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IN AUGUST 2012, 34 striking miners were killed by national police forces at the Lonmin Mine in South Africa. On June 25, 2015, almost three years later, South Africa’s President Jacob Zuma released the long-awaited Marikana Report outlining the presidentially appointed Marikana Commission of Inquiry’s findings regarding culpability for the Marikana massacre. This massacre was the largest use of lethal force against civilians in South Africa since the end of apartheid; it harkened back to state-sponsored apartheid violence like the 1960 Sharpeville Massacre.¹

The report absolved the country’s elected leadership (the president and his ministers) of all responsibility, placing the blame on the police, the Lonmin Mine, the Association of Mineworkers, and the striking miners themselves.² The release of the commission’s findings resulted in a new wave of disillusionment about the country’s political leadership among South Africans who were already enraged and dismayed by the massacre itself.³

The Marikana Commission Report has led to even lower confidence in the African National Congress (ANC), the party that has held power in South Africa since the transition to democracy in 1994. As the party associated with liberation from apartheid and successful transition to democratic rule, the ANC has faced little serious electoral competition despite its often disappointing record in service delivery, endemic corruption, and neopatrimonial practices. Still, the Marikana Report indicates a new level of unresponsiveness and is symptomatic of the broader deterioration of rule of law and accountability. The report is likely to result in continued erosion of ANC support, engendering increased future electoral competition, which would enrich and enliven...
The Marikana Report indicates a new level of unresponsiveness and is symptomatic of the broader deterioration of rule of law and accountability. The story of the ANC has been one of gradual deterioration rather than sharp decline; it is likely that the Democratic Alliance (DA) will make incremental gains during the 2016 municipal elections, but unlikely that it reaches a majority in the short term. While it is too soon to say, further ANC electoral deterioration may be a hopeful sign that a more vibrant, competitive political system in South Africa is emerging.

The ANC’s electoral success primarily rests on two pillars: the strength of its reputation as the party of liberation and the effectiveness of its party machinery. Emotional resonance with the party’s liberation history draws many voters; however, the intricate web of ANC patronage in public-sector positions and policies favoring supporters is a critical component of ANC dominance.

Thus far, no opposition party has been able to overturn the ANC pillars of support, but the Marikana Report’s release may represent a turning point. Marikana aggravated existing internal tensions between the alliance that holds the ANC together, generating factionalism within trade unions and furthering the perception that the government is out of touch with the people.

The ANC’s response to Marikana undercuts its narrative of liberation. Though Marikana is hardly the first scandal to involve the ANC (Nkandlagate is a glaring instance of ANC corruption), the report is different because the violence perpetrated at Marikana is reminiscent of tactics used by the apartheid government. Further, President Zuma’s misguided response to Marikana compounded the wounds inflicted, reminding South Africans of “a past in which...
the state used police to brutally suppress those who were fighting for a better way of life,” according to Mmusi Maimane, the main opposition leader.8 This is more than a critique of the limits of the ANC’s transformative agenda; it extends beyond the ANC’s failure to stem inequality and violence, rather calling to mind a history of state violence against the black working class. As one student reminds us, “The incident resembled the conduct of an oppressive unforgiving police force [South Africans] all know too well.”9

ANC missteps aside, multiparty democracy and party turnover require the existence of a viable opposition.

The opposition in South Africa appears to be gaining strength. The Democratic Alliance (DA) has the potential to threaten the ANC due to its charismatic new leader, prudent response to Marikana, and well-formulated policy agenda. The DA, reinvigorated by the election of Mmusi Maimane in May 2015, has been capitalizing on voter disenchantment with the ANC. Maimane is the first black leader of the DA, which is of great practical and symbolic importance for what is historically considered a white party. Maimane has undertaken a campaign to spread the party into areas it formerly neglected, including black townships and rural areas.10

The DA has also distinguished itself from the ANC with its response to Marikana, calling for those responsible to face justice. Maimane announced that the DA would table legislation that will establish a compensation fund for the victims’ families.11 Finally, the DA launched the Vision 2029 campaign, a comprehensive picture of what DA rule could look like, proving that it has a coherent plan for a prosperous, safe, and equitable future.12 Maimane could be correct when he asserted, “The days are numbered for the ANC government.”13

While the ANC may find its legitimacy in question and its hegemony no longer guaranteed, the party also draws electoral support from being a formidable political machine, entrenched with over 20 years of unchallenged incumbency at the national level. Although the DA’s party machinery is growing in size and sophistication, the question remains whether it can overcome
South Africa is a model for other African nations, and it is in U.S. interest for a vibrant democratic culture to succeed throughout the continent. The reality remains, however, that the United States has very little leverage over internal South African politics—long-term change must originate from within. As an important democratic partner and economic powerhouse within Africa, South Africa, and the health of its multiparty democracy, is of great concern for the United States. South Africa is a model for other African nations, and it is in U.S. interest for a vibrant democratic culture to succeed throughout the continent. The reality remains, however, that the United States has very little leverage over internal South African politics—long-term change must originate from within. While the ANC has lost touch with the broader population, as exemplified by its botched response to Marikana, the United States should continue building its own relationship with this population by engaging with youth groups, civil society, and universities—the next generation of leaders. The hope is that engaged civil society groups will demand increased accountability from their politicians and that the future of the South African democracy will be one of competition and transparency.

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Ibid.


The ANC is made up of the tripartite alliance between the ANC, the Congress of South African Trade Unions (COSATU), and the South African Communist Party (SACP).


Nkandlagate refers to Zuma’s extravagant improvements to his estate Nkandla, for which he used over R246 million (~US$ 17 million) of public funds. Debate is ongoing about whether, and how, Zuma should pay back the opulent spending.

Maimane, “Marikana Reflects the Accountability Deficit of Zuma’s Administration.”


Maimane, “Marikana Reflects the Accountability Deficit of Zuma’s Administration.”


Onishi, “First Black Leader of South Africa’s Opposition Seeks to Unseat the ANC.”

OVER THE PAST FIVE YEARS, the European Union has dealt with a seemingly endless series of crises. European leaders have had their hands full with Greece and the sovereign debt crisis, the Ukraine crisis and a resurgent Russia, negotiating with the United Kingdom over the terms of its EU membership, and an enveloping migration and refugee crisis. But as they have busily worked to confront these challenges, European leaders have also neglected their own geographic backyard, the Western Balkans. Recent political and social tremors in the region suggest that the European approach to the Balkans may be failing and that, after almost two decades of stalled progress, the promise of eventual EU membership is losing its luster. If left unchecked, these developments could rapidly escalate into divisive conflicts and reignite inter-communal tensions in this diverse region, precipitating another crisis at a time when the European Union is already struggling to manage the other urgent crises in its immediate neighborhood.

Often overlooked by the rest of the world, the Western Balkan countries (Serbia, Bosnia and Herzegovina, the Republic of Macedonia, Montenegro, Albania, and Kosovo) have played a pivotal role in European security throughout modern history. In 1914, that “damn foolish thing in the Balkans” set European powers on a crash course resulting in the outbreak of the First World War. Seventy-five years later, the bloody dissolution of Yugoslavia produced a series of wars between 1991 and 2001 that culminated in the first genocide in Europe since 1945 and drove NATO to conduct its first-ever combat operations. After a decade of near-constant violence in the 1990s, U.S. and European-led negotiating efforts eventually helped to calm the mood in the region.

While NATO and European military deployments in places like Kosovo
and Bosnia played a critical role in deescalating these conflicts, it was ultimately the impact of NATO’s and the European Union’s enlargement policy that helped build and maintain the peace.\footnote{Since those conflicts ended, the prospect of EU membership—and all the economic, political, and societal benefits that were presumed to come along with it—has helped to keep these fragile, heterogeneous countries stable. Enlargement has been the cornerstone of the EU’s policy toward the region in the post-conflict years. The promise of democratic freedoms and higher standards of living drove many Western Balkan countries to begin making difficult judicial and constitutional reforms in order to align with the EU’s common standards, and it has also helped to bandage deep wounds and foster cooperation between bitter enemies. Yet ironically, European Commission President Jean-Claude Juncker stated in 2014 that “the EU needs a break from enlargement,” and “no further enlargement will take place over the next five years,” placing the EU’s enlargement policy into serious doubt.\footnote{A series of troubling incidents suggest that the EU’s Western Balkans policy lacks stability as well as durability. In February 2014, widespread antigovernment protests erupted across Bosnia and Herzegovina. Spurred by the country’s endemic poverty, stalled political reforms, and a deeply entrenched tradition of corruption,\footnote{the protests quickly turned violent and several government buildings were torched (including the presidential offices). On one day alone, more than 130 people were injured in clashes between police and protestors in what has been hailed as the worst outbreak of violence since the 1990s.\footnote{Although the violence has subsided, a divided Bosnian legislature has been unable to enact any meaningful reforms, as power remains divided between the three largest groups (Muslim Bosniaks, Orthodox Serbs, and Catholic Croats) under the terms of the 1995 Dayton Accords. In particular, the semiautonomous Republika Srpska, a Serbian Orthodox constituent region of Bosnia that seeks political union with Belgrade, has consistently obstructed the functioning of the federal government. In April, the president of the Republika Srpska, Milorad Dodik, indicated it aims to hold an independence referendum by 2018, setting the stage for future instability.}} the EU needs a break from enlargement,” and “no further enlargement will take place over the next five years,” placing the EU’s enlargement policy into serious doubt.\footnote{}}

A series of troubling incidents suggest that the EU’s Western Balkans policy lacks stability as well as durability. In February 2014, widespread antigovernment protests erupted across Bosnia and Herzegovina. Spurred by the country’s endemic poverty, stalled political reforms, and a deeply entrenched tradition of corruption, the protests quickly turned violent and several government buildings were torched (including the presidential offices). On one day alone, more than 130 people were injured in clashes between police and protestors in what has been hailed as the worst outbreak of violence since the 1990s. Although the violence has subsided, a divided Bosnian legislature has been unable to enact any meaningful reforms, as power remains divided between the three largest groups (Muslim Bosniaks, Orthodox Serbs, and Catholic Croats) under the terms of the 1995 Dayton Accords. In particular, the semiautonomous Republika Srpska, a Serbian Orthodox constituent region of Bosnia that seeks political union with Belgrade, has consistently obstructed the functioning of the federal government. In April, the president of the Republika Srpska, Milorad Dodik, indicated it aims to hold an independence referendum by 2018, setting the stage for future instability.
Bosnia is not the only trouble spot. Earlier this year, a high-level government corruption scandal rattled the (former Yugoslav) Republic of Macedonia, challenging the tiny country’s political stability. For months, Prime Minister Nikola Gruevski and his administration had fended off widespread corruption allegations ranging from election fraud and murder cover-ups to mass wiretapping operations, but large-scale antigovernment protests erupted when the opposition began releasing a string of recordings in February 2015, lending credibility to some of these allegations (it is estimated that nearly 10 percent of the capital turned out to protest). Prior to the protests, however, an attack along the Kosovar border by ethnic Albanian militants linked to the antigovernment groups left 22 dead (including 8 police officers), adding an element of ethnic tension to an already tenuous political situation. Several days later, the offices of one of the country’s largest ethnic Albanian parties were bombed. After narrowly avoiding civil conflict between the Slavic majority and large Albanian minority (which totals 20 percent of the population) in 2001, these attacks have reintroduced a dangerous ethno-nationalist undertone into national politics. Although the United States and European Union helped to facilitate talks between the government and opposition, the resulting agreement is complex and fragile and political uncertainty remains high. Circumstances could rapidly deteriorate and there is potential for the ethnic and political issues to become even more closely intertwined.

While these violent tremors went largely unreported in Western media, the Western Balkans returned to the headlines this year due to the massive influx of refugees flowing through (and from) the region. While a large portion of Europe’s asylum seekers are refugees from Syria, Afghanistan, Iraq, and Eritrea, endemic poverty has also driven record numbers of Albanian Kosovars to seek a better life abroad. Despite the significant funding that Europeans have pumped into Kosovo (EU institutions alone have provided more than €2 billion in aid since 1999—an amount equal to nearly one-third of its current GDP), Pristina has been unable to translate this into improved living standards for its citizens. Of the 185,000 asylum seekers that crossed into Europe in the first quarter of 2015, 26 percent hailed from Kosovo, making this tiny country a
significant contributor to the refugee and migrant crisis currently consuming Europe, although most of these economic migrants eventually will be returned to Kosovo.\(^7\)

Public agitation and disillusionment in the Western Balkans stem from deep-seated frustration over the inability of governments to combat the region’s endemic political and economic stagnation. To be sure, Balkan governments deserve the lion’s share of the blame for their inability to improve domestic conditions. At the same time, for all the good it has done in the region, the EU’s enlargement policy has largely failed to help the countries in the Western Balkans overcome many of their endemic problems.

The EU’s enlargement policy is right to enforce common standards, but at the same time these standards are onerous upfront, forcing members to make painful changes before seeing tangible benefits. The EU sets forth a series of rigorous terms and conditions that countries must live up to before even being considered a candidate for accession, and then initiates a laborious adoption process that finalizes a country’s policy harmonization with European legal and regulatory standards in more than 30 issue areas. Europe has maintained that if a country wants EU membership badly enough it will meet the conditions of membership; indeed, this was the case in many of the former Eastern Bloc countries. But in the Western Balkans, the region’s weak democratic institutions and tradition as well as its deeply entrenched networks of corruption, nepotism, and patronage pose significant obstacles. Many of the reforms mandated by the EU require top-down restructuring, meaning that the progress it demands is entirely dependent on the willingness of leaders and ruling groups to relinquish power to democratic institutions and enhance transparency—something most leaders are reluctant to do.

In recognition of these misaligned incentives, Brussels does provide funding and technical expertise to help facilitate these adjustments (the European Commission extended €11.5 billion in pre-accession assistance to the Western Balkans and Turkey from 2007–2013 and has budgeted another €11.7 billion for 2014–2020\(^8\)). However, the aid is also conditional in ways that often don’t recognize the fundamental political issues hindering
accession efforts. The EU’s new assistance package to Bosnia, for example, is contingent upon Sarajevo’s compliance with a rigorous reform program—a half-hearted approach that failed to account for Bosnia’s political paralysis and only reinforces the country’s problems. Despite the desires of the Bosniak-Croatian Federation, the Republika Srpska has refused to comply with certain terms, meaning that the aid remains untapped.9

A bigger problem is that even if countries are successful in their reform efforts, there is no guarantee that these efforts will bear fruit. The Republic of Macedonia has been an official candidate for EU membership since 2005—yet even after a decade, the EU has not initiated formal negotiations and there is no clear timetable for accession (primarily due to its unresolved name issue with Greece). The EU’s annual accession progress reports are repetitive and full of bureaucratic obfuscation, each year praising the “considerable progress” that each country has made while simultaneously pointing to the “substantial obstacles that remain.” Such delays, perceived indifference, and seemingly insurmountable barriers have stalled “accession momentum” within the region and fed into a perception that the EU is simply disinterested in the Western Balkans and its incorporation into the broader European family.

Perhaps the greatest issue, however, is that it is not clear that EU membership is either attainable or, for that matter, still desirable. The enlargement policy was effective in the past because EU membership was perceived as a path to a more stable, peaceful, and prosperous future. But the crises of the past five years greatly damaged the credibility of the European project, particularly as its economic and freedom-of-movement credentials have been tarnished. Looking at the realities within the European Union today, the exuberance surrounding membership appears to have diminished and it is no longer certain that accession will make a state better off. After receiving three bailout packages, Greece is now more indebted than ever and back in recession.10 In Spain, the Eurozone’s fourth-largest economy, nearly one in every five people is still unemployed.11 The British are so fed up with Brussels bureaucracy that they are holding a referendum on whether to leave the Union all together.12
The bloc’s smaller and weaker economies (including two former Yugoslav republics) have also been slow to recover economically. Once the economic role model for the EU’s post-communist candidates, Slovenia narrowly avoiding becoming the Eurozone’s sixth bailout country in 2013 after extending €3 billion to prop up its floundering banks.\textsuperscript{13} In Croatia, unemployment has nearly doubled since joining the EU in 2013, jumping to 17.3 percent from 9.2 percent in 2009.\textsuperscript{14} Both countries have also struggled to combat corruption at the highest levels, with a former two-term Slovenian prime minister being convicted of corruption charges.

Perhaps the greatest issue, however, is that it is not clear that EU membership is either attainable or, for that matter, still desirable.

The EU’s economic track record is not the only point of concern. Brussels’ inability to address the urgent migration crisis has also fueled doubts about its problem-solving capabilities at the pan-European level. Rather than bridging differences, the EU’s indecisiveness on this matter has in fact contributed to a resurgence of political tensions in the Western Balkans, as the former Yugoslav republics and EU members alike trade blame for failing to control migrant flows. Perhaps more than anything, these recent border closings and calls for the building of razor-wire walls between EU members have symbolically reflected both the physical and spiritual disintegration of the European project.

Against this backdrop, it is hardly surprising that enthusiasm for accession appears to be waning in the Western Balkans. While Balkan publics currently remain supportive of joining the European Union, they have grown increasingly unsure whether they will actually be better off in the EU. Polling figures show that less than half of Serbs believe that EU membership would be “a good thing” for their country, with 42 percent of respondents favorable.\textsuperscript{15} Montenegrins and Macedonians also responded cautiously, with only narrow majorities responding optimistically with 50 percent and 57 percent respectively. To be sure, the Western Balkans
economies are still well below European standards of economic development and would benefit from increases in GDP and greater foreign investment (Croatia’s deflated per-capita GDP is nearly twice that of Serbia’s). But the linkage between EU membership and prosperity and stability has rapidly begun to decouple, coincident with increased turbulence in the Western Balkans.

While the situation in the region remains highly unstable, the subsidence of the recent violence suggests that it is not too late for Europe to refocus on the Western Balkans. To be effective, there must be renewed EU engagement in the region, and there have already been positive signs in this regard. The new EU Enlargement Commissioner Johannes Hahn personally mediated talks between the Macedonian government and opposition in July. Angela Merkel also toured the region in July 2015 to visibly demonstrate Germany’s commitment to the region and indicated her desire to accelerate the accession processes for Serbia and Albania. EU Commission President Juncker has expressed his willingness to open accession talks with Serbia before resolving the Kosovo dispute. It will require a sustained effort to uphold this newfound vigor, and Europe must be prepared to make its presence in the region visible and tangible.

Europe also needs to develop a new policy approach. Accession will continue to be a part of Western Balkans policy, but the EU can no longer rely on the promise of eventual club membership alone to keep the peace. Europe must understand that there are limits to incentivizing good behavior by offering “carrots” for progress, particularly when these incentives seem unattainable. It appears that the limits of the current process to encourage progress have already been reached in many countries without stimulating deep systemic reforms or combating the region’s entrenched tradition of corruption.

Europe should reorient its focus to help Balkan countries overcome their fundamental roadblocks. To be clear, change must come from within. But while Europe cannot force progress in these countries, it can do more to enable it. For instance, rather than focusing on top-down assistance and funding as it has in the past, Brussels should place greater emphasis on strengthening civil
societies in the Western Balkans and empowering local electorates. Institutions are only as strong as they are allowed to be, and it will take fresh leadership that is committed to the region’s democratic success to reinforce them. In the two years since Edi Rama replaced Sali Berisha as Albania’s prime minister after the latter’s 20 years in power, the country has managed to achieve official EU candidate status. This progress can be replicated elsewhere. Changes in the local political culture may also help to combat corruption and pass critical economic and regulatory reforms, which are necessary to attract foreign capital and spur growth.

But a fresh policy approach is only half of the answer. In reality, the aspirational weight that was attached to attaining EU membership has been greatly reduced. This is not merely an idealistic casualty; as recent developments in the Western Balkans indicate, it bears serious security risks. Should Europe’s “gravitational pull” continue to weaken, so too will the force that has maintained the fragile peace in the Western Balkans. Above all else, the European Union was an instrument created “to make war unthinkable,” and toward that end it has so far been successful (so much so that it was awarded the Nobel Peace Prize in 2012). But Europe’s lack of strategic vision for its own future as well as its neighbors and its reluctance to reinvent itself is perhaps the greatest source of its current dysfunction, and this has become painfully evident over the past five years to members and nonmembers alike. In order to keep fulfilling its peacekeeping mission and regain some of its appeal in the Western Balkans (and throughout the broader region), the European Union will need to prove that it still can make its members wealthier, safer, and more stable, and it must be willing to change in order to do so.

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Albanian Prime Minister Edi Rama recently stated in Newsweek, “Today, we have a peace in this region that we did not have in our history. . . . [T]his peace is the result of the aspiration of all people in the area to be part of Europe.” Will Nicoll, “Edi Rama’s Albanian Renaissance,” Newsweek, August 18, 2015, http://europe.newsweek.com/edi-ramas-albanian-renaissance-331699.


Cracks in the Ice: 
Russia’s Strategic 
Posturing in the Arctic

THE ARCTIC HAS BECOME A VENUE for Russia’s force posturing and global power projection vis-à-vis the West, and figures prominently in Russian policy because it offers a large, virtually untouched geographic space in which Russia can demonstrate its strategic deterrent, military, and proposed energy development capabilities. Although the United States and Russia share common interests and concerns in the Arctic, there is a divergence in their policy approaches that has the potential to lead to broader and potentially more serious strategic misunderstandings. Without understanding both the historical and strategic significance of the Arctic to Russia’s national interests and identity, as well as the divergence between U.S. and Russian Arctic policies, the United States cannot effectively interpret and respond to Russian behavior while continuing to foster cooperation on shared Arctic issues.

The Arctic features differently in each of the countries’ security frameworks. The United States has largely taken for granted that the Arctic will remain a region of international cooperation, and it does not figure prominently in U.S. policy beyond environmental and climate issues and scientific research. As a result, U.S. foreign policy has developed around the notion that the Arctic is exempt from geopolitical and geo-economic tensions and there is little to no emphasis on security issues, outside of the relatively generalized statements to defend national interests in the various U.S. Arctic policy statements.¹ For Russia, by contrast, the Arctic is becoming an ever-greater policy prioritization, with important security dimensions. This is unsurprising, as Russia is the largest Arctic state with 20 percent of its GDP, 22 percent of its exports, and its strategic nuclear force based in the region.² As a result, Russian

Caroline Rohloff
policy has emphasized security and energy resource development. Russia’s current strategic behavior in the Arctic is characterized by a dichotomy between its military modernization and an effort to maintain multilateral cooperation in the region, which creates an unstable atmosphere of ambivalence. On the one hand, many Russian officials are expressing their desire to maintain the Arctic as a zone of peace and are affirming that “the Arctic is a territory of dialogue, not a place for name-calling and reckoning political scores.” Moreover, Russia has largely continued its collaborative relations with other Arctic nations through projects addressing environmental changes in the Arctic, including the Arctic Council’s Task Force for Action on Black Carbon and Methane, and the recent agreement between the five Arctic coastal states to prevent unregulated commercial fishing in the Central Arctic Ocean.

Yet, Russia’s military actions in the Arctic and the increased centralization of its Arctic policy send a more antagonistic message. Since the beginning of 2015, Russia has conducted two large-scale, unannounced military exercises in the Arctic as a demonstration of force in response to NATO’s increased presence in Europe. The first exercise involved roughly 45,000 troops, 41 warships, and 15 submarines, and called the Northern Fleet to “full combat readiness,” and in the second exercise, Russia conducted a “massive surprise inspection” with 12,000 forces and 250 aircraft. In addition to these exercises, Russia is strengthening and modernizing its strategic nuclear capabilities in the Arctic at the same time that President Putin is reminding the world that “Russia is one of the leading nuclear powers... and should always be ready to repel any aggression toward Russia.”

There is a real possibility of a political escalation between the West and Russia in the Arctic, which is compounded by existing tensions over Ukraine, and which may catch the United States off guard. The

Russia is the largest Arctic state with 20 percent of its GDP, 22 percent of its exports, and its strategic nuclear force based in the region.
Arctic is seen by Russia as a strategic extension of its power projection elsewhere and is not viewed in isolation—a contrast from the U.S. tendency to view the Arctic as a snow-globe that is shielded from geopolitical tensions and disputes. The ongoing conflict in Ukraine reveals a fundamental division in how the West and Russia understand the post–Cold War transatlantic security architecture, of which the Arctic is a small but important part. As a result of Russia’s annexation of Crimea and its destabilization efforts in eastern Ukraine, NATO is bolstering its forces in Eastern Europe and the Nordic-Baltic region. Russia, however, perceives this move as an encroachment on its borders and has responded by rapidly mobilizing and modernizing its forces in the Arctic region, partly to secure its northern border against any further NATO encroachment and also to demonstrate its military power to the West.

While it would be foolish to ignore Russia’s mobilization efforts in the Arctic, particularly the rapid series of large-scale military exercises and assertive nuclear rhetoric, the United States must also recognize that Russia has a legitimate interest in developing the region. In order to prevent an escalation of tensions or a conflict in the Arctic, which could arise from a misunderstanding or accident in connection with a military exercise or strategic air patrol, the United States and Russia must first accept the divergence in their policy approaches and then find shared interests that can foster cooperation. Since much of Russia’s current force posturing in the Arctic is part of the broader geopolitical standoff, the United States should begin by redeveloping a core group of experts and officials who can strengthen the United States’ understanding of Russian strategic interests and behavior, with a particular focus on the Arctic. As the Ukraine conflict revealed, there is the risk that tensions can arise, not just from Russia’s behavior, but
also from the West’s inability to understand how Russia interprets the West’s foreign policy aims. Therefore, the United States should also clearly articulate its red lines in regards to unacceptable behavior in the Arctic.

Finally, the Arctic states (Denmark, the United States, Canada, Norway, and Russia) should develop new avenues of multilateral communication and coordination, particularly since security issues are not within the purview of the Arctic Council. As recommended in a recent CSIS report, this could include the creation of an Organization for Enhanced Cooperation in the Arctic that would address three themes, including environmental protection, economic development, and security. The United States should also promote enhanced confidence-building measures with Russia, such as joint military and coast guard operations through the new Arctic Coast Guard Forum, as well as further strengthening joint efforts on oil-spill response. Although the United States and Russia have fundamentally divergent policy approaches to the Arctic, this does not have to lead to conflict or be a barrier to building cooperation in the region.

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Japan’s Proactive Pacifism in Action: Supporting International Law and Stability in the South China Sea

Andrew Chapman

THE SOUTH CHINA SEA (SCS) IS home to some of the world’s most important maritime trade routes and some of its most high-profile territorial disputes. In particular, a sustained Chinese island-building campaign has exacerbated tensions and posed a series of challenges for the United States. Japan can assist the United States in responding to these challenges. Like the United States, Japan has a strong interest in expanding support for international maritime law, protecting freedom of navigation and overflight, promoting regional stability, and balancing against China’s rising power. Moreover, Tokyo’s strong naval capabilities, economic resources, and popularity among the nations of Southeast Asia provide an opportunity for Japan to play a constructive role in the SCS.¹ While there are risks that may stem from Japan’s engagement, and most notably from Japanese and Chinese vessels operating in close proximity, the potential benefits for Tokyo and the region support greater Japanese involvement. Prime Minister Abe should take this as an opportunity to translate his commitment that Japan proactively contribute to peace into action.²

Like the United States, Japan is not a direct claimant in the SCS: its stated interest is in ensuring that disputes are handled in accordance with relevant international law, rather than in the outcomes of the disputes.³ In this case, the relevant law is the United Nations Convention on the Law of the Sea (UNCLOS). Both China and Japan are signatories to UNCLOS, which obliges participants to pursue the settlement of disputes by peaceful means. However, China’s actions in recent years, including prompting a standoff with Vietnam over the placement of an oil rig in disputed waters in 2014 and seizing of the disputed Scarborough Shoal from the Philippines, have threatened this principle.⁴ Moreover, although Beijing has remained ambiguous
Like the United States, Japan has a strong interest in expanding support for international maritime law, protecting freedom of navigation and overflight, promoting regional stability, and balancing against China’s rising power.

In the face of these challenges and in the wake of the USS Lassen’s October 2015 freedom of navigation operations (FONOPs), there are a number of ways in which Japan can enhance its own efforts to support international law and bolster those of the United States. First, Japan can provide both public rhetorical support for U.S. actions and demonstrate its commitment to supporting international law. Following the FONOPs, Prime Minister Abe expressed Tokyo’s support for Washington’s actions and recognized them as consistent with international law. Japan also backed up its support with action in the form of a joint-exercise. One day after the U.S. FONOPs, Japan’s ministry of defense announced that a Maritime Self Defense Force (MSDF) escort vessel “will proceed with a U.S. carrier to waters just north of Borneo in the South China Sea, and participate in communications and ship transfer drills with American forces.” Although the MSDF stated that the exercise was long planned, the running of the exercise within the SCS and so soon after the U.S. FONOPs sent a strong signal of support for the U.S. operation and U.S.-Japan cooperation.

Second, Japan’s activities can support efforts to prevent coercion from becoming the method by which territorial disputes are settled. One way to do this is for Japan to increase its own presence in the region about whether or not the manmade island it has built on Subi Reef generates a territorial sea, its assertion that a U.S. Navy vessel “illegally” entered waters near the island in late-October 2015 runs counter to international law. If recognized, this assertion could undermine the legal basis for freedom of action in the SCS, another shared interest of the United States and Japan.
in order to demonstrate its commitment to supporting adherence to international law in the SCS. In the bilateral arena, Japan is already working out a Visiting Forces Agreement (VFA) with the Philippines, which would allow Japan to use bases in the Philippines to refuel aircraft and vessels.\(^9\) During the next fiscal year, Japan’s Maritime Self Defense Force (MSDF) is planning a port call to Vietnam’s Cam Ranh Bay, near the disputed Spratly Islands.\(^10\) This would help expand the possibility for Japan to develop further VFAs and port-call agreements with other countries in the region. Another way for Japan to contribute is to help weaker actors acquire greater maritime domain-awareness (MDA) capabilities. Japan has already made agreements to sell coast guard vessels to Vietnam and the Philippines and reduced the cost burden for the Philippines through low-cost loans.\(^11\) In the future, Japan could strip its soon-to-be retired P-3C maritime patrol aircraft of sensitive equipment and sell them to countries like Vietnam and the Philippines that lack sufficient MDA capacity of their own.\(^12\)

Third, Japanese engagement with the region on nonmilitary issues demonstrates how cooperation on maritime issues under international law can contribute to regional prosperity and stability. Japan’s counter-piracy operations provide an example of where such actions are already underway in a manner consistent with the UNCLOS.\(^13\) In Southeast Asia, Japan proposed and contributes funding to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) information center.\(^14\) Japan could work to expand the counter-piracy activities of ReCAAP members, either through ReCAAP itself or through alternative channels. Working to reduce piracy would demonstrate one way that cooperation under the framework of international law can provide for the common good of the region.

Expanding Japanese operations and engagement in the SCS is not without risk. China in particular has already protested Japanese involvement in the SCS, complaining that Tokyo is “stirring up dispute among regional countries and creating tension at sea.”\(^15\) Even more concerning, China could respond to expanded Japanese involvement by increasing paramilitary and military naval and air activities near the disputed islands between the two countries. However, the benefits are
worth the risk. Japan has a vital national interest in supporting existing international maritime law. Its strong naval capabilities and popularity in Southeast Asia will help generate support for U.S. actions within the region and reinforce the unity of the U.S.-Japan alliance. While Tokyo’s actions may cause tension with Beijing, by conducting operations strictly in adherence with international law and continuing to stress openness to measures designed to reduce the likelihood of inadvertent conflict, Japan can demonstrate its capacity to function as a responsible stakeholder in the SCS. In addition, Japan can calibrate its engagement, focusing on VFAs and case-by-case defense equipment transfers rather than establishing a permanent Japanese military presence in the SCS (an action likely to be perceived by China as a long-term threat). Tokyo can also stress its continued commitment to peace and opposition to militarism, a commitment strongly attested to by the Japanese public’s continued wariness toward recent security legislation and defense equipment exports.16

By maintaining its support for international law, supporting U.S. operations in defense of international law, and assisting weaker SCS claimant countries to improve their capabilities, Japan can both support its national security interests and reduce the likelihood of conflict in the SCS. Moreover, by showing its willingness to contribute to the provision of global public goods, Tokyo can help demonstrate the benefits of cooperation, create new opportunities for positive engagement, and continue to put the concept of proactive pacifism into practice.

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3 Challenges in the SCS also have a particular importance for Japan, as the successful use of coercion in the SCS could influence the resolution of Japan’s own territorial row with China in the East China Sea.


16 In a September 2015 poll, 54 percent of respondents said they were against the security bills, while 29 percent supported them. See “ASAHI POLL: 68% say Diet passage of security bills in current session not necessary,” The Asahi Shimbun, September 14, 2015, http://ajw.asahi.com/article/behind_news/social_affairs/20150914000.2. A March 2014 poll by Kyodo news found that 66.8 percent of the public was opposed to loosening restrictions on defense equipment exports. See “Bouesoubichou hassoku de kasokukasuru—kanmin agete no bukki yushutsu (With the Inauguration of ATLA, Weapons Exports Will Be Speed Up),” Shukan Kinyobi, October 23, 2015, http://www.kinyobi.co.jp/kinyobinews/?p=5549.
IN EL SALVADOR, there is a killing every hour. In Honduras, urban residents are executed if they do not pay criminal gangs for their “protection.” In Guatemala, people take justice into their own hands with improvised weapons. Although these three countries, collectively referred to as the Northern Triangle, have long struggled with drug trafficking, violence, and corruption, these problems have metastasized over the past decade. Wealthy traffickers linked to Mexican drug cartels now largely control border regions while powerful gangs that regularly kidnap, extort, and assassinate residents have taken over cities. As security conditions have worsened, it is estimated that 9 percent of Northern Triangle residents are leaving their homes in search of security and heading north, exacerbating the humanitarian crisis at the U.S.-Mexico border. In response, the U.S. government has doubled the number of border agents in the past 10 years and is now spending 15 times more on border enforcement, adjusting for inflation, than it did just 30 years ago.

However, while a larger and better-funded border patrol may be useful in the short term, it is a costly and ineffective long-term solution. To effectively secure the border, the United States should address one of the real drivers of immigration—the historically high levels of violence in the Northern Triangle. Although the U.S. government has channeled roughly $500 million in aid to the region between 2008 and 2014 to support law enforcement and counter-narcotics operations, this has clearly not stopped the flow of migrants, as asylum applications in neighboring countries over the same period have increased tenfold.

The only way to reduce violence long-term is to help improve the region’s governance. Specifically, the United States should work for the establishment of international anticorruption commissions in El Salvador and Honduras, modeled on the existing commission in
Guatemala. Establishing these commissions is a necessary first step in reducing the violence that is fueling mass emigration.

Without a sustained focus on fighting corruption, policies designed to reduce violence will fail. Corruption has spread to all levels of government, preventing effective law enforcement. For example, police are known to skip work and rent out uniforms and weapons to gang members.\textsuperscript{9} Even if police do apprehend a culprit, corrupt judicial systems then fail to reach a conviction, removing an essential deterrent to further violence. Between 2010 and 2013, the Northern Triangle countries only reached convictions in 5 percent of homicide cases,\textsuperscript{10} compared to 81 percent in Europe and 43 percent worldwide.\textsuperscript{11} Finally, and perhaps most importantly, it is impossible to achieve long-lasting change when corrupt policymakers depend on the status quo for their wealth and power.

In order to break the cycle of corruption in the region, multilateral organizations such as the UN should set up anticorruption commissions in El Salvador and Honduras that are modeled after the successful commission currently operating in Guatemala known as the International Commission against Impunity in Guatemala (CICIG). The CICIG was established in 2007 by the Guatemalan government in partnership with the UN. It is an international institution that operates under Guatemalan law, conducts independent investigations into possible cases of corruption, and strengthens local justice sectors.

Since its inception, CICIG investigations have proven successful. The commission has helped prosecute a dozen criminal networks and almost 200 corrupt government officials, including two former presidents, ministers, military officers, and police chiefs.\textsuperscript{12} After its first six years of operation, impunity in Guatemala decreased by 23 percent.\textsuperscript{13} Recently, CICIG investigations uncovered evidence that sent Guatemalan President Otto Pérez Molina and Vice President Roxana Baldetti to prison on charges of receiving kickbacks from businesses in exchange for lower import duties.\textsuperscript{14} The commission’s successful prosecutions have reduced the culture of impunity that allows violent criminal gangs to thrive.
The CICIG has been successful because it is authorized to conduct full legal investigations using Guatemalan law, lending it credibility and legitimacy. For example, the commission can request summons, searches, and witnesses in Guatemalan courts without prior approval and can even initiate proceedings against individuals who refuse to cooperate with its work. Furthermore, as an international institution led by international experts, the CICIG is insulated from the endemic corruption within the existing system and is therefore able to investigate and prosecute cases that the local justice system may be unwilling to probe. Most importantly, the CICIG is effective because it sends a clear message that no one is above domestic law, and that corruption can be eradicated in Guatemala without having to resort to international law or foreign courts.

Through training and capacity building, the CICIG is also a low-cost means of addressing the long-term drivers of weak governance. A crucial component of the CICIG’s mandate involves working directly with the local justice system to propose and implement reforms. Since its creation, the CICIG has collaborated with local partners to develop a wire-tapping unit, a witness protection program, and a new methodology for group investigations of criminal networks, all for the cost of about $12 million a year, or a fraction of U.S. aid to Central America. In this way, the CICIG is more than just a short-term solution to corruption—it is a relatively cheap way of directly improving the implementation of the domestic rule of law.

Beyond its specific contributions to the reduction of corruption and impunity, the CICIG also directly discourages emigration by giving Guatemalans hope for their country. According to a recent survey, Guatemalans already trust the CICIG more than all other public institutions, including the church, the police, the justice system, and especially Congress. Furthermore, 95 percent of Guatemalans approve of the CICIG’s work. With these high levels of support, the CICIG is a symbol of progress as well as a reason for Guatemalans to give life in their country a chance.

CICIG-like commissions in El Salvador and Honduras would be likely to achieve similar success. The commissions could directly address some of the leading causes of impunity in El Salvador and Honduras.
Honduras that were also found in Guatemala: pervasive corruption, inadequate investigations, weak witness protection programs, and a lack of judicial resources. Moreover, both El Salvador and Honduras have anticorruption laws on the books that are not being enforced. Commissions that work within the domestic legal framework, as in Guatemala, would help prosecutors apply these laws to finally bring criminals to justice.

Furthermore, there is already domestic support for such commissions—critical for their success—in both El Salvador and Honduras. In El Salvador, the Nationalist Republican Alliance party (ARENA), one of the two main political parties in the country, has pushed for the creation of a commission similar to the CICIG. In Honduras, the Liberty and Refoundation party (LIBRE) and the Anti-Corruption Party (PAC), two of the four main parties in Congress, support a commission. In addition, the “Indignados,” a massive youth protest movement, has demanded an anticorruption commission in Honduras through weekly marches and protests.

Given the success of the CICIG, its relevance for the other two Northern Triangle countries, and its support among many in the region, the U.S. government should provide financing for the creation of anticorruption commissions in El Salvador and Honduras, and should condition a portion of other U.S. assistance on their establishment. These policies would create an incentive for the Salvadoran and Guatemalan governments to adopt the commissions, but more importantly, would embolden opposition activists, civil society groups, and political parties to create change from within.

In the end, anticorruption commissions will not stem violence in or emigration from the Northern Triangle overnight. However, by fighting impunity and improving governance, the commissions are a necessary way of reducing violence in the long term. Through supporting the expansion of commissions to El Salvador and Honduras, the U.S. stands the best chance of improving broken systems of governance that are directly contributing to rising rates of violence and emigration.

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Ibid.


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