial cooperation comes to mind first, but not because Turkey wants to put the burden of its accession on the EU. More than the actual sums involved, which in any case are quite modest, what matters are the symbolic values of the support for Turkey's efforts that a resumed financial cooperation will imply? In that respect, we would urge the European parliament to take a more helpful approach to Turkish matters. We expect the EU commission and the council to take all necessary measures for the prompt and complete fulfillment of EU's financial commitments to Turkey.

This is necessary also from the point of view of public psychology because increasingly the Turkish perception is one of a EU that only makes demands of Turkey, but does not itself deliver to Turkey.

We know we have embarked on a great journey. We are realistic in our expectations, but determined in our efforts to realize our destiny. We will do our part and we are confident that the EU will do its part.

Turkey wants and has chosen to become a member of the EU. We have the will and the capacity to do it. The EU, on the other hand, needs Turkey in its fold and must therefore work even harder to realize this great project. In short, the 21st century will be witness to a stronger and integral EU because Turkey will be one of its leading members.

OSCE AFTER THE ISTANBUL SUMMIT: THE VIEW OF THE ROMANIAN CHAIRMANSHIP

*Mircea Dan Geoana**

It is an honor for me to be addressing you and to present you the view of the Romanian Chairmanship and the tasks that lie ahead of our Organization.

Before speaking to you as OSCE Chairman in Office, I want to start with a few words about the significance of the bilateral relationship between Romania and Turkey.

You know that we regard Turkey as one of our most important partners. Our political ties are strong. Our economic relations have improved tremendously in the 90s and Turkey is today a major trading partner for Romania.

But this is not the only reason Turkey is important to us. We share the same view that the future of our region lies in its integration in the European and Euro-Atlantic political and security structures and we have recently reaffirmed in Skopje our firm commitment to inclusion of all SEECP countries in these integration processes. You have consistently supported our efforts for NATO integration. We value that and we count on your continued support.

It is our belief that NATO needs to strengthen its Southern flank by bringing in countries from South-Eastern Europe. We believe that our membership of NATO will bring significant geo-strategic benefits to the Alliance. We will keep our commitments to strengthening our economy, restructuring our armed forces and contributing to regional security. The new Romanian Government is fully committed to taking the necessary measures to fulfill the requirements of membership. We can count on broad political consensus for NATO integration and indeed on tremendous public support, 80% according to a recent poll. But we do not expect to be the sole beneficiaries of integration.

NATO in its turn promised an open-door policy. We want to see that promise kept. We hope that Prague 2002 will be the turning point in fulfilling our NATO integration goal.

Romania's identity is also closely linked to the process of enlargement of the European Union. Helsinki 1999 was for us a milestone. The EU's decision to open accession negotiations set us on the irreversible path towards European integration. We know we have a long way off but we aim to complete our journey towards integrating in the EU, by 2007.

* Minister of Foreign Affairs of Romania, Chairman in Office of the OSCE; Following the Conference "OSCE after the Istanbul Summit: The View of the Romanian Chairmanship", Ankara, 14 March 2001

OSCE's Development

The OSCE undoubtedly has a unique role to play in bringing the concepts of cooperation and co-responsibility to life. We address all aspects of security in its broadest sense: political, military, human rights, economic and environmental. OSCE have set up tools to ensure that those mechanisms are observed, particularly in the areas of military security and the human dimension. We have sounded the early warning alarm when tense situations look as though they might escalate. The quite diplomacy of the High Commissioner on National Minorities or the calming influence of the OSCE Missions in the field have contributed significantly to defusing volatile situations. We believe this is no small achievement and the OSCE can be proud of what it has done so far.

Looking back, we see that OSCE not only contributed to shaping the development of the European continent but also adapted itself permanently to the needs and challenges that these changes produced. It has proved to be a dynamic organization by acquiring new responsibilities in conflict prevention, crisis management and post-conflict rehabilitation tasks. It is proving its flexibility by preparing to take on new types of security risks such as organized crime, extremism, terrorism, trafficking in human beings and illicit drugs, adding new dimensions to its cooperative security.

OSCE has field missions that are in daily contact with the realities on the ground. I have been on tour in the Caucasus, a region still suffering from the aftermath of violent conflict, where thousands of displaced persons still have no permanent place to live, where poverty affects large sections of the population, where respect for human rights is not yet automatic, where the rule of law is still imperfect.

This is not a region that is receiving huge quantities of financial assistance. It is not on the foreign policy agenda for many governments. Yet we must still remember that this region and others further east are still part of the European space and that we the OSCE community have an obligation to ensure that security should be accessible to all. This is one of the directions that OSCE has a key role to play.

Let me state before you our priorities for the Romanian OSCE Chairmanship:

1. To contribute to restoring stability in South East Europe.

A Southeast European country, a member of the South-East Europe Co-operation Process, holds the OSCE Chairmanship-in-Office in 2001. This is a good opportunity for the countries of the region to promote their objectives for co-operation and increasingly focus the interest of the international community on the problems of SEE.

We recognize the critical role and contribution of the Stability Pact activities in SEE, including its record in addressing regional issues that are of shared interest with the OSCE. A more substantiated co-ordination between the OSCE and the Stability Pact will increase the effectiveness of projects

aimed to strengthening democracy, stability, security and prosperity in SEE.

The “coming of age” of SEE democracies and their re-joining the European mainstream lay the foundations for an increased ownership of regional co-operative activities. In due time, our countries will have to demonstrate their responsibility by initiating, shaping, developing and implementing regional co-operation. Confidence in us will be strengthened by confidence in the mechanisms of co-operation developed with our European and Euro-Atlantic partners, in which the Stability Pact has a leading role.

Nor is the SEE a narrow-minded, hermetic formula, with a sectarian behavior. SEE should be open to new partners of co-operation from Central and Eastern Europe, in order to energize and consolidate our solidarity. Also, the willingness of the Republic of Moldova to become a part of the European mainstream should be acknowledged and welcomed as a value added to this present momentum of co-operation.

Economic regeneration is an essential factor in restoring stability. We want to see the Stability Pact revitalized, and concrete projects implemented quickly. I am convinced the OSCE can help donors and recipients to develop a more focused approach towards selecting projects which have tangible benefits across the region: improvement of business and trade environment, regional markets, supply and distribution of energy, fighting organized crime.

We are well aware that there is still a lot of work to do for achieving a lasting peace and stability in the region. Post-conflict rehabilitation has assumed a greater importance in the Balkans, where we are playing a key role in the restoration and consolidation of democratic institutions. Much remains to be done in Kosovo. In Bosnia-Herzegovina, we believe the Dayton Agreements have to be respected. One of my first actions after assuming the Chairmanship of the OSCE was to open an OSCE Mission in Belgrade. The agreement of the FRY authorities to this Mission was an important step and a sign of their determination to be re-integrated into mainstream Europe.

But there are some serious tests ahead of us, with important elections this year in Albania, in Montenegro. OSCE will follow the developments related to Kosovo elections, at the appropriate time. We must pass these tests by ensuring that the right conditions are in place, which will allow everyone to exercise their fundamental right to choose how they will be governed.

The risk of conflict has not disappeared. We only have to read the reports on what is happening on the Macedonian border with Kosovo and in Southern Serbia to see that European security is fragile. There are still those who prefer the way of violence to the way of peace. Extreme nationalism remains a danger. Ethnic aggression is never acceptable, regardless of which party is responsible.

There is no justification for yesterday’s victims to become the aggressors of today. We must make every effort to cut them off, politically, militarily, and morally and to get across the message that the international community will not tolerate further violence. As Chairman in Office of the OSCE, I am prepared to give that message unequivocally on behalf of the OSCE community.

The presence of international peacekeeping forces is essential to prevent violence from flar-

ing up again or from spilling over. NATO has assumed this responsibility. It is important that it should be seen to be effective. Macedonia is a test case facing us right now. The international community has a responsibility to stop the situation they're becoming more serious. The specific measures of cooperation agreed between KFOR and (the Former Yugoslav Republic of) Macedonia to reinforce KFOR control of the border is a welcome development. I am sure that a longer-term and more intensified cooperation will be critical in reducing tensions in the area. We hope that positive developments towards stabilization in Southern Serbia will follow after the recent military agreements with Yugoslav authorities.

Having in mind the fact that SEE presents us with the opportunity to show what the OSCE can do in partnership with others, I propose to organize this summer a Conference on "*Ten Years in the Balkans: Lessons Learned*", with the aim of improving coordination between OSCE and other major international institutions. The Conference is to be organized under the aegis of the OSCE and the UN, with the participation of organizations, structures and agencies that have supported the process of peace and stabilization in SEE.

2. Tackling organized crime and human trafficking.

We need to take concerted action now to prevent organized crime and corruption from spreading further. Fighting trafficking in human beings particularly trafficking of women and illegal immigrants should become a political priority, regionally and internationally. Its frequent association with regional drug trafficking networks further compounds the seriousness of this phenomenon.

Romania's OSCE Chairmanship-in-Office reinforces its political commitment to continued initiative in this field. Romania coordinates the respective Task Force of the Bucharest Regional Center for Combating Trans-border Illegal Trafficking. There is full political receptiveness on the Romanian Government's side for increasing the efficiency of regional activities aimed at fighting trafficking networks, especially through the Center. In this respect, Romania will organize a Regional Conference on Fighting Trafficking in Human Beings and Illegal Immigration, in Bucharest in May 2001. We hope representatives of law enforcement agencies and regional and international organizations will attend it.

I believe that there is role for the OSCE as a clearing house for activity on combating illegal trafficking and organized crime, to keep track of programs run by different organizations and donors and to use the OSCE missions on the ground to define common approaches, spreading best practices.

3. To continue implementing the OSCE Istanbul Summit commitments.

The Istanbul Summit produced the political consensus needed for adopting the Charter for

European Security and for adapting the Treaty on Conventional Armed Forces in Europe-two essential documents in shaping the new security architecture of our continent. In assessing our success or failures in implementing the Istanbul commitments, we should remember that our Organization would not accomplish its objectives unless there is a concerted effort by all governments.

But all governments must be convinced that it is in their interest to engage constructively. We know that last OSCE Ministerial Meeting in Vienna ended with no Final Declaration because Russia withheld agreement. Yet the OSCE is the one comprehensive European security institution to which Russia belongs.

How can it not be in Russia's advantage to be actively and constructively engaged in OSCE? And how much can the OSCE hope to implement if Russia decides not to cooperate? There is a mutual dependency here. Commitments undertaken at the Istanbul Summit on troop withdrawal from Moldova and Georgia have yet to be implemented. There is still serious concern about human rights abuses in Chechnya and the OSCE needs to be engaged in political efforts to resolve the conflict in that region. We welcome however Russia decision to engage more actively in finding solutions to the Nagorno-Karabakh and the Transnistria disputes.

It is in the interests of all OSCE countries that countries like Russia and other countries from the former Soviet space should be stable and feel secure. They do not belong to EU or NATO. But they are still part of Europe. We should make stranger efforts to show them the advantages and benefits of a close relationship with mainstream Europe.

We need to strengthen our operational capability and OSCE's response to crisis situations. There are other areas of conflict and problems outside South-East Europe that need intensive OSCE involvement. I am determined to devote greater efforts to those areas-Caucasus, Moldova, Central Asia- and I hope to draw increased international attention to their major problems.

We are already engaged I consultations to strengthen political dialogue within the OSCE and to identify new areas of focus for the OSCE in the economic and environmental fields. The Central Asian states have the right to expect the rest of the OSCE to take account of their legitimate interests and concerns. If we want the OSCE to be a strong organization, we must be prepared to ensure that it is fully inclusive and that all states benefit equally.

4. There should also be a balanced approach in dealing with all the dimensions of OSCE;

Security will always remain fragile if it is not sustained by economic and social development. OSCE can act as a political catalyst, in identifying potential economic or environmental trouble spots.

We are determined to explore the potential for extending the role of OSCE in:

- Assisting the return of the refugees in post-conflict situations

- Promoting good governance and transparency
- Policing activities and police training
- Sharing relevant OSCE experience

We should like see more imagination and flexibility about the OSCE's contribution to promoting economic growth.

There are some, particularly those who already enjoy economic prosperity, who argue that the OSCE should have a limited role in the economic dimension because other organizations are already engaged. That is true. But many of those organizations are not active or particularly visible in many parts of the OSCE community. We believe there are a number of ways that OSCE activity can add value, for example by promoting good governance and transparency and tackling official corruption. We want the OSCE Economic Forum in Prague in May to develop concrete proposals in this area.

We have already seen voters in several countries turning to the past with a feeling of nostalgia. Moldova is a case in point. The Communist victory there was the result of a vote of disappointment. If we want to see countries like Moldova remaining in Europe, sharing European values of the rule of law, respect for human rights, market economy, it is critical that the international community, especially the EU, renew their efforts to offer the perspective of integration into Europe. Putting into effect the long-delayed decision to allow Moldova to join the Stability Pact should be the first step.

As a neighboring country, Romania is fully aware that stability in Ukraine is important for the stability of Europe. We want to see the democratic process there evolve positively. We do not want it to become a cause for concern.

5. Improved coordination between OSCE and other major international institutions is needed.

Of course, we should be careful that our organization should not seek to take over tasks that it does not have the means to fully implement. There are extensive responsibilities that OSCE cannot undertake on its own, as it does not have the tools to do. We should be able to devise practical modalities for partnership with other bodies based on the principles of complementarities, cooperation and synergy.

One thing is clear. The OSCE does not and cannot act in a vacuum. It is connected through its membership and through its mandate to all the elements shaping the European security environment.

Decisions on how the OSCE can fit in with new developments like NATO enlargement, the creation of ESDP, must take account of a number of questions, which remain open.

- How deep, quick and extensive should European integration be?

- What impact will the emergence of a European security and defense identity have, including the establishment of a civilian crisis management capability?
- How will the Euro-Atlantic relationship develop, to reflect the crucial role of the US in maintaining European security?
- How will a more modern, enlarged NATO, of which Romania expects to be a member, interact with other organizations?
- What about Russia, her concerns and legitimate interests?
- How do we manage the socio-economic divide between the two halves of Europe?
- What will be the future of the Stability Pact, a useful instrument so far but which needs to be reinvigorated?

I am convinced that we can develop a practical working relationship with other organizations- principally the UN, the EU, NATO, the Council of Europe- based on the principles of cooperation, complementarities and synergy. The OSCE need not fear that other larger or more powerful bodies will overshadow it. There is a niche for us, which cannot be filled by others.

OSCE is becoming a reality day by day for our citizens. Our fundamental goal is to bring OSCE closer to the people. OSCE needs to be better known and better understood. It needs to make a difference in people's lives.

MEGA TRENDS IN THE MIDDLE EAST*

Seyfi Tashan**

The information revolution coupled with increasing welfare and social security has bred many developing countries of the world with a sense of comparative contentment and peace, that have allowed them to tackle their economic, social and political transformation challenges with sanity and reason. Many of these countries have gone a long way in their development efforts and are catching up with the developed world.

Can we look at the Middle East in the same context? With the exception of a few bright spots there is little change in the dominant attitudes and mentalities of the people at large and particularly among the ruling classes, although in recent years we have witnessed some economic progress thanks to conditional economic assistance provided by the World Bank, the MEDA program and several public and private assistance.

In order to present you a tableau of where we stand in the MENA region I will quote some statements from the World Bank reports and from a report by CSIS:

Per capita income in the region averages about 2000 dollars. There is a wide variety among the countries. Yemen is the poorest with per capita income of 350 dollars. Egypt, Jordan and Morocco are in the category of 1200-1500, Algeria, Iran and West Bank and Gaza are between 1600 and 1800. The highest are Tunisia and the Lebanon. Economic growth is well below the world average of 3.5 of the GDP in the Middle East it has remained around 2.9 % per cent during the 96-2000 periods.

A substantial share of the population lives in the rural areas (42%). Poverty is prevails particularly, while in urban areas it is substantial in the rural ones reaching to 60 to 70%.

The most alarming feature of the region is the population growth: In 1997 the population of the region as a whole was around 279.3 million. The World Bank estimates that it will be 393.9 million in the 2015 and 481 million in 2030. According to these estimates despite falling rates of growth Egypt will have a population of 93 million in 2030, Iran 96 million, Iraq 39 million, Syria 28 million and Saudi Arabia 42 million.

Naturally this population growth even if it is not in Malthusian terms still present a heavy drain on the regions natural resources. Chief among which is the water. The experts suggest many

* Presented at a Turkish-Israeli Conference at Bilkent University, 10 May 2001.

** Director of Foreign Policy Institute

conservation and recycling methods; but the problem lies in the fact that in only few countries these suggestions are taken seriously.

From these figures it is easy to be alarmist about the future of the region, but there is the good sign that population growth rates are falling in most of the Middle East countries and if all embracing rational and drastic reforms can be implemented there is no reason that this region should not catch up with the rapidly developing parts of the world. In this respect what could be done are frequently outlined in the reports of World Bank, MEDA and other development organizations. The first pre-condition, however, is the amelioration of the domestic systems to reject dogmas, socialism, militarism and adoption of universal values of market economy, globalization and good governance. I am purposefully avoiding the concept of democracy and human rights. If we accept higher standard of living as the sole purpose we have examples of economic development under authoritarian rules. Furthermore, in most of the Middle East a subject that is hotly debated is whether democracy and human rights as understood in the developed world today is really compatible with religious precepts. In the Middle East the basic dilemma arises from the fact that the ruling elites usually find their legitimacy not in their so called free but in reality pre-determined elections but either from the military forces that they control or from religion. In either case, state control in all aspects of life ranging from Internet to economy and even the minds of people. We must obviously, not ignore the exceptions.

These conditions may be considered as the biggest hurdle in the integration of the MENA region in the developing global values of human rights and democracy in the foreseeable future. Only a few countries have proven capable breaking these barriers by embracing secular forms of government and democratic political systems. The social order in these countries are threatened by the reactionary forces that receive moral and material support from governments that in turn feel threatened by dissent in their countries that call for greater democracy and human rights and show the proven success of the secular countries in the global integration process. Can the existing systems endure? The indications are that given information revolution, comparative economic disadvantages, which even the Communist totalitarianism, could not resist and if the major Arab-Israeli conflict is resolved we may begin to feel the pressures for transformation in many Middle Eastern Countries.

Up to now, I dwelled on general characteristics and trends in the larger MEDA region. It 's natural that we cannot put all the Middle Eastern countries in the same basket for their present capabilities or potentials for the future. Yet we may take into account a subdivision.

Most of the North African states being direct colonies of West European countries for a considerable period they have received very strong cultural influence from these countries and have significantly large diaspora in Western Europe. The Meda program has been effective in these countries and enables them to record significant growth rates. It would not be wrong to assume that these North African countries will remain attached to Europe probably as a lien. Fundamentalist murders in Algiers, or eccentric behavior of Khaddafi may not be expected to change the Europe-North Africa dimension becoming a fixture.

The second sub-division may be considered as the Levant States. To me these are Syria, Lebanon, Israel Palestine and Jordan. This is the region where the Arab Israeli conflict has hampered development and peace. Yet this is the region that would develop very quickly if the enlarged peace process were concluded satisfactorily. The fruits of peace could easily encourage transformation of the region into modernity. In this context Turkey and Israel together with Europe and America could make great contributions.

I would like to mention Egypt in a different category. Egypt though situated in North Africa it has had eternal links both with Maghreb and Mashrek not to mention Black Africa. Egypt has the necessary human talent and natural resources to achieve rapid economic development. Egypt was delayed in accepting the norms required for a fast developing economy because of its history and etatist economic philosophy. In this respect there are some similarities with Turkey where there still are significant resistance to privatization of state economic enterprises, partly because of etatist philosophy and partly because these serve interests of the politicians. In Egypt the fundamentalist threat may be cited as the most important impediment to the development of the civil society, and it is difficult to see how and when this could change.

One could without ignoring significant difference among each other, put the oil rich Gulf countries of Mashrek in the same category. Material welfare will no doubt endure as long as there is oil and one shudders what will happen when this happens. Islam represented by Kings, Sheiks and Emirs still running most affluent countries of the world sound like surrealist anachronism. But it seems to have viability so long as there is oil and external support purchased by oil.

Last category I would like to mention are constituted by Iraq and Iran both having Shiite majorities and both having serious problems in their international relations because of aggressive inclinations. Iraq that had an extended war with Iran and invaded Kuwait and fought with Western powers is now facing a breakdown. In the north of the country a Kurdish entity is being constructed and it will be very difficult to peacefully re-integrate this region into Iraq. The tragedy of the people of Iraq suffering from the embargo is still continuing unabatedly. There is no promise in the offing that they will be able to have a regime soon that will provide them their amenities and freedom. In Iran it is clear that the fundamentalist system of Government has been a failure in providing the development needed by the people of Iran and their aspirations for modernity and integration in the international system. It is clear that the Molla system has lost the favor of the people of Iran and it is a matter of time for this regime to crumble. But what will happen then will largely depend on how it will crumble and what will replace it. For a country without a long tradition of social compromise and a social contract, democracy may be an easy recipe for chaos particularly in a country where different ethnic groups have varying allegiances.

The trends in the Middle East unfortunately do not look promising in relation to modern material and moral norms. Economic welfare, compared with many other parts of the world is a will o' the wisp. Social transformation helping the development of the civil societies and democracy face

many hurdles. Yet, we should not be discouraged, and at the cost of being an utopist we must have certain visions.

I know that in the present war like atmosphere in Israel, West Bank and Gaza and in the face of current casualties and human suffering it is difficult to talk about a peaceful future. Yet, once it is possible to advance the peace process I am confident that both Israelis and the Arabs will have to create a social order in which they will live as equal partners. If the current disparity between the two peoples continue, even in peace both Jews living in their settlements that have turned the map of West Bank into a Dalmatian's skin and Arabs living in their camps in West Bank, Gaza and will develop, if they are not already doing so, the psychosis of living in Ghettos. Economic integration may come sooner but political integration, even if as a long term, solution will have to come if we wish to avoid permanent state of war.

Let me add a few words about where my country stands in the face of the mega trends in the Middle East. Turkey currently stands in between many things: between Europe and the Middle East; development and poverty, integrative and conflictual international relations etc. etc. Our success will depend on how we will manage ourselves in this uncomfortable seat. Ever since Turkey has chosen the option of integrating in the European economic, social and political structures she has succeeded in avoiding Oriental pitfalls and has been fairly successful in its modernization efforts.

Our relations with the Middle East have always been beset by historically misconstrued Ottoman image and recent neighborhood problems. We seem to have now entered into a promising period of dialogue with most of the Mashrek countries particularly in the economic field. It has been rather difficult to explain to the Arab world that our improved relations with Israel did not entail providing unconditional support to Israel in their regional policies, nor was it a reaction to the hostile acts by some Middle Eastern countries. As and when our Arab neighbors are fully satisfied that our good relations with Israel is symptomatic of our desire to have better and developed relations with all countries of the Middle East we will no doubt have more to share with the countries and peoples of the region.

It is difficult however to have an overall optimistic vision for the future particularly because of the deeply rooted systemic resistance to change, hardened by inter-state or domestic conflicts. The chances for rapid economic development are hampered by political philosophies merging nationalism, socialism, and religious dogmas that constitute a barrier for against privatization, globalization, democratization and secularism.

AN EVALUATION OF THE TURKISH ENERGY PLANNING PROCESS

Hakan Akbulut*

We have discussed the Turkish energy decision-making process in one of our previous articles¹. In this article, we would like to look at the Turkish energy planning process, which is of significant importance for energy decision-making.

The 'energy crisis' of the 1970s has increased the awareness among most of the countries of the need to conserve energy in general and imported oil in particular, and of the need to develop energy resources, especially renewable resources. The experience of the last decade has highlighted the inadequacies of ad hoc measures to meet the energy crisis. It is now widely accepted that effective management of the energy sector calls for the formulation of comprehensive national energy plans and their efficient implementation. The long gestation periods of energy projects, their high capital intensity, the trade-off between producing more energy and conserving the current consumption of energy, the possibilities of reducing the energy intensity of economic activities over time and inter-fuel substitution opportunities - all make energy planning a complex exercise. The implementation of energy plans calls for co-ordinate and sustained action on many fronts. Planning and management efforts of this magnitude and complexity are not possible without appropriate institutional arrangements.

An appropriate energy planning process, which has a guidance role, leads the realization of rational decisions in the energy sector. Special importance should be given to energy planning in the process of energy decision-making. If decision-makers do not have proper planning instruments and mechanisms, they may make more mistakes in choosing the proper alternatives and in making decisions.

Short, medium and long-term goals should be taken into consideration carefully in the energy decision-making process. Formation of medium-term plans and long-term plans together with a national energy master plan are of special importance in this regard.

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¹ Akbulut, Hakan, "Energy Decision-Making: The Turkish Case", *Perceptions*, Volume V. Number: 3, September-November 2000, p.170-179.

The task of energy planning is not simple. The planning process could be confronted with variations, speculations, and constantly changing technologies. Also, the price of the different forms of energy is never stable. The energy planning process must contain a comprehensive overview, taking into account all possible variables². With respect to different forms of energy, the creation of a database is necessary to learn from the past. The information to be introduced in the database depends on the intended outcome and the planning purpose.

The ultimate purpose of energy planning is to achieve maximum benefit from domestic resources and adequate coverage of national energy requirements at least cost.

But the least-cost concept alone is not sufficient for determining what energy scenario can be accepted by the economy of a particular country. Many countries do not have the means to fund a least-cost program because they cannot find the necessary investment capital because they cannot service the capital expenditure that a least-cost program entails, particularly when it is superimposed on existing commitments.

Energy planning is closely interwoven with the financing aspects of energy development whatever activity arises out of the planning process will ultimately require funding and will involve the relatively complex considerations. The task of the energy planner is to

Recognize not only the immediate importance of the funding exercise but also the economic consequences arising from it.

The energy planners must take account of economic trends that in time may affect the extent to which new financial burdens can be accepted. For example, excessive dependence on imported oil may have so weakened a country's foreign exchange position that oil substitution measures involving major foreign currency commitments can no longer be financed. The energy planners must also have the task of identifying the most promising areas for reaching optimum development of energy resources.³

Most countries, which plan and guide their economic activities, have adopted a five-year planning cycle because it is a time span within which economic, social and political developments can be forecast with a reasonable degree of confidence. Five-year plans for the entire economy and for the energy sector serve the important purpose of communicating the government's decisions on investment priorities for all projects. Medium-term plans also announce specific policies and measures that are intended to achieve particular social-economic goals, production targets or to deal with certain energy supply and demand situations by the end of the plan period. In the absence of sur-

² Kleinpeter, Maxime, *Introduction to Energy Planning*, Metrica Fachverlag, Wien, 1987, p.15.

³ Goldsmith, K., "Financial Considerations in Energy Planning", *Energy Planning in Developing Countries*, UNCTAD (eds.), Oxford University Press, 1984, p.99.

prises or uncontrollable external events, achievements of all or most of the projects and policy elements making up a five-year plan should result in realizing the overall plan goals.⁴

Over the period of a long-term plan (15 to 20 years) it must be assumed that structural changes and surprises will occur. Thus, a long-term plan must provide a framework within which the effects of anticipated changes in energy demand and supply could be assessed and the sensitivity to potential welcome and unwelcome surprises evaluated. It must help decision-makers to understand the long-term consequences of today's policies and investment decisions. It must also concentrate on major strategic issues and provide insights into the long-term relationships between energy and economic developments.

Energy planning can help resolve such strategic issues as:

- Proper balance between electricity and fuels sector investments.
- Appropriate market shares for electricity, commercial and non-commercials fuels relative to national resource endowments.
- Degree of centralization in energy supply and use.
- Impacts on fuel-use and inter-fuel competition of pricing and other regulatory actions.
- Establishing priorities for energy research, development and commercialization.⁵

Energy Planning In The Turkish Energy Sector

The Ministry of Energy and Natural Resources (MENR) and the State Planning Organization (SPO) are the two main bodies, which make energy plans in the Turkish Energy Sector. Some bodies affiliated to the MENR also carry out various planning activities under the umbrella of the MENR. The MENR prepares yearly plans for the energy sector and there is also a long-term energy plan. This long-term plan (1995-2010) is created by the MENR with traditional methods mainly based on the balance between supply and demand.⁶

On the other hand, the "5 year development plans" prepared by the SPO for the whole economy have always a section for the energy sector. These plans are mainly developed in accordance with energy supply and energy demand balances and energy consumption and energy production targets.

⁴ Hoffman, Kenneth and Terra, Niels, "Energy Planning and Long-Term Strategies for Developing Countries", Global Energy Interactions, Pachauri, R. K. (eds.), The Rivardale Company, Maryland, 1987, p.1067.

⁵ Ibid. P.1065

⁶ Aybar, Emine, Enerji ve Tabii Kaynaklar Bakanlığı Genel Enerji Planlaması Çalışmasının İlk Sonuçları, APKK, Ankara 1990.

The developed countries generally prepare their long and medium-term energy plans with different scenarios and complex models⁷. Some Turkish academicians have also created various scientific models regarding the Turkish energy sector in the past⁸. However, lack of enough interaction between the state institutions and academic circles has impeded the creation of new planning models for the Turkish energy sector.

Five Year Development Plans

The country is now in the period of the eighth 5-year development plan. The 5-year development plans were first introduced to the Turkish economic and social system in 1963. As was mentioned before, each 5-year development plan has its own energy chapter.

Total primary energy supply figures, which are used for 5-year development plans, are the main indicators for energy plans all over the world. When we look at the 5 year development plans, the levels of the total primary energy supply realized in the sector have continuously turn out below the targets of the 5 year development plans.

The differences between the targets and the real figures of the total primary energy supply during the 5-year development plans are shown below: ⁹

<u>PERIOD</u>	<u>TARGET (Mtoe)</u>	<u>REALIZED (Mtoe)</u>
First 5 Year		
Development Plan	<u>1967</u>	<u>1967</u>
(1963-1967)	21.4	16.4

⁷ Manne, A.S., Richels, R.G., Weyant, J.P., "Energy Policy Modeling: A Survey", European Journal of Operations Research, Vol: 7, 1979 p.1-35; Samoulilis J.E., Mitropoulos, C.S., "Energy-Economy Models: A Survey" European Journal of Operations Research, Vol: 11, 1982, p.222-232.

⁸ See: Kavrakoglu, Ibrahim and et al, Energy Modeling System for Turkey, Boğaziçi Publication, İstanbul, 1977; Güven, Ç., A Multi sector Model for Investigating Energy-Economy-Environment Interactions, Technical Report No.94-03, Middle East Technical University, Ankara, January 1994; Seyhan, Ayşe, A Mathematical Programming Model to Evaluate Energy Supply and Demand Strategies and Their Environment Impacts in Turkey, Boğaziçi University Publication, İstanbul, 1995

⁹ See; First, Second, Third, Fourth, Fifth, Sixth and Seventh 5 Years Development Plans and MENR Statistics.

Second 5 Year

Development Plan	<u>1972</u>	<u>1972</u>
(1968-1972)	29.7	23.2

Third 5 Year

Development Plan	<u>1977</u>	<u>1977</u>
(1973-1977)	36.5	34.4

Fourth 5 Year

Development Plan	<u>1983</u>	<u>1983</u>
(1978-1983)	55.1	38.9

<u>PERIOD</u>	<u>TARGET (Mtoe)</u>	<u>REALIZED (Mtoe)</u>
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Fifth 5 Year

Development Plan	<u>1989</u>	<u>1989</u>
(1984-1989)	54.5	50.3

Sixth 5 Year

Development Plan	<u>1994</u>	<u>1994</u>
(1989-1994)	73.4	58.6

Seventh 5 Year

Development Plan	<u>2000</u>	<u>2000</u>
(1995-2000)	85.8	79.7 ¹⁰

¹⁰ Estimated figure of the Ministry of Energy and Natural Resources.

If you do not forecast the total primary energy supply targets properly, you have difficulty in creating rational policies for your energy sector. This inaccuracy is reflected in the forecasts for all sub-sectors of energy thus making the plans less useful as instruments for decision-makers. Energy plans should give proper guidance to decision-makers.

Conclusions

After looking at the existing Turkish energy planning process, it is possible to claim that various steps should be taken in order to realize scientific and appropriate energy plans in the sector and in order to obtain the necessary benefits from the planning process.

- First, the SPO, MENR and its affiliated bodies should cooperate closely with the universities and research centers in the process of planning. In this regard, energy research and development centers should be established in various universities.

- Second, independent research and development centers should be created with the support of the relevant private companies and the relevant international organizations. Those institutions should be involved in the energy planning process.

- Third, the state monopoly in energy planning should be ended and the research and development centers and universities should also make independent plans for the sector.

- Fourth, the planning process should be open to all relevant actors in the energy sector. Trade unions, public associations, political parties, and interest groups should also contribute to the process.

- Fifth, a well-prepared long-term energy plan should be introduced to the Turkish energy planning system and the long-term plan should be coordinated with yearly based plans and five year medium-term energy plans.

- Sixth, the instruments and models of the energy plans should be developed and diversified. Various contemporary scientific models for energy planning could be injected into the Turkish energy planning system properly. On the other hand, the energy plans could be forecast under different scenarios like the business as usual scenario, capacity constraints scenario, energy-saving scenario, and so on¹¹.

It is clear that the enrichment of the instruments used in Turkish energy planning and the involvement of new bodies and actors in the planning process can bring more alternatives and

¹¹ For further information see: IEA, Mapping the Energy Future-Energy Modeling and Climate Change Policy, OECD Publication Service, Paris 1999.

choices to the Turkish decision-makers. That may create more rational decisions in the Turkish energy policy-making system.

AN ESSAY ON THE RUSSIAN FOREIGN POLICY TOWARD THE CENTRAL ASIA

Ertan Efeğil*

Since 1850s, the Russian Empire and its successor state, the Soviet Union, in conformity with their own policy of “Hot Waters”, occupied the Central Asia and the Caucasus in order to control both “the heartland” that they would easily threaten and influence the South Asian countries and the region’s resources which were necessary for their industrial and military infrastructures. Sometimes they directly ruled the region by appointing the Governors from the Center and sometimes by cooperating with local authorities.

This situation continued until the disintegration of the Soviet Union in 1990. Thus the former Central Asian Soviet Republics became independent states and they pursued more or less different policies from those of the Russian Federation.

Although during the first years of the independence period the Russian officials tried to limit their relations with the Central Asian states, especially the Communist and nationalist groups in the Russian Federation have still dreamed the revival of the former Soviet Union under the hegemony of the Russian Federation. Therefore they pursued “imperialist policy” and enforced the Russian governments to follow that kind of policy. After 1993 and 1995 elections, these groups gained majority in the Russian Parliament, Duma. As a result of the rise of these groups in the political arena, the Russian governments slowly changed their foreign policy principles from “point of cooperation” to the policy of “re-establishing their hegemony over the region and the region’s resources through using diplomatic, military, political and economic instruments”.

a) The Mikhail Gorbachev Period

As soon as he was appointed the last Secretary-General of the former Soviet Union in 1985, Mikhail Gorbachev began to implement the policy of “political liberalism” to put an end to corruption and heavy economic problems within the Soviet Union. Thus he encouraged the Russian citi-

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zens to take an active and direct role in the political life and also permitted establishment of civil organizations. He lastly issued a legal document for holding free and fair universal elections where the Russian citizens would freely elect their Representatives and Presidents of their Republics. His ultimate aim was to create a semi-democratic parliamentary system in the former Soviet Union and thus to stop the disintegration process.¹²

In addition to his political reforms, Mikhail Gorbachev and Eduard Shevardnadze, the former Minister of Foreign Affairs of the Soviet Union, strongly supported the policy of “forming close cooperation” between the former Soviet Union and the Western world. In favor of their pragmatic considerations, they revised the foreign policy principles that were previously based upon the ideological concerns. Due to the New Thinking in the foreign policy, they were convinced that they could prevent the collapse of their country and even the former Soviet Union might gain a respectful place in the world politics.¹³

Despite their expectations, Glasnost, Perestroika and New Thinking policies of Mikhail Gorbachev accelerated the dissolution process within the former Soviet Union. Because the opposition groups, who favored the collapse of the country, gained an effective political power in the Parliament during the last years of Gorbachev period as a result of his administrative and political reforms and pursued “liberal policy” which were completely contrary to those of Gorbachev – Shevardnadze government. Under the leadership of Boris Yeltsin, former President of the Russian Federation, the opposition groups demanded self-determination right to all former Soviet Republics. It indirectly meant immediate disintegration of the former Soviet Union.

After the Military Coup D’etat in 1991, the groups withdrew “the Gorbachev – Shevardnadze group” from the government. Presidents of the Russian Federation, Belarus and Ukraine came together and declared that the Soviet Union period was officially ended and the Commonwealth of Independent States (CIS) was formed.

b) First Years of Boris Yeltsin (1991 – 1992)

After the collapse of the Soviet Union, Boris Yeltsin and Andrey Kozyrev, former Minister for Foreign Affairs, pursued pro-Western policy where they advocated these assumptions mentioned below:

- a) The Western countries were not enemies of the Russian Federation,
- b) Even they were very constructive model for the Russian Federation to solve domestic economic and social problems,

¹² Karen Dawisha and Bruce Parrott, *Russia and the New States of Eurasia: The Politics of Upheaval*, (Cambridge, Cambridge University Press, 1995), pp. 19 – 20.

¹³ Karen Dawisha and Bruce Parrott, *op.cit.* pp. 21 – 22.

c) The Russian Federation was also an integral part of the Western world. Therefore it should establish “a comprehensive cooperation” with the Western countries,¹⁴

Lastly Yeltsin and Kozyrev assumed that by creating the strategic cooperation with the Western countries, the Russian Federation could make great contribution to the process of “shaping new world order in the 21st century”. Therefore Yeltsin and Kozyrev were called as “Atlaticians”.¹⁵

Within the framework of these basic assumptions, Yeltsin and Kozyrev advocated that the Russian Federation should completely become democratic state and transform its own state-controlled economic structure to free market economy. They believed that the liberal and democratic reforms were necessary for solving the domestic issues.¹⁶

In the same period, as far as the Central Asian states were concerned, the Russian officials left these states alone with their own destiny. Even the Russian officials accused the leaders of these states of not making great attempts in the direction of improving the human rights and democratic conditions in their own countries and of governing their countries with authoritarian and pro-Communist understanding.

Therefore the Russian Federation viewed any kind of Union, political or economic, with such-minded Central Asian states as a direct threat to the democratic and economic reforms in the Russian Federation.¹⁷ Maybe the Russian officials concerned that the Central Asian states would encourage the Communist elements in their own state against the reforms, or discourage the Western world that has supported such reforms through using financial and diplomatic instruments, or not fulfill necessary obligations for the reforms on the time, or slow down the reforms by expressing contrary opinions. Finally with regard to these assumptions, the Russian Federation stopped its financial assistance to them and even enforced them to use their national currencies.

On the other hand the Russian officials concerned that the Central Asian countries could not form “strategic” or “economic” relations with the Western states without the Russian participation.¹⁸

c) Revival of “The Eurasians” and Their Basic Assumptions

¹⁴ Amin Saikal, ‘Russian Policy toward Central Asia and the Middle East’, in Peter Shearman (ed.), *Russian Foreign Policy since 1990*, (Boulder, Westview Press, 1995), p. 268.

¹⁵ Jyotsna Bakshi, ‘Russian Policy Towards Central Asia – I’, *Strategic Analysis: A Monthly Journal of the IDSA*, XXII, 10, January 1999, pp. 1775 – 1785.

¹⁶ Amin Saikal, *op.cit.* p. 268.

¹⁷ Irina Zviagelskaia, *The Russian Policy Debate on Central Asia*, (London, Royal Institute of International Affairs, 1995), pp. 1 – 38.

¹⁸ Irina Zviagelskaia, *op.cit.* 1 – 38.

When the Soviet Union collapsed in 1991, all Russian politicians and people did not suddenly become friends of the Western world and not change their “Socialist Minds” in favor of “the Western Liberal Ideology”. Old communist groups, together with ultra-nationalist group, have still advocated “the imperialist policy” that the Russian officials should pursue. For that reason the opposition group was called as “Eurasians”

Their assumptions consisted of these basic considerations mentioned below:

a) The Russian Federation should play an active role in the World Politics as a superpower as being during the Cold War period. Therefore it should object middle-state role imposed by the Western countries.

b) It should continue its political hegemony over the Central Asia and the Caucasus. Therefore it should not withdraw its military forces from the region. Thus with its military presence it could affect attitudes of the leaders in the region and easily intervene into the domestic affairs of them.

c) It should reorganize and strengthen administrative structure of the CIS under its own hegemony. Thus the Russian Federation might again dictate its own will to the regional countries through directly participating into the CIS decision mechanisms and at the same time prevent the regional countries’ attempts to be a member of regional and international organizations that have been under the supervision of the Western countries and that would make their independence more stronger. Lastly they still saw the Central Asian and the Caucasus states as the Russian backyard.

d) It should prevent the emergence and revival of Radical Islamic Movements within the territory of the former Soviet Union that were direct threat to the territorial integrity of the Russian Federation and even might lead to emergence of a Radical Islamic State which would be located within and adjacent to the Russian territory.

e) It should protect human rights of the Russians abroad. First of all the Russian living in the former Soviet Republics were suitable instrument to intervene into the domestic affairs of the Republics. At the same time, when the Central Asian states enforced the Russians abroad either to migrate to Moscow or to become citizens of them, most of the Russians abroad migrated to the Russian Federation and this situation created a social problem in Moscow.

f) It should establish “strategic cooperation” with China, the Central Asia, Islamic World and India against so-called US-backed strategic alliance. Because they evaluated the American Administration’s attempts to create a favorable conditions for mutual cooperation as a direct threat to the Russian security and national interests. Thus the Russian Federation would form a kind of counter-strategic alliance against the United States and its allies in order to weaken its rising power

strategic alliance against the United States and its allies in order to weaken its rising power in the international affairs.¹⁹

According to the Eurasian Group, the Russian Federation should pursue twofold policy:

a) It should revive the Soviet Union by enhancing the CIS administrative structure under its own leadership,

b) It should play the Soviet Union's role in the world affairs by forming strategic alliances with China, Islamic World, India and Iran to counter the American power.

d) Under the Influence of the Eurasians New Russian Foreign Policy toward the Central Asia after 1993

In the first years of independence, the Russian politicians pursued pro-Western policies without facing with strong objections of the Communist and Nationalist groups. But the pro-Western Russian groups slowly lost their political power in the Russian Parliament as well as in the Russian Federation. Their policy of "Economic Shock Therapy" failed to improve economic and living conditions within the Russian Federation. Thus the Russian people began to blame the Pro-Western Russian politicians and the Western countries of causing heavy economic and social difficulties through imposing "liberal economic understanding" upon them who were not at that time ready for such kind of radical change. As a result of terrible living standards in the Russian Federation, the Russian citizens began to support the Communist and Nationalist elements. Thus these groups created some difficulties to the Yeltsin governments. In the meantime as a result of tough opposition of these groups Yeltsin and Kozyrev revised foreign policy principles at the end of 1992.

Thus the Russian officials began to carry out the Eurasian group's assumptions into the practice. In the context of the new Russian foreign policy, the Russian officials gave special importance to the Central Asian states and began to express their intention to deal with the ethnic problems within the territory of the former Soviet Union and to cooperate with the former Soviet Republics.

For that reason, in order to practically support their new considerations, they declared that enlargement of NATO toward the eastward direction was a direct threat to the Russian security and its military presence in the Central Asia and completely contrary to the Russian national interests. Therefore the Russian officials tried to form "CIS Mutual Defense System" among the former Soviet Republics.²⁰ Thus this system would overthrow two dangerous developments:

a) Withdrawal of the Russian troops from the region;

¹⁹ Yuri Fedorov, 'Russia's Policies Toward Caspian Region Oil: Neo-Imperial or Pragmatic?' *Perspectives on Central Asia*, 1, 6, September 1996, p. 1; Ariel Cohen, 'The New "Great Game": Oil Politics in the Caucasus and Central Asia', *Backgrounders, The Heritage Foundation*, 1065, 25 January 1996, pp. 1 – 11.

²⁰ Irena Zviagelskaia, *op.cit.* pp. 1 – 38.

b) The vacuum that might be emerged as a result of withdrawal of the Russian troops could be filled by the NATO forces through enlarging toward the eastward.

Secondly they described the commercial activities of the multinational oil companies in the Caspian Sea region as another dangerous development against the Russian national interests. The regional resources were tremendously necessary for survival of the Russian economy and according to the Russian officials the multinational oil companies had intended to weaken the Russia's influence over the region. Therefore the regional resources, especially oil and natural gas reserves, should be exported to the world market through the Russian territory without the participation of the Western countries. At the same time through using all appropriate means the Russian Federation tried to prevent the construction of "east-west energy corridor".²¹

While repeating its own claims about the Caspian Sea Continental Shelf case, it sent notes to governments of Azerbaijan and the Great Britain. In the notes, the Russian officials claimed, "until littoral states find a final solution to the case, all unilateral acts of the multinational oil companies and the governments have been illegal."²²

Thirdly the Russian Federation made serious attempts to prevent the revival of the Radical Islamic Movements within the territory of the former Soviet Union through preserving its own troops in the region.

In addition to the revision in the foreign policy, the Russian officials revised the military doctrine in 1993. They expressed their intention to sign Mutual Security Agreements with the former Soviet Republics. They also advocated that the Russian military troops might function peacekeeping and peace-making roles in the regional conflicts within the territory of the former Soviet Union.²³

Within the framework of the 1993 Military Doctrine, the Russian Federation continued its attempt and signed "Mutual Security Agreements" with Tajikistan, Kazakhstan, Belarus and Uzbekistan. The Russian General Staff changed structure of their forces in the Northern Caucasus region under the name of "North Caucasus Military Unit" and deployed additional troops to maintain its own control over Georgia and Azerbaijan as well as North Caucasus republics. But this decision was completely contrary to the provisions of Conventional Forces in Europe agreement. Lastly it provided military and financial assistance to the separatist groups in Georgia and Azerbaijan to enforce Heydar Aliyev, President of Azerbaijan, and Eduard Shevardnadze, President of Georgia, to sign

²¹ Jyotsna Bakshi, 'No Single Power or Power Center can have Exclusive Sway over Central Asia', *Strategic Analysis: A Monthly Journal of the IDSA*, XXII, 1, April 1998, pp. 119 – 141.

²² Jyotsna Bakshi, *op.cit.* 'Russian Policy Towards Central Asia – I', pp. 1775 – 1785.

²³ Wynne Russell, 'Russian Relations with the Near Abroad', in Peter Shearman (ed.), *Russian Foreign Policy since 1990*, (Boulder, Westview Press, 1995), pp. 54 – 67.

mutual security agreement with it and to join the CIS structure. In 1994 the Russian Federation lastly engaged in a war against Chechnya.²⁴

After 1995 elections, the Eurasian group gained an absolute majority in the Duma. Under the pressure of the Eurasian group, the Russian government adopted another military doctrine that was second victory of the group. In the context of new military doctrine, the Russian officials declared “they would use all appropriate means, including diplomatic, military and other suitable ones, in order to regain its hegemony over its own backyard”.²⁵ Hence within the framework of the 1995 military doctrine, the Russian government aimed at preventing free flow of the regional resources to the world market without its own control; strengthening its strategic relations with China, Japan and Iran; and finally deploying additional troops in the region.

At the same time the Russian officials began to play an active role in international affairs. They supported the Milosevic regime during the former Yugoslavia issue and Saddam Hussein of Iraq against the Western states.

Internally they decided to unite with Belarus. Through using military troops they intervened into the local conflicts, such as South Ossetia, Tajikistan, Nagorno-Karabagh and Abkhazia, to change the political developments in favor of their own national interests and to alter attitudes of the regional countries toward them.

e) Last Years of Former President Boris Yeltsin: Last Attempts to Maintain the Russian Hegemony over the Region

After 1997, under the leadership of former President Boris Yeltsin, the Russian Federation spent great efforts to prevent realization of east-west energy corridor, strongly supported by the US Administration, and it strongly advocated “north energy corridor”. Until 1990, the Russian Federation had unilaterally benefited from the regional resources and even earned huge amount of money from exporting the resources to the Western Europe. During the Cold War era, the Russian Federation was the second biggest natural gas and oil producer in the world.

But the idea of “east-west energy corridor” has clearly threatened its own superiority in the world energy sector and over the Caspian Sea energy basin. When the Central Asian and the Caucasus states, who obtained decisive support of the Western countries, with the help of the multinational oil companies, could export their resources without the Russian control, the Russian Federation would naturally be deprived from oil revenues and then lose its control over the region.

Due to this fear and the revised US Foreign Policy toward the region, they pursued more aggressive policy against Baku - Ceyhan oil and Trans-Caspian natural gas pipeline projects that will

²⁴ Wynne Russell, *op.cit.* pp. 54 – 67; Jyotsna Bakshi, *op.cit.* ‘Russian Policy Towards Central Asia – I’, pp. 1775 – 1785.

²⁵ Stephen Foye, ‘Russia and the “Near Abroad”’, *Post Soviet Prospects*, III, 12, December 1995, pp. 1 – 6.

transfer natural gas and oil reserves of Azerbaijan, Turkmenistan, Kazakhstan and Uzbekistan to the world market without passing through the Russian territory. However if the Russian Federation prevents the realization of the projects and maintains its strategic relations with Iran and Iraq, it may preserve its own superiority in the world energy sector.

In the meantime, the projects will supply the natural resources to Turkey and via Turkey to the Western Europe, which are main markets of the Russian Federation. Thus this situation will lead to a conflict between the Russian Federation and the regional states to obtain great share in the markets. As a result of the competition between them, they may decrease prices of the resources that will automatically damage “the Russian budget”.

Thus the Russian Federation spent great efforts to prevent emergence of such terrible results.

First of all it put the idea of “CIS Energy Security Body” on the table. By means of the Body, the Russian Federation and other CIS members might collectively regulate annual production and export levels of the resources. This idea reflected two growing concerns in Moscow at that time. The Russian Federation wanted to use oil and natural gas resources as a political weapon to promote reintegration of the former Soviet republics under its own leadership and in the meantime time it desired to counter efforts of several CIS states to find alternative routes to sell their resources.²⁶

The Russian Federation prepared some pipeline projects that will bypass Chechnya and transfer further amount of reserves from the region. Thus without direct threat of the Chechen government the Russian Federation might export the Caspian oil, especially Azeri oil, through new pipelines.

Through using existing pipelines as an instrument, it began to increase its pressure over the regional countries. For example it did not sign an agreement with Turkmenistan to buy annually its own natural gas. Thus in 1997 Turkmenistan was deprived from nearly one billion dollars. Additionally it created some obstacles in front of the US Chevron oil company that operated in Kazakhstan.²⁷

The Russian officials claimed that new regulations regarding the Straits, issued by the Turkish government, were completely contrary to the 1936 Montreaux Convention. At that time they planned to sell further amount of oil resources by tankers through the Straits (Additional 50 billion barrels per a year). However on the basis of new regulations, the Turkish government might put some restrictions upon the oil tankers that transfer the resources from the Russian ports.²⁸

²⁶ Paul Goble, ‘Analysis from Washington – Moscow’s New Pipeline Politics’, *Radio Free Europe / Radio Liberty*, 14 May 1996, pp. 1 – 3.

²⁷ *Philadelphia Inquirer*, 1 August 1997, p. 16; Fiona Dunne, ‘Gazprom Chief Comment on Turkmen Gas Shipments’, *Radio Free Europe / Radio Liberty*, 9 March 1999, pp. 1 – 2.

²⁸ S. Rob Sobhani, ‘President Clinton’s Iran Option’, *Caspian Crossroads Magazine*, 1, Winter 1995, pp. 1 –4; Michael Rank, ‘Russia and Turkey Clash over Control of Bosphorus’, *Reuters*, 25 July 1997.

Lastly the Russian Federation repeated its claims about the delimitation of the Caspian Sea continental shelf case. According to the Russian claims, each littoral state would have at most 45 nautical miles national zone and other sea areas would be accepted as a “Common Heritage of Mankind” and therefore this area would be under the common administration of the five littoral states.²⁹ Thus the Russian Federation would still carry on its hegemony over the Caspian Sea energy basin through using its dominant position in the Collective Body. On the other hand it together with Iran would easily escape the Western oil companies from the region.

f) Vladimir Putin and His Plans

On December 31, 1999, the former President Boris Yeltsin resigned and appointed former Prime Minister Vladimir Putin as an Acting President. Acting President Vladimir Putin, young and dynamic man, has pursued more or less similar policies with his predecessors. But there is only one difference between Putin and former Prime Ministers. The former Prime Ministers, such as Chernomyrdin and Primakov, did not find a great opportunity for fully and decisively implementing their imperialist policies. But now with the clear support of the Russian Oligarchs, Putin has caught a suitable atmosphere to practically realize old dreams of the Communist and national groups as well as economic interests of the Powerful Oligarchs.³⁰

Acting President has pursued a long-term strategy. In his strategy, Putin has emphasized on two main points as preconditions:

- a) Continuity of his political life, and
- b) Internal realities of the country.

Within the framework of these two preconditions, Putin has concerned that:

1. Economic situation in the Russian Federation is terrible. Therefore the Russian Federation should establish cooperation with the Western world in the fields of commerce and economy to improve internal terrible economic conditions. The western countries can provide sufficient financial and technological assistance to the Russian Federation to improve its industrial infrastructure³¹ and to reactivate economic and commercial activities. On the other hand the Russian government should still preserve its control over the domestic economic and commercial activities. His condition is clearly securing the commercial interests of the powerful Oligarchs through using its political and legal instruments.

²⁹ Marshall Goldman, ‘Petroleum, Pipelines and Paranoia in the Caucasus’, *Harvard University Russian Research Center*, December 1995, pp. 1 – 7.

³⁰ Jyotsna Bahski, ‘The Year 2000 Elections: President Yeltsin Fires the First Salvo’, *Strategic Analysis: A Monthly Journal of the IDSA*, XXII, 4, July 1998, pp. 578 – 579; Fikret Ertan, ‘Aile Telasta (The Family in Panic)’, *Zaman*, 1 December 1999.

³¹ *Yeni Safak*, 28 December 1999, p. 10

2. Most of the Russian politicians and people today have an aspiration of “returning to the back”. According to them, the Russian Federation should not accept the US-backed western states’ plan that identifies the Russian Federation as an equal and middle-level state in the international arena mentioned earlier. For them the Russian Federation is still a powerful country and with its backyard it can deal with the Western countries on the equal footing as a superpower.

As a result Vladimir Putin has described his own plan on the new world order in the 21st century within the framework of these preconditions. Shortly, on the one hand Putin has supported the idea of “establishing commercial, financial and economic relations with the Western world while forming a semi-state controlled liberal economic system”. Therefore he said he has been ready for cooperation with the Western world.³² So it may solve its economic difficulties. On the other hand he has wanted to reintegrate the Central Asian states within the framework of powerful CIS under its leadership. Thus he tried to reorganize and strengthen the administrative functions of the CIS. He has also attached special importance to the strategic relations with China, Iran and India to weaken the American growing influence in the World politics.

In order to realize his own aims, the Russian Federation firstly engaged in a war against Chechnya again. He aimed at re-establishing full control over Chechnya, securing oil pipelines passing through the region, and preventing further disintegration of his own country. Otherwise independence of Chechnya might encourage other 19 republics to declare their own independence.³³ Additionally the Russian Federation might permanently loose its own territorial connection with the Caspian Sea region. Thus the multinational oil companies might find suitable ground to make huge investments on the exploitation of the Caspian resources without facing with the Russian physical objection.

During the course of the war, the Russian Federation did not neglect to pursue suppressive policy against Azerbaijan and Georgia that it blamed them of giving logistical support to the Chechen fighters.³⁴ But in fact it had wanted to maintain its own influence over the South Caucasus states.

On the other hand the Russian Federation described the Turkish proposal for “Security Pact in the Caucasus” as an attempt that aimed at weakening the Russian presence in the South Caucasus³⁵ and obtaining suitable ground for infiltration of the US troops into the region. Therefore Putin invited the leaders of Azerbaijan, Georgia and Armenia to Moscow and during the mini-summit meeting they discussed on the subjects of the stability in the region and regional cooperation. In the meantime the Russian Acting President negotiated the Nagorno-Karabagh issue with Azerbaijan and Armenia. In February contrary to his first attempt Putin sent a letter to President Suleyman

³² *Yeni Safak*, 28 December 1999, p. 10

³³ *Zaman*, 2 January 2000, p. 9

³⁴ *Yeni Safak*, 26 November 1999, p. 11; *Zaman*, 25 December 1999, p. 9; *Zaman*, 25 December 1999, p. 10.

³⁵ *Cumhuriyet*, 12 January 2000, p. 1.

Demirel and declared the Russia's intention to join the Pact. But according to Putin two sides must discuss details of the Pact through technical committees. In reality Putin has wanted to slow down and even prevent the realization of the Pact. At the same time Russia will directly join the technical committee's meetings and find an opportunity to slow down the process.

For the Central Asian region, the Russian leadership made decisive attempt to bring the regional countries together within the framework of more activated and powerful CIS.³⁶ It organized a CIS Summit Meeting in Moscow to positively change their attitudes toward the Russian Federation and to alter their policy directions from the West to the North. In favor of this concern, the Russian Federation primarily discussed on the subjects of "Common Security Agreement" and "Free Trade Zone" with the Central Asian states. Thus in terms of military and commerce, it would extend its economic and commercial superiority over the region and the Russian troops deployed in the region would gain a legal basis.

In addition to his internal attempts, Putin augmented its strategic and nuclear cooperation with Iran, India and China. Within the framework of strategic cooperation, the Russian Federation has started a joint nuclear missile program with China³⁷ and presented a project for construction of nuclear plant to India.

In order to promote his political strategy, the Russian Federation revised again its own military doctrine in which it declared, "In any attack it will use nuclear weapons".³⁸ Thus new military doctrine enlarged scope of using nuclear weapons. At the same time Putin planned to make the Russian army more professional with heavy fighting capability. Therefore he has planned to give special importance to very sensitive military technology.

Conclusion

Vladimir Putin has not pursued completely different policy. Although his policy is only a positive response to the dreams of the communist and ultra-nationalist groups as well as the commercial interests of the wealthy Russian Oligarchs, his policy may lead to formation of new world order that is similar to more or less the Cold War era. Thus the Russian Federation may establish its leadership over the region and carry on its control over the regional resources. When he becomes successful, he may pursue anti-cooperative policy in international affairs, such as Bosnia and Kosovo issues, which may cause some kind of conflicts among the states. Additionally this situation may put an end to the expectations of the states that have a strong desire for global cooperation.

As far as expectations and real meaning of the foreign policies of other powerful states are concerned, the Russian Federation has little chance to carry its own dreams into practice. Because

³⁶ *Zaman*, 15 January 2000, p. 10; *Yeni Safak*, 17 January 2000, p. 9.

³⁷ *Zaman*, 16 January 2000, p. 10; *Zaman*, 18 January 2000, p. 10.

³⁸ *Turkiye*, 16 January 2000, p. 15.

China, Iran, Turkey and the European Union have never wanted to see any development that will lead to formation of bipolar world order. They have pursued such policies that have emphasized on global cooperation and mutual benefits in every fields. Therefore it seems that they will not give any permission to the Russian Federation to successfully reach to its dreams.

At the same time internal dynamics and realities within the Russian Federation may enforce the Putin government to change his policy from imperialist point to the cooperative one. Because today the Russian Federation has urgently needed the western financial assistance and high technology in order to improve its own industrial infrastructure and living standards.

Therefore it is hopeful that the Russian Federation may give up his own imperialist policy. In the meantime, it may accept to cooperate with both the regional and other powerful states in the case of energy on equal footing and see the Central Asian states as independent and equal partners in the international affairs. But this stage will take a long time.

CYPRUS SETTLEMENT: ANALOGIES FROM THE SUBCONTINENT

Ishtiaq Ahmad*

Despite the resumption of UN proximity talks on Cyprus in December 1999, the Turkish and Greek Cypriot leaders remain poles apart insofar as their respective perceptions, policies and approaches regarding political settlement of the Cyprus issue are concerned. They have put forward fundamentally different proposals on the table: Turkish Cypriot proposal of Confederation versus Greek Cypriot proposal of Federation. Successive rounds of the proximity talks have failed even to bring leaders of the two Cypriot nations face-to-face on the negotiating table. It is uncertain whether future rounds of these talks will enable the two sides to bridge their diverging paths. The most appropriate way to break the decades-long impasse over Cyprus is to recognize the existing realities on the island. Since 1963, the new generations of Turkish Cypriots and Greek Cypriots have lived in a bitter climate. Therefore, any international bid to bring them together again, or any UN effort to revive the 1960 experience, will only be counter-productive. Since 1974, there has been peace in Cyprus. The best way to let this peaceful situation continue well into the Twenty-First Century is to recognize that there are two Cypriot states lived by two different nations. In this context, the Two-Nation-Theory, on the basis of which the Indian subcontinent was partitioned into Muslim majority Pakistan and Hindu majority India can serve as an excellent precedent for the international community.

In British India's case, it was the fear of Hindu domination which forced the Muslims to demand Pakistan; in the case of Cyprus, given the growing chauvinism of Orthodox Christian leadership of Greek Cyprus, the Turkish side-even through Islam fares nowhere in its political perception on the issue-is justified in demanding a separate state. Interestingly, despite the fact that Turkish Cypriots were ethnically-cleansed during the 1963-74, and despite the fact that Greek Cypriots continue to maintain a highly arrogant and distrustful attitude towards them, the Turkish Cypriots leadership has been flexible and friendly enough to make every possible bilateral and multilateral efforts since the late 1960s to reach a peaceful settlement. The Turkish Cypriots do not even recall the trauma of their Missing Persons in hundreds. That, from time to time, the Greek Cypriots try to make it an issue, is because they wish to divert international attention from the basic ground reality

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on the island-that of the existence of two States-thereby preventing its political settlement on the basis of this ground reality.

The creation of Pakistan in 1947 was also necessitated by a similar chauvinistic attitude on the part of the Hindu leadership of British India. For its part, the Indian Muslim League led by Quaid-i-Azam Muhammed Ali Jinnah had even accepted the Cabinet Mission Plan of 1942, which proposed to create an Indian confederation, consisting of Muslim majority areas as one political entity and Hindu-majority areas as another-with the two states sharing foreign affairs, defense, and communications at the Center. The Indian National Congress, led by Jawaharlal Nehru, rejected the Plan, which was the last British attempt to keep India united after their departure from the subcontinent. In a sense, the Cabinet Mission Plan's Confederation proposal can be equated with Turkish Cypriot President Rauf Denktas's August 1998 Confederation proposal, which has been rejected by the Greek Cypriot leadership. The movement for creating Pakistan had picked up only after 1942, following the rejection of the Cabinet Mission Plan by Mr. Nehru. The reason being that Jinnah and other Muslim League leaders had by then concluded that it was useless to be flexible with a leadership whose sole aim was to dominate and subjugate the Muslim minority population in a united India. Thus, until the time Pakistan was created-14 August 1947- the Indian Muslim leaders struggled for one thing only: the creation of a separate Muslim state, where the people could live freely and happily.

Radha Kumar, in an article, titled "The Troubled History of Partition" (*Foreign Affairs*, January/February 1997), has tried to create an extremely bleak image of Partition as a means of resolving inter-communal disputes. If she is to be believed, then all the ongoing movements of self-determination across the world should be counter-productive, and must be stopped by state authorities no matter how atrocious they are, and international organizations no matter how unjust their perceptions and policies are. She further writes, "In many ways, despite the violence and displacements it produced, India's partition was the most successful ethnic partition, both because it allowed the British to quit and because the conflicts that ensued were by and large contained. But this had less to do with the wisdom of ethnic separation than with other factors, among them the subcontinent's distance from Europe." Does this mean the British should not have opted for the subcontinent's division into two states, were the region located closer to Europe?

As far as Cyprus is concerned, Radha argues, "... partition can only be described as a partition by default that the UN presence inadvertently aided... While casualties have been restricted since (the Turkish intervention of 1974), the division of Cyprus is little more than a long standoff that remains volatile and continues to require the presence of UN troops. Nor can the conflict be confined to Cyprus. Over the 20 years since partition, its short fuse is evident. A violent demonstration of (Greek) Cypriots in August 1996 resulted in Greece and Turkey threatening war. The cost of containment, therefore, includes permanent vigilance on the part of NATO and the Atlantic allies."

In Cyprus' s case, Radha's argument is beyond doubt based on sheer ignorance of a crucial ground reality: that since the 1974 Turkish intervention, the island has seen a greater level of peace than is visible in relations between many hostile neighboring countries of the world. Take, for instance, the case of Kashmir, where across the Line of Control, the troops of nuclear India and Paki-

stan exchange artillery shells and mortar fire almost on a daily basis, causing several military and civilian casualties on the two sides. Thus, it is interesting to observe that while Radha Kumar has defended subcontinent's case for partition, despite the existence of a war-like situation between India and Pakistan over Kashmir, she refuses to accept the Partition of Cyprus, on the basis of just one violent incident that occurred along the Green Line as far back as August 1966.

Kashmir's comparison with Cyprus

It is pertinent to mention here how the Kashmir issue is similar to and, at the same time, different from the Cyprus question. There are two main similarities between the two Muslim world issues. First, as there is no common Cypriot culture, there is no single Cyprus nation. But Greek Cypriot leaders always try to highlight 'Cypriotness' of the islanders, in order to dupe the outside world. India has long adopted the same tactic in the case of Kashmir, ever since the dispute began. What Indian leaders and their cronies in Indian-administrated Kashmir always preach is "Kashmiryat: that the people of 'Kashmir', whether they are Hindus or Muslims, have only one common cultural identity, which they term as 'Kashmiryat' ". The truth is that in both Pakistani-administered Kashmir and Indian-administered Kashmir, over Muslims, have only one common cultural identity, which they term as 'Kashmiryat'. The truth is that in both Pakistani-administered Kashmir and Indian administered Kashmir, over 90 per cent of the people are Muslims, and they share a Muslim identity. That is why they wish to live in a country where their Muslim identity can grow and they are able to live according to their own wishes. As regards Cyprus today, the cultural divisions existing between the Greek and Turkish communities have sharpened due to decades of physical separation. Every passing day adds to this cultural and geographical divide. Secondly, Turkish Cypriots and Kashmiris are struggling for the same end of self-determination.

There are two fundamental differences between the issues of Kashmir and Cyprus: First, Kashmir is a dispute, because Kashmiris have been waging a full-scale war against nearly 700,000-strong Indian troops ever since the start of a popular uprising in Indian-administered Kashmir in 1989. Cyprus, on the contrary, cannot be termed a dispute because the island has seen peace, even if unstable, since the 1974 Turkish peace operation. At best, thus, it can only be termed an issue. The second main difference between Kashmir and Cyprus is rooted in how the United Nations has handled each one of the two issues. While Kashmir is a victim of the non-implementation of UN Security Council resolutions, Cyprus is the victim of an unjust UN Security Council resolution. The Kashmir dispute remains unresolved because India continues its refusal of holding a UN-supervised plebiscite in Kashmir, as recommended in the UN Security Council resolutions.

The issue of Cyprus remains unsettled because the UN Security Council in its resolution of March 4, 1964, unfairly gave only Greek Cypriots the right to represent the whole of the island as the 'Government of Cyprus.' In other words, if in Kashmir's case, the UN had acted justly in the late 1940s; in the case of Cyprus, it acted unjustly in the early 1960s. However, in various resolutions of the UN Security Council and reports of successive UN Secretaries- General, the Turkish Cypriot right to political equality vis-à-vis the Greek Cypriot community has been duly recognized. That the UN Security Council has failed to actualize this recognition-by not treating North Cyprus as a State,

by not treating Mr. Denktash as the President of Turkish Cypriots in inter-communal negotiations – is an injustice caused by the same UN Security Council resolution of March 1964. On the other hand, in the case of Kashmir, even if the UN Security Council had acted justly in the late 1940s, the very fact that it has failed to supervise the recommended plebiscite in the last half century, despite growing Indian militancy against Kashmiris, points to UN duplicity on Kashmir.

As there is no single 'Kashmir' or the 'Government of Kashmir', there is no single 'Cyprus' or the 'Government of Cyprus'. Ever since the 16th Century arrival of the Ottomans in Cyprus, there has never existed a single nation on the island. It has always had two separate nations: one Greek; the other, Turkish. During the Ottoman times, the latter was the ruler; and the former, subject-even though enjoying various privileges (which the Greeks could not even dream of during the pre-1571 Venetian period). In the entire Ottoman period, the two nations, however, existed separately. One's heroes remained the other's enemies. They still are. During the British times, the colonial rulers gave Greeks undue favors. On the other hand, circumstances for the Turks always remained unfavorable. Yet the two nations existed. The Turks survived all attempts by the Greeks, by their colonial bosses, aimed at discriminating them and subjugating their rights. Interestingly, the British encouraged the Greeks to such an extent that eventually they became a Frankenstein Monster and, by the 1950s, turned against the British themselves. The EOKA, the Greek terrorist organization, launched militant acts against them, as well as the Turks, for the realization of their centuries – old dream of Enosis.

The Partnership Republic of 1960 was an utterly failed attempt on the part of the withdrawing colonial British to bring the two communities together. It did not work, primarily because Greek Cypriot leaders, thinking wrongly that their community was in majority on the island, were not prepared to recognize political equality of their Turkish Cypriot partners. The Republic could not survive, because of the fundamental fact that despite the creation of one Republic, the island still had within its boundaries two entirely different nations, with separate cultures, languages, and religions. These two nations have mistrusted each other for a long time. The nation of Greek Cypriots existed before 1571. But before the capture of Cyprus by the Ottomans in that year, the Greeks were not the rulers of the island. They were the subjects of the ruling Venetians. The Venetians, for being Catholic Christians, persecuted Orthodox Christian Greeks. The latter should at least be grateful to Turkish Cypriots today. For it was the forefathers of Turkish Cypriots, the Ottomans, who liberated Greek Cypriots, especially their holy priests, from Venetian reign of terror on the island.

Greek Designs and British Mistakes

The gory events occurring between December 1963 and July 1974 prove that the two communities of Cyprus cannot co-exist with each other peacefully. The mutual animosity and bickering between them-rooted in the 1960-63 Republic experience and in the 1963-74 ethnic-cleansing of Turkish Cypriots-have been crystallized in the minds of the two sides' ruling elite, if not the entire populations. The two communities could have co-existed peacefully in the 1960 Cyprus Republic. That they could not was because of the domineering tendencies on the part of the Greek leadership who exhibited an insatiable lust for majority rule in Cyprus. Here, again, one would like to take an analogy from the

Muslim experience in the British India. The call for Pakistan was for the first time made in the Lahore Resolution of March 23, 1940. What forced the Muslims of India to call for the partitioning of subcontinent and demand Pakistan? The immediate reason was the experience they had in Hindu majority states of British India after the provincial elections of 1937, which were held after the promulgation of the Government of India Act of 1935.³⁹

As a result of these elections, the Indian National Congress, an essentially Hindu political party, formed the governments in eight out of eleven provinces of British India, including the Hindu majority provinces. For the next twenty-eight months (1937-1939), the kind of persecution, which the Muslims experienced at the hands of Hindu leaders of Congress, convinced them that a United India with a Hindu-dominated Central government could seize their political fate once and for all. Thus, the Indian Muslim leadership thought it was better to demand an independent state before the British withdrawal – a demand that was made in the 1940 Lahore Resolution. As stated before, the Indian Muslim League led by Jinnah was flexible enough to accept the Confederation solution offered by the British in their Cabinet Mission Plan. However, after the rejection of the Plan by the Hindu leadership, the movement for Pakistan became so strong that the British were left with no option but to divide the subcontinent into two states on the basis of religion.

If in the case of the subcontinent, the 'divide-and-quit' option determined the end of British colonialism; in the case of Cyprus, the British opted for a federal solution. That they did this was because unlike Indian Muslims, Turkish Cypriots did not demand the creation of a separate homeland. What their leadership demanded from the withdrawing colonial empire was political sovereignty and security guarantee. However, before the British withdrawal from the island, Hindu leadership of British India before Partition, which launched a Quit India Movement as soon as the Second World War began, pursued Greek terrorist organization EOKA did opt for the same course as. In fact, the goals of EOKA and Hindu leadership were the same: to dominate Muslims. EOKA targeted the British in the 1950s so at they should quit Cyprus without reaching a long-term political settlement accommodating the Turkish Cypriot political and security concerns. The main motive behind EOKA terrorism against the British and Turkish Cypriots was to achieve Enosis.

The question that arises is, why didn't the British realize before withdrawing from Cyprus and establishing a federation there that chauvinistic Greeks, with terrorist EOKA in their midst, would never allow the Turkish Cypriots to exercise their right of political equality and live in a secure environment in a federal republic? Before the 1960 Republic was established, the matter of Partition did surface during the House of Commons debates.⁴⁰ The final settlement, however, was a

³⁹ See Craig Baxter, et al, *Government and Politics in South Asia* (Boulder, Co: Westview Press, 1993), p 35. For details on the circumstances leading to Pakistan's creation, see Percival Spear, ed., *The Oxford History of India*, 3rd ed. (London: Oxford University Press, 1967); and Stanley Wolpert, *A New History of India* (New York: University Press, 1982).

⁴⁰ On 19 December 1956, the British Colonial Secretary in Cyprus, Allen L Boyed had stated that while giving independence to Cyprus the right to self-determination of the two communities would be considered equally; and that if the circumstances required the island could be "partitioned between the two communities" as a final settlement by Her Majesty's Government. The then British Prime Minister Harold Macmillan had later seconded Secretary Boyed's opinion.

federal republic. Thus, despite the fact that a Cypriot 'nation' did not in fact exist in Cyprus, the Turkish and Greek communities had reached an agreement establish a Cyprus State in partnership. It had been hoped that out of this Cypriot State a Cyprus 'nation' would eventually emerge. This, of course, required time, goodwill, and operation between the two communities.⁴¹ Unfortunately, on all of these counts-time, goodwill, and co-operation – the Greek Cypriots failed the international community.

Had the British also opted for 'divide-and-quit' solution in the case of Cyprus, for which they already had before them a precedent from the subcontinent, the issue of Cyprus would not have arisen in the first place. The two states of Cyprus, one Greek and the other Turkish, would have progressed equally and effectively with security guarantees provided by their respective motherlands, Greece and Turkey. Although many factors are responsible for the messy situation facing Cyprus today, especially the Turkish Cypriots, the British must be partly blamed for creating this situation-and, therefore, they, more than any other Western power, are obliged to help correct it in an equitable manner. However, it remains a fact that British have been more interested in the survival of their two sovereign military bases in Cyprus than any political settlement of the issue. Given the strategic location of the island, the British would obviously oppose any political settlement in Cyprus that threatened the existence of these bases.

Debating Federation and Confederation

The 1960 Republic experience was a disaster, and, under no circumstances, it should be repeated. It is tragic that the United Nations and other principal players of the international system are still mostly trying to revive the fatally flawed model. The existing UN framework for resolution could have been valid for the period between 1963 and 1974. The territorial separation which followed the events of 1974 and well over three-and-a-half decades-long evolution of two fully-fledged sovereign and democratic states necessitates a new approach on the part of the international community to facilitate a new working relationship between two island states. The separate existence of the TRNC is an established fact, and the level Turkish Cypriot trust and confidence in the Greek Cypriots is so low that the formation of some kind of new partnership is highly unlikely. So, why waste time in trying any such option! The physical separation of the two sides following the events of 1974 has prevented inter-communal violence and fighting. The period since 1974 has provided the two sides an opportunity to prepare the ground for a new working relationship between them – an opportunity that Greek Cypriots, for being the sole representatives of the 'Government of Cyprus', have failed to exploit; willingly or unwillingly is not the question here.

ion in the House of Commons. For details, see Ishtiaq Ahmad, *After Bona: Cyprus?* (Vision 21 Publishers, 1997), pp 33-34.

⁴¹ See Necati Münir Ertegün, *The Cyprus Dispute and the Birth of the Turkish Republic of Northern Cyprus* (London: Oxford University Press, 1981), p 8. On the question whether the 1960 Republic was meant to be a State or a Nation, Mr. Ertegün cites a statement by Archbishop Makarios (*Cyprus Mail*, 28 March 1963): "No Greek, who knows me can ever believe that I would wish to work for the creation of a Cypriot national awareness. The Agreements (of 1960) have created a State not a Nation."

Given a long history of conflict and mistrust between the two communities, the establishment of a Federation would be counter-productive. A true federation in a sociological as well as a legal sense can only come about as a result of free self-determination of two partners, who hold an equal status at least as far as this freedom and power of self-determination is concerned. A federation, as a form of contact, cannot be otherwise envisaged than as a consent of partners who are considered able and entitled to decide and speak freely for them. Two parties, one of which is oppressed and governed by the other, cannot validly conclude a federation. Therefore, the establishment of the Turkish Republic of Northern Cyprus has provided a decisive prerequisite for what is considered by both parties as the solution to the Cyprus problem. It should be welcomed and recognized by everyone interested in such a solution.⁴²

In case the international community wishes Cyprus to represent itself in world organizations and inter-states affairs as one country, then the idea of Confederation can be a workable option. However, since a Confederation is only possible between two or more states, the international community before trying this option has to give official recognition to the TRNC. Unlike Federation, which is created by a Constitution, a Confederation is established by an international treaty and represents a loosely co-coordinated structure between two or more states whose decisions are not directly enforceable.

The primary precondition for the creation of a Confederation, however, is that the states concerned should become so friendly with each other that they are willing to share crucial areas like foreign, defense and communication affairs. Looking at the Greek tactics of the past half-century, how can anyone realistically even expect the Greek Cypriot leadership to share their foreign, defense and communication affairs with the Turkish Cypriots in a Confederation? Of course, they would like to have a Federation in which they could establish a majority rule on the island as a first step towards Enosis. The option of Confederation could have been possible, had the Greek leadership welcomed President Denktash's August 1998 proposal to this effect, which it has not. The option of Confederation could have been possible, had the international community acknowledged the right to statehood of the Turkish Cypriot nation, which it has not. In these circumstances, partition of the island into two independent states remains the only viable option.

⁴² Dr. Christian Heinze, *Cyprus Conflict, 1964-1985* (London: K Rustem and Brother, 1986), p 343. Dr. Heinze has been quoted by Metin Tamkoc in his excellent work, *The Turkish Cypriot State*. Metin comments: "The Turkish Cypriot people were entitled to their own State. They have established their State, in the exercise of their inherent and inalienable right of self-determination. The legal existence of this State is not, however, contingent upon its recognition by other States. Its legal existence is the function of its legitimacy. The formal aspects of the Turkish Republic of Northern Cyprus – its type of government, the size of its population and its territory, its physical capabilities – are not as important as its 'Spirit'. As long as that 'Spirit' represents 'the free will of the Turkish Cypriots' it deserves respect among other States. The legitimacy of the Turkish Republic of Northern Cyprus is the only reason why it must be accorded recognition. not only by the Greek nation but also, by the whole society of nations. The latter must regard such an act of recognition of the Turkish Republic of Northern Cyprus as fulfilment of one of their significant international duties." For details, see Metin Tamkoc, *The Turkish Cypriot State: The Embodiment of the Right of Self-Determination* (London: K Rustem & Brother, 1988), pp 81-139.

The Option of Partition

In his book, *Contemporary Cyprus*, Dr. Gobbi writes: "The idea of a bi-national Cyprus has not proved viable; it showed lack of capacity to maintain a common life ... The idea of unification presents itself as sociologically irrational. In the case of Yugoslavia's fragmentation, the differences were only cultural. In the case of Cyprus, we have these differences, plus external, divergent forces in action, more today than in the past. Furthermore, there is nothing to constitute a uniting factor. What we do have is the existence of real confrontations and chronic prejudices. There are no cultural similarities, where language, religion and race are different. There is no will to share a common destiny, an important factor in multi-racial American societies. They also lack the desire to live in close association, since past experience has shown that coexistence has not led to the slightest inclination for integration. They do not share even common enemies as an external uniting factor. On the contrary, the foreign ties are separating factors. 'Quieta non movre', which in translation means let sleeping dogs lie, because unification might arouse ancient conflicts. Before you think of unity you have to transform the inter-communal psychological atmosphere. We are in the presence of two culturally different nations, separated by powerful new as well as old causes and nothing favoring union.... In our days, nothing indicates unification; everything points to separation. The endeavor of the United Nations is very generous, but a step in the wrong direction. It was not well-grounded in the past, and it is less wise today, under changed circumstances."⁴³

Which other opinion on Cyprus can be more credible than that of Dr. Gobbi, who directly mediated on the issue on behalf of the world's top most body set up on the ashes of the Second World War for the exclusive purpose of guaranteeing international peace and security? In fact, Dr. Gobbi's has not been the only diplomatic voice suggesting the island's division into two independent and sovereign states as a means towards achieving a long-lasting settlement of the Cyprus issue. Following the collapse of the 1960 Republic, former US Secretary of State Dean Acheson had also proposed a similar idea: division of Cyprus between Turkey and Greece⁴⁴. Even though Mr. Acheson's was a bit radical approach, it could still have better been than the federation solution opted and implemented by the British, and which collapsed within three years and resulted in the massive abuse of Turkish Cypriot right to life, liberty and property by the Greek Cypriot militants. While any peace settlement in Cyprus that guarantees Turkish Cypriots equal political rights should be welcomed, the fact remains that in the end all depends on whether the Greek Cypriots are genuinely willing to accept such a settlement. An ideal situation for settlement in the given circumstances, for example, can be the establishment of a confederation as a first step to eventually set up a bi-zonal and bi-communal federal after the European Union first recognizes the TRNC and then considers its separate candidacy for EU membership. But, then again, the question remains the same: Would the Greek Cypriots accept this?

⁴³ For more details, see Hugo J. Gobbi, *Contemporary Cyprus* (Tel Aviv: Auropa, 1998), 181 p. Also see Hugo J. Gobbi, *Rethinking Cyprus* (Tel Aviv: Auropa, 1994), 110 p.

⁴⁴ See Ömer Murat, "Taksim Was Offered by the US" *Türkiye*, 20 September 1999.

The End of History

Both historical realities and current circumstances seem to favor the partition option in Cyprus. An internationally acknowledged permanent division of the island into two and separate sovereign states will, in fact, mean the end of history in Cyprus and the beginning of a future full of bright prospects for the two communities. Nobody would ever talk about the 1960 Republic, the international treaties of that year. All past documents and resolutions, their interpretations and misinterpretations, accusations and counter-accusations by leaders of the two communities will fall in the dustbin of history. While the United Nations is in dire need of finances, why should it drag itself any longer in Cyprus, a beautiful Mediterranean island living in peace since 1974? The additional financial resources and diplomatic staff that will be at the disposal of the UN after final settlement of Cyprus can be used more credibly in real regional hotspots such as Kashmir.

The international community has an essential obligation to help the two people of Cyprus to forget the ugly phase of their history and chart a new course towards social progress and economic well-being. We must remember that it is only with the birth of two independent states in the island-Turkish Republic of Northern Cyprus (TRNC) and Greek Public of Southern Cyprus (GRSC-that this dream can come true. It will also help the EU accession process for the island. If the Czech Republic and the Republic of Slovakia can be separately considered for EU candidacy, so can the TRNC and GRSC. If the Indonesian island of Timor can be divided into independent East Timor and Jakarta-controlled West Timor – with the people of the two parts being represented separately in the comity of nations – the same can hold true for Cyprus.

In fact, the more the United Nations delays the issue of recognizing the Turkish Cypriot republic, the more ridiculous its own standing as an international peace and security organization will become: recognition or no recognition, the Turkish Cypriots are any way benefiting from enormous opportunities that the fast emerging international trend towards globalization provides them. The demands and pressures of globalization are fast solving the only unresolved issue in Cyprus: that of non-recognition of the TRNC.

The international community is, thus, left with no option but to acknowledge the separate statehood, political independence and sovereignty of the Turkish Cypriot nation. Once this is done, then the two people living in their respective states in a divided Cyprus can always amicably deal with other areas of conflict while keeping their respective national interests supreme. In addition, after the division of Cyprus, the European Union should not have any problem in extending its membership offer to the two states of Cyprus. The EU has already made this offer to Turkey. However, at the same time, it has committed a blunder by continuing the negotiating process for the island's accession with only the Greek Cypriot side. Not just this. By declaring that Cyprus could accede to the EU even without its political settlement, the EU has itself opened the door for the island's permanent division.

In the given circumstances, the EU has two options: First, it can wait for political settlement of the issue, and if it is settled on the basis of a two-States confederation formula, then consider the membership application filed by a single Confederal authority of the two States. The second option

for the EU is to accept the division of the island into two States, after recognizing the TRNC, and then accepting a separate membership application of the Turkish Cypriot State. As pointed out earlier, if the EU can separately accept the candidacy of the Czech Republic and the Republic of Slovakia – which not that long ago were a single State – why can't it separately accept the membership application of the two States of Cyprus? The same is the case with the three Baltic Republics of Latvia, Lithuania and Estonia – which were part of the Soviet State-all of them have been separately considered for EU candidacy. The European powers have to realize that membership of the TRNC and Turkey in the EU might, in fact, be a blessing for the European Union itself, since this will have a moderating impact on any future conflict of interest between Washington and Brussels in the Eastern Mediterranean.

THE FUTURE AGENDA OF NON-PROLIFERATION AND ARMS CONTROL*

Mustafa Kibaroğlu**

This article aims to bring to the attention of security analysts major challenges to the existing non-proliferation regimes, and to put forward some thoughts on the evolution of the concept of arms control in the post-Cold War era. The implications of these challenges to the security of Turkey as well as to the stability in the international arena will be discussed.

Turkey is a country, which has never sought acquiring or possessing weapons of mass destruction of any sort. However, for the defense of the country, Turkish security elite has long relied on the deterrence provided by the US nuclear weapons deployed in the NATO bases in Turkey since the 1960s. It seems that that there has been no significant change in this policy lately. Although the Warsaw Pact no longer exists, and no imminent nuclear threat is perceived from the Russian Federation today, Turkish security elite still favor the existence of the remaining US nuclear weapons in Turkey, albeit symbolic in number, as a potential deterrent against the threats emanating from the uncertain neighborhood.

However, Turkish security elite are well aware that strengthening the existing nuclear, biological and chemical (NBC) non-proliferation regimes would bring more security to the country, and more stability to the region where Turkey belongs. Compatible with such an aim, Turkey does its best to contribute to the efforts spent by various countries and organizations to strengthen the regimes in mention. Nevertheless, there are serious challenges to these efforts.

Beyond the well-known structural, economic, technological and legal difficulties that create serious frictions in the process of coming up with full-fledged NBC non-proliferation regimes having effective verification mechanisms, the on-going debate on the plans of the United States to deploy a nation-wide ballistic missile defense system known as the NMD seems to be one of the biggest challenges to the future pace of these regimes.

For reasons discussed by and large in the international fora, the United States is seriously planning to deploy the so-called NMD, which requires either an amendment to or the abrogation of

* This article is based on the paper entitled "*The Future of Nonproliferation and Arms Control: A Turkish View*," delivered during the 3rd Asian Security Conference: Towards a New Asia, organized by the Institute for Defense Studies and Analyses (IDSA), 26 – 29 January 2001, India Habitat Center, New Delhi, India.

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the Anti Ballistic Missile (ABM) Treaty signed in 1972 between the US and the USSR. But, Russia, in the first place, and China likewise object to such US plans on the grounds that the deployment of an effective anti-ballistic missile system will render the American cities and other strategic assets of the US invulnerable.

Therefore, Russians and Chinese authorities express their fears that the US may then adopt more assertive policies towards their nations. Russian arms control experts warn their American counterparts in this regard saying that their insistence on the NMD deployment and the possible withdrawal of the US from the ABM Treaty would damage the bilateral strategic arms control process which includes, among others, the implementation of the Intermediate Nuclear Forces (INF) Treaty and the Strategic Arms Reduction Treaty (START-II). Russians experts also warn their American colleagues that the cooperation between the two countries in the field of strengthening the NBC non-proliferation regimes may come to an end.

Hence, if no middle way is found in this debate, and if Russia abandons the implementation of the INF Treaty, which requires the dismantlement of an entire category of nuclear weapons that can hit any targets within a range of 1,500 to 5,500 km, the threat perceived by Turkey from Russia in this respect will increase again. It is also feared by Turkish security elite that the same category of nuclear weapons will increase the threat posed to the Turkic republics in Central Asia and the Caucasus. Turkey pays serious attention to the continuation and consolidation of democratic reforms and transition to market economies in these sovereign republics.

Moreover, if Russia puts a halt to its contribution to the international efforts, which aim to strengthen the NBC non-proliferation regimes, as a reaction to the US NMD plans, the threat perceived by Turkey from the proliferation of weapons of mass destruction will be squared. It is clear that without active support of Russia, these regimes are doomed to failure.

Bearing in mind the strategic role-played by Russia in the non-proliferation of NBC weapons and the US contribution to it, Turkish security elite therefore believe that it is essential to maintain the level of cooperation so far achieved between the United States and the Russian Federation within the framework of the Cooperative Threat Reduction (CTR) program. The CTR's achievements in dismantling the legacy of the Cold War, and providing assistance to Material Protection, Control and Accounting (MPC&A) in the former Soviet republics are found highly remarkable.

The CTR and the MPC&A cover a wide range of sensitive material, technology and know-how that are used in the manufacture of NBC weapons. A deficiency in the proper accomplishment of the task envisaged within the framework of the CTR is feared in the security circles in Turkey to gain momentum to the already existing illicit trafficking of the NBC material as well as the brain-drain from the former Soviet territories towards aspiring states and terrorist groups. It goes without saying that most of such states and non-states actors are located in the immediate neighborhood of Turkey. Moreover, because of Turkey's geographical location, the illicit trafficking of highly radioactive and toxic material brings with it the danger of experiencing an environmental disaster in case the smuggled material are not kept under proper safety conditions.

On the other hand, China's reactions to the US plans to deploy an NMD are paid an equal attention among Turkish security elite. It is reported that, as a reaction to the US plans to deploy an NMD, China threatens the United States, among others, with a rapid military build-up especially in the category of strategic nuclear weapons. China is known to have small intercontinental ballistic missile arsenal in vulnerable silos. Hence, after a US NMD deployment Chinese authorities may conclude that they had lost their deterrent force and they may act accordingly.

Thus, if China embarks upon a rapid armament program, the world will certainly become a much less safer place to live. Moreover, China's collaboration especially in the field of export controls of sensitive and dual-use material may come to an end. Again, the actual and potential customers of such materials are no doubt located around Turkey.

Although Turkish security elite fear a diminishing support of Russia and China to NBC non-proliferation regimes, it is quite clear that the threats involved are not peculiar to Turkey only. All of the peace-loving countries who have used to trust in collective security and collective defense structures for keeping international peace and order for decades will be negatively affected in case the above mentioned scenarios become a fact of life.

Therefore, it is essential to maintain a high degree of effective cooperation between the United States, Russia and China in strengthening the existing non-proliferation regimes. Because, if these regimes fail to prevent acquisition of NBC capabilities by aspiring states, then a number of technologically advanced states that are within the regime today, may wish to head on to different directions with a view to providing more security to their nations. Such an occurrence, however, may pave the way to the collapse of the non-proliferation regimes and bring chaos to the world political arena.

COOPERATION BETWEEN THE UNITED STATES AND RUSSIA AS WELL AS CHINA IS ALSO IMPORTANT BECAUSE OF THE ROLE THEY PLAY, OR HAVE PLAYED IN THE PAST, IN THE NUCLEARIZATION OF THE SUB-CONTINENT. INDIA AND PAKISTAN, SELF-PROCLAIMED NUCLEAR WEAPONS STATES, ARE KNOWN TO HAVE TENSE RELATIONS WITH EACH OTHER AND WITH SOME OF THEIR NEIGHBORS. HENCE, THE LIKELIHOOD OF A HOT CONFRONTATION AT ANY SCALE IS NOT NEGLIGIBLE. ALTHOUGH BOTH INDIA AND PAKISTAN HAVE SMALL NUCLEAR ARSENALS TODAY, THEIR NUCLEAR PROGRAMS ARE UP AND RUNNING AND THEY ARE QUITE LIKELY TO EXPAND BOTH IN SCOPE AND CAPACITY.

At this point, referring to two classical approaches to arms control may be useful: Thomas Schelling and Morton Halperin have eloquently stated in their masterpiece, *Strategy and Arms Control*, that arms control "...rests essentially on the recognition that ... military relation with potential enemies is not one of pure conflict and opposition, but involves strong elements of mutual interest in the avoidance of a war that neither side wants..."⁴⁵ Similarly, in his remarkable book, *Arms Control: Theory and Practice*,

⁴⁵ See Thomas C. Schelling & Morton H. Halperin, *Strategy and Arms Control*, 1985, A Pergamon-Brassey's Classic,

Michael Sheehan states that “...the arms control approach believes... that peace and stability are as much a function of intentions as they are of capabilities.”⁴⁶

For obvious reasons, the probability of rolling back the nuclear weapons capabilities of India and Pakistan are next to impossible at least for the foreseeable future. Therefore, their intentions must be controlled, as was the case for the United States and the Soviet Union during the Cold War. At this point, however, one must bear in mind that there is a very significant distinction between the superpower rivalry during the Cold War and the rivalry in the sub-Continent in the post-Cold War era.

THE UNITED STATES AND THE SOVIET UNION HAVE DETERRED EACH OTHER FROM RESORTING TO A SURPRISE ATTACK WITH THE FEAR OF CAUSING AN UNACCEPTABLE DAMAGE IN RETURN WITH THEIR SECURE SECOND-STRIKE CAPABILITIES. THE EXISTENCE OF SECURE SECOND-STRIKE CAPABILITIES OF BOTH SUPERPOWERS DURING THE COLD WAR HAD ALMOST RULED OUT THE POSSIBILITY OF BEING THE WINNER OF AN ALL-OUT NUCLEAR EXCHANGE. ENORMOUS DESTRUCTIVE CAPABILITIES OF BOTH SIDES COMPELLED THE RESPONSIBLE AUTHORITIES TO EXERCISE UTMOST RESTRAINT AND SUPPRESS THEIR INTENTIONS IN ORDER TO AVOID A WAR. THE GUIDING PRINCIPLE OF ARMS CONTROL IN THE NUCLEAR AGE WAS THEREFORE STRICT AVOIDANCE OF A WAR BETWEEN THE TWO SUPERPOWERS.

Notwithstanding such a delicate balance of terror that shaped the superpower rivalry during the Cold War, in the post-Cold War era, India and Pakistan have apparently not attained a similar stable

Balance of deterrence. Hence, the lack of secure retaliatory forces in the sub-Continent increases the fears that either side may intend to take the advantage of making a disarming first strike with the belief that they could be the winner.

Faced with such a challenge, the arms control community should do its utmost to assist both India and Pakistan to control their intentions so as to help avoiding a devastating war. This is, however, by no means to suggest providing secure second-strike capabilities to both sides and thus increase their armament levels, which are already at alarming levels. Nevertheless, mutual vulnerabilities of other sorts can be introduced into the region, which might compel both sides to exercise utmost restraint on their intentions, as did the US and the USSR during the Cold War.

No matter how complicated it may seem to be, however, the nuclearization of the sub-Continent may still be regarded as one of the relatively easier chapters of the problems of arms control in the 21st century. Because, both India and Pakistan have managed to raise a community of se-

McLean, Virginia, p. 1.

⁴⁶ See Michael Sheehan, *Arms Control: Theory and Practice*, 1988, Blackwell, Oxford, p. 7.

curity experts consisting of responsible politicians, academics, scientists and military personnel who will do their best to avoid a nuclear catastrophe.

However, the rest of the world today is dramatically different than the one that we had during the Cold War. The stable balance that existed in the bipolar international system is being replaced by a degree of instability in a multitude of trouble spots in the world because of the emergence of a multitude of players, big and small, in the international arena.

BEING BIG OR SMALL, HOWEVER, SHOULD NOT MAKE ANY DIFFERENCE ON THE STRATEGIC CONSIDERATIONS OF THE STATES CONCERNED DUE TO THE POSSIBILITY OF ACQUISITION OF NUCLEAR WEAPONS CAPABILITIES BY SMALL STATES. EVEN A MODEST NUCLEAR ARSENAL MAY PROVIDE THE SMALLER ACTORS WITH ENORMOUS POWER AND WITH UNPRECEDENTED INCENTIVES FOR CHALLENGING THE BIGGER ACTORS.

Hence, as opposed to the bipolar world, where capabilities were hard to roll back, and thus intentions had to be controlled, today, in a multi-polar world, intentions are hard to control, thus, capabilities have to be rolled back.

Therefore, in the post-Cold War era, the principal problem is the spread of a wrong belief that there may be a winner of a nuclear war. The spread of this belief, then, fuels nuclear proliferation as well as the spread of all sorts of weapons of mass destruction.

THUS, IN ORDER TO ACHIEVE STRICT AVOIDANCE OF NUCLEAR WAR IN THE DECADES AHEAD, THE PRIMARY TASK OF THE ARMS CONTROL COMMUNITY SHOULD BE TWO-FOLD: FIRST, SHOULD BE TO DEVISE POLICIES IN ORDER TO CONTROL THE MALIGN *INTENTIONS* OF THE STATES. THIS IS, HOWEVER, AN EXTREMELY DIFFICULT TASK, ESPECIALLY AS REGARDS THE SO-CALLED "STATES OF CONCERN," AND IT IS NOT ACHIEVABLE IN THE SHORT TERM. SECONDLY, AS A CONSEQUENCE OF THE FIRST, THE TASK OF THE ARMS CONTROL COMMUNITY SHOULD BE TO TAKE ALL NECESSARY MEASURES TO PREVENT THE ACQUISITION OF NBC WEAPONS *CAPABILITIES* BY NEW STATES.

Having said these, it is clear that arms control in a multi-polar international system will become much more complex in the years ahead, and it will require innovative approaches. Under such circumstances, bringing stability to the world, and maintaining it, will become much more difficult a task, and thus will necessitate cooperation and collaboration of all the peace-loving states.

GERMAN IMMIGRATION POLICIES IN HISTORICAL PERSPECTIVE

Şaban Kardaş*

With the restructuring of the world politics, 1990s was a sea change in the approaches toward international migration throughout the advanced industrial world. Faced with increasing number of asylum seekers, refugees and illegal migrants, the industrialized countries of the West/North have become increasingly concerned with the need to reconsider their domestic regulations regarding immigration besides attempts to devise external preventive strategies. In this regards, the most dramatic changes took place in Germany in order to keep pace with the developments.

Owing to its central geographic location in Europe, and because of its generous social welfare systems and high wages, Germany has traditionally been one of the most attractive destinations for asylum seekers, labor migrants and illegal immigrants and was affected by the recent developments most visibly. In addition, the movement of large number of ethnic Germans living in the former Eastern block countries into Germany worsened the situation in a country already dealing with the economic and social problems of reunification. Overall, Germany has become the largest per capita immigration country among OECD countries and is at the top of global immigration and refugee statistics in the last decade.

This article aims at examining the historical evolution of the immigration policies devised by the Federal Republic of Germany since its foundation, with a special emphasis on the developments and policy shifts in the 1990s. Migration to Germany will be assessed under three main categories; *guest workers*, *asylum seekers* and *ethnic German resettlers*. While analyzing the post-1990 responses to the changing circumstances, a special emphasis will be put on the attitudes of the major parties regarding the immigration policies as well. Since integration constitutes an indispensable part of any overall immigration policy, thereafter consideration will be given to German integration policies with a focus on the legal status and the naturalization of foreigners. Although there are many steps

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taken toward the harmonization and integration of visa, border control and asylum policies on the European level, the implementation of these common positions shows great variety in the member states and there is no harmonization as far as internal controls are concerned. Therefore, the analysis will be solely concentrated on Germany, yet the reference to the parallel developments on the European level will be made where appropriate.

Throughout the article it will be argued that Germany has not had an overarching immigration policy; rather, its approach to the issue developed case by case. Although this approach provided Germany with flexibility to react to the changing circumstances, the policies devised were in some cases just saved the face and, in some others, led to unwanted consequences, as illustrated in the case of guest-worker programs. It is further claimed that besides these flawed and unplanned policies, the long-time insistence on the notion that “Germany is not a country of immigration” resulted in neglect for the issue of immigration, which in turn accelerated problems related to the integration of foreigners. Yet, with the developments in the 1990s, the resurrection of the delayed problems drew public attention to the issue and stimulated a promising debate at social and political levels, which has yielded some positive regulations, especially regarding naturalization of foreigners.

Guest Workers

Export-oriented economic miracle of the early-1950s helped the newly established FRG overcome the problems posed by the post-war influx of people of German origin from the German lands that had to be left as a result of the war and from the GDR, which is estimated to have reached at 3.1 million until 1961. Thanks to the economic improvement, besides absorbing the labor surpluses of post-war period, Germany was also able to integrate huge numbers of refugees into the economic system.⁴⁷ This flow of people made it possible for Germany to maintain high levels of economic development. During the period between 1952 and 1955 while the unemployment declined from 9.5% to 5.6%, vacancies rose from approximately 110,000 to 200,000.⁴⁸ Thus, in the mid-1950s there emerged a need for extra labor force to maintain the German economic success.

Accordingly, German companies looked beyond the state boundaries in search of this fresh work force. As a response to this demand, German federal ministry of commerce took the initiative

⁴⁷ Rist, Ray C., *Guestworkers in Germany: The Prospects for Pluralism*, Praeger Publishers, New York, 1978, p.61; Martin, Philip L., “Germany: Reluctant Land of Immigration”, in Wayne A. Cornelius, Philip L. Martin, and James F. Hollifield, *Controlling Immigration: A Global Perspective*, Stanford University Press, Stanford, California, 1992, p.198

⁴⁸ Mehrlander, Ursula, “The Development of Post-War Migration and Refugee Policy”, in Sarah Spencer, *Immigration as an Economic Asset: The German Experience*, Trentham Books, Staffordshire, 1994, p.1; see also Rudolph, Hedwig, “Dynamics of Immigration in a Nonimmigrant Country: Germany”, in Heinz Fassmann and Rainer Münz (editors), *European Immigration in Late Twentieth Century, Historical Patterns, Actual Trends and Social Implications*, International Institute for Applied Systems Analysis, 1994, p.119

and the West German economy started to recruit workers in Southern Europe.⁴⁹ First formal agreement for this purpose was signed with Italy in December 1955. This was followed by other recruitment agreements with other countries: with Spain and Greece in 1960, with Turkey in 1961, with Morocco in 1963, with Portugal in 1964, with Tunisia in 1965, and finally with Yugoslavia in 1968.⁵⁰ The ongoing flow from GDR to FRG had also been another source to satisfy the demand for extra labor force. With the establishment of the Berlin Wall in 1961, the migration of East Germans to FRG was banned and this led to a remarkable increase in the number of guest workers coming to Germany under recruitment agreements. As a result of the new recruitment agreements, foreign work power and foreign population in Germany rose sharply after the mid-1960s. Except the interruption caused by the 1967/68 economic recession, the employment of foreign workers continuously increased until 1973.

On 23 November 1973, German government decided to stop recruitment unilaterally without consulting the sending countries, a policy which has been formally maintained to date.⁵¹ Although the justification for the ban was the 1973 oil crisis, in fact it was a response to the 'overforeignization' in the country (yet it must be noted that some other European countries also stopped or limited foreign recruitment during the same period). The growing number of foreigners and their increased visibility in everyday life had already become noticeable by this date and that led to a growing public concern for the issue.⁵² Even though German employers were prohibited from recruiting new foreign workers from non-EC countries, unemployed migrants were not forcefully returned to home and the settled migrants were allowed to unify their families.⁵³ Despite the initial aim of reducing the number of foreign workers in Germany, in the medium term the recruitment ban did not have all of the desired results and created some side effects. Knowing that they would not be able to turn back to Germany in case they left the country, most of the foreign workers decided to stay in Germany and this changing perception altered the structure of foreigners in a way to convert temporary workers to a permanent immigration community.⁵⁴ They tended towards family unification and established families there; thereby despite the initial decrease in the number of foreign workers the total number of the foreign population, including dependents of the workers, rose

⁴⁹ Hollifield, James F., "The Migration Challenge", *Harvard International Review*, Vol. 16, Issue 3, Summer 1994, pp.27-28; to push the government even some German employers threatened to move their factories abroad Martin, "Reluctant Land of Immigration", p.198

⁵⁰ Münz, Rainer and Ulrich, Ralf, "Changing Patterns of Immigration to Germany, 1945-1995", in Klaus J. Bade and Myron Weiner, *Migration Past, Migration Future: Germany and the United States*, Vol. 1, Berhahn Books, 1997, p.78;

⁵¹ Mehrlander, *op.cit.* p.3; for the application of the ban and a number of other measures taken to strengthen and maintain the recruitment ban see Rist, *op.cit.*, pp.76-78

⁵² Martin, "Reluctant Land of Immigration" p.202; already before the formal announcement of the ban the government had taken some measures to limit the recruitment, Münz and Ulrich, *op.cit.* p.82

⁵³ Family unification covered children less than 16 and spouses, Münz and Ulrich, *op.cit.* p.82

⁵⁴ Bade, Klaus J., "From Emigration to Immigration: The German Experience in the Nineteenth and Twentieth Centuries", in Klaus J. Bade and Myron Weiner, *Migration Past, Migration Future: Germany and the United States*, p.23

remarkably. While the foreign population rose from 4 million in 1973 to 4.5 million in 1980, the foreign workforce fell from 2.6 million to 2 million.⁵⁵

The public concern with the foreigners continued and, especially in the early 1980s, became a political issue due to the increase in the numbers, which also coincided with increasing number of asylum seekers. It was one of the core issues in electoral politics and it partly helped the victory of CDU-CSU-FDP block in 1983 elections, which was expected to do something about immigration. The CDU-CSU-FDP government launched a departure bonus program in 1983-84 by offering refunds of social security contributions to the migrants who gave up permanent residence rights, which especially aimed at Turkish workers.⁵⁶ But this policy also failed to limit the number of foreign workers living in Germany, and in the end just those who wanted to leave country in any case were influenced and benefited by this policy. Furthermore, it at the same time showed the foreigners that they were not wanted, a situation, which hindered the successful integration of foreigners into the society. After this failure, the structure of the migrant workers has not changed so much since then, except the new migrant worker programs to be discussed below.

The guest workers policy was motivated mainly by the demands of labor market, and social aspects were taken into consideration rather later. The principal aim was “to counterbalance cyclical and demographic bottlenecks in the West German labor market”.⁵⁷ Migrant workers were expected to play buffer role for the German economy “as the last hired and first fired”, by “preventing excess inflation in booms and reducing unemployment in recessions” without having to be integrated.⁵⁸ Therefore, the policy was designed according to this purpose. Furthermore, since this policy was welcomed enthusiastically, due to the export-oriented economy in boom, there was no serious discussion about looking for alternatives to importing foreign workers.

Initially the guest worker policy was planned as a worker rotation program. The foreign workers were given one-year work and residence permits and allowed to renew these permissions if their German employers still wanted to hire them. In line with this aim, the procedures for recruitment of workers also reflected the aim of the policy as well.⁵⁹ Though some firms preferred people with specific skills, the most important criteria used by the German employment services were expected productivity, health, and political clearance. The temporary character of guest workers’ stay and rotational model, which were questioned by neither the German public and business circles nor guest workers and their home countries in the initial period, began to lose ground in the late 1960s.

⁵⁵ Rudolph, *op.cit.* p.121, see the table on p.120; besides the family unification, births in Germany and the tendency to stay in Germany despite losing jobs also account for this increase in the number of foreign population, Rist, *op.cit.*, p.65

⁵⁶ Martin, “Reluctant Land of Immigration” p.203

⁵⁷ Münz and Ulrich, *op.cit.* p.79

⁵⁸ Martin, Philip L., “Germany: Migration Policies for the 21st Century”, Policy Paper 50, Institute on Global Conflict and Cooperation, April 1999, accessible via <http://www-igcc.ucsd.edu/>

⁵⁹ For the procedures and working of the system see Rist, *op.cit.*, p.61; Martin, “Reluctant Land of Immigration”, pp.200-201; Rudolph, *op.cit.* p.121

Since it became clear that the policy was not in the interest of either the guest workers or their employers, German government responded their demands by easing rules on prolonging stays and on family unification, instead of enforcing rotation strictly.⁶⁰ As a result, especially with the effect of family reunification and establishment of new families in Germany, rotational model became obsolete, which can be observed in the increased duration of foreigners' stay in Germany, and foreign workers became the permanent residents.

Today, as it can be seen from the statistics, settled guest workers from the former recruitment countries and their families' account for most of the foreigners living in Germany.⁶¹ Overall, it might be said that though there are still problems in social integration, most of the first generation has relatively well integrated economically into the German system of *soziale Marktwirtschaft*.⁶² Nevertheless, a comparison of the figures about the employment of foreigners with that of the native Germans shows that there are still discrepancies between the two groups. This is especially visible in the figures about unemployment. Despite the recent reduction of unemployment figures, the relative difference between the overall unemployment rate and the unemployment rate of foreigners made a peak in 1999.⁶³ On the other hand, most of the second and third generations –the children and grandchildren of the guest workers- are integrating into German society relatively better than their elderly. Yet, there is also a considerable percentage among this category –consisted mainly of Turks- with low income, high unemployment rates. Moreover, despite improvements towards higher qualifications and better education that continued into the 1990s, pupils with foreign passports are still relatively disadvantaged in the education and training system, which in turn directly affect their vocational qualifications, a situation which has strongly deteriorated since 1994 according to statistics. For instance, while only 8% of German young people and adults are without training, the rate of unskilled foreigners is four times higher at about 33% (for Turkish young people: 40%).⁶⁴ Therefore, the most important challenge facing Germany today is to develop integration policies to avoid the creation of ghettos of foreigners in major cities.

New Guest Workers (Migrant Worker Programs)

⁶⁰ Beginning in 1971 foreign workers who had worked in Germany for at least five years could claim special work permits valid for another five years, Münz and Ulrich, *op.cit.* p.79- 93; Hollifield is of the opinion that this flexible attitude of Germany was a reflection of the “new liberal features of the German state”. Hollifield, *op.cit.* p.27

⁶¹ For different statistics about the structure of foreigners in Germany by nationality, age groups, birth in Germany, and length of stay see, The Federal Government's Commissioner for Foreigners' Issues, “Facts and Figures on the Situation of Foreigners in the Federal Republic of Germany”, Bonn, October 2000, accessible via; <http://www.bundesauslaenderbeauftragte.de/publikationen/facts00.rtf>, (for the tables go to <http://www.bundesauslaenderbeauftragte.de/fakten/index.stm>) pp. 7-8 and Tables 1-5, 9.

⁶² For the latest employment figures about foreigners by nationality, occupation and economic sectors see, *Ibid.* p.17 and Tables 23-26.

⁶³ For more information on the figures about the development of unemployment among foreigners and unemployment rates by nationality and age groups see *Ibid.*, pp.16-17, Tables 27-32

⁶⁴ For various information regarding the education and training of foreigners see, *Ibid.*, pp.14-15 and Tables 16-22

Not only did the rapid changes in the East Europe witnessed during the late 1980s boost flows of ethnic Germans, but they also resulted in a new influx of people from East European countries into Germany. The easing emigration restrictions in these countries and economic expectations were the main driving force for this new wave of immigrants. To cope with this new type of in-migration Germany has developed “a series of migrant worker programs designed to prevent the worker settlement of the guest worker era”.⁶⁵ These new programs were also reflecting the search of German labor market authorities to look for additional flexible labor force, without having the problems related to settled immigrants. Currently there are at least five different types of such migrant worker programs, and they permit some 350,000 foreigners annually to work temporarily in Germany.⁶⁶

a) *Project-tied workers*: There are subcontracting agreements between German and foreign firms under which foreign workers can stay in Germany for a maximum of two years, without their families. Even if the workers work in Germany, they legally remain employees of the dispatching company in their home country. Most of them are coming from Poland and working in the construction industry.

b) The various *work-and-learn programs* that Germany established with most European countries. Under these programs, trainees between the ages of eighteen and forty can live and work in Germany for up to eighteen months; young Germans also have the same opportunity to live and get training in these countries.

c) *Seasonal worker programs*. This program was initiated in 1991, when the November 1973 recruitment stop was modified to permit non-EC foreign workers to be employed in Germany for ninety days or less. This was mainly begun at the behest of farmers and hotel and restaurant operators, who need a seasonal work force. It is claimed that this was in fact an effort to legitimize the previously illegal seasonal employment of East Europeans in Germany.

d) The fourth is for *frontier workers*. Frontier workers are foreigners living in the countries bordering Germany but commuting to jobs, for which no German worker is available, up to fifty kilometers inside Germany. Daily cross-border commuting is encouraged, but they are permitted to stay overnight in Germany for up to two days each week.

e) The fifth program makes it possible for about 1,000 *nurses* from the former Yugoslavia to work in Germany.

⁶⁵ Martin, “Reluctant Land of Immigration”, p. 218

⁶⁶ Rudolph, *op.cit.* pp.124-125; Martin, Philip L., “Germany: Reluctant Land of Immigration”; The American Institute for Contemporary German Studies (AICGS), The Johns Hopkins University, GERMAN ISSUES 21, accessible via, <http://www.jhu.edu/~aicgsdoc/>, pp.27-28; Heckmann, Friedrich, “Patterns of Immigrant Integration in Germany”, *Managing Migration in the 21st Century*, Paper presented at Fall Workshop, University of California, Davis Oct. 10-11, 1997, accessible via; <http://migration.ucdavis.edu/mm21/Heckmann.html>

Some differences from the guest worker policy of 1960s can be said as follows. First, there was a single program or procedure to recruit foreign workers into Germany, whereas today there are at least five different programs. Second, in 1960s the guest worker program was a response to domestic labor shortages, while in 1990s concerns for restructuring economies in Eastern Europe played very important role in initiating such programs. Therefore, foreign policy came to the fore as well. Third, although guest worker program of 1960s was initiated in response to macro or economy-wide shortages, the new programs are responding to micro labor market shortages such as in agriculture and construction. Finally, the new programs also include rules and incentives, which aim at encouraging the workers to return to their countries of origin. Furthermore as Martin underlines new programs “were introduced to make it explicit that foreign workers were non-immigrants, not probationary immigrants. Under the new guest worker programs, working in Germany gives a foreigner no right or priority to settle as an immigrant”.⁶⁷

However, there have been complaints –especially about the first type of agreements- that project-tied workers were disrupting the labor market in Germany. They usually work in Germany in accordance with the terms and conditions of employment applicable in their home country. Besides, they are generally subject to the social insurance system of that country. Therefore, it may be tempting for German firms to employ foreign companies and their workers as sub-contractors in order to provide flexible and cheap work, especially in labor-intensive branches of the industry. Local workers, trade unions and politicians have been raising their critics against the import of cheap labor from countries with lower wages and less social protection.⁶⁸

⁶⁷ Martin, Philip L., “Immigration Issues in Germany and The US: Challenges and Options”, Report of a Workshop held on August 31, 1995 UC-Berkeley, September 1995, accessible via http://migration.ucdavis.edu/cmpr/aug1995_ciip.html; Martin, The American Institute for Contemporary German Studies, p.27

⁶⁸ Gronert, Volker, “The Posting of Workers in the Framework of the Transnational Provision of Services”, Managing Migration in the 21st Century, Paper presented at Fall Workshop, University of California, Davis Oct. 10-11, 1997, accessible via <http://migration.ucdavis.edu/mm21/Gronert.html>

Green Card for Information Technology Specialists

Immigration became a heated issue again in the early-2000, when the information sector asked the German government to allow the entry of up to 30,000 non-EU foreign professionals. Chancellor Gerhard Schroeder responded positively, and announced plans to introduce a temporary American style green card, which was expected to fill Germany's desperate need for high-tech specialists. According to many estimates, although there were more than four million unemployed people in Germany, an estimated 75,000- 100,000 jobs in the booming information technology sector were vacant, with few Germans qualified to fill them. Despite the opposition's attack against the new proposal with slogans such as "more education instead of immigration" or "children instead of Indians"⁶⁹, the green card program went into effect on August 1, 2000. Under the new program, over the following three years, 20,000 citizens of nations outside the European Union will be allowed to live in Germany and hold jobs in the information industry.⁷⁰

Asylum Seekers

Germany has had a unique position in the world in terms of asylum policies. It is the only country where constitution (German Basic Law) provides a subjective right for refugees to be granted asylum in a way to limit the state sovereignty in asylum policy. For this reason, it has become the prime target of the world's many asylum seekers, in Europe if not in the world. This quite liberal German policy toward asylum has been largely a response to its negative Nazi past. Many of the framers of Basic Law had to take refuge abroad during the Nazi regime and generally they had many difficulties in finding a country willing to accept them. Based on this experience they introduced a general right to asylum under Article 16: "Persons persecuted for political reasons shall enjoy the right of asylum". Article 19 further gives the provision special legal protection in the courts.⁷¹ There have been no numerical quotas on asylum seekers, furthermore because of the constitutional guarantee; applicants are entitled to public assistance and accommodations until their applications are concluded.

In the beginning, the number of asylum applicants was relatively small, consisted of mainly individuals escaping from Communist regimes in Eastern Europe. Between 1953 and 1978 around 186,000 people applied for asylum. Yet, the number of applicants started to rise in the late-1970s. In 1979 alone, it amounted to 51,000, and in 1980 it was 107,818. This was mainly because of the 1980 military coup in Turkey, the imposition of martial law in Poland, and the German practice

⁶⁹ "Germany's Need for More High-tech Help", Migration World, Vol. 28, No. 3, 2000

⁷⁰ http://www.germany-info.org/newcontent/index_news_publications.html;
<http://www.bmi.bund.de/frameset/index.jsp>; <http://www.bmi.bund.de/frameset/index.jsp>

⁷¹ Joppke, Christian, *Immigration and the Nation-State: The United States, Germany, and Great Britain*, Oxford University Press, New York, 1999, pp.85-86; Münz and Ulrich, *op.cit.*, p.85; Marshall, Barbara, *British and German Refugee Policies in the European Context*, Royal Institute of International Affairs, Discussion Paper 63, London, 1996, p.4.

of giving a work permit while the applications were under consideration. Because of the 1973 recruitment stop, many foreigners, mostly Turks, had tended to abuse asylum provision as a means to enter German labor market, which was the only legal entry into Germany besides family reunification.⁷² This situation again led to a debate in domestic politics. As a practical solution Germany decided to require Turkish citizens wishing to enter Germany to obtain visas before leaving Turkey. The same restriction was applied to Poland as well. This led to a decrease in 1981. Yet, there were still some side doors such as going to East Berlin and then passing to West Berlin in order to apply for asylum.⁷³ After West German authorities negotiated with their eastern counterparts a partial closure of this side door, the number of applicants dropped to 20,000 in 1983.⁷⁴

In the late 1980s and early 1990s the number of asylum applicants rose sharply. This time the inflow of people was not mainly a response to domestic economic factors and German asylum policy, but rather it was largely stemming from external political factors. The most important of these developments were the collapse of the Soviet Union and the dissolution of Eastern Bloc, and growing number of conflicts and civil wars in regions surrounding Germany. While the share of asylum seekers was below one percent of total foreign immigration to Germany in 1970s, in the early 1990s this rate reached over 30 percent.⁷⁵ This new wave of asylum seekers was coincided with another source of the flow of people, the migration of ethnic Germans besides ongoing family unifications and illegal immigrants.

As a result of the growing influx of new immigrants into the country, the inflow of immigrants and the ways to reduce it became the top issue for the public debate and German domestic policy in the early-1990s and even in some cases led to a popular response. According to a 1992 survey three quarters of Germans were of the opinion that immigration to Germany was the most important issue and were demanding drastic action to control the asylum-flow.⁷⁶ It is also widely believed that growing far-right activities and a number of attacks against foreigners living in Germany, most visible in the former East Germany, were deeply affected by this rapid increase, since the for-

⁷² even Turkish newspapers were reproducing the German asylum application forms see Mehrlander, *op.cit.*, p.5; there emerged a market in South Asia (especially Pakistan) for 'package tours' including one-way air fare and legal instructions on how to apply for asylum upon arrival, see Joppke, *op.cit.*, p.89.

⁷³ "the East German Interflug airline advertised their Schlepperflüge in Pakistani newspapers: 'Take the fast and comfortable route to Germany. With regular bus service to West Berlin', Joppke, *op.cit.*, p.89.

⁷⁴ Martin, "Reluctant Land of Immigration", p.201

⁷⁵ Yet it must be noted that though Germany received the highest number of refugees in Europe (nearly two-thirds of all applications for asylum in Europe in 1992 went to Germany, compared with less than half in 1988), the sudden increase in the flow of refugees was the case for all Western Europe. The European attempts to control this new flow of people gave way to critics that while the Europeans were eliminating borders within themselves they were creating a 'Fortress Europe' against the outsiders, see Post, T. and Breslau, K, "A Fortress Mentality", *Newsweek*, Vol. 118, Issue 24, 12/9/1991, pp.36-38; "Circling the Wagons", *Economist*, Vol. 327 Issue 7814, 6/5/1993, p48.; Lawday, D.; Marks, J., "No Immigrants Need Apply", *U.S. News & World Report*, Vol. 111, Issue 24, 12/9/1991, pp.46-48

⁷⁶ Simon, Rita J. and Lynch, James P., "A Comparative Assessment of Public Opinion Toward Immigrants and Immigration Policies", *International Migration Review*, Vol.33, Number2, Summer 1999, p.463; "Germany's Open Door Closes", *U.S. News & World Report*, Vol. 114, Issue 22, 6/7/1993, p.12.

eigners were seen as a burden on German society and social security system.⁷⁷ Yet, in the public debate one point was always overlooked. While the regulations regarding asylum procedures were quite liberal their application had always been strict and the rate of successful applications fell below %10 at this period. But, on humanitarian grounds those whose applications were refused were not forced to leave the country, and the growing number of persons in this category put an enormous pressure on social welfare system and increased the public anger.⁷⁸

During the discussions, main Conservative critics put the question as: “the problem was not deficit of deportations, the problem was automatic territorial access. The problem was Article 16, which amounted to a self-imposed abandonment on state sovereignty”. Even German Chancellor Helmut Kohl threatened to declare a state of emergency in order to protect the country from the flows of uncontrolled people, with an aim to suppress the opposition, in November 1992.⁷⁹ Hence, this intense period of public debate mainly turned around the Article 16 of the Basic Law. While CDU/CSU block was defending the total removal of the article from the Basic Law, SPD/Greens, on the other hand, wanted to preserve Article 16 and use the asylum crisis as a leverage to make fundamental changes to Germany’s overall immigration and integration policies.⁸⁰ In this direction, SPD/Greens block further proposed the dropping of the Article 116 relating to ethnic Germans and imposing quotas on immigration in general. In the end, the so-called ‘asylum compromise’ was reached (excluding Greens), to secure the required two-thirds parliamentary majority for an amendment to the constitution. A set of different reasons such as the economic pains of reunification which was followed by economic recession, the costs of dealing with asylum-seekers, anti-foreigner violence, and the reality that many foreigners were abusing the asylum process in order to immi-

⁷⁷ There were about 2,000 attacks against foreigners in Germany in 1992 alone, and 16 people died. Drohan, Madelaine, “The German Problem”, *World Press Review*, Vol. 40 Issue 2, February 1993, p.23; for an examination of the anti-foreigner violence in Eastern Germany, see Ireland, R. Patrick, “Socialism, Unification Policy and the Rise of Racism in Eastern Germany”, *International Migration Review*, Vol. 31, Number 3, Fall 1997, pp.541-568.; for a comparative analysis of different attitudes toward immigrants in different sections of Germany see Clark, John A. and Legge, Jerome S., “Economics, Racism, and Attitudes toward Immigration in the New Germany”, *Political Research Quarterly*, Vol. 50, No. 4, December 1997, pp. 901-917; for the evolution of the figures about criminal offences with xenophobic motivation from 1991 to 1999 see The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, p.17 and Table 34.

⁷⁸ “No Solution”, *Economist*, Vol. 321, Issue 7729, 10/19/91, p.58; Kurthen, Hermann, “Germany at the Crossroads: National Identity and the Challenges of Immigration”, *The International Migration Review*, Winter 1995, pp.914-939; also see the graphic on <http://www.proasyl.de/ab922.htm>

⁷⁹ “And Still They Come”, *Economist*, Vol. 325, Issue 7785, 11/14/1992, p.58; yet according to Drohan, it was widely believed by some analysts that Kohl was cynically using the outbreak of right-wing violence to force the opposition to agree to tighten the country's asylum law, Drohan, *op.cit.*, p.23; Heilbrunn, on the other hand, contends that the problem mainly lied in the failure of the major parties to confront the immigration issue and until that time leading German politicians had exploited rather than confronting the immigration problem. Heilbrunn, Jacob, “What German Crisis?”, *New Republic*, Vol. 207, Issue 26, 12/21/92, p.21

⁸⁰ Angenendt, Steffen, “Germany”, in Steffen Angenendt (editor), *Asylum and Migration Policies in the European Union*, Research Institute of the German Society for Foreign Affairs (DGAP), Bonn, 1999, p.188; Martin, “Germany: Migration Policies for the 21st Century”

grate to Germany were main reasons underlying this compromise.⁸¹ For instance, of 1 million applicants between 1989 and 1993, about 95 percent were judged to be economic rather than political refugees and their claims were rejected. Moreover, state and local governments paid each asylum applicant an average \$10,000 per year for housing, food and clothe while their applications were handled, a process that could last two to four years due to cumbersome application procedures.⁸²

With the 'asylum compromise', Article 16 was preserved –individuals still have the right to apply for asylum- but a new provision was introduced, which went into effect on July 1, 1993; a new article 16a consisting of five sub-clauses was added. As a part of this package several other laws have been changed as well. According to this provision applications submitted by persons; *i) from safe countries of origin* (para. 3) or *ii) who pass through safe third countries* (para. 2) en route to Germany, will not be accepted. Paragraph 4 facilitates the removal of those whose applications are deemed 'manifestly unfolded' and Paragraph 5 allows the Federal Republic to ratify international agreements in the area of asylum policies.⁸³

The German Bundestag annually declares the list of safe countries. They are the countries whose citizens are principally free of persecution and therefore have to prove that they have been really persecuted. This puts the burden of proof on the individual applicant in a shortened period of hearing. Unless the individual can prove actual danger of persecution, he must leave the country within one week.⁸⁴ The safe third countries are those states, which have ratified Geneva Convention on the Protection of Refugees and the European Human Rights Convention. According to Article 18 of the Law on Asylum Procedure, safe third country cases are rejected as 'immaterial' and an immediate expulsion follows. Since Germany is surrounded by EU states and safe third countries, currently, asylum seekers has the right to apply only if they arrive by air, by sea, or if the transit country from which they entered Germany cannot be identified. Yet, there are still many non-airport applicants due to several reasons. Some of the applicants entering into Germany through different ways destroy their documents and claim that they were put into a truck and they have no idea of which route they took; that's why German authorities must prove that they in fact transited through safe third countries.⁸⁵

⁸¹ Schiele, Karen, "Bonn Voyage", *Harvard International Review*, Vol. 16, Issue 1, Fall 1993, p.46

⁸² *Ibid*, p.47; compare the figures Marshall, *op.cit.*, p.24

⁸³ for a detailed account of the German legal framework regarding asylum see Heinhold, Hubert, "Legal Handbook for Refugees: A Practical Guide Through German Asylum and Alien Law", Pro Asyl Literature, accessible via; <http://www.proasyl.de/lit/leitfaden2e/leitfaden2ea.htm>; the Danish Refugee Council, "Report on Legal and Social Conditions for Asylum Seekers and Refugees in Western European Countries", July 2000, accessible via; <http://www.ecre.org/drc/contents.shtml>.

⁸⁴ In 1999, Germany's list of safe countries of origin included Bulgaria, the Czech Republic, Ghana, Hungary, Poland, Romania, Senegal, and the Slovak Republic, USCR (US Committee for Refugees), "Country Report: Germany", accessible via: <http://www.refugees.org/world/countryrpt/europe/germany.htm>

⁸⁵ Copeland, Emily A., "Reshaping the International Refugee Regime: Industrialized States' Response to post-Cold War Refugee Flows", *International Politics*, Vol.35, No. 4, December 1998, p. 439

The procedures for granting or denying asylum only recognizes cases of individual persecution and human rights abuses if they were based on clearly political nature and carried out by representatives of *the state*. Therefore, for example, people fleeing from the actions of an actor not recognized as a state structure, such as the Taliban in Afghanistan, the Armed Islamic Group in Algeria or a tribal militia in Somalia, are not considered eligible for asylum application.⁸⁶ But, most of the applicants who were denied the status as political refugees are tolerated or at least not sent back to their countries of origin, with a consideration of the current situation there. Overall, asylum/refugee related migrants living in Germany can be grouped into six categories: *recognized political refugees* or the so-called *Convention refugees* under the Geneva Convention on the Legal Status of Refugees of 1951; *de facto refugees*, who have not been granted asylum but are tolerated for humanitarian and political reasons; *asylum seekers whose applications are still under consideration*; *victims of (civil) war and ethnic cleansing* granted temporary protection; *quota refugees*, who have been granted political asylum elsewhere and were accepted into Germany within the framework of international burden sharing or for particular humanitarian reasons; *stateless people* who have been denied status as political refugees but cannot be repatriated. Furthermore Germany is accepting Jewish migrants from the successor states of the former Soviet Union. As an exception, the acceptance procedure for this category already takes place in their country of origin. In terms of the procedure that is applied, Jewish emigrants are treated more like repatriates than like refugees⁸⁷

As a complementary to these domestic measures, Germany has also tried to tackle with the issue through bilateral readmission agreements with Romania (1992), Poland (1991, 1993), Switzerland (1993), Croatia (1994), Bulgaria (1994), the Czech Republic (1994), and Vietnam (1995). While some of these agreements were concluded only to regulate the readmission of nationals from these countries (safe country of origin), other countries such as Poland, have also agreed to take back citizens of third countries who entered Germany illegally through its border with Germany or who have been denied asylum in Germany after having crossed this border (safe third country). Under these agreements Germany is also offering financial support to these countries in order to cover their expenditures for tighter border control and the subsidizing of rejected immigrants, or taking back asylum seekers from these countries.⁸⁸

Germany's quest for readmission agreements can be said to be a reflection of its geography and the high number of asylum applications it has to cope with over the recent years. However,

⁸⁶ USCR, *op.cit.*, Newland, Kathleen and Papademetriou, Demetrios G., "Managing International Migration: Elements of an Emerging International Regime?" University of California Institute on Global Conflict and Cooperation, Working Paper, September 1998, accessible via; http://www-igcc.ucsd.edu/publications/working_papers/newland.html

⁸⁷ Münz and Ulrich, *op.cit.*, pp.88-89; the Danish Refugee Council, *op.cit.*; The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, footnote 2 and 4, also for the numbers and the distribution of the refugees by these categories see Table 8.

⁸⁸ Münz and Ulrich, *op.cit.*, p.89; Nelan, B. W.; Crumley, B., "Europe Slams the Door", *Time*, Vol. 142, Issue 3, 7/19/1993, p.38-40

given the fact that many other countries are also following the same way, there is a growing belief that the spread of this type of agreements poses one of the biggest threats to international refugee protection regime since there is an underlying danger in such agreements that asylum seekers are sent from one country to another without any proper examination of their case anywhere, the chain of returns ending up eventually in their country of origin.⁸⁹

The aim of the policy change regarding asylum seekers, which might be seen as a culmination of ten years of political struggle, can be summarized as “reducing the number of asylum applications by limiting the access to German procedures, speeding them up and cutting social benefits for asylum seekers, but without removing altogether the constitutional right of asylum”.⁹⁰ Overall, 1993 amendment and other restrictive procedures have had the intended effect and there has been a remarkable decline in the applications, the number of applicants was stabilized around 100.000 per year, and the time required to process cases were lessened⁹¹ This does not mean that the new policy is immune from some side effects; some observers points out that illegal immigration to Germany has increased. Furthermore, it is maintained by the critics that Germany diverted asylum seekers to the other states, the so-called safe third countries or countries of origins and a remarkable drop in the numbers has been achieved at a high humane price. According to these critics the conditions in these countries are not so promising, nor do they have any adequate system capable of receiving asylum-seekers or the capacity to economically and socially integrate large number of immigrants.⁹² Although many critics had further maintained that the asylum compromise was unconstitutional, the Federal Constitutional Court rejected this claim in May 1996.⁹³

On the other hand, it must be appreciated that, through these changes, in the end Germany had adjusted its *too* liberal asylum system to the international standards and solved “its biggest political crisis” since its foundation.⁹⁴ This goes true also at European level. Among Western European states, Germany had been seen as the ‘reserve country of Europe’, where they might dump on their rejected applicants, while Germany was constitutionally prohibited from responding in the same

⁸⁹ It must be noted that the inclusion of ‘safe third country/third host country’ and ‘safe country of origin’ rules in the new asylum legislation, which is seen by many observers as a menace to the global asylum regime, is getting a general policy in many West European countries. Marshall, *op.cit.*, pp.12, especially Chapter 4.; European Council on Refugees and Exiles (ECRE), “Safe Third Country, Myths and Realities”, 1995, p.6; for a critical account of the developments in the EU in this direction and the negative impact of these developments over other refugee receiving countries see, Abell, Nazare A., “Safe Country Provisions in Canada and in the European Union: A Critical Assessment”, *International Migration Review*, Volume 31, Number 3, Fall 1997, pp.569-590

⁹⁰ Marshall, *op.cit.*, p.5;

⁹¹ **the Danish Refugee Council, *op.cit.*; The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, p.10-11 and Table 8.; in 2000 78,564 persons requested asylum in Germany, which is the lowest since 1987. the Federal Ministry of Interior, “Asylbewerberzahlen im Jahr 2000 rückläufig”, accessible via http://www.bmi.bund.de/top/dokumente/Pressemitteilung/ix_27812.htm**

⁹² Münz and Ulrich, *op.cit.*, p.90; Angenendt, *op.cit.*, p.189; for an account of the criticism raised against readmission agreements see Marshall, *op.cit.*, pp.40-41.

⁹³ Copeland, *op.cit.*, p.439

⁹⁴ Joppke, *op.cit.*, p.94

way. Since it was not possible for the others to go the German way, Germany had to follow the others and lessen its standards to overcome this disadvantaged situation. This was achieved through constitutional change and pushing European harmonization on refugee and asylum policies.⁹⁵

Temporary Protection Status: Victims of Civil War

Another category of flow of refugees came with the civil wars following the disintegration of former Yugoslavia. It makes sense to examine in detail how Germany treated refugees of Yugoslav wars due to the fact that the introduction of Temporary Protection Status (TPS) is a new approach to the growing refugee flows in the post-Cold War era, and according to many observers it represents a remarkable deterioration of the status of international refugee protection regime.⁹⁶

Through an amendment to the Aliens Act on 1 July 1993, instead of a refugee status, victims of civil wars are granted only a TPS without examination of the individual case, and they often cannot have families join them in Germany. Currently, there are basically two ways of granting temporary permission to stay; firstly, residence authorization (or leave to remain, "Aufenthaltsbefugnis": limited right to stay) pursuant to Section 30 (1) of the Aliens Act and secondly, sufferance (or toleration permit, "Duldung": suspension of deportation) pursuant to Section 55 (2) of the Aliens Act. When TPS status is withdrawn, TPS foreigners become illegal aliens subject to immediate deportation. A temporary residence authorization ("Aufenthaltsbefugnis") might be issued initially for a maximum of two years, but may be prolonged. A "Duldung" is offered for a period of not more than six months, but cannot exceed the period of one year. However, it can be renewed, if the grounds for the issue still exist.⁹⁷

⁹⁵ for harmonization efforts see Marshall, *op.cit.*, Chapter 3; Convey, Andrew and Kupiszewski, Marek, "Keeping up with Schengen: Migration and Policy in the European Union", *The International Migration Review*; Vol. 29, Issue 4, Winter 1995, pp. 939-963; Juss, Satvinder, "Refugee Policy and Human Rights in Europe", University of California Institute on Global Conflict and Cooperation Working Paper, presented at the immigration symposium held at UCLA on April 4, 1998, accessible via:

http://www-igcc.ucsd.edu/publications/working_papers/juss.html; Thiery, Claus, "The Schengen Agreements", *Managing Migration in the 21st Century*, Paper presented at Fall Workshop, University of California, Davis, October 10-11, 1997, accessible via:

<http://migration.ucdavis.edu/mm21/Thiery.html>

⁹⁶ Marshall underlines that whereas "permanent asylum is based on a system of international law, temporary protection arrangements are depend on the goodwill of governments. It allows them greater flexibility in the question of numbers of refugees or the duration of protection", Marshall, *op.cit.*, p.44; on the other hand Kerber argues that "temporary protection might indeed have a chance of becoming a viable future option to solve the problems coming along with mass-influx of refugees", Kerber, K., "Temporary Protection in Germany: the Case of the Bosnians", *Managing Migration in the 21st Century*, Paper presented at Fall Workshop, University of California, Davis, October 10-11, 1997, accessible via: <http://migration.ucdavis.edu/mm21/Kerber.html>

⁹⁷ for the details of the legal regulations see Kerber, *op.cit.*; Münz and Ulrich, *op.cit.*, p.88.

The first case for the application of this special status was the 350,000 Bosnians, because of many reasons, including regret about Germany's role in the break-up of Yugoslavia.⁹⁸ With the outbreak of civil war, many people had fled to Western Europe; mainly to Germany -Germany took in more Bosnian refugees than all other European countries. The provision, which was introduced into the German Aliens Act in 1993 providing for a status of war and civil war refugees, has not been implemented owing to a dispute about how to cover the costs of assistance to its beneficiaries. Instead, they were given different forms of TPS –mainly Duldung- and distributed to 16 Länder, and each Land had the sole responsibility, including the decision to deport, for these people; therefore no uniform legal status existed for Bosnian refugees.⁹⁹ After the Dayton Peace Accords was signed in 1995, their return was achieved through a campaign, which involved a combination of carrots and sticks to persuade most Bosnians to return home. Another factor that made their removal easier was the fact that they were not let to enter labor market; therefore they were not contributing to social security system and there was not any demand coming from the employers to prevent the loss of experienced workers. As a result, according to UNHCR, about 53,000 Bosnians still remained in Germany at the end of 1999.¹⁰⁰

The second case where the TPS was applied came with the people fleeing the civil war in Kosovo. Kosovo Albanians brought to Germany under the UNHCR Humanitarian Evacuation program –under the international burden sharing the allowance for Germany were 15,000 refugees, more than any other country- were initially given a three-month temporary residence in accordance with Section 32a (status for civil war refugees). Yet, upon the expiry of temporary protection and after the two extensions of three months, this status was no longer granted but converted to tolerate residence (Duldung). Kosovo Albanians who came to Germany illegally –mainly through the networks of significant Kosovo Albanian community already living in Germany as settled foreign workers or recognized refugees- and who did not apply for asylum were also granted Duldung.

⁹⁸ Martin, Philip and Teitelbaum, Michael, “Report of the Seminar on Immigration, Integration, and Enforcement” April 24-26, 1997, accessible via <http://migration.ucdavis.edu/ols/ber.html>; see Axt, Heinz-Jürgen, “The Impact of German Policy on Refugee Flows from Former Yugoslavia”, in Rainer Münz and Myron Weiner (editors), *Migrants, Refugees and Foreign Policy: US and German Policies Toward Countries of Origin*, Vol. 2, Berghahn Books, 1997, pp.1-33

⁹⁹ **“Situation of Bosnian Refugees in Germany”, International Conference of the ECRE/ICVA Reference Group on Former Yugoslavia, Tuzla, 21-22 October 1996, accessible via; <http://www.proasyl.de/tuzla.htm>**

¹⁰⁰ for the discussions about their removal and the instruments used see Marshall, *op.cit.*, pp.22-23; for the legal framework for their protection see, Kerber, *op.cit.*; yet many relief agencies criticized Germany of exerting “tremendous pressure on Bosnian refugees to ‘voluntarily’ repatriate” USCR, *op.cit.*,

However, Germany made it clear that Kosovo Albanians with Duldung have no prospect of being granted a residence permit and are expected to leave Germany, if necessary by force. The majority of these people had already returned to Kosovo by the end of 1999.¹⁰¹

Immigration of ethnic-Germans

Another category, which deserves a special consideration, is the flow of ethnic-Germans into Germany. Although they are not considered as aliens, for the purposes of this article, it still makes sense to treat them within immigration debate since their adaptation to labor market and social structure have proved as difficult as the others and led to the discussions similar to the other categories of immigrants.

Furthermore, in analyzing this category, one should differentiate between 'Aussiedler', and 'Übersiedler'. Übersiedler are Germans who left the GDR to live permanently in the FRG. They were considered German nationals as soon as they arrived in West Germany and immediately given German passports, work permits and voting rights. There were also special provisions in order to facilitate their integration into West German society.¹⁰² This category ceased to exist with the German reunification. Thus, the discussion about ethnic-Germans in 1990s was mainly about the second category.

Aussiedler (re-settlers) are repatriated persons, German nationals or people of German origin who leave their emigration areas in East Europe and former Soviet Union to move to the FRG.¹⁰³ According to the Federal Constitution (Article 116, paragraph 1) and Germany's 1913 naturalization law, all ethnic Germans living out of Germany are counted as German citizens. Based on this provision, the definition of German ethnicity applies to persons who "... declare to be of German ethnicity and it is confirmed by certain characteristics such as descent, language, education and or culture". The territory of the German Reich on the 31 December 1937 is the basis for this article. As a result, Article 16 applies to all persons who have lived themselves, or whose parents and grandparents had lived in the former Eastern territories of the German Reich (East Prussia, East Brandenburg, Silesia and Danzig). Ronge offers two historical developments that produced the ethnic Germans in Eastern Europe and former Soviet Union¹⁰⁴; i) normal emigration processes, and ii) the political conse-

¹⁰¹ the Danish Refugee Council, *op.cit.*; Kim, Lucian, "Shaky Welcome for Kosovo's Refugees", *Christian Science Monitor*, Vol. 91, Issue 134, 06/08/1999, p.8; European Council on Refugees and Exiles, "Kosovo/Kosovo Returns", February 2000, accessible via <http://www.ecre.org/research/kreturns.doc>; The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, footnote 5.; USCR, *op.cit.*,

¹⁰² Martin, "Reluctant Land of Immigration", p.216; Rudolph, *op.cit.*, see footnote 1 on p.117; similar provisions have existed also for Aussiedler, Münz and Ulrich, *op.cit.*, p.75

¹⁰³ Zimmermann, Klaus F., "The Labor Market Impact of Immigration", in Sarah Spencer, *Immigration as an Economic Asset: The German Experience*, p.48; Rudolph, *op.cit.*, footnote 1 on p.126,

¹⁰⁴ Ronge, Volker, "German Policies Toward Ethnic German Minorities", in Rainer Münz and Myron Weiner *Migration Past, Migration Future: Germany and the United States*, p.119

quences of the two world wars. While the former factor explains mainly the existence of German minorities in the former Soviet Union, the latter is the main reason for Germans living East European countries (Poland, Romania, etc). While some of them were living in their original settlement areas, some others were forcibly displaced to other regions, as happened to nearly all Germans in the Soviet Union.¹⁰⁵ At the end of the World War II, although millions of these people moved to the west, there were still around 4 million Germans living beyond Germany's borders as of 1950.¹⁰⁶

According to Rudolph, the postwar migration of ethnic-Germans to Germany can be differentiated into three major trends.¹⁰⁷ Between 1945 and 1950, due to the policies of host countries such as, organized expulsion, forced resettlement, and ethnic cleansing 12.5 million refugees arrived in Germany, %60 of which settled in the western part of Germany, while %40 in the Soviet military zone. In the following years, an unidentified number of those who moved to GDR became part of the Übersiedler. During the second phase -between 1950 and 1961-, 3.6 million people migrated to the FRG from the GDR, while around 0.5 million moved in the opposite direction. The main reason for this flow of migration was the dissatisfaction with the political system in the GDR, the attractiveness of West Germany during economic booms, and in some cases family reunion. On the other hand, the emigrants from west to east were mainly communists and some cases of family unification. As discussed above, German immigrants in huge numbers were absorbed within the rapidly growing German economy and they were integrated successfully.

The flow of East Germans remained relatively stable between the construction of the Berlin Wall in August 1961 and the end of 1988; around 616,000 East Germans moved to the west. With the developments in the Eastern Block in general and in GDR in particular, the numbers started to increase drastically in 1989. While in the beginning they were entering Germany through Hungary and Czechoslovakia, later on East Germany permitted its citizens to travel by train to West Germany. Then, the Berlin Wall was opened in November 1989. As a result, over 340,000 East Germans moved to the west in 1989, and this flow continued by increasing until the reunification. Although the reunification undercut the rationale for this type of migration, due to economic reasons, east-west *internal* migration is still under way.¹⁰⁸

A similar development can also be said for Aussiedler. The developments in Eastern block toward the end of the Cold War led to a considerable increase in the number of Aussiedler resettling in Germany as well. In 1988 it rose to 200,000 and approached to 400,000 in both 1989 and 1990.

¹⁰⁵ for a brief historical account of the emergence and development of ethnic German minorities in East Europe and the former Soviet Union and of how they survived and maintained their German identity see Ronge, *op.cit.*, pp.119-123; also see Richter, Anthony, "Blood and Soil", *World Policy Journal*, Vol. 15, Issue 4, Winter 1998/1999, pp.91-98.

¹⁰⁶ Martin, "Reluctant Land of Immigration", p. 216

¹⁰⁷ Rudolph, *op.cit.*, pp.115-117; for comparison of the figures see also *Ibid*, p.215; Münz and Ulrich, *op.cit.*, pp.68-74;

¹⁰⁸ Martin, "Reluctant Land of Immigration", pp. 214-215; according to Münz and Ulrich, between 1950 and 1994, East Germany's population declined from 18.4 million to 15.5 million despite an excess of births over deaths, and 5.9 million Germans migrated from east to west, but only 822.000 moved in the opposite direction, Münz and Ulrich, *op.cit.*, pp.74-75,66

When their numbers were small until that time, the German population and influential expatriate organizations had welcomed them. Yet, as emigration from Eastern Europe and the former Soviet Union became less restrictive and the numbers multiplied, there had occurred a public resentment towards them and the ethnic German migration also came into question. This public concern was resulted in a shift in the policy toward ethnic-Germans.¹⁰⁹

As Ronge rightly points out, “the magnitude of ethnic German immigration has always been determined by the interplay of two factors: Germany’s policy of reception and the East European and FSU countries’ treatment of those who wished to emigrate”.¹¹⁰ Münz and Ulrich further underline the point that “economic cycles and crises in the FRG had almost no influence on these flows”. Rather, political conditions in host countries and international atmosphere were more important.¹¹¹ Until the early 1990s, Germany’s approach was aiming at promoting the influx of ethnic Germans into Germany. Especially after the official end of the “guest worker” policy, this became more visible. In early 1970s, owing to the new Ostpolitik, federal government with Central and East European countries signed bilateral treaties. The main aim was to achieve freedom of exit for the ethnic Germans. Even German government provided many incentives to the host countries to encourage them to permit emigration of ethnic Germans, by offering improved trade conditions and, in the case of Romania, even direct payments in exchange for emigration permits. Despite these efforts, until the late 1980s the numbers did not increase substantially due to the restrictive policies of the host countries, which were mainly motivated by Cold War ideological rivalry, and which were also applied to members of other ethnic groups.¹¹²

The shifting policy of the 1990s, on the other hand, aimed at persuading ethnic Germans to stay in their countries of origin through improving their economic, social and political situations in host countries, and through changes in domestic administrative procedures and financial regulations to render migration into Germany more troublesome and less attractive. This change was influenced by both Germany’s own conditions and the approach of the host countries to the German minorities. The increasing costs and problems of economic and social integration of the ethnic Germans, -who were ethnically German but far more conservative than average Germans, overwhelmingly Russian-speaking and culturally Sovietized- in the united Germany were quite visible. The German reunification also created a considerable ‘reserve army’ in a way to undercut the need for the work power of the new Aussiedler. Unlimited right to exit from the countries of origin initially resulted in a huge flow of ethnic Germans because Germany was still following the same permissive reception policy.

¹⁰⁹ Martin, “Reluctant Land of Immigration”, p.216; Ronge, 117; Mehrlander, *op.cit.*, p.8; according to the estimates of German Ministry of Interior Affairs, in 1990 there were about 3.7 million people of German origin in East Europe. Of these, 1.9 million were living in the Soviet Union, 1 million in Poland, 0.4 million in Rumania, and 0.2 million in Hungary, Zimmermann, *op.cit.*, pp.50-51; also see Münz and Ulrich, *op.cit.*, pp.71-72

¹¹⁰ Ronge, *op.cit.*, p.125

¹¹¹ Münz and Ulrich, *op.cit.*, p.75

¹¹² Rudolph, *op.cit.*, pp.115-117

To compensate this external push-factor, Germany tended to decrease internal pull-factors through different changes to the laws related to the ethnic Germans.

The remainder of this section will deal with the changing policies toward ethnic Germans in the 1990s. As regards to the political debate, it can be said that the CDU/CSU line tended to treat the immigration of ethnic Germans differently from the other categories of migrants, whereas SPD/Green line saw them as just one of the immigrants and refugees in general. The differences between the two approaches were also apparent in the asylum debate, as explained before. Therefore, the change of policy regarding ethnic Germans was at the same time a part of the asylum compromise. While SPD line gave concession to CDU by accepting the limitation of asylum right, in the debate about the immigration of ethnic Germans, CDU accepted concessions to SPD by agreeing to limit ethnic German immigration. As a result, some new regulations were adapted in order to limit and control immigration of ethnic Germans.¹¹³

Integration Adjustment Law of 1989 reduced the social benefits for Aussiedler. This was especially important for the social benefits that exceeded those for domestic Germans. *Resettler Reception Law of 1990* forced would-be resettlers to file their applications at their country of residence. In addition, administrative procedures, including a voluminous and extremely complex questionnaire written in the German language to be filled by the applicants, were introduced. As a result, in 1991 and 1992 the numbers decreased. According to *Law on Removing the Consequences of the War of 1992*, the existence of expulsion pressure, that is, of repression endured for one's Germanness, is no longer automatically assumed, but has to be demonstrated by the respective individual –except for ethnic Germans from the Soviet Union. That means while Germans from Eastern Europe have to prove that they have experienced *individual* discrimination as a result of being ethnic German, discrimination is collectively assumed for applicants from the former Soviet Union countries. At the same time, effective from 2010, this law limited the right to claim the status of Aussiedler to persons born before 1 January 1993. Yet, migration on the grounds of family reunion will still be open. Finally, the law imposed an annual limit of 225,000 for the migration of ethnic Germans.

As stated above, besides the domestic regulations to discourage emigration, the new German policy in 1990s vis-à-vis the immigration of ethnic Germans has also an external aspect with the intention of encouraging these people to stay at their countries of residence. This external policy has been pursued through two ways. First, Germany is supporting German communities by means of financial aid dedicated to the improvement of economic and social conditions there. Yet, in so doing at the same time particular attention is paid to the projects that do not merely aim at ethnic Germans but also support the welfare of the whole society. Second dimension of this policy concerns with civil rights and self-government for ethnic German minorities within their respective countries.

¹¹³ Joppke, *op.cit.*, pp.95-97; also see Ronge, *op.cit.*, pp.132-134; Martin, "Immigration Issues in Germany and The US"; Martin, "Reluctant Land of Immigration", pp. 216-217; Münz and Ulrich, *op.cit.*, pp.71-72; Richter, *op.cit.*, pp.95-97

Overall observation of this policy reveals that while Germany is focusing on the first dimension – development aid- in regards to the Soviet successor states, its policy toward the East European countries favors more a culturally-oriented approach.¹¹⁴ Yet, these external policies have largely failed to desire result of convincing these people to stay at their respective lands and wait for visible economic improvements. Instead, they are opting for taking the short cut for a better life and moving to Germany, which in turn made the domestic restrictions discussed above and their implementation inevitable.¹¹⁵

There is another discussion in the literature about the main reasons behind the Germany's policy towards ethnic Germans, who had emigrated generations before but currently have the right to return to homeland of their ancestors as 'Germans', and who have always been treated differently in comparison to other categories of immigrants. Klaus J. Bade is of the opinion that this policy "is grounded in the *jus sanguinis* tradition and in an ethno national understanding of German identity".¹¹⁶ Ronge, on the other hand, opposes the idea that this policy is based on ethnicity. For him, it is rather a reflection of the postwar sense of responsibility for World War II and its outcomes adopted by Germany. Germany's aim "is simply to compensate those who suffered collective discrimination as a result of being ethnically German".¹¹⁷ Furthermore during the Cold War years they suffered another hardship, totalitarian socialism, in a way to make the perceived responsibility higher. Ronge also claims that the new policy adapted in the 1990s, which limited this type of migration, is reflective of this point in that these changes showed that the approach taken towards ethnic Germans might be modified in accordance with the changing state of affairs.¹¹⁸ On the other hand, German public and political circles have tended to interpret their entry as a response to political and social discrimination and an adherence to the concept of Germanhood, rather than motivated by purely economic factors; thus it was politically accepted without much hesitation.¹¹⁹ Ethnic Germans may also be said to be aware of their special historical 'mission' in German political life as the victims of Stalinism, and they tend to raise this argument in political debate.¹²⁰

¹¹⁴ Ronge, *op.cit.*, pp.134-136

¹¹⁵ Richter, *op.cit.*, pp.94-96; for the different forms of German aid to Germans living in the Soviet successor states, especially in Central Asia, and their failure see "To the Fatherland". *Economist*, Vol. 343, Issue 8023, 06/28/1997, pp.47-48; Kim, Lucian, "Distant Germans Feel Pull of 'Homeland'", *Christian Science Monitor*, Vol. 90, Issue 247, 11/17/1998, p.7

¹¹⁶ Bade, *op.cit.*, p.21

¹¹⁷ Ronge, *op.cit.*, p134, 138; in fact it must be noted that equalization of the burdens caused by the war in general and compensation for injuries and damages have been the purpose behind much of Germany's postwar policy making. This can be observed also in [Germany's](#) policy toward the Central and Eastern European countries. Germany's support for these countries for their accession to the EU can be partly explained by this fact.

¹¹⁸ *Ibid*, p.131

¹¹⁹ Münz and Ulrich, *op.cit.*, p.69; also see Bade, *op.cit.*, p.22

¹²⁰ Richter, *op.cit.*, p.95

Today, due to the restricted German policy of reception, despite the strong push-factors, the numbers are stabilized.¹²¹ Furthermore the structure of the sending countries changed as well. While most of the Aussiedler were coming from Eastern Europe until 1990s, in the last decade the great majority is coming from the former Soviet Union countries.¹²²

Integration

Although Germany has long been claiming that it is not 'a country of immigration' during the course of the time it has become a *de facto* country of immigration in cultural and social sense. However Germany defines itself, there is one fact that cannot be ignored, around 8 million foreigners living in Germany. Therefore, it goes without saying that their relation to the host society is a great concern for a successful immigration policy, besides attempts to reduce the flows of people into the country. In this regards, the issue of integration comes to the fore, thus this chapter briefly discusses the policies devised for integration of foreigners. In doing so, instead of dealing with the issue of integration in a larger perspective –social, economic, cultural, and political aspects-, the remainder of the article concentrates mainly on the problem of naturalization of foreigners, and in a lesser extent on foreigners' legal and economic situation.¹²³

In fact, Germany's self-perception and declaration as "not a country of immigration", which has been one of the main reasons of the neglect for the issue of immigration, was criticized as early as the 1970s and the 1980s. For instance, Rist was warning about the possible problems to be posed by this neglect in his book from 1978. He also quotes from *Annual Labor Report* on the Federal Republic, regarding the situation of the foreign workers in Germany, prepared by the US Department of State: "... Despite these gloomy prognoses, Germans are not yet ready to take the next step. With the assertion that 'Germany is not an immigration country', most Germans are reluctant to send the foreigners home or to allow them to become citizens".¹²⁴ Furthermore, as Bade underlines, the warnings and hypotheses of the early 1980s expressed by researchers and people working with foreigners did not have any political consequences.¹²⁵ The neglect of the issue was further strengthened by the statistic stance against immigration as happened in the recruitment ban. This made it impossible for German governments in the 1980s and the 1990s even to discuss an "American-style," legal immigration policy. Instead, as Hollifield underlines, "immigration became a highly charged partisan issue, leading to soul-searching debates about national identity and citizenship. The more practical questions -which an American policymaker or politician might ask- of 'how many, from

¹²¹ to illustrate the effect of the new regulations; for example 30 percent of the applicants failed in language examination and eventually were disqualified from resettlement in 1997, Richter, *op.cit.*, p.97

¹²² Ronge, *op.cit.*, pp.127-128; also compare Münz and Ulrich, *op.cit.*, p.71

¹²³ for a review of the patterns of integration in general terms see Heckmann, *op.cit.*,

¹²⁴ Rist, *op.cit.*, pp.71-73

¹²⁵ Bade, *op.cit.*, p.29

where, and in what status,' simply could not be asked."¹²⁶ As a result, the postponed problems of integration, multiplied by the new waves of immigrants, surfaced in the early 1990s, as expressed in many developments such as the xenophobic attacks against foreigners. Hence a number of changes have been introduced in the 1990s to cope with this problem.

Naturalization

The number of the naturalizations and the procedures related to the naturalization are important indicators of a successful social integration of foreigners. Yet, it does not automatically guarantee or even facilitate social integration, as was bitterly witnessed in many cases of naturalized immigrants and their children, as well as in the immigration of ethnic Germans. Germany has traditionally had a relatively strict and difficult process of naturalization. Most of the foreigners had to live in Germany at least ten years, give up their current citizenship, know the German language, be employed or employable, have adequate accommodation for themselves and their families, and pay a high application fee (\$300). In addition, local authorities that determine whether their naturalization is "in the interest of Germany" considered their applications.¹²⁷

In the 1990s, parallel to the other developments regarding the control of immigrants fleeing to the country, there has been also a debate on a reform in the German citizenship regulations, which date back to the German Reich's Nationality Law of 1913, based on bloodlines –*jus sanguinis*–, not birthplace –*jus soli*.¹²⁸ During the 1990s some new changes were introduced to the laws regulating naturalization and citizenship. As a result, according to Angenendt, there are three ways to naturalization:¹²⁹

a) Naturalization by right or the right to receive citizenship, (*Anspruchseinbürgerung*): This status primarily applies to ethnic Germans who obtain German citizenship upon their arrival in Germany. Furthermore they are allowed to retain their former nationality as well. Most of the naturalizations have been through this way.

b) The *Ermessenseinbürgerung* (discretionary naturalization): allows citizenship to be granted after ten years of legal residence. Yet, it is still the sovereign decision of German authorities, based upon whether applicant demonstrates adherence to the German culture, subscribes to the principles of the constitution, and has a basic knowledge of German. In this case, applicants are

¹²⁶ Hollifield, *op.cit.*, pp.28-29

¹²⁷ Martin, "Reluctant Land of Immigration", p. 209

¹²⁸ Angenendt, *op.cit.*, p.174; Münz and Ulrich, *op.cit.*, p.102

¹²⁹ Angenendt, *op.cit.*, p.173; yet it must be noted that Martin offers two way for categorization, compare Martin, "Germany: Migration Policies for the 21st Century"; and Martin, The American Institute for Contemporary German Studies, p.27, p 33; also compare Münz and Ulrich, *op.cit.*, p.100-101

asked to renounce their former citizenship, although in practice there are a variety of ways to have dual nationality.¹³⁰

c) The *erleichterte Einbürgerung*: Since 1993 amendment, this entitles young immigrants between the ages of 16 to 23 become German citizens following eight years of legal residence, going to school in Germany, by paying a reduced application fee (\$60). According to Martin, this is also a naturalization by law and those apply for naturalization, have a “right” (*Anspruch*) to become German citizens, which means that German officials cannot deny their applications on the general ground that their naturalization is not in the interest of Germany.¹³¹ Also older immigrants who have lived in Germany for 15 years have a right to apply for this procedure.

Dual Citizenship -1999 Reforms

As a reflection of the increasing importance of the issue in the public debate, the problem of integration became the second most important issue after the unemployment before the September 1998 elections, which was a true watershed in terms of migration policies. While the CDU tilted towards the right wing and took up many xenophobic slogans -as reflected in some of the billboards saying, “Germany is not a country of immigration”-, the SPD-Green block warned that the failure to develop integration policies is a time bomb in terms of social problems.¹³² After their election victory, the SPD-Green government believing that easier naturalization and dual nationality could reduce the percentage of the foreigners (when a foreigner is naturalized he falls out of the foreigner data) and accelerate integration came with a proposal. The new proposal involved a shift from the 1913 citizenship law based on *jus sanguinis* to a new citizenship regulation including elements of *jus soli* and dual citizenship and reduced the requirement of 15 years of residence to eight years. This proposal was attacked by the CDU-CSU block and was rejected in the parliament following a successful petition drive.¹³³ The main arguments of the opponents of the proposal were that dual nationality

¹³⁰ Furthermore, foreigners married to Germans also may receive citizenship via this mechanism, as long as they have either lived in Germany for at least five years and have been married for two years, or have been married for three years and have continuously resided in Germany since the marriage. Angenendt, *op.cit.*, p.173

¹³¹ Martin, *The American Institute for Contemporary German Studies*, p.27, p 33

¹³² for the positions of the parties see, Berger, Deidre, “As Anti-foreigner Sentiment Rises, German Politics Follows”, *Christian Science Monitor*, Vol. 90, Issue 211, 09/24/1998, p.6; also see Kreuzer, Christine, “Reforming Germany’s Citizenship Law”, *Managing Migration in the 21st Century*, Paper presented at Fall Workshop, University of California, Davis, October 10-11, 1997, accessible via: <http://migration.ucdavis.edu/mm21/Kreuzer.html>

¹³³ “German Citizenship Law Caught in Debate Over Identity”, *Migration World*, Vol. 27, No. 1, 1999, p.7; in fact, already before the elections -during their government-, the Christian Democrats opposed to several reform proposals coming from the opposition, for instance see “Welcome and stay out”, *Economist*, Vol. 331, Issue 7863, 5/14/1994, p.55; Joppke further argues that actually the CDU-CSU block made some promises about the reforms of the citizenship law before the 1994 elections, the so-called ‘children’s citizenship’

would give foreigners more privileges than Germans, because they could carry two passports and that it would increase immigration and lead to divide loyalties. Then, FDP came with a less generous middle way solution, called “optional” dual nationality proposal, and which the SPD-Green government also accepted. Having been approved in the spring of 1999, the new proposal took into effect on January 1, 2000,¹³⁴ which introduces *jus soli*-elements into the nationality law and opens a room for multiple citizenship.

Under the new law; firstly, foreigners’ children born in Germany will automatically receive German citizenship, if one of their parents has been legally living in Germany for eight years. When they become eighteen years old they must indicate whether they want to keep German or the foreign nationality. In case they want the foreign nationality, the German one must be renounced, or they keep the both until the 24th birthday. If such a declaration is not made before that time, the German nationality will be automatically withdrawn. Secondly, the necessary residence period for application will be reduced from fifteen to eight years. Moreover, although dual nationality for adults will not be routine, it is stated that naturalization is to be “administered flexibly”, which leaves open door for dual citizenship. This is especially true if the applicant’s country of origin does not recognize renouncing citizenship, such as Afghanistan and Iran.¹³⁵

As a result of the increased use of the facilitated naturalization provided by the new regulations there have been an increase in the overall number of naturalizations in the last years.¹³⁶

The Legal Status

Another important aspect of a successful immigration policy is the legal status the immigrants are awarded, which determines what rights they may enjoy, what kind of social benefits¹³⁷ they will receive, and most importantly what type of working permit they will have. In the case of Germany, a special immigrant status is not known in the German Aliens Law, rather there are sev-

(*Kinderstaatszugehörigkeit*). Although this development implied a shift in their approach to the issue, these proposals could not be realized. Joppke, Christian, “How Immigration is Changing Citizenship: a Comparative View”, *Ethnic and Racial Studies*, Volume 22, Number 4, July 1999, pp. 637–640

¹³⁴ for a detailed explanation about the new changes see; Background Papers, 01/31/00, German Citizenship and Naturalization, German Information Service at http://www.germany-info.org/newcontent/np/np_3c_1.html; and Citizenship Reform and Germany's Foreign Residents,

http://www.germany-info.org/newcontent/index_consular.html, also see

http://www.germany-info.org/newcontent/index_news_publications.html

¹³⁵ for other cases which warrant to retain former citizenship see *ibid*.

¹³⁶ for the evolution of the number of naturalizations, the latest figures about different types of naturalization and by the selected nationalities see The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, pp.11-13 and Tables 13a-b,14,15a-b-c.

¹³⁷ for a review of the social benefits offered to different groups see Schumacher, Christoph, “Social Benefits of Asylum Seekers, de facto Refugees and Illegal Immigrants”, *Managing Migration in the 21st Century*, Paper presented at Fall Workshop, University of California, Davis, October 10-11, 1997, accessible via: <http://migration.ucdavis.edu/mm21/Schumacher.html>; also see the Danish Refugee Council, *op.cit.*,

eral residence titles covering the needs to legalize a stay. The legal status of immigrants is determined by two factors, which might sometimes conflict with each other: the duration of stay and reasons for residence. Yet, the greater emphasis is on the duration of stay, based on the principle that the longer the period of residence, the more secure an immigrant's legal status will be. Drawing from these considerations, German law provides a hierarchical order of residence permits. They are namely;¹³⁸

a) *Permanent residence entitlement (Aufenthaltsberechtigung)* is the most secure status, and an immigrant can claim for it after eight years of legal residence. This status could also be granted after five years of residence to the spouses of Germans and to the recognized refugees. Furthermore, an immigrant should not be dependent on social security benefits, must have contributed more than 60 months to an official pension fund, and should not have been convicted of a major crime in order to be eligible for this residence permit.

b) *Residence permission (Aufenthaltserlaubnis)* might be awarded for one year, with two two-year renewals to follow, or for an unlimited period, as long as the immigrant has resided in Germany and has a work permit, sufficient housing and some knowledge of German. This permit might sometimes be awarded to recognized refugees.

c) *Residence authorization (Aufenthaltbefugnis)* is granted in two-year increments to immigrants who are entitled to residence based on humanitarian considerations, such as civil war refugees. After a period of eight years, this status can be transformed into an unlimited *Aufenthaltserlaubnis*.

d) *Residence approval (Aufenthaltsbewilligung)* guarantees only a limited stay in Germany, for a special purpose, such as contract workers, students and business people. It is valid for maximum of two years, and can be extended for two more years.

e) *Residence concession (Aufenthaltsgestattung)* is only granted to asylum seekers for the period when their asylum application is proceeded.

f) *Toleration (Duldung)* is offered to persons who have no valid residence permits and are obliged to leave Germany, but who, due to legal or practical obstacles, cannot be expelled. A temporary working permit might be granted to these people as well.

A brief examination of the practice shows that German authorities are quite reluctant to offer a secure residence status to non-EU immigrants.¹³⁹ Furthermore the legal framework for tak-

¹³⁸ Angenendt, *op.cit.*, pp.170-171; Klos, Christian, "German Integration Policy - Current Developments in the Legal Discussion", paper presented at the conference Managing Migration in the 21st Century, 10-11, October, 1997 in Davis, California, accessible via; <http://migration.ucdavis.edu/mm21/Klos.html>; The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, footnote 6.

¹³⁹ for the latest figures about the distribution of residence status by selected nationalities see The Federal Government's Commissioner for Foreigners' Issues, *op.cit.*, p.10 and Table 10.; Yet, it must be noted that as a result of the special relationship between Turkey and the EC/EU migrant workers of Turkish origin may be said to have a better of position.

ing up employment in Germany also shows differences for the various immigrant groups. For Übersiedler and Aussiedler and for the EU citizens there are no limitations. All other groups need a work permit; as a rule initially only a 'general work permit' is given, which is limited to those cases where no Germans or foreign workers with the same status are available for the job. When asylum-seekers are granted the status of 'legitimate claimants of asylum' they are entitled to a 'special work permit', which is not subject to the labor market situation. Furthermore, no working permit is required after the right of residence has been granted.¹⁴⁰

Conclusion

German experience with immigration is not a new phenomenon. Historically, German people and territory have experienced all forms of cross-border population movements. The movement of people followed German emigration to Eastern Europe and to North America to Germany after Germany emerged as an economic power in the late 19th century. With the establishment of the FRG, the migration of Germans from former German lands and the GDR was absorbed within the expanding economy. To maintain the high levels of economic development, Germany further needed to recruit workers from abroad. Even after the end of the worker recruitment system, foreign labor force remained in the country and became a part of the German society with the second and third generations today. The liberal asylum policy of Germany also attracted many refugees fleeing persecution at home to Germany, as well as many economic migrants abusing the asylum system. The people living in Germany under this category further multiplied the number of the foreign population in Germany. Although they are granted German citizenship upon their entry, the ethnic German resettlers also increased cultural diversity because of the cultural differences. Consequently, though reluctantly, Germany has come to accept that it has become an ethnically, religiously and culturally multicultural society, with the foreigners constituting 9 percent of the total population. The latest move by the CDU to give up its long-standing insistence that Germany is not a "country of immigration" and advocate a policy of controlled immigration is nothing but a reflection of the acceptance of this reality.¹⁴¹

Not only did the recent developments in the last decade bring about new problems and burdens on Germany, but they also resulted in –or pushed Germany towards– a broad debate with the increasing public involvement about the immigration policies. The debate mainly turned around the critique of an ethnic definition of the citizenship and its relation to the legal integration of immigrants. This period of intense public and political debate has led to a reform of the asylum law, regu-

For details see; Schiele, *op.cit.*, p.47; and Cicekli, Bulent, "The Rights of Turkish Migrants in Europe Under International Law and EU Law", *International Migration Review*, Volume 33, Number 2, Summer 1999, pp.300-353

¹⁴⁰ Gieseck, Arne, *at.all*, "Economic Implications of Migration into the Federal Republic of Germany 1988-1992" in Sarah Spencer, *Immigration as an Economic Asset: The German Experience*, pp.19-20

¹⁴¹ On November 6, 2000 the CDU made public a 10-point position paper on immigration, also stimulating the debate about the "Leitkultur". "Arbeitsgrundlage für die Zuwanderungs-Kommission der CDU Deutschlands", CDU, November 6, 2000, accessible via; <http://www.cdu.de/ueber-uns/buvo/pmueller/arbeitsgrundlage.htm>

lation of the immigration of German resettlers, a freeze on welfare benefits for refugees and resettlers, and easing the restrictions on naturalization and double citizenship. Especially the newly adapted changes regarding naturalization and ethnic German resettlers signify a remarkable shift from the principle of ethnically based citizenship to a more pluralist understanding of the citizenship. The debate over the German identity stimulated by the immigration and integration policies is still under way, as reflected in the recent discussion on the German "Leitkultur", or guiding culture. On the other hand, though the reform of asylum system has been targeted by many due to the introduction of safe country/safe third country provisions, it must be appreciated that Germany cannot be blamed alone to develop this approach, because it had already been in practice in Sweden and had been endorsed on the EU level. Furthermore, considering the huge number of asylum seekers Germany received prior to the asylum reforms (for instance, 438,191 persons sought asylum in 1992) why Germany needs to revise its policies and introduce these provisions can be understood better.

Given the facts that the share of foreign workers amounts up to 10 percent of the German labor force and they make substantial contributions to the social security system it becomes clear that the structure of German economy has been altered completely in a way to create long-term dependencies on foreigners. Furthermore, different estimates on foreseeable trends in birth rates and in life expectancy or death rates indicate aging and decline of the German population in the long-term. Unless there will be a strong increase of the fertility rate of the resident population, which is not foreseeable in the near term, immigration, therefore, is necessary to prevent a shrinking population and labor supply. To compensate the decline of the population and the consequent fall in the size of the labor force, Germany will need an average annual immigration of about 200,000-300,000 people, according to different estimates. Based on the experience of the guest worker period, Germany might be said to have developed different migrant worker programs discussed in the article. Yet, the overall examination of these programs and the resistance coming from strong worker unions and other social forces show that these programs cannot compensate the shrinking of the labor supply. Therefore, the need for new labor force can be saturated by the continuous flow of people into the country.

The dependency on a continuous flow of immigrants brings to the fore alternative means to regulate immigration and the issue of integration. So far, Germany has not supported the introduction of an immigration law with quotas similar to that of traditional immigration countries like the United States. Yet, it is high time to consider this alternative seriously and develop an overall immigration law, besides attempts toward restricted border controls, international cooperation in regulating the further uncontrolled influx of people and pushing harmonization of the policies on the European level.

On the other hand, the recent reforms regarding naturalization and especially double citizenship are important steps towards integration of the settled immigrants, of whom two-third have lived in Germany more than ten years, eighty percent of those under 18 were born in Germany. Developing an inclusive integration policy is the biggest challenge Germany is facing today, since the legal situation of immigrants is not only a problem for themselves, but for the German society as a whole. The exclusion of a large part of the population from citizenship rights creates serious prob-

lems for the legitimating of a democratic pluralist society. Besides facilitating the integration of the foreigners, the naturalization will also help reduce public discomfort with high rates of foreigners living in the country, thus advance social peace.

PSYCHOLOGICAL ENVIRONMENT OF FOREIGN POLICY- MAKING

Abdulkadir Baharççek*

1. Introduction

In the global international system relations between states and other international actors have reached in a degree, which cannot be compared with the relations that existed only a few decade ago. Most of these relations happen through the states' bodies that formulate foreign policy of the states. Therefore, foreign policy is an important device of the international relations. At the same time the way in which foreign policy is made is also important and there are many factors that influence the formulations of the foreign policy.

In this article an attempt will be made to examine the importance of the psychological factors on the foreign policy-making process. To do so, first, it will be tried to create a framework within which foreign policy is formulated. At the same time an attempt will be made to define some concepts such as foreign policy, decision-making and decision-makers. Then, the article will focus on the psychological factors, which have important impacts on the formulation of foreign policy.

2. International System and Foreign Policy

By the end of the Twentieth century action, reaction and interaction between states have reached a very high level that a few decades ago, which could not even be imagined. At the beginning of the new millennium it is almost impossible to live alone and without having relations with other states and non-state bodies, which are important actors of the contemporary world. In the past, politics was concerned mainly with domestic affairs and constitutions, but now it more concerns with psychology and sociology. On the other hand external affairs, today, have become the key component of politics, and the division of world politics and domestic politics is becoming meaningless. International relations are mainly concerned with the foreign policy-making because of the high level of relations between states. Therefore the analysis of foreign policy inevitably has to give more importance to the foreign policy decision-making process. "The conduct of a state's foreign policy consists of decisions and relations which involve to some appreciable degree relations between that state and other states".¹⁴²

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¹⁴² FRANKEL, Joseph, (1970), National Interests, Pall Mall Pres Ltd., Bath.

The foreign policy has a vital importance to the states, because their relations with other states can mostly be conducted with this way. If that is the case, then, the importance of the foreign policy is clear. The other important fact is the way in which foreign policy-making process takes place. At this point it is necessary to answer the questions such as who makes decisions? What kind of factors influences this process? Who are decision-makers? How do they make decisions? The answers of these questions are vital and this article will try to clarify psychological world of the decision-making process in the foreign policy decision-making. In another words it will be tried to analyze the effects of the psychological environment on the foreign policy-making rather than all the factors that influence foreign policy-making process.

Before attempting to analyze the psychological environment of the foreign policy-making it will be useful to define some terms such as “foreign policy”, “decision-making”, and “decision-makers”. Definitions of these terms are important for us to understand the foreign policy decision-making process, and the world of the decision-makers.

Foreign policy is essentially about the actions of a state towards external environment and conditions¹⁴³. In another words, foreign policy is about relations of states that are directed towards the world outside state¹⁴⁴. In this sense, foreign policy can be defined as “a strategy or planned course of action developed by the decision-makers of a state vis-à-vis other states or international entities, aimed at achieving specific goals defined in terms of national interests”. If so, foreign policy is a dynamic process, and is about applying the things that are accepted as national interests. It is also an action of a state that go beyond its borders and has implications for other political actors of the international system. Foreign policy is also a process which include the steps such as translating national interest considerations into specific goals and objectives, determining external and internal factors related to the foreign policy goals, taking account the ability of the state for achieving the desired outcomes, developing an most useful strategy, implementation of the strategy, and evaluation of the outcomes which means controlling¹⁴⁵.

The term of decision-making is related with the process within which decisions are made. In this sense decision-making differs from the action, and decision is a business of the decision-maker’s mind, while the action is about his environment. It may be said that making a decision means the choice of one alternative out of a number¹⁴⁶. In another words, when a decision is made it means that

¹⁴³ HOLSTI, K. J., (1982), *International Politics A Framework For Analysis*, Prentice-Hall International, New Jersey.

¹⁴⁴ WHITE, Brian, (1989), “Analysing Foreign policy: Problems and Approaches”, Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 1-26.

¹⁴⁵ PLANO, Jack C.; OLTON, Roy, (1988), *The International Relations Dictionary*, Fourth Edition, Longman, Santa Barbara.

¹⁴⁶ BECKER, Bernd, (1983),”Decision-making in Public Administration”, Klaus König, Hans J. von Oertzen; Frido Waegener (ed.), *Public Administration in the Federal republic of Germany*, Kluwer, Deventer, pp. 205-216.

there are more than one alternatives, and the decision-makers have the choice of selecting one. It is generally accepted that the decisions are made on a rational base, which means that decision-makers behave rationally when they take decision. According to Frankel decision-making may be defined as “an act of determining in one’s own mind a course of action, following a more or less deliberate consideration of alternatives, and by decision we understand that which is thus determined”¹⁴⁷.

Once talking about decision-making it is necessary to clarify the term of decision-makers, because individuals take decisions, and they could be a group of people as well as a team, or only an individual. Foreign policy is mainly a business of state, but state is an abstract term, and state itself cannot make decision. In fact it is individuals that acts on the behalf of the state and take decisions. Therefore, foreign policy is obviously a process of decision-making and individuals who are called decision-makers make these decisions, like other affairs of state. In this sense decision-makers can be defined as persons who act on behalf of the people or nation¹⁴⁸.

3. Psychological Environment of the Foreign Policy Making

Foreign policy-making is a process in which foreign policy decisions are taken, and this process take place under many environmental factors that restrict and limit the scope of the acts. It is evident that every state has objectives, which are formulated as national interest, and every state aims to reach its goals and objectives. While states try to do it, they come to face with some restrictions, which affect their decisions. These environmental factors can roughly be categorized as external and internal, and also, security and economic needs, knowledge, ideology. In addition, social and political system of a state will have certain effects on the foreign policy decision-making process. Obviously there are dynamic relations between the factors that have impact on the decision-making process, and they all may affect the process of the foreign policy in some degree¹⁴⁹.

In fact it is not easy to make certain distinction between both external and internal environmental factors, because in a complex interdependent world these two cannot be distinguished easily from each other¹⁵⁰. But at the same time, one should noted that there are certain differences between external and internal environmental factors that have impact on the foreign policy-making process, and it should be remembered that still domestic politics has its kind of characteristics which are different from than of the international politics.

¹⁴⁷ FRANKEL, Joseph, (1959), “Towards a Decision-Making Model in Foreign Policy, *Political Studies*, vol. 7, no. 1, pp. 1-11.

¹⁴⁸ FRANKEL, Joseph, (1970), *National Interests*, Pall Mall Pres Ltd., Bath.

¹⁴⁹ FARRANDS, Christopher, (1989), “The Context of Foreign policy Systems: Environment and Structure”, Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 84-108.

¹⁵⁰ ALLEN, David, (1989), “The Context of Foreign Policy Systems: The Contemporary International Environment”, Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 60-83.

On the other hand, some argue that science has discovered the genetic roots of human behavior. It is evident that this idea is still a theory, and may not be taken granted as an unchallenged truth¹⁵¹. But what it implies is that, psychological factors have important impacts on the human behavior, so do on the decision-makers. In this sense psychological environment of foreign policy is about policy-makers perceptions, images, assumptions and expectations towards the world¹⁵².

Until recently it was generally accepted that foreign policy was primarily an affair of state, and the role of the individuals were not taken into consideration as much as it should be. But in the course of the time it has been understood that foreign policy-makers have an important role on the process of the decision-making. Obviously, states are the most important actors of the international system, but it is decision-makers that take decisions on the behalf of the state¹⁵³. It is evident that the foreign policy-makers are not absolutely free to choose. On the other hand it may be said that their behavior are not restricted completely by external structure, the world outside the policy-makers. What is certain is that the structure within which foreign policy is formulated has an affect on the decision. At the same time it is evident that foreign policy-makers, like all policy-makers, have a freedom of choice, which called by scholars as cognitive behaviorism, and this relation is illustrated below by Christopher Farrands on a triangle¹⁵⁴.

The importance of the cognitive behaviorism has been stressed by some social scientist that human reacts to his environment according to his apperception, that is, as he perceives it in the light of his previous knowledge¹⁵⁵. Certainly it may be said that there is an interaction between those who are making decision and their environment. In fact there are many evidence that decision-makers tend to fit incoming information into their existing theories and images. Indeed, previous knowledge and images that a person has have a vital importance and influence on the process of decision-making. Furthermore, decision-makers tend to perceive what they expect¹⁵⁶. Therefore the relationship between decision-makers and their environment are important in the sense of understanding the way in which foreign policy decisions are taken. In this sense decision-makers' images, values, ideologies, their way of life, and expectations influence the process of the decision. It may be said that it will be possible in some degree to predict the decision that will be taken when we could un-

¹⁵¹ EHRENREICH, Barbara; POLLITT, Katha, (1999), "Fukuyama's Follies", *Foreign Affairs*, vol. 78, issue 1, pp. 118-129.

¹⁵² FARRANDS, Christopher, (1989), "The Context of Foreign policy Systems: Environment and Structure", Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 84-108.

¹⁵³ PLANO, Jack C.; OLTON, Roy, (1988), *The International Relations Dictionary*, Fourth Edition, Longman, Santa Barbara.

¹⁵⁴ FARRANDS, Christopher, (1989), "The Context of Foreign policy Systems: Environment and Structure", Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 84-108.

¹⁵⁵ FRANKEL, Joseph, (1959), "Towards a Decision-Making Model in Foreign Policy", *Political Studies*, vol. 7, no. 1, pp. 1-11.

¹⁵⁶ JERVIS, Robert, (1968), "Hypotheses on Misperception", *World Politics*, vol. 20, no.3, pp. 454-479.

derstand the effect of the psychological environment on the decision-makers. In another words, psychological factors have a crucial role in the process of decision-making¹⁵⁷.

It has been said that the behavior of decision-makers is under the effects of their environment. At this point it is important to explain how the environment influence and make impact on the decision-makers perceptions. It is well known that human behavior depends on the image or the subjective knowledge structure on an individual or organization. In this respect, in the process of decision-making, decision-makers, first, select the situation, then, give the meaning to it, and after that make decision¹⁵⁸.

On the other hand it is evident that decision-makers also make many miscalculations and error, and it is necessary to ask why they do so many mistakes. First of all, it may be said that nobody is perfect. What is clear is that everybody tries to do the best, and to behave in the perfect way. But as the common knowledge, perfect and the best are enemies of the good, and while trying to do the best, decision-makers often make mistakes. Secondly, it is known that the information-processing capabilities of every individual are limited, and therefore they sometimes fail. But this failure does not mean that decision-makers do not behave rationally. Contrary, even when they fail, it is accepted that they behave rationally. Decision-makers, as everybody do, act with the most reasonable way for reaching their goals, they assume that the may in which they act should be chosen because of rationality, and this is what they do.

Understanding the process of the decision-making is also related with the knowledge, in other word, with the cognition. Cognition “is the mental process of knowing, learning, and understanding things”¹⁵⁹. Therefore, “the study of cognition is important, because it is in essence the study of what the image and the ways in which it is formed, modified, and operates, so as to structure perceptions and hence determine behavior”¹⁶⁰. It may be said that before image forms, decision-makers firstly perceive, than, they interpret it. At this stage decision-makers’ experiences and values take importance. It will not be wrong to say that every person has his or her values and experiences. Values indicate something that people want, an element inside them, which influence his or her actions. In this sense values are about what people should do¹⁶¹. It is wise to say that everybody try to transform their values into concrete political objectives. The same argument can be forwarded for the for-

¹⁵⁷ PLANO, Jack C.; OLTON, Roy, (1988), *The International Relations Dictionary*, Fourth Edition, Longman, Santa Barbara.

¹⁵⁸ VOGLER, John, (1989), “Perspectives on the Foreign Policy System: Psychological Approaches”, Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 135-162.

¹⁵⁹ SINCLAIR, John, (Editor in Chief), (1987), *Collins Cobuild English Language Dictionary*, Collins, London.

¹⁶⁰ VOGLER, John, (1989), “Perspectives on the Foreign Policy System: Psychological Approaches”, Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 135-162.

¹⁶¹ BILTON, Tony; BONNETT, Kevin and Others, (1987), “*Introductory Sociology*, Second Edition, MacMillan, London.

foreign policy decision-makers, and they too, will try to reflect their values and experiences into the decision, which they take. At the same time when they take decision, they are affected by the factor that mentioned above.

It has been said that decision-makers behave rationally, but what is evident is that decision-makers make mistakes when decisions are made. The primary reason for mistakes lies in the reality of misperception, and selective perception. As Vogler puts it, "it is understood that the process of misperception and selective perception are normal occurrences in normal people". Every person has an "evoked set". It implies that people do not give the same importance to every information that they receive. On the contrary, they approach selectively to the information, and generally, they only see thing, which they want to see. Then their reaction comes. In another words, "the concept of the "evoked set" describes the quite commonplace observation that people are selectively attentive to information, because they see what they expect or want to see and often react almost automatically"¹⁶².

In addition, other hand, experiences also have important influence on the decision-makers, because the events, which happened in the past generally, have an influence on the image, and the formation of the values. If images and values contain wrong things, then it is evident that decision-makers would fail when they take decisions.

One other important factor in process of the foreign policy decision-making is the affect of the group. It may be said that individuals are under influence of the group within which decisions are taken. The groups generally make foreign policy decisions, like other decisions. Individual's work within the group and it may be said that in many cases they act according to the group tendency. On the other hand there are cases that foreign policy decisions are taken only by an individual, mostly, in the authoritarian systems¹⁶³. But in many cases these decisions are made within a group, which consists, from a small number of persons. One cannot say that value-system of all group members is identical, and if so, decision taken within the group will certainly reflect the group values rather than the values of the individuals. At the same time the psychological environment will affect every individuals within the group. Therefore during the decision-making process individuals may easily become the "victims of groupthink"¹⁶⁴.

4. Conclusion

¹⁶² VOGLER, John, (1989), "Perspectives on the Foreign Policy System: Psychological Approaches", Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 135-162.

¹⁶³ PLANO, Jack C.; OLTON, Roy, (1988), *The International Relations Dictionary*, Fourth Edition, Longman, Santa Barbara.

¹⁶⁴ VOGLER, John, (1989), "Perspectives on the Foreign Policy System: Psychological Approaches", Michael Clarke and Brian White (ed). *Understanding Foreign Policy: The Foreign Policy System Approach*, Edward Elgar, Hunts, pp. 135-162.

Psychological factors are important in the process of foreign policy-making, and have certain effect on the decisions that are taken by policy-makers. In this sense, rather than things that reflect the truth, what policy-makers think becomes crucial on the process of policy-making. Main reason for that is the fact that policy-makers are individuals who have values, and when they take decisions, they take decision according to their value system, perception of the facts and images. In this sense, always there can be differences between image and reality, so there can also be differences between decisions on the same cases if different decision-makers take them.

In this article it is not suggested that foreign policy decisions are made only under the effects of the psychological factors that determines policy-makers decision. But what is said is that psychological factors are important and have impact in some degree on the foreign policy decisions. As a result study of psychological environment is crucial for understanding of foreign policy.