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Abul Kalam

MARITIME DESTINY OF BANGLADESH: LEGACIES AND PROSPECTS

Abstract

Bangladesh does not carry an enduring maritime legacy in its strategic formulations or in policymaking though historically the Bengalis carry significant legacies as seafarers, boat-makers, traders and shipbuilders. The recent international legal verdicts on Bangladesh's maritime claims make a difference as these offer multifaceted prospects. The paper addresses issues and concerns regarding maritime legacies of Bangladesh and prospects generated from the verdicts. It brings together perceived national interests vis-a-vis current extended maritime territory and how all these correlate to the nation's aspirations, touching upon the means necessary to materialise the aspirations. The paper considers trends in strategic analysis and utilises notional views of classical Chinese thinker Sun Tzu as a reference point to bring forward the maritime legacies and prospects of Bangladesh. In this context, maritime research is viewed as of decisive importance for Bangladesh that may enable the country to select the best strategic option available to ensure its sustained prosperity as a maritime nation. The paper pleads for a coherent maritime policy framework coupled with extensive research pursuits and policy coordination for a fast-track approach to development ensuring greater awareness on maritime affairs, a more secure maritime destiny, which is consistent with the nation's strategic vision.

1.   Introduction

Bangladesh does not carry an enduring maritime legacy in its strategic formulations or in policymaking but the Bengalis have significant historical legacies as seafarers, boat-makers, traders and shipbuilders. As a sovereign country, it did not become heir to any demarcated maritime boundary. Rather it inherited maritime boundary disputes with neighbouring countries, Myanmar and India. The disputes represent a legacy of colonial rule and post-colonial partition. The recent international legal verdicts vis-a-vis Bangladesh's maritime boundary beyond the country's shores do make a difference in terms of strategic advantages. However, a fuller appraisal is yet to be made of the past legacies and the prospects generated from the verdicts. Also, a course of actions is yet to be concretised on how the prospects could be enhanced. Similarly, a national maritime policy framework is yet to evolve.

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While identifying legacies of the past and offering policy reflections on maritime destiny of Bangladesh, questions arise: what legacies do the Bengalis carry that strike distinctive oceanic identity or maritime links? What maritime gains did Bangladesh make in recent years and how did that come about? How does the country perceive its national interests vis-a-vis its extended maritime boundary and how do all these correlate to the nation's maritime aspirations? How does Bangladesh envision it's maritime prospects and what are the nation's objectives? What measures are in place toward a coherent national maritime policy or can be visualised to materialise the aspirations?

Keeping in view such concerns, the paper in six sections appraises Bangladesh's maritime destiny in terms of its legacies and prospects from the recent maritime gains. Followed by an introduction in section one, section two reviews strategic trends around maritime thinking and unfolds conceptual legacies of Chinese strategist, Sun Tzu, whose thoughts may have their imprint on the evolving policy destiny of Bangladesh. Section three recalls oceanic legacies of the Bengalis. Section four considers legacies of post-independent Bangladesh, touching upon courses of actions, framing of the nation's strategic vision pursued and maritime gains made. Section five provides some insights into the nation's maritime prospects. Section six goes over the findings and reflects on how the nation could consider pursuing policies that would match with legacies, energise the nation towards greater policy awareness and a secure maritime destiny that is consistent with the national vision.

2.   Unfolding Maritime Destiny: Strategic Trends and Allusion

Conceptual ideas on maritime affairs have evolved over millennia. The most distinctive impact in the field was made by an ancient Chinese strategist and philosopher, Sun Tzu. His famous book *The Art of War* or *Ping-fa* is the classical work on strategic thinking. However, Sun Tzu needs to be viewed in the contemporary context yet within a historical framework as a guide to the complex tasks of politico-military struggle, survival and in some cases triumph at a time when conflict and war appear as unending conditions.[1] Nations have practised maritime strategy for centuries even without conceptual enunciation. But maritime thought that has emerged over a century ago is a relatively new style of strategic trend. During the period of naval wars, only few specialists looked at any kind of maritime strategy as a separate concept; admirals and statesmen together practised maritime strategy as if it was part of one great strategic continuum.[2]

Authorities such as the Prussian General Carl von Clausewitz[3] and a French-

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[1] Kevin Rudd, "How Ancient Chinese Thought Applies Today", available at http://www.huffingtonpost.com/kevin-rudd/chinese-strategic-thoughts_b_6417754.html, accessed on 01 October 2015.

[2] John B Hattendorf, "What is a Maritime Strategy?", available at http://www.navy.gov.au/sites/default/files/documents/Soundings%201%20-%20Hattendorf%20-%20What%20is%20a%20Maritime%20Strategy.pdf, accessed on 06 May 2014.

[3] Carl von Clausewitz, *On War,* Princeton, New Jersey: Princeton University Press, 1976.

speaking Swiss officer serving successively the French and the Russians, Antoine Henri Jomini[4] wrote about military strategy. Yet, neither elucidated what maritime strategy meant. Sailors, meanwhile, continued to practice the craft of maritime strategy in pragmatic fashion until the last quarter of the 19th century without being tormented about this subject. Sailors and statesmen alike knew from long-drawn tradition the characteristics and capabilities of their naval vessels and men; with that knowledge, they used to work out a maritime strategy.[5]

The modern strategic trend-setters in maritime thinking include Alfred Thayer Mahan[6] who projected the role of sea power as an instrument of national maritime policy. His notion of sea power meant naval control of the seas especially that of strategic waterways which he saw as crucial to great power status to the ascendency and relationships of state power in the world. There was then Julian Stafford Corbett who articulated principles for establishing control of the sea in wartime but saw a clear link of naval-land warfare. Though, he attached importance of sea communications rather than battle. Such reasoning came out in the backdrop of an increasing rivalry among major global players. Such strategic approaches also seem less than holistic, taking in mere consequences of global power struggle.

Sun Tzu did not specifically address naval thinking but pictured issues and ideas concerning every aspect of strategic thinking that carried prudent input for higher leadership. He outlined theories of battle and strategy touching upon public administration and planning, advocated diplomacy and the cultivation of relationships with other nations as essential to the health of a state. His ideas were popular among the world's political leaders, including Mao Zedong and Ho Chi Minh. Vo Nguyen Giap, the strategist behind the Vietnamese victories over both France and the US was a follower of Sun Tzu. Generals Norman Schwarzkopf Jr. and Colin Powell employed principles of Sun Tzu during the 1990 Gulf War. *The Art of War* is listed on the US Marine Corps Professional Reading Program.

For mature strategic planning, Sun Tzu emphasised staying focused on policy ends but that could only happen and be developed through knowledge, wisdom and understanding of self and others.[7] As explained, Sun Tzu had made significant impact through his legends and influential treatise on the Chinese, Asian and the world history, politics and strategic culture. The neighbouring Bangladesh can hardly be exempted from that powerful influence of Asian legend and legacy. It is imperative to locate legacies and consider strategic progression of Bangladesh's national vision

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[4] Antoine Henri Jomini, *Treatise on Grand Military Operations, or, a Critical and Military History of the Wars of Frederick the Great, as Contrasted with the Modern System: Together with a Few of the Most Important Principles of the Art of War*, New York: D. Van Nostrand, 1865.

[5] John B Hattendorf, *op. cit.*

[6] Alfred Thayer Mahan, *The Influence of Sea Power Upon History, 1660-1783*, Boston: Little, Brown and Company, Kindle Edition, 2011.

[7] Lionel Giles, *The Art of War*, available at http://www.puppetpress.com/classics/ArtofWarbySunTzu.pdf, accessed on 08 April 2015.

whilst reviewing maritime prospects that the country may have. A lack of self-knowledge, as Sun Tzu says, leads to a lack of responsibility that, in its turn, leads to a lack of strategic vision.[8] Therefore, Sun Tzu stressed on knowing and developing self-confidence.

3.   Historical Legacies

Keeping Sun Tzu's thoughts in view, it seems proper to journey deep into Bengal's olden times and go over how the current generation of the Bengalis has inherited modern maritime claims to the Bay of Bengal and the Indian Ocean waters. In their earlier journeys back and forth from across Bengal shores, the Bengalis have laid the basis of their maritime claims to their adjacent waters across their coast. They carry traditions as seafarers, traders, boat-makers and shipbuilders. These aspects of Bengali tradition need elucidation in order that the prospects are understood in right perspective.

3. 1   *Seafaring and Trading Legacies*

The Bengalis do carry legacies as maritime, trading and seafaring people.[9] Starting from the Iron Age, the Bengal delta was a hub of maritime city-states. These included the cities of Wari-Bateshwar, Mahasthangarh and Chandraketugarh in the kingdoms of Samatata, Pundra and Vanga. The Greeks and Romans portrayed them as the land of Gangaridai (nation of the Ganges). The region's military prowess, as Greek legends suggest, deterred Alexander from pursuing a full-scale invasion of India and a struggle for authority was then on between Hinduism and Buddhism in Bengal.

The tussle went on when earlier dynasties such as Mauryans, Guptas, Palas, Chandras, Senas and Devas ruled the Bengal delta until arrival of Muslims in the 13th century as rulers. However, a centre of the Silk Road since antiquity, the delta received the earliest Muslim missionaries during the seventh and eighth centuries. Islam arrived in the first millennium. The influx of Persian, Turkic, Arab, Central Asian and Mongol settlers added further to the rich cultural melting pot of Bengal civilisation. The Bengal Sultanate formed the eastern frontier state in the Muslim world during the medieval period. That was enhanced by the Mughal rule. Coins of the Abbasid Caliphate found on both sides of Bengal, Bangladesh and West Bengal, indicate thriving mercantile and trade contacts during the Golden Age of the Muslim rule. Until the late 18th century, Bengal was the hub

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[8] "The Famous Battle Manual is Still Valid for Strategic Thinking and for the Victory over One's Self", available at http://www.faena.com/aleph/articles/sun-tzus-the-art-of-war-and-the-knowledge-of-the-self/, accessed on 09 April 2015.

[9] Ghulam M. Suhrawardi, *Bangladesh Maritime History*, Victoria BC, Canada: FriesenPress, 2015. The view the author advances is that the Bengalis of earlier eras did not venture outside their nation, because Bangladesh was self-sufficient in resources and therefore, ocean borne navigation was never seen as essential. In the wider Indian context Bengal's maritime hardly gets any description. Also see, Sadashiv Gorakshkar, *The Maritime Heritage of India,* India: Notion Press, 1989.

of India's economic activity; city of Dhaka alone had 80,000 women spinning cotton for 25,000 weavers who produced approximately 180,000 pieces of cloth and Bengal textiles wove their way fully into British culture.[10] Much of those glorious legacies of Bengal were on sharp decline since the East India Company conquered, subjugated and plundered vast tracts of Bengal and South Asia.[11] However, business and trading legacies of the Bengalis are sources of motivation for the outward-looking trading community of Bangladesh.

3. 2   *Boat-making and Shipbuilding Legacies*

Bangladesh carries legacies of boat life, boat-making and shipbuilding. From historical times, Bengal was a hub of business and trade.[12] The routes include trading along the coastal belts of the Bay of Bengal and Indian Ocean, the Silk Road and the Grand Trunk Road. People in the Bengal delta are of multiracial origins. They represent a hybrid mixture of various races. The mighty Ganges and Brahmaputra rivers served to differentiate the region from other parts of India, enabling the Bengalis to develop a tradition which is unique to them.

The Bengalis by their tradition are indeed maritime-minded. A lot of them have habit of living with water. They love using of water vessels. Hence, many of them became ocean-oriented and developed an interest in boat-making and shipbuilding. In fact, the practice and use of country boats are common to Bengali cultural tradition, which includes making of as many as 150 different kinds of vessels. Bengali ports served as medieval manufacturing hubs for large ships. The Mughal rule saw an upsurge in the volume of shipbuilding among the Bengalis. The Ottoman Navy used Bengali shipyards during the 17th century for building warships. It is recorded that the British Royal Navy had number of warships built in Chittagong. Some of these were used by the British forces in the Battle of Trafalgar in 1805. Such legacies as shipbuilders may serve as inspirational assets for the new generation of shipbuilders and sea-vessel entrepreneurs, both public and private sectors, in Bangladesh.

4.   Legacies of Post-independent Bangladesh

Despite legacies of the Bengalis as seafarers, traders, boat-makers and shipbuilders, a sovereign Bangladesh did not inherit any recognised maritime boundary. Rather it inherited maritime disputes with its immediate neighbours, Myanmar and India. Consequently, the nation had to project its claims firmly, yet with step-by-step forethought so as not to upset neighbourly relations.

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[10] "The Turning Point: Robert Clive and the Conquest of Bengal", available at http://webs.bcp.org/sites/vcleary/ModernWorldHistoryTextbook/Imperialism/section_4/robertclive.html, accessed on 06 October 2015.
[11] William Dalrymple, "The East India Company: The Original Corporate Raiders", *The Guardian*, 04 March 2015.
[12] That Bengal had any legacy in shipping/shipbuilding finds no attention in literature in the field. See Radhakumud Mookerji, *Indian Shipping - A History of the Sea-borne Trade and Maritime Activity of the Indians from the Earliest Times,* Bombay: Longmans Green and Co., 1912; Asoka Mehta, *Indian Shipping: A Case Study of the Working of Imperialism,* Bombay: N.T. Shroff, 1940.

4. 1   *Legislative Legacy: Act No. XXVI of 1974*

Since the end of the British rule and partition of the subcontinent in 1947, maritime dispute had been drawn out between Bangladesh and its neighbouring countries. Prior to that partition, a Boundary Commission chaired by Sir Cyril Radcliffe demarcated the boundaries between East and West Bengal which largely was flawed. The post-colonial government of Pakistan had been focused on security concerns in the Western wing and Kashmir. East Pakistan's concerns such as the maritime boundary issue with Myanmar or India had never featured in its security agenda.

Indeed, the maritime disputes had surfaced only after the post liberation government of Sheikh Mujibur Rahman, founding Father of Bangladesh, popularly adorned as 'Bangabandhu' ('Friend of Bengal' hereafter Bangabandhu) promulgated the very first national legislation 'Territorial Waters and Maritime Zones Act No. XXVI of 1974'. It had been passed in November 1974, just within three years after the state came into being, well before such concept was even widely developed in the international arena. The Act was coupled with claims to 12 nautical miles (nm) of territorial sea and 200 nm economic zone. It had also laid the basis for asserting Bangladesh's sovereign maritime claims.

For many reasons, the 1974 Act passed under Bangabandhu's leadership carries immense significance. It was comprehensive in nature so christened as "to provide for the declaration of the territorial waters and maritime zones" of Bangladesh, inclusive of explicitly defined maritime areas e.g., conservation and contiguous zones, continental shelf and territorial waters. It asserted Bangladesh's sovereign maritime claims to its territorial waters in pursuance to the Clause (2) of Article 143 of the country's 1972 Constitution. The Act was deterministic as it provided that Parliament might, from time to time by law, determine territorial waters and continental shelf for the new country. Also, the Act was futuristic as it set the route for Bangladesh's rightful maritime claims across its southern shores for an enlargement of the nation's interests and thus Bangladesh was destined to assert its lawful claims as a maritime player in the diplomatic arena.[13] Bangladesh under Bangabandhu thus equipped itself legally to assert maritime rights in negotiations with its neighbours, India and Myanmar.

4. 2   *Legacy of Developmental Vision and Diplomatic Art*

Bangabandhu had also destined a planned legacy - how to pursue the maritime issue at the diplomatic front and to what end? As a political visionary himself, Bangabhandhu had suffered infinitely; but, as Sun Tzu prognosticated, he led his people to national independence and to victory internally in the War of Liberation against the onslaughts of Pakistani regimes. Being a futurist he had also charted a

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[13] "Bangladesh Wins Maritime Boundary Dispute with India: Gained 19,467 sq km", available at http://albd.org/~parbonc/index.php/updates/news/1352-bangladesh-wins-maritime-boundary-dispute-with-india-gained-19-467-sq-km, accessed on 21 October 2015.

blueprint and left a legacy that would guide the nation in its future journey.

He envisioned the destiny of a free and prosperous Bangladesh. To attain such an affluent and futuristic vision he had kept the maritime spheres in view, as he realised the importance of the Bay of Bengal and the maritime resources therein. That impelled him in 1974 to establish legal entitlements of the people of Bangladesh to the apportionment of maritime areas and exploitation of marine resources therein. He had laid down the basic principles and procedures for staking Bangladesh's maritime claims to its legitimate position both regionally and internationally. The guiding tenets included the conduct of foreign and security policies as well as the modicum of their limits and most importantly, a blueprint of the nation's development objective. The conduct of foreign and security relations was quite clearly articulated in his oft-quoted aphorism: 'friendship with all, malice towards none'. Time and again that has become the contours of the nation's diplomatic outlook and served as *mantra* for amicable resolution of disputes.

4. 3   *Legacies for Future Negotiations*

For resolving maritime contentions, the legacy set by Bangabandhu is in tune with Sun Tzu's suggested art: "...subdue the enemy with fighting". He simply set the example of peaceful diplomatic course, as he had initiated maritime boundary negotiations with India and Myanmar. In 1974 Bangabandhu's government had the first round of negotiations with both India and Myanmar; in November 1974 even the 12 nm territorial sea boundary with Myanmar was amicably resolved.[14] Thus, his government firmly stood by the country's legitimate claim as per the 1974 Act, whilst remaining committed to diplomatic resolution.

However, since the passage of 1974 Act and negotiations that took place during Bangabandhu's period no government in Bangladesh had followed any persuasive course of action. No effort was made to assert the nation's maritime right, staking a legitimate assertion to the due maritime boundary. A change did happen since January 2009, when Sheikh Hasina returned to power. That came about after nearly 2-year interregnum of a 'military-backed caretaker' rule in Bangladesh. Persuasive efforts were then on track to assert the nation's rightful claim over its maritime territory. During her earlier tenure as Prime Minister (1996- 2001) Sheikh Hasina was perceptive enough to ratify the United Nations Convention on the Law of the Sea (UNCLOS) in July 2001 due to which Bangladesh became a full member of the Convention.

During the official level talks, Bangladesh consistently based its claims on the 1974 Act in support of which it cited the judgment of International Court of Justice (ICJ) in the case of North Sea Continental Shelf. That judgement pointedly held that in situations where the equidistance method led to inequitable results, the equidistance line could be adjusted to take into account relevant circumstances. Bangladesh firmly

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[14] *Ibid.*

stood in its reasoning on that judgement and pleaded for an equitable method for resolution of the maritime contentions with its neighbours. In all negotiations, Bangladesh had maintained the ground on the position taken by Bangabandhu's post-independent government. The insistence was on an equitable solution to the disputes, taking into account the concavity of its coastline to the south.[15] Neighbouring countries had insisted on application of equidistance principle for demarcation of maritime boundaries.[16] Both India and Myanmar were negotiating with Bangladesh using equidistance method, with each claiming their respective boundary line drawn on it. This would have resulted in Bangladesh being "zone-locked", with a "cut off" effect on its claims to a significant portion of the Bay of Bengal coastline.[17]

Prompted by the policy directive of her father, Sheikh Hasina remained avowedly focused on pursuing the objective ends of maritime gains. A peaceful resolution of Bangladesh's maritime disputes with Myanmar and India in a span of less than 5-year represents a great feat, made possible due to hard work of a team of leading international lawyers, a fortuitous coincidence and a leadership with foresight. Before she was sworn in as the Prime Minister in January 2009, Myanmar and India effectively manoeuvred, putting in force to shape maritime boundaries in a manner that would have left a very small portion of the Bay of Bengal for Bangladesh.[18]

Perhaps a backward journey would lend an insight into the process of homework, how Sheikh Hasina's government prepared for the challenge. One of her first major acts in 2009 was to decide how to deal with the escalating tensions and maritime disputes in the Bay of Bengal. The spirited decision was to try and resolve the maritime boundary disputes with Myanmar and India through arbitration (i.e. submitting the disputes to the UNCLOS settlement mechanisms), even though both countries had preferred to have bilaterally negotiated settlement. As part of her mind-setting and strong determination, Sheikh Hasina decided to consult an international lawyer, Professor Pyam Akhavan, who had coincidentally not only acted as lawyer for her when she was incarcerated by the military-backed caretaker regime but had also acted as counsel for Guyana in another maritime dispute case between Guyana and Suriname which was resolved in 2007. The following year Professor Akhavan had come to Bangladesh, in the face of threats of arrest from Bangladesh security agencies and met Sheikh Hasina in order to act as her legal counsel. When Sheikh Hasina became Prime Minister in 2009 she again contacted Professor Akhavan to seek his advice on the maritime disputes with Myanmar and India. Professor Akhavan with the help of Paul Reichler of Foley Hoag LLP, a leading US-based law firm, brought together a team of the world's foremost international lawyers to represent Bangladesh. This

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[15] Moin Ghani, "'V' for Victory", *Dhaka Tribune*, 11 July 2014.
[16] Rupak Bhattacharjee, "Speaking Freely: Maritime Ruling Lifts Delhi-Dhaka Prospects", available at http://www.atimes.com/atimes/South_Asia/SOU-01-180814.html, accessed on 27 October 2015.
[17]*Ibid*.
[18] Mohammad Sajjadur Rahman, "Bangladesh and Its Neighbours", in Ali Riaz and Mohammad Sajjadur Rahman (eds.), *Routledge Handbook of Contemporary Bangladesh*, UK: Routledge, 2016, pp. 378-388.

team comprised of other legal luminaries such as Professor Alan Boyle of University of Edinburgh, Professor James Crawford of University of Cambridge, Lawrence H Martin of Foley Hoag LLP and Professor Philippe Sands QC of University College London. With the foregoing insightful homework done, there is little surprise that both the cases were in the end resolved with maritime gains to the advantage of Bangladesh.[19]

It is now recognised that the International Tribunal for the Law of the Sea (ITLOS) Judgment of 2012[20] and the Permanent Court of Arbitration (PCA) Award of 2014[21] have provided Bangladesh a just and equitable share of maritime resources of the Bay of Bengal. Sheikh Hasina's thoughtful decision in the first year in office to opt for arbitration against two larger neighbours helped break the 40-year deadlock over delimitation of maritime boundaries.[22]

4. 4   *Maritime Gains: The Net-product*

What Bangladesh has gained as a follow-up of all the efforts that went to assert maritime rights is remarkable. In fairly quick succession, the country achieved an Exclusive Economic Zone (EEZ), a comprehensive access to continental shelf from two international legal verdicts and a claim to its maritime boundary beyond its shores to an extended territorial sea. Now Bangladesh has 1,18,813 sq km of territorial waters and the geographic size of the country is 1,47,570 sq km. The rights of Bangladesh have also been established over 200 nm EEZ and a substantial share of the extended continental shelf with a maritime zone (see Figure 1 and Table 1). A clearer picture thus emerges of a legacy that was bequeathed by a charismatic father to his illustrious daughter that enabled Bangladesh to the legitimate assertion of its maritime rights towards seminal shaping of the nation's strategic vision.[23] Popular media, as expected, genially applauded with 'cheers' the successive ITLOS and PCA verdicts, greatly favourable to Bangladesh, as the nation now has a territorial sea almost to the size of its land, 'a huge bonanza'. Naturally, the plea is to capitalise on the gains to fast-track the nation into a developed stage that is simply beckoning.[24]

With the adding up together of the vastly panoramic maritime territories, Bangladesh has almost doubled the dimension of the country. It can no longer be viewed as a small country but the objective henceforth must be to realise the projected dream. The totting up of maritime territories enabled the nation to exert all endeavours towards accomplishing the destiny of a *Sonar Bangla*.

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[19] Moin Ghani, *op. cit*.
[20] Md. Khurshed Alam, "Delimitation of Maritime Boundary between Bangladesh and Myanmar by the ITLOS", *The Northern University Journal of Law*, Vol. III, 2012, pp. 7-14.
[21] Ghulam M. Suhrawardi, *op. cit*.
[22] Moin Ghani, *op. cit*.
[23] "Bangladesh Wins Maritime Boundary Dispute with India: Gained 19,467 sq km", *op. cit*.
[24] Shah Husain Imam, "Is Bangladesh on the Right Track?", *The Daily Star*, 18 September 2015.

Figure 1: Bangladesh Maritime Territory Following ITLOS/PCA Judgement: EEZ

Source: Available at: http://www.arcgis.com/home/webmap/viewer.html?layers=ba4891c6d1b544939e18143 e06d69e88&useExisting=1, accessed on 15 September 2015.

Table 1: Highlights of ITLOS/PCA Judgment on Bangladesh Claims to Maritime Territory[25]

A.   Dates on Cases of ITLOS/PCA Judgement/Award

- Judgement in case of Bangladesh vs. Myanmar   14 March 2012
- Judgement in case of Bangladesh vs. India   09 July 2014

B.   Contentions with Myanmar and India: ITLOS/PCA Judgement/Award for Bangladesh

- Total marine territory in contention with India and Myanmar   25,602 sq km
- International Tribunal's Award to Bangladesh   19,467 sq km
- Tribunal sustained Bangladesh's claims of 'equitable solution' (as against "equidistance" method both India and Myanmar proposed) to a full 200 nm EEZ in the Bay of Bengal
- Tribunal sustained Bangladesh's claims of equitable solution to a substantial share of the extended continental shelf beyond 200 nm

C.   Grey Areas

- Consist of an area that lies beyond 200 nm from the Bangladesh coast and within 200 nm from the coast of India
- Bangladesh has a potential entitlement within this "grey area" with respect to the continental shelf, but not an EEZ
- India is potentially entitled to both zones
- India would have sovereign rights in the superjacent waters
- Bangladesh now has rights on the seabed resources of the grey area
- Bangladesh's continental shelf now extends up to 354 nm (with sovereign rights on all the living and mineral resources)

D.   Concrete Benefits of ITLOS/PCA Judgement/Award to Bangladesh

- Bangladesh won 70,000 sq km area out of total disputed area of 80,000 sq km with Myanmar (including EEZ)
- Paves the way for the economic development of the Bay of Bengal to the advantage of Bangladesh
- India claimed 10 and Myanmar claimed 17 out of Bangladesh's claim for 28 blocks
- Bangladesh got 12 of the 17 claimed by Myanmar and all the 10 that India claimed, save some small portions of blocks 5, 9, 14, 19 and 24
- Bangladesh now has unhampered and full freedom with no objection from Myanmar and India to attract international oil companies for deep sea oil and gas exploration, though it is required to redesign six offshore oil and gas exploration blocks bordering Indian waters before it makes fresh bid for oil and gas blocks
- With its undisputed waters in hand, Bangladesh can also tap its deep sea fish and other marine resources, including seabed resources within the areas where ITLOS/PCA sustained its claims
- Bangladesh would have rights on the seabed resources of the grey area
- All sides in the maritime disputes have for them the examples of peaceful route of diplomacy to move forward confidently and build a new era of understanding and cooperation in maritime sector

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[25] Available at https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/1-, accessed on 04 October 2015; Rupak Bhattacharjee, *op. cit.*; Haroon Habib, "Bangladesh Wins Maritime Dispute with India", available at www.thehindu.com/news/national /bangladesh-wins-maritime-dispute-with-india/ article6191797, accessed on 14 October 2015.

5.   Prospects of Resources

The ITLOS/PCA verdicts enabled Bangladesh to place its legitimate claims to waters across its shores, the territorial sea and EEZ. The country can benefit from its sovereign access to 354 nm of continental shelf to explore and exploit natural resources, both mineral and other non-living, including its seabed resources from the baseline from which the breadth of the territorial sea is measured.[26]

The categories of marine resources include fisheries, harnessing of hydrocarbon fuels and energy, water plantains and other water resources.[27] These resources are inclusive of both seabed and subsoil, together with living/non-living organisms belonging to sedentary species, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.[28] The non-living resources of the continental shelf are much more rich and valuable. Scientists project that at least 17 types of silicon may be found in the continental shelf of Bangladesh. These include cobalt, manganese, copper, nickel, uranium etc. Continental shelf resources hold enormous potential for many types of commercial applications, including in pharmaceutical or health sectors for industrial processes. Research suggests that compounds from deep seabed organisms have been used as basis for potent cancer fighting drugs, commercial skin protection products providing higher resistance to ultraviolet and heat exposure and for preventing skin inflammation, anti-allergy agents.[29]

5. 1   *Prospect of Fishing Resources*

Sea water serves as golden hub of fish.[30] With expansion of maritime boundary, opportunities for Bangladesh's fishing industry have also been enhanced as fishing now can be carried out in the deep sea.[31] Bangladesh can gain immensely from huge fishing resources in its maritime boundary, thus meeting protein needs of its vast population and creating employment opportunity for the fishermen where almost 11 per cent people are involved in this profession. It can also get relieved from its population pressure by utilising marine living resources properly. For this, Bangladesh needs to take proper policy planning. Otherwise it will not be possible to reach its goal.[32]

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[26] Masudul Karim Siddique, "Increasing our Maritime Awareness", *The Daily Star*, 26 August 2015.
[27] G. Moula, F. Parvin and J. Ferdaus, "The Prospects and Challenges before Bangladesh in Exploring and Exploiting Marine Resources: An Economic and Legal Study", *Beijing Law Review*, 2014, pp. 249-252; Shykh Seraj, "Marine Resources in our Maritime Boundary", *The Daily Star*, 08 March 2015.
[28] G. Moula, F. Parvin and J. Ferdaus, *op. cit.*
[29] *Ibid.*; Md. Khurshed Alam, "Challenges of Maritime Delimitation with India and Myanmar and Prospects of Blue Economy," paper presented in the seminar on *Marine Resources Management in the Context of Newly Demarcated Boundary*, organised by Bangladesh Institute of International and Strategic Studies (BIISS), Dhaka, on 26 February 2015.
[30] Shykh Seraj, *op. cit.*
[31] G. Moula, F. Parvin and J. Ferdaus, *op. cit.*
[32] *Ibid.*

Being situated in the south of Bangladesh, the Bay has a total of 1,66,000 sq km water area including EEZ. Fishing is only confined within 100-metre depth. About 127 trawlers, 44,000 mechanised and non-mechanised boats are engaged in fishing. Pelagic and deep sea resources are still untapped. In the year 2006-07, fish production was 24.40 lakh Metric Tons (MT) in which only 35,391 MT was trawl catch.[33] There are very high potentials for fishing in the country's extended maritime boundary. Currently, wooden boats can venture up to 20 nm and motorised trawlers up to another 20 nm accounting for a total catch of six million fish from the Bay annually. Now that Bangladesh's right has been established on deep sea marine resources up to 200 nm into the high sea, the prospect of catch will be many times more, should there be required nets and equipment.[34]

5.2   *Prospect of Energy and Hydrocarbon*

Since India's discovery of gas and oil in 2005-06, the Bay of Bengal has become a coveted area for natural resource exploration.[35] Bangladesh no longer faces any hurdle to make use of its maritime territory for exploration of energy and hydrocarbon as the verdicts have confirmed rights to exploit rich waters in the Bay of Bengal. Now Bangladesh is able to enhance its energy security interests as majority of the oil blocks under the seabed have come under the country's jurisdiction. All 10 disputed blocks with India have been awarded to Bangladesh, while earlier under the ITLOS judgement, the country received 12 out of the 17 blocks which both Myanmar and Bangladesh claimed.[36] There are also enormous prospects for tapping other energy sources including tidal, wind and wave power.[37]

5.3   *Prospect of Ports, Shipping, Shipbuilding and Transportation*

Almost ten million Bangladeshi people now live beyond their shores and millions at home are dependent on trade and transactions via sea. Bangladesh has left behind its aid dependence and it has a trade orientation. As an internationally recognised littoral state of the Bay and the Indian Ocean, enshrined with full legal rights, Bangladesh is a direct neighbour of all the Bay and Indian Ocean nations and of all other states across the oceans.[38] Reviving legacies and replicating past examples the country can develop full potentials of servicing ports and of its shipbuilding industry. Its coastal islands are hotspots for deep sea ports. Its dry docks can explore prospects of building world-class ships and marine transports both for defence

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[33] Reaz Shajib, "Maritime Boundary; A 'Great Win' for Bangladesh", available at https://www.academia.edu/8211654/Maritime Boundary a_Great_Win_for_Bangladesh, accessed on 30 October 2015.

[34] Masudul Karim Siddique, *op. cit.*

[35] "Exclusive Economic Zone (EEZ)", available at http://www.globalsecurity.org/military/world/bangladesh/eez.htm, accessed on 25 October 2015.

[36] Reaz Shajib, *op. cit.*

[37] G. Moula, F. Parvin and J. Ferdaus, *op. cit.*

[38] Masudul Karim Siddique, *op. cit.*

and trade. All these must be fully exploited taking advantage of the wide maritime opening of the riverain country. As the courtyard of the entire eastern Himalayan region stretching from eastern India to Nepal and Bhutan as well as India's northeast and China's landlocked southeast, Bangladeshi ports have the prospect of emerging as the servicing-transport hub of the Asian landmass behind its shorelines.

5.4   *Prospect of Developing Blue Economy, Ecosystemic Resources and Ecotourism*

Bangladesh is now in possession of huge coastal areas with resources along and beyond its southern rim. Not only the country currently owns vast water areas with biological diversity but also these areas have huge potentials for developing blue economy, which needs to be coupled with matching strategies for exploitation of minerals, energy possibilities, aquaculture and productivity.[39] Biological, ecological and economic values of the acquired oceanic possessions are truly enormous. In this backdrop, a considered appraisal and application of the relevant notional views seem imperative. The concepts of 'blue ocean strategy' and 'blue economy' are some of those developed more recently and both are meant to exploit the oceanic resources. The former sought to create uncontested market space and make competition irrelevant.[40] The latter began as an innovative project of Gunter Pauli and his team who came to view oceans and seas as 'development spaces'. They sought to integrate conservation, sustainable use of living resources, oil and mineral wealth extracting, bio-prospecting, sustainable energy production and marine transport - all are to incorporate the principles of social inclusion, environmental sustainability and innovative and dynamic business models.[41] Whilst embracing such concepts and inviting external powers to join in to serve Bangladesh's oceanic interests,[42] as the country has been doing after the maritime verdicts, it may perhaps be a wiser policy direction to focus on developing the country's own internal maritime know-how and skills and then they may be needed to look for external support. However, Bangladesh is yet to be wholly cultured about what it owns and what prospects are offered by the newly acquired maritime possessions.

One of the unique features of the coastal areas' ecosystem is the influence of the mangrove forests, which support a high number of living resources and other commercially important aquatic organisms. The coastal and marine resources have been playing vital roles not only in the socio-economic development of Bangladesh but also in the regional ecological balance.[43] There are huge possibilities of development

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[39] Md. Khurshed Alam, *op. cit.*

[40] W. Chan Kim and Renee Mauborgne, *Blue Ocean Strategy*, USA: Harvard Business School Press, 2006.

[41] Gunter Pauli, *The Blue Economy*, Taos, New Mexico: Paradigm Publications, 2010.

[42] Sheikh Shahariar Zaman, "Bangladesh-India First Blue Economy Meeting Today", *Dhaka Tribune*, 09 May 2016; Vijay Sakhuja, "Blue Economy: China Explores Bay of Bengal Partnership", available at http://www. defstrat.com/exec/ frmArticleDetails.aspx?DID=555, accessed on 13 May 2015.

[43] Md. Shahidul Islam, "Perspectives of the Coastal and Marine Fisheries of the Bay of Bengal, Bangladesh", *Ocean & Coastal Management*, Vol. 46, No. 8, 2003, pp. 763-796.

of ecotourism/tourism.[44] Such planning may focus Cox's Bazar, the longest sea-beach in the world, prospective tourist capital of Bangladesh and Kuakata, adored as *Sagor Konnya* (Daughter of Sea), one of the world's rarest unique beaches that offers full-view of rising or setting of the crimson sun in the blue water of the Bay of Bengal.[45]

6.   Conclusion

Bangladesh is fortunate to carry proud legacies in terms of both history and vision. Being a fast growing economy, the country has also already set two-level national objectives, Vision 2021 and Vision 2041 to expedite its development. With the maritime disputes behind now, a new Bangladesh has emerged in the Bay of Bengal. For a country like Bangladesh with severe land constraints and a bulging population, the very fact of winning maritime rights with a huge area is indisputably a big development for business-related prospects and interests of a developing economy together with ecosystemic environmental stakes. This added maritime boundary of the country demands appropriate measures for sustained development, protection and security. For Bangladesh, to secure this large soft underbelly, explore and exploit the natural and mineral resources of deep seabed carry huge challenges. The means available are not adequate to optimise them fully. Bangladesh lacks in expertise, experience, skills and technology. That makes the country vulnerable, subject to inequitable service conditions and terms. There are also serious knowledge gaps. With no surveys done, resources in the Bay remain yet untapped and there is little information how much resources are there beneath the sea. It is now high time to start planning about the resources, prospects and proper maritime management.

Equally, it is critical to equip the nation conceptually, knowledge-wise, with the motivational spirit set by Sun Tzu: "...believe in yourself". Managing the ever-changing nature and cross-disciplinary challenges of the maritime sector demands a total understanding of the special characteristics of the nation's current maritime space. The complexities of knowledge-gathering about the nation's lower soft body, resources therein, ensuring protection and sustenance of marine biodiversity, operation of transports and ports, shipping/marine services within and beyond the uniquely panoramic coastal belt of the country call for dedicated research efforts. This is urgent not simply for naval-coastguard/maritime-security operations but also for unfolding economic significance of business and trade and for consolidating the destiny as a maritime nation. Bangladesh also has to safeguard itself against navigational manoeuvre of powers, affecting the inherent security vulnerabilities of regional/global maritime trade.

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[44] "Sustainable Travel and Ecotourism", available at http://www.frommers.com/destinations/thailand/633794, accessed on 21 October 2015.
[45] "Kuakata Sea Beach Patuakhali", available at http://aboutbangladesh71.blogspot.com/2014/08/kuakata-sea-beach-patuakhali.html, accessed on 07 October 2015.

In this backdrop, it is imperative for Bangladesh to initiate short, mid and long-term planning for best utilisation of its marine resources and secure the nation's newly found maritime boundary. The entire nation must be awakened to the reality of what it has won and ought to pursue. Bangladesh should make an effort to achieve the development vision set and secure the new maritime boundary. The country's conceptual map inclusive of both land and maritime water needs redrawing. Accordingly, both the geographic and historical texts need rewriting for learners of all shades. Bangladesh, with its land constraints and high density, would naturally have to turn to rich marine resources for its growing food and other needs. The resources in its sea are indeed more valuable than those on land. Since its terrestrial resources are steadily on decline, Bangladesh is bound to turn its dependence ever more on oceanic resources. The country's private sector has already emerged as the growth-engine. But there is need for greater private-public sector collaboration and the government has to act as facilitator so that the country can press ahead with fulfilment of the development vision *Sonar Bangla* with confronting challenges and realities.

Academic discourse and analysis in a area like maritime affairs require well-charted stages in conceptual formulations for avoiding the use of rhetorical manoeuvres and consolidating the gains of cumulative knowledge. The schematic model in Figure 2 is advanced to overcome the challenges that Bangladesh faces for realising its maritime prospects. The model is drawn with perspectives from the practice of the developed world, as Bangladesh envisions scaling up to the rank by 2041.

Figure 2: Cycle of Research and Development

Scale Up and Study Effectiveness

Implement, Study Efficacy and Improve

Synthesise and Theorise

Design, Develop and Test

Explore, Hypothesise and Clarify

Cycle of Research and Development
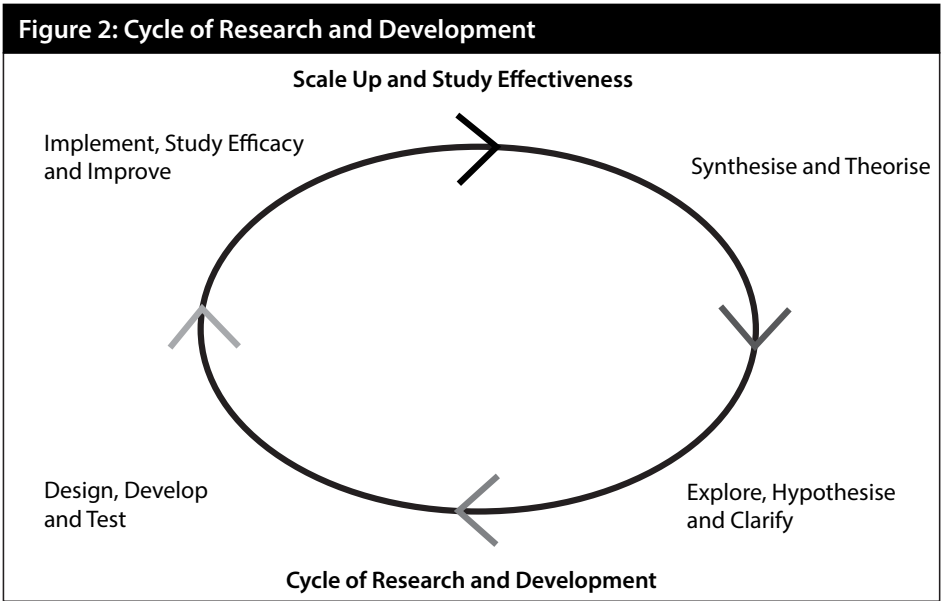
Keeping an eye for effective exploration and using of Bangladesh's resources, the model charts the pathways for scaling up and studying the effectiveness. Research may begin by exploring or getting into a process of investigative findings (stage 1), moving on to design, develop and test (stage 2), moving further to implement, study efficacy and improve (stage 3) and finally, seek to synthesise and theorise (stage 4) towards development at whatever level that is envisioned. That seems the way forward at this stage to scale up the country's maritime policy through coordination and work towards effectiveness.

Sun Tzu states that opportunities multiply as they are seized. Bangladesh now has an extensive maritime ownership, an opportunity that must be seized. People must overcome all aversions such as fear, apathy, indiscipline etc. and get into their homework, the pathway Sun Tzu pushed for. That must begin with an appraisal of the concepts applicable and bringing them together in a coherent framework with an emphasis on accuracy in argument and clarity. There is no option but to focus on the conceptual concerns or issues in relational terms for mind-setting and/or actions, identifying method and scope, limiting or eliminating facets of uncertainty, choosing appropriate techniques/technologies and focal points of connectivity. For better maritime management, efforts must be undertaken to locate the decision-making units, the state or other non-state actors, sub-regional, regional and wider systemic actors who are or perhaps may be drawn in to comply with the nation's vision. Endeavours must go towards locating challenges, exploiting skills for data collection, developing areas of new resources where relevant and necessary, eliminating areas of irrelevance, ambiguity and hazards and finally, enhancing methodologies/tools for both research purposes and empirical policy end.

Few words are now on hand as way of reflection about Bangabandhu's outlook on purported China legacy and their implications on nation's destiny. Now that his memoirs - though unfinished are publicly available and have also been translated into Chinese - his China connect is fairly well-known and may further be revealed once his China papers are also published. As a young promising politician Bangabandhu had visited China twice (1952 and 1957) and his mentor, the illustrious Husseyn Shaheed Suhrawardy, had set that link. The latter had visited China as Pakistan's Prime Minister and acted as the pioneer of China-Pakistan relations. Whilst Bangabandhu disagreed with China's style of governance, he felt impressed by China and developing Bangladesh-China friendly relations had always been high on his agenda, despite China's veto in the UN, which he saw as a passing cloud.[46] All these attest to the potency of Bangabandhu's perspectives and vision. No wonder that the Chinese leadership, profoundly bound by the ideals of Sun Tzu, has repeatedly made known their enthusiasm to reinforce China's broader maritime bound and other connectivities with Bangladesh in a way that would heighten bilateral and wider regional bonding.

In this milieu, as in the setting of amicable resolution of the drawn out conflicts with neighbours, an aura of optimism prevails that Prime Minister Sheikh Hasina as the standard-bearer of wiser legacies in resolving maritime disputes will continue to act towards

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[46] Faruq Choudhury, "Bangabandhu and the World", available at: http://archive.thedailystar.net/suppliments/2006/15thaugust/bangabandhuandtheworld.htm, accessed on 05 October 2015.

harmonising relations at all levels. As the country's top executive, the Prime Minister has shown her prudence and perspective, consistent with her father's legacy in keeping up the national strategic vision and matching China link as a top foreign policy agenda, mindful how China matters to the country. In the frenzied realm of politics regionally and internationally when there is transfixing, cross-fertilisation process of cruelties and violence going all around Bangladesh does appear almost providentially to have a leadership with fulfilment, promise and vision. Since the maritime verdicts she has moved time and again from the country's coasts to ports to bolster the nation's maritime security. She has also shown her resolve to contribute to sustainable development of 'blue economy' so that Bangladesh is afforded the opportunity of projection of its strength. It does seem pertinent that the country has to act promptly to carry forward its past legacies toward enhancing its boat and seafaring tradition, maritime transport, shipbuilding, exploitation of energy, including alternative energies such as tidal and wave power and offshore wind farms so as to fast-track its development using its marine resources in the best possible mode.

The Prime Minister Sheikh Hasina doubtless has earned esteem internationally for her statesmanship in coping with challenges and raised nation's expectations; her tenderly affection for the autistic, disabled and all other distressed people has been outstanding. However, to achieve the maritime ends the nation as a whole - including the government and opposition, public and private sectors, services and academia - must empower themselves. Perhaps having won worldwide admiration and credibility a belief prevails that the Prime Minister would somehow apply her wiser impulse to allay the concerns of many both in Bangladesh and abroad and beat the air of uncertainty that hovers around the nation's terrestrial domain. This admittedly is the biggest challenge, given the current climate of desolation at all levels; a task such as this prerequisites multi-track initiatives and a fulfilment to the direction cannot be done solely in an exquisite fashion. Yet a challenge such as this has to be trounced if the nation is to move on smoothly toward its much looked-for 'Vision 2021 and Vision 2041'.

Bangladesh does hold maritime legacies. But it also carries woeful legacy of conspiracies, confrontational politics and brutal killing of its leaderships, including that of its founding Father, who envisioned its destiny. How is Sun Tzu relevant to situations Bangladesh faces? Some of his ideas may help awaken rethinking across the nation's socio-political atmospherics. He spoke of excellence, prudence, moral law and subtlety but strategic advantage was a defining keynote that connotes fluid intangibles like opportunity, timing and psychology. Prudent leaderships must understand how the situations of both friendly and enemy sides calculate and shape events and how Bangladesh could capitalise on the momentum or timing to enhance strategic advantage. The advice of Sun Tzu to leaderships is "not to fight and conquer in all your battles but to display supreme excellence in breaking the opponent's resistance with no fighting". In oder to ensure success, skilful leadership cultivates moral law and strictly adheres to method and discipline. Sun Tzu also stressed subtleness, even to the point of formlessness. Would Bangladesh's leaderships across the socio-political barricades listen to his solicitous ideas so that the nation could fully exploit the prospects that the maritime gains have offered?

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Md. Kamrul Hassan

EMERGING STRATEGIC ISSUES IN UNITED NATIONS PEACEKEEPING: IMPLICATIONS FOR BANGLADESH ARMED FORCES

Abstract

United Nations (UN) peacekeeping activities have seen an exponential growth in both size and scope since their inception in mid-1950s. These operations are now seen as the core activity of the international community's effort to establish peace in conflict-torn countries around the world. Operational environment and nature of threats in the UN Peacekeeping Operations (PKOs) area are continuously changing. UN also had to evolve and adopt new strategies to cope up with the operational environment. Changes in the operational strategy of UN are a continuous process. Troops Contributing Countries (TCCs) need to remain fully abreast with the strategies of UN to prepare their armed forces accordingly. The landmark Brahimi Report has manifested a renewed vision for UNPKOs to make them more effective and comparatively cost-efficient. It includes several important recommendations for enhancing capacity and effectiveness of UNPKOs. UN has already implemented some reforms according to the recommendations of the report in various areas of PKOs such as peacekeeping policy and strategy, structure of peacekeeping department, conduct and discipline etc. The reform agendas and other evolving strategic issues demand in-depth analysis by TCCs. This paper highlights important evolving strategies of UNPKOs along with an analysis to reveal their implications to the Bangladesh Armed Forces. Apparently, it is felt that Bangladesh Armed Forces may struggle to continue its current share in troops contribution if appropriate measures are not taken to face foreseeable challenges. The paper also recommends few measures which may help Bangladesh Armed Forces take benefits of the opportunities and minimise effects of the perceived challenges resulting from the evolving strategies.

1.   Introduction

The concept of Peacekeeping Operations (PKOs) was introduced by the United Nations (UN) in 1947 when the world was recuperating from the dismays of the World War II. Its noble objectives have been maintenance of international peace and security, adoption of collective measures for prevention of hostilities and removal of threats to peace in conformity with the principles of international law.[1] UNPKOs also provide necessary space and support for development to

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[1] Available at http://www.un.org/en/sections/un-charter/chapter-i/, accessed on 26 September 2015.

countries emerging from conflict. Over the years, it has evolved new strategies to meet the demands of different conflicts and changing global political landscapes. At the beginning, the so-called traditional peacekeeping was planned to meet the challenges of the Cold War era. The end of that era considerably expanded the space available for the multilateral management of peace and security.[2] UN Security Council (UNSC) was able to achieve renewed consensus at the end of the Cold War.[3] Thereby, traditional first generation peacekeeping gave way to the second generation multidimensional peacekeeping to contain internal conflicts spawned by the termination of the Cold War.

Since inception, the UN had lot of successes such as in Namibia, Cambodia and Mozambique. It has contributed to preventing and managing violent conflicts between and within states, supported national actors in protecting and building peace after conflict. But it could not continue for long and painful setbacks, like the ones in Somalia, Rwanda and Bosnia brought the necessity to re-define the modalities of UNPKOs. Today, the scale and complexity of PKOs are straining its personnel, administrative and support machinery.[4] In 2000, the Brahimi Report[5] manifested several important recommendations to enhance capacity and effectiveness of UNPKOs. The landmark report chartered a renewed vision for UNPKOs that aimed at making peacekeeping activities more effective and comparatively cost efficient.[6]

The Brahimi Report initiated number of reforms within UN and generated discussion on many other new issues to make PKOs more vibrant and cost effective. These issues demand in-depth analysis by the TCCs so that they can prepare their armed forces accordingly to continue their existing share in troops contribution to UNPKOs. Bangladesh being one of the top TCCs also needs to keep an eye on the evolving strategic context in UNPKOs. This paper provides a comprehensive picture of the evolving strategic context along with an in-depth analysis to find out answer of following questions. What is the likely overall impact of emerging strategic issues in UNPKOs on current share in troops contribution of Bangladesh Armed Forces? How should Bangladesh prepare its Armed Forces to deal with the opportunities and challenges created due to emerging strategic issues so that it can continue its current level of activity in UNPKOs?

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[2] S. Neil MacFarlane, "Charter Values and the Response to Terrorism", in Jane Boulden and Thomas G. Weiss (eds.), *Terrorism and the UN before and after September 11,* Indiana: Indiana University Press, 2004, p. 35.

[3] United Nations, *A More Secure World: our Shared Responsibility,* New York: United Nations Department of Public Information, 2004.

[4] Marco Bianchini, "UN Peacekeeping Operations: Overview, Current Situation and Challenges", paper presented in the panel discussion on *International Day of United Nations Peacekeepers,* organised by Belgian Royal Military Academy, Brussels, on 29 May 2012.

[5] Available at http://www.un. org/en/ga/search/view_doc.asp?symbol=A/55/305, accessed on 30 August 2015.

[6] United Nations, *A New Partnership Agenda Chartering a New Horizon for UN Peacekeeping,* New York: UN Department of Peacekeeping Operations and Department of Field Support, 2009.

2.   Emerging Strategic Issues in UNPKOs

UN had to evolve and adopt new strategies to keep pace with different generations of PKOs. Since inception, UNPKOs have passed through the generations, moving from a reactive stance that seeks to freeze or palliate conflict to one that is proactive and seeks to influence its outcome.[7] In order to feel the necessity of evolving strategies, it is important to know the factors which resulted evolution of different generations of PKOs. These factors are shown in Figure 1.

Figure 1: Basis of Dividing Evolution of UNPKOs into Different Generations

Level of Force Used by Military Pillar during Operations

Types and Depth of Tasks Conducted by Civilian Pillar

UN Load-Sharing with Regional Organisations
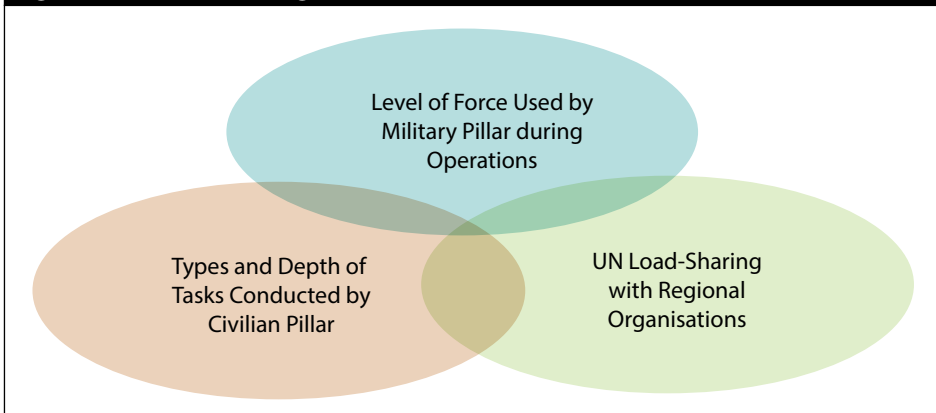
Source: Kai Michael Kenkel, "Five Generations of Peace Operations: From the 'Thin Blue Line' to 'Painting a Country Blue'", *Revista Brasileira de Política International Journal*, Vol. 56(1), No. 122-143, 2013, p. 124.

Today, UNPKOs are engaged in diverse sectors such as governance and civil administration, protection of civilians, rule of law, electoral support, disarmament and reintegration of combatants and post-conflict peace building.[8] Over the years, the UN has established numerous multidimensional PKOs to carry out a broad spectrum of activities which go far beyond traditional peacekeeping.[9] These necessitated changes in operational and administrative strategies. The latest changes and point of focus in UN's strategic context are discussed below.

2.1   *Robust Peacekeeping*

In 2009, UN officially coined the concept of robust peacekeeping through a document titled "A New Partnership Agenda Chartering New Horizon for UN Peacekeeping". The report was an outcome of the discussion that generated from

[7] Kai Michael Kenkel, "Five Generations of Peace Operations: From the 'Thin Blue Line' to 'Painting a Country Blue'", *Revista Brasileira de Política International Journal,* Vol. 56(1), No. 122-143, 2013, p. 124.
[8] Mohamed Osman Awad, *The United Nations and Peace Enforcement: Wars, Terrorism and Democracy,* Burlington, VT: Ashgate, 2002, p. 224.
[9] Marco Bianchini, *op. cit.*

review of UN's apparent failure in Rwanda and the former Yugoslavia in the 1990s. Department of Peacekeeping Operations (DPKO) suggested an interim definition of robust peacekeeping as a posture by the PKOs force that would demonstrate willingness, capacity and capability to deter and confront, including through the use of force when necessary, an obstruction to the implementation of its mandate.[10] Robust peacekeeping demands better mobility, modern intelligence gathering equipment, credible fire power and adequate air support.[11]

2.2   *Broaden the Base of TCCs*

Apparently, it may appear that UN has a long list of countries to contribute in its peacekeeping effort, but contributions of these countries are unevenly distributed.[12] Recently, UN has focused to broaden the base of TCCs. It is trying to increase contributions of the countries that are already in the list and also at the same time looking for new TCCs. UN has identified two options to broaden the base of TCCs such as:[13]

- Countries that are already "committed contributors" to UNPKOs but could contribute more (Argentina, Brazil, China, Egypt, Ethiopia, Indonesia, Malaysia, Nigeria and Philippines).

- Countries that have been "committed contributors" to western-led non-UN operations but not contributed significantly to UN, especially North Atlantic Treaty Organization (NATO) countries.

Available statistics show that UN could achieve reasonable success in its attempt to increase the number of TCCs. In 2013, it could include seven new/returning TCCs in its inventory.

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[10] Bangladesh Institute of Peace Support Operation Training (BIPSOT) paper on "Robust Peacekeeping under United Nations Chapter VII - A Challenge for Bangladeshi Peacekeepers", 2011.
[11] *Ibid.*
[12] Adam C. Smith and Arthur Boutellis, *Rethinking Force Generation: Filling the Capability Gaps in UN Peacekeeping,* New York: International Peace Institute, 2013, p. 5.
[13] Alex J. Bellamy and Paul D. Williams, *Broadening the Base of United Nations Troop and Police Contributing Countries,* New York: International Peace Institute, 2012, p. 2.

Figure 2: Number of TCCs Contributed Uniformed Personnel in UN PKOs
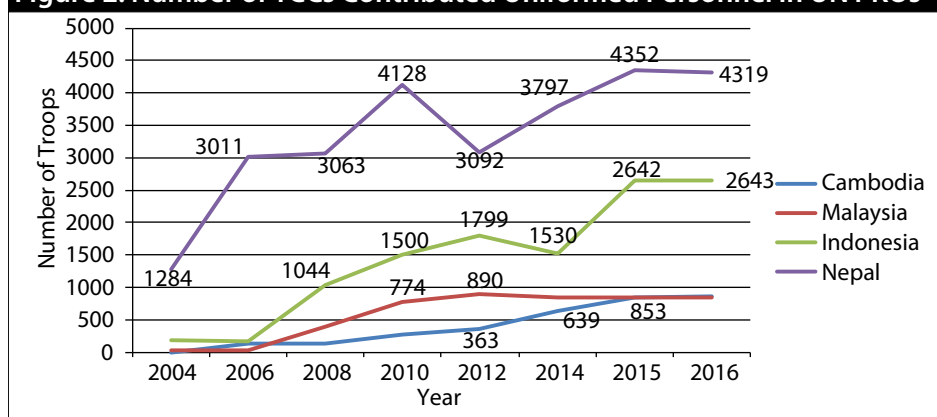
2.3   *Challenges to Large Troops Deployment*

Several efforts have been put into place to strengthen UN's institutional foundations to ensure that it is capable to perform its expected roles.[14] However, few factors are creating challenges for UN to continue its current level of activity and likely to affect number of uniformed personnel in UNPKOs in future such as financial constraint, capability driven approach, resistance from host country, etc.

- Fiscal austerity due to protracted global financial crisis is generating a renewed emphasis on "value for money" or cost effectiveness.[15] A trend shown in Figure 3 reveals stagnancy in budgetary allotment for peacekeeping activities since 2008-2009.

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[14] Claes Nilsson and Kristina Zetterlund, "Revamping UN Peacekeeping for 21st Century", available at http://www.foi.se/sv/Sok/Sammanfattningssida/?rNo=FOI-R--3833--SE, accessed on 26 December 2015.

[15] Katharina P. Coleman, *The Political Economy of UN Peacekeeping: Incentivizing Effective Participation,* New York: International Peace Institute, 2014, p. 2.

Figure 3: Budgetary Allotment of UNPKOs
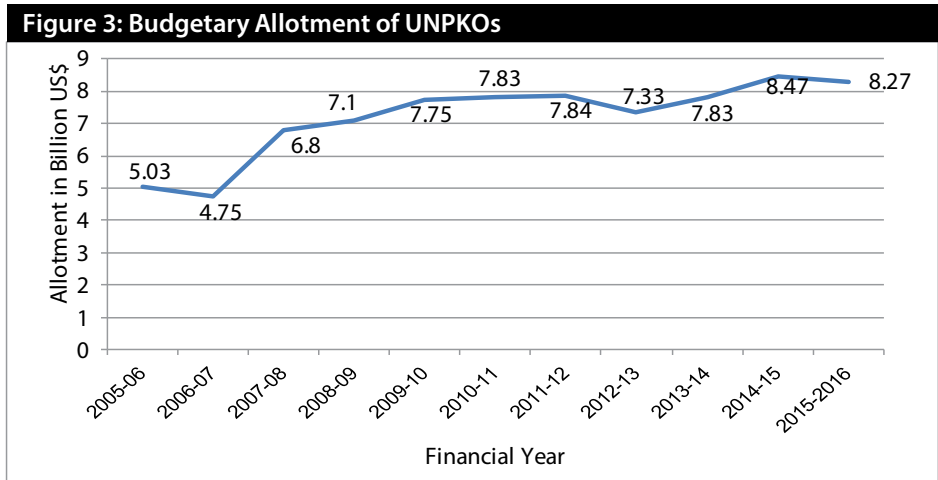
Source: Compiled from "Troop and Police Contributors", *op. cit*.

- The most recent series of initiatives indicate an attempt to change the culture of UN peacekeeping from what has been characterised as a "numbers driven approach" to a more "capability driven approach." Echoing calls by other member states, in the 2013 opening session of the C-34, Japan implored the UN to "do more with less and do it better."[16] Latest documents published by UN underlined the need to focus on the results, effects of PKOs rather than simply on generating adequate numbers of troops, police and equipment.[17] Such pressure from the major stakeholders is preventing any notable increase in the total number of uniformed personnel in PKOs since 2010 as shown in Figure 4.

Figure 4: Number of Uniformed Persons in UNPKOs
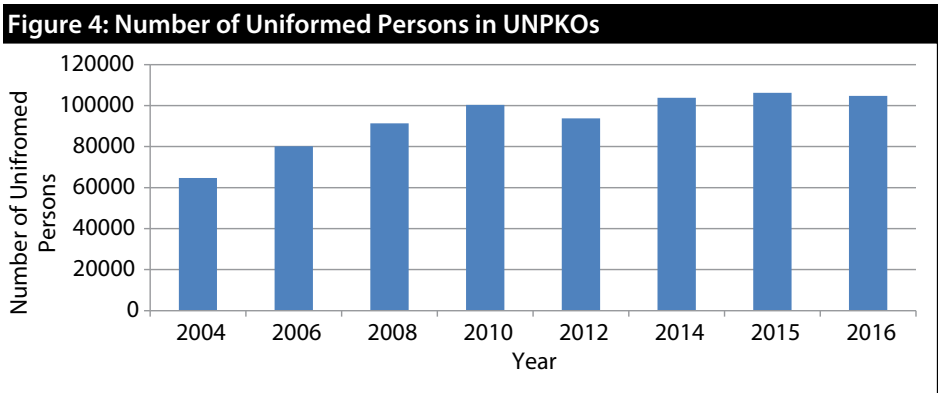
Source: Compiled from "Troop and Police Contributors", *op. cit*.

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[16] Adam C. Smith and Arthur Boutellis, *op. cit.,* p. 6.

[17] *Ibid.,* p. 2.

•   In some cases, resistance from host country government to large scale troop deployment on their territory is affecting number of uniformed personnel in UNPKOs.

2.4   *Rapid Deployment Capability*

The need to improve UN's ability to rapidly deploy in PKOs is driven by twin pressures: responding to complex emergencies and organisational reforms. At present, numbers of initiatives from different stakeholders are underway (mentioned in Appendix 1), which are likely to enhance rapid deployment capability of UN. When such initiatives will get matured, UN will have more flexibility and improved ability to respond to crises with better speed.

2.5   *Interest of Rising Powers and Asian Countries to Participate*

Nowadays, peacekeeping is considered as a very important tool of global geo-politics.[18] Positive engagement like UNPKOs helps rising powers project a more benign and 'harmonious' image beyond their borders, reassure neighbours about their peaceful intentions and softly balance influence of other superpowers while gradually but more firmly establishing their acceptance as great powers.[19] As such, rising power like China is getting more interested to contribute in UN efforts as shown in Figure 5. The trends of China's contribution to PKOs reflect its desire to become more involved in international events and make tangible contributions to global peace and security.

Figure 5: Chinese Troops Contribution to UNPKOs
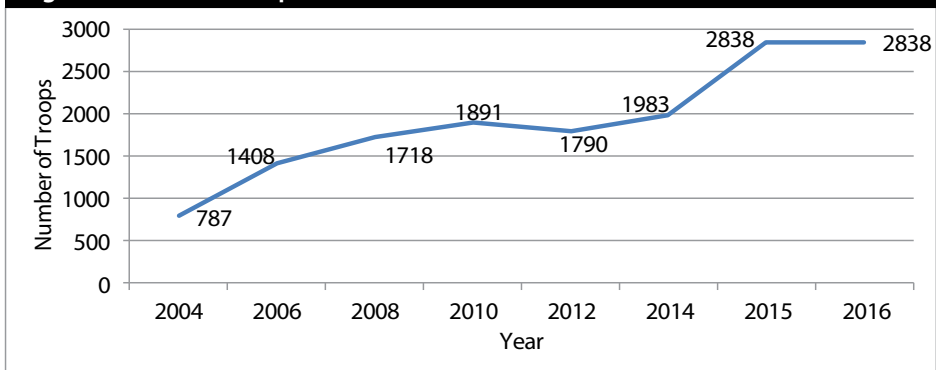
Source: Compiled from "Troop and Police Contributors", *op. cit.*

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[18] Sharon Wiharta, Neil Melvin and Xenia Avezov, *The Geopolitics of Peace Operations: Mapping the Emerging Landscape,* Sweden: Stockholm International Peace Research Institute, 2012.
[19] Bates Gill and Chin-Hao-Huang, *China's Expanding Peacekeeping Role: It's Significance and the Policy Implications,* Signalistgatan, Sweden: Stockholm International Peace Research Institute, 2009, p. 4.

India has also focused on enhancing its participation in UNPKOs in last few years. As on 30 April 2015, India is holding the second position in military and police contributions to UN operations.[20] If these rising powers desire to increase participation, they will be able to do it with relative ease due to their dominance and influence in the world affairs.

Besides these rising powers, there are few countries from Asia who have gradually become more interested to contribute to UNPKOs. For example, Cambodia, Nepal, Malaysia, Indonesia etc successfully increased their participation in last few years as shown in Figure 6. Such interest of the rising powers and Asian countries to enhance participation in UNPKOs will surely pose competitive environment to the TCCs.

Figure 6: Asian Countries Increasing Troops Contribution to UNPKOs
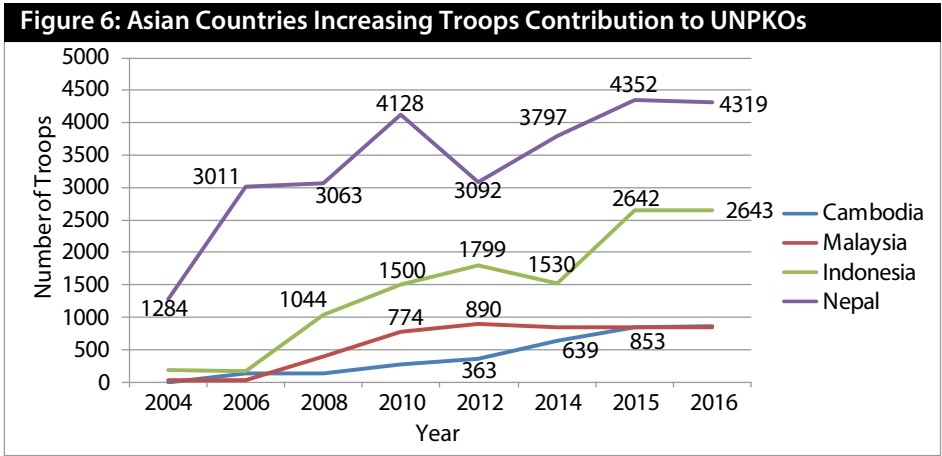
Source: Compiled by the author from "Troop and Police Contributors", *op. cit.*

2.6   *African Solutions to African Problems*

At present, nine out of sixteen UNPKOs are in Africa. UN considers its partnership with the African Union (AU) as very significant for conducting effective PKOs in Africa.[21] Therefore, UN encourages more participation from AU nations. On the other hand, leaders of AU are also demanding more dominant role in dealing with regional problems. The phrase "African solutions to African problems" is often coined by them in various international forums to rationalise their desired increased involvement in various issues of the region. Such demand from them seems to be logical and natural. Since, AU leaders are in a better position to evaluate regional problems which is the most important prerequisite for developing appropriate mitigation plan to solve the issues.

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[20] Ethiopia is topping the list contributing total 8321 persons. India is in the second position with 7696 personnel.
[21] Available at http://www.un.org/press/en/2016/ sc12370.doc.htm, accessed on 01 June 2015.

In this context, AU has gradually increased their political and military engagement in various issues of Africa. Recently in Darfur and Somalia, AU forces were deployed with UN backing. When UN took over from the African Union Mission in Sudan (AMIS) in Darfur, bulk of the troops of AMIS was re-hatted with blue berets; out of 19 infantry contingents, 18 were from African nations.[22] Figure 7 shows AU leaders are already successful in getting their due importance.

Figure 7: Troops Contribution in UNPKOs as Per Region

- Africa
- Asia
- Europe
- North America and Ocenia
- South America

4.9%
0.7%
6.8%
50.3%
37.3%
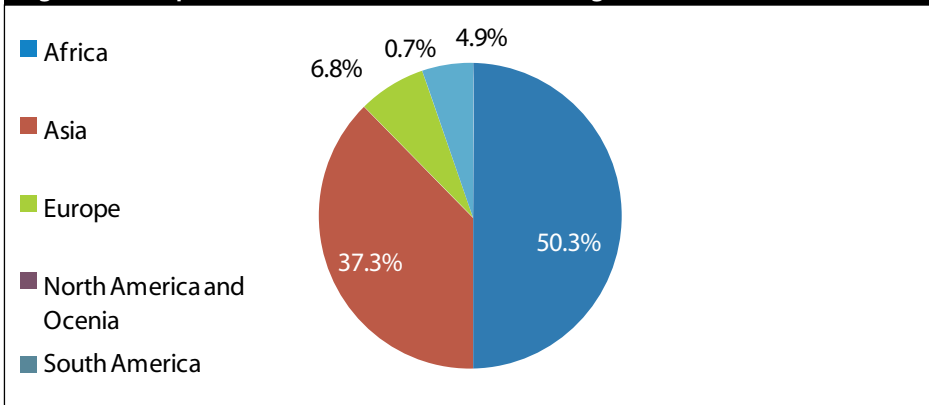
Source: http://www.providingforpeacekeeping.org/peacekeeping-data-graphs/, accessed on 30 May 2016.

Figure 8 shows that there is rapid rise in the number of troops from few African countries since 2008. It is obvious that their effort to increase share in troops contribution will continue in future and create more competitive environment for TCCs from outside Africa.

Figure 8: Contribution by Different African Countries to UNPKOs

Ethiopia: 1867, 2403, 6311, 7188, 8321
Rwanda: 2988, 3654, 4571, 4650, 6141
Senegal: 2129, 2200, 2335, 2965, 3727
Burkina Faso: 91, 909, 1077, 1998, 2901
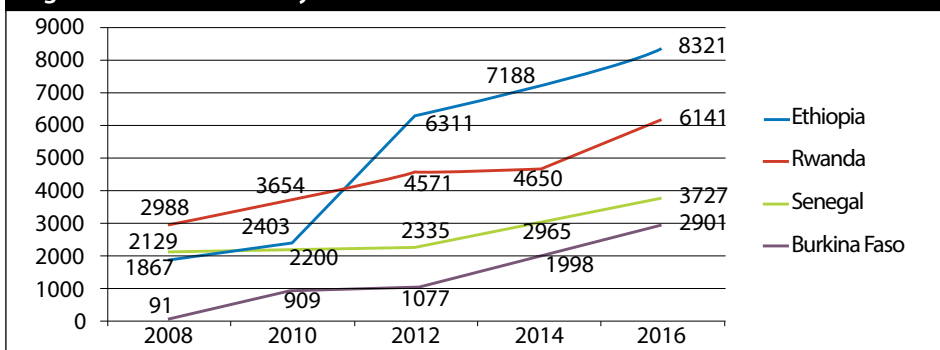
Source: Compiled from "Troop and Police Contributors", *op. cit.*

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[22] Ilyas Iftekhar Rasul, "Bangladesh's Contribution to United Nations Peacekeeping Missions in Africa", paper presented in the national seminar on *Look Africa: An Emerging Foreign Policy Option for Bangladesh,* organised by BIISS, Dhaka, on 02 December 2010.

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2.7 *Partnership with Regional Organisations*

The UN is opting for closer partnership with regional organisations, most significantly with European Union (EU), AU and NATO. These partnerships have grown in response to the growing complexity of the crises that have erupted.[23] Recently, other regional organisations e.g., Arab League and Association of Southeast Asian Nations (ASEAN) have also shown willingness to take on a more prominent role in addressing peace and security challenges in their respective regions. UN also prefers to get engaged with these organisations since they can ensure political patronage and tangible support for UNPKOs therein.

2.8 *Use of Modern Gadgets/Equipment by the Peacekeeping Force*

UN is turning to the 21st century tools to meet challenges of modern peacekeeping. Modern gadgets are integrated to different UNPKOs to have better situational awareness for peacekeepers and better protection for civilians. Few such examples are:

- In 2013, DPKO received Security Council approval to deploy drones for the UNPKOs in the Democratic Republic of Congo (DRC).[24]

- UN has also employed Global Positioning System (GPS) in Mali to help identify new water sources for the mission that will not deplete local water tables, long-range counter battery radar in Lebanon to locate artillery fire and forward-looking infrared systems in aircrafts in the DRC to monitor rebel movements at night.[25]

- A number of other technologies are in the process of being incorporated like motion-sensitive perimeter lighting, hand-held biometric devices, infrared systems, weapons locating systems and thermal imaging equipment etc.[26]

Modern gadgets and equipment are needed to enhance security of peacekeepers in mission areas. UN is committed to ensure appropriate reimbursement for providing modern gadgets to the TCCs who need to remain prepared to equip their contingents with modern gadgets for keeping pace with latest technological developments. Such requirement may result in significant financial burden for armed

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[23] Marco Bianchini, *op. cit.*
[24] Jessica Sun, "Equipping a UN Peacekeeping Force for the Future", *Stimson*, 10 July 2014, available at http://www.stimson.org/content/equipping-un-peacekeeping-force-future-0, accessed on 27 December 2015.
[25] *Ibid.*
[26] Available at http://www.performancepeacekeeping.org/offline/download.pdf, accessed on 05 June 2015.

forces of TCCs and the forces will need additional funding from their respective governments. It may appear as a challenge for some armed forces as well. However, in the long run such investment may prove profitable due to high rate of reimbursement offered by the UN.

3.   Implications of the Evolving Strategies for Bangladesh Armed Forces

Evolving strategic context of UN is likely to have impacts on Bangladesh as it is a major contributor in UNPKOs. It is likely to affect both the nature of operational role to be performed and the level of dominance of Bangladesh Armed Forces in UNPKOs.

3.1   *Challenges and Potential Measures*

Due to new and returning TCCs, Bangladesh is likely to face more competitive environment to continue its current share in troops contribution.[27] Interest of influential countries to contribute in UNPKOs, as mentioned before, will bring in further challenge for Bangladesh. Moreover, there is a gradual decline in the total of Bangladeshi troops in UNPKOs since 2010 as shown in Figure 9.

Figure 9: Contribution of Bangladesh (Troops) to UNPKOs
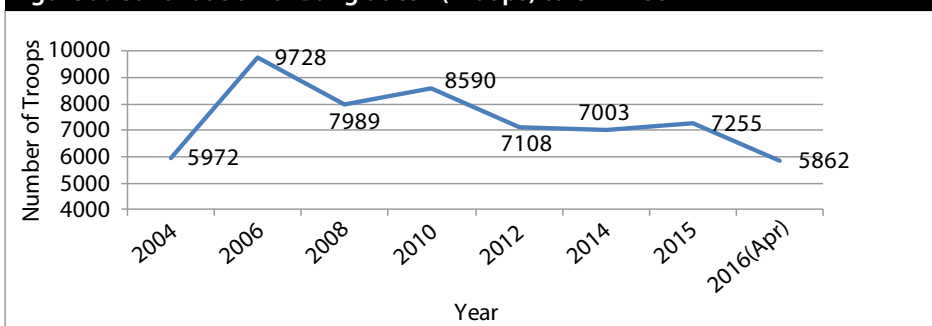
Source: Compiled from "Troop and Police Contributors", *op. cit.*

UN will always encourage new TCCs since it helps to enhance credibility of the PKOs. Therefore, Bangladesh should take preparation to continue its existing share in troops contribution through effective diplomacy and displaying outstanding professionalism.[28] Currently, crises are escalating very quickly and the UN needs to

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[27] A survey was conducted among present and previous contingents commanders (49 participants) of Bangladesh Armed Forces in 2015. Among the participants 78 per cent opined that in future Bangladesh Armed Forces will face more competitive environment to continue its current share in troops contribution.
[28] Compiled from interviews by the author in 2015. The author interviewed Director Operations and Planning at Armed Forces Division, Acting Commandant BIPSOT, Director General (UN) at the Ministry of Foreign Affairs (MoFA), Research Director -1, BIISS, previous and present UN Sector Commanders, General Staff Officer Grade-1 (Logistics) at Army Headquarters and General Staff Officer Grade-1 (Foreign Affairs and Protocol) at Armed Forces Division, previous and present contingent commanders and few other senior officers having number of experiences of participating in UN PKOs.

respond fast. Thus, rapid deployment ability will become a deciding factor for the UN to select TCCs in the near future. Such ability does not mean only the ability of the forces for quick deployment but also includes quick decision making mechanism of TCCs to respond to UN request. Though Bangladesh is very quick to take decision in these regards (deployment in UNPKOs), it needs to enhance its ability to prepare a battalion that can quickly put the boot on ground.[29] Now, it takes about three to four months to prepare a contingent which may not be seen as a credible option in future when other TCCs will acquire ability to deploy with better speed. Necessary steps need to be taken to reduce the time required for preparing a battalion for deployment in UNPKOs.[30]

Few incidents show Bangladeshi peacekeepers apparently failed to demonstrate desired robustness in critical situations (one each in United Nations Organisation Mission in Democratic Republic of the Congo and United Nations Operation in Côte d'Ivoire). Future peace operations environment is likely to be increasingly complex where peacekeepers will have to operate with robust attitude, as it is happening in Mali. With the present state of psychological build-up and attitude, Bangladeshi peacekeepers may face difficulty to operate in such complex and intricate environment.[31] Training modality and overall mindset about participation in UNPKOs need to be changed to meet current demand. Robustness cannot be enhanced with three to four months of training. It needs to be developed over a long period of time and should remain as a focus of all training activities.

UN has identified some assets as "Hard-to-Generate-Key Enablers" such as aircrafts, engineering assets and logistics support components.[32] TCCs contributing to these sectors are likely to enjoy better bargaining power during selection in other categories such as military, police or experts. UN is also considering increasing financial benefits for providers of these key enablers. However, Bangladesh is yet to generate required capability to exploit the opportunities created due to increased demand in these areas.[33] Recently, the country could not accept a UN offer to provide a Combat Logistics Battalion due to non-availability of the required equipment.[34] If not properly planned, Bangladesh will not be able to take these advantages UN is likely to offer to providers.[35]

Selections of TCCs and nomination in important appointments of UN are now highly influenced by global politics. These are political decisions and as such countries need to continuously pursue these aspects through proactive diplomatic efforts. Bangladesh has made remarkable contribution in the PKOs but most peacekeepers

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[29] *Ibid.*

[30] *Ibid.*

[31] *Ibid.*

[32] Nancy Soderberg, "Enhancing U.S. Support for UN Peacekeeping", *Prism*, Vol. 2, No. 2, 2011, p. 20.

[33] Compiled from interviews by the author in 2015.

[34] *Ibid.*

[35] Opinion of the participants of the survey conducted by the author in 2015.

are deployed at field levels.[36] So far, Bangladesh could not achieve its due share in the appointments at the policymaking and strategic levels. Appropriate diplomatic efforts at various levels have remained as a challenge for Bangladesh that has resulted in failure to achieve expected share in appointments at strategic level. Bangladesh, without more dynamic and persuasive diplomacy, is unlikely to get due share in higher positions at UN Headquarters.[37]

Media can be used as a very effective force multiplier to the diplomatic effort. It can play an important role to highlight contribution of armed forces to UNPKOs in national and international platforms and that can help rally popular domestic support for armed forces. In international fora, media may be used to highlight operational achievements of armed force members to build positive image. It may also be utilised to raise the demand for appropriate share in appointments at strategic level.

At the beginning, participation in UNPKOs was seen as welfare by the members of Bangladesh Armed Forces due to financial benefit it offered to participants.[38] Focus remained on ensuring participation of as many members of the armed forces as possible. The selection criteria were also set accordingly. However, for the command echelon, these were modified later to ensure appropriate persons to be selected and lead contingents in highly volatile and fluid operational environment of PKOs. At present, environment in the PKOs areas is no less dangerous than a warzone. It is more dangerous due to existence of non-traditional threats. Therefore, selection criteria for all participants need to be reviewed to focus on operational proficiency, fitness and attitude.[39] Participation in UNPKOs may no more be seen as welfare.

Decision making capability and interpersonal skills are very important for every participant in PKOs, especially for commanders. Complex and multidimensional operational environment demand quick decision making capability of commanders on ground. Emergence of multidimensional threats, especially non-traditional ones, makes quick decision making ability more important for them. In the past, few incidents in the operational area of Bangladeshi contingents revealed these setbacks that were the results of delayed and inappropriate decisions of respective commanders.[40] Post-incident analysis of these events identifies the need for improvement in decision making capability and interpersonal skills of commanders.

Language skill is a vital tool for conducting successful PKOs. Most African nations where conflicts prevail are either Francophone or Anglophone towing their colonial legacy. For example, there are some nations in the north speak Arabic.[41] Members of Bangladesh Armed Forces are good in English communication but lack

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[36] Md. Farid Uddin and Abu Salah Md. Yousuf, "Evolving Trends of UN Peacekeeping: Challenges for Bangladesh and Its Responses", *BIISS Journal*, Vol. 35, No. 2, 2014, p. 121.
[37] Opinion of the participants of the survey conducted by the author, in 2015.
[38] Compiled from interviews by the author, in 2015.
[39] *Ibid.*
[41] Ilyas Iftekhar Rasul, *op. cit.*

significantly requisite skill in French and Arabic.[42] If measures are not taken to improve the standard, in future, it may become a major barrier to get expected share in troops contribution when more Francophone or Anglophone nations will get interested to contribute.

Besides, UN is now focusing on deployment of modern and technologically advanced equipment and gadgets. It also needs highly specialised personnel, e.g., air planning and movement specialists, information analysts, chemical weapons experts, security sector and defence reform specialists etc.[43] The organisation is facing challenge to arrange these enabling assets and specialised capabilities from traditional TCCs. Thus, it is looking to European partners, who have sophisticated and modern militaries with resources difficult to find elsewhere.[44] It is likely to appear as a major challenge for Bangladesh to prepare its peacekeepers with modern equipment and gadgets if long-term procurement plan is not developed to ensure availability of required budget.[45]

3.2   *Opportunities Which May Help to Continue Current Activity Level*

UN's effort to broaden the base of TCCs is likely to face various challenges. Due to domestic pressure, many traditional, returning and new TCCs would be extremely sensitive to taking casualties.[46] Some potential contributors are facing legal or political hurdles within their own territory. In addition, lengthy parliamentary approval process in developed countries such as in South Korea will result long delay in case of any deployment.[47] Therefore, UN is likely to prefer contribution from countries that have long experience of participation in UNPKOs and well-versed with UN working guidelines. If so, as a TCC, Bangladesh will continue to remain as a preferred option to UN in near future.

A major portion of Bangladesh Armed Forces is deployed in the Chittagong Hill Tracts (CHT). Negotiation, crisis management and dispute resolution are regular activities for anybody deployed therein. Operational environment and UNPKOs areas are quite similar due to presence of non-traditional threats. Consequently, negotiation skills and other expertise gained from service in CHT provide an added advantage to members of Bangladesh Armed Forces for operating confidently in UNPKOs.[48]   On the other hand, experiences of conducting, monitoring or directing post-disaster

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[42] Compiled from interviews by the author, in 2015.
[43] Richard Gowan and Megan Gleason-Roberts, "UN Peacekeeping: Next Five Years", available at http://cic. es.its. nyu.edu/sites/default/files/cic_un_fiveyears.pdf, accessed on 06 July 2015.
[44] Marco Bianchini, *op. cit.*
[45] Interview with General Staff Officer Grade -1 (Foreign Affairs and Protocol) at Armed Forces Division, in 2015.
[46] Roméo Dallaire, *Shake Hands with the Devil: the Failure of Humanity in Rwanda*, Cambridge, MA: Da Capo Press, 2005, p. 240.
[47] Adam C. Smith and Arthur Boutellis, *op. cit.*, p. 6.
[48] Ali Reza Mohammad Ashaduzzaman, "Features Helping Bangladesh to Become Top Ranking Troop Contributing Country in Global Perspective and Corresponding Challenges", *Armed Forces Day Journal*, 2015, p. 113.

rehabilitation or pacification programmes are important requirement for effective participation in PKOs and members of Bangladesh Armed Forces will always enjoy an edge over others in this regard.[49]

Bangladeshi troops are known to be highly disciplined, well-trained, hardworking and personally committed. Their conduct and discipline have been much better than those of other TCCs. They have received lot of appreciation from the top of hierarchy at mission headquarters. This aspect is well communicated to DPKO by concerned persons. As a result, if focus is given to "capability-driven" approach and selection of TCCs is done basing on professional standard of troops, Bangladesh will enjoy priority over most other TCCs. Bangladesh does not pursue any hidden power agenda in other continents when it joins PKOs. Its troops do not interfere in domestic politics of the nations concerned, nor do they antagonise any factions by displaying arrogance.[50] That is why, they are considered acceptable almost everywhere in the world. This image is likely to help Bangladesh Armed Forces to receive recurring request to contribute to UNPKOs.

Sexual Exploitation and Abuse (SEA) cases are significantly less in the case of Bangladeshi peacekeepers. Cultural and social values help them remain away from these. They have earned reputation for adapting to local exigencies and demonstrating a caring attitude towards the local people in the countries concerned.[51] Where many TCCs follow the ABC formula (A = Abstain, B = Be Faithful and C = Use Condom), Bangladesh strictly complies with the UN's zero tolerance policy in this regard.[52] Any case of SEA seriously affects reputation of UN and the world community is highly critical of such incidents. Hence, UN always tries to prevent these issues. To avoid SEA issues, Bangladeshi soldiers will remain as a preferred option to UN.

There is a political consensus in Bangladesh in favour of participation in UNPKOs.[53] Therefore, national strategy relating to this is likely to remain unchanged under all circumstances. When many countries are struggling to participate in these missions due to lack of political consensus within themselves, Bangladesh Armed Forces is privileged to have full support of political leaders.[54] On the other hand, many new TCCs are facing hurdle within their own national domain as bureaucratic process takes long time to finalise decision on deploying troops in UNPKOs. Legal procedures and constraints also delay decision making in some countries.[55] Top leadership of

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[49] *Ibid.*, p. 115.
[50] Mohammad Humayun Kabir, "Global Benefits, National Motives", available at http://www.dandc.eu/en/article/why-bangladesh-sends-troops-un-missions-and-how-world-benefits-such-engagement, accessed on 06 July 2015.
[51] BIPSOT paper, *op. cit*.
[52] *Ibid.*
[53] "Country Profile-Bangladesh", available at http://www.providingforpeacekeeping.org/2014/04/03/contributor -profile-bangladesh/, accessed on 15 July 2015.
[54] Compiled from interviews by the author, in 2015.
[55] "Enhancing European Military and Police Contributions to UN Peacekeeping", available at https://www.ipinst.org/2013/02/enhancing-european-military-and-police-contributions-to-un-peacekeeping, accessed on 31 December 2013.

Bangladesh develops a very responsive mechanism that can generate quick decision in this regard. In some cases, when the situation escalates very quickly, UN needs immediate response from TCCs and smooth bureaucratic process allows Bangladesh to meet that requirement.[56] Bangladesh will be able to continue this trend in future which will provide further advantage to exploit fleeting opportunities. Besides, Bangladeshis do value the participation in UNPKOs very positively[57] considering it as an image building tool for the country. Continuation of any activity requires popular support which Bangladesh Armed Forces is likely to receive for all times.

3.3 Impact Analysis of the Evolving Strategic Issues

Through survey and interview, an effort was taken to carry out a possible impact analysis of the identified challenges and opportunities. Outcome of the survey and interview is shown in the following tables:

Table 1: Impact Analysis – Challenges					
Serial No.	Challenges	Severity of impact on Bangladesh, if appropriate measures are not taken			
		High	To some extent (medium)	Negligible	Yet to be determined
1.	Bangladesh will face competitive environment due to new or returning TCCs				
2.	Demand to enhance rapid deployment ability will put Bangladesh in back footing				
3.	Maintenance of robust posture is a challenge for Bangladesh				
4.	Ability to provide "Hard-to-Generate-Key Enablers" (helicopters, engineering assets etc.)				
5.	Effectiveness of diplomacy				
6.	Mindset (welfare driven)				
7.	Decision making capability of the contingents/commanders in critical situation				
8.	Language skill				
9.	Technological expertise				

Source: Compiled from interview and survey by the author, in 2015.

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[56] Interview with General Staff Officer Grade -1 (Foreign Affairs and Protocol), Armed Forces Division, in 2015.
[57] Opinion of the participants of the survey conducted by the author, in 2015.

Table 2: Impact Analysis - Opportunities

Serial No.	Opportunities	How far these opportunities may help to continue current share in troop contribution?			
		High	To some extent	Negligible	Yet to be determined
1.	Experience and expertise of Bangladesh Armed Forces in PKOs	■			
2.	Experience in counter insurgency operations in CHT			■	
3.	Expertise in post-disaster rehabilitation and pacification programmes			■	
4.	Discipline and professional standard		■		
5.	Acceptability of Bangladeshi peacekeepers			■	
6.	Cultural and religious values matching UN principles (zero tolerance against SEA)		■		
7.	Political consensus about participation in UNPKOs	■			
8.	Quick decision at strategic level to respond to the request of UN for deployment of troops	■			
9.	Popular support within country		■		
10.	AU countries will take time for necessary capability development that will act as cushion period for Bangladesh			■	

Source: Compiled from interview and survey by the author, in 2015.

From the analysis of possible impact of challenges and opportunities, it can be understood that Bangladesh is likely to face difficulty to continue its current level of activity in UNPKOs if appropriate measures are not taken. Because, effects of challenges are likely to be more dominant than overall advantages offered by opportunities. On the other hand, if UN gradually reduces total number of military troops deployment in PKOs, Bangladesh is likely to lose its share in troops contribution proportionately.[58]

4.   Options to Deal with Evolving Strategic Issues

Instead of being self-satisfied, however, Bangladesh Armed Forces should take some measures to enhance its potential to remain as a major player in UNPKOs.

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[58] Opinion of the participants of the survey conducted by the author, in 2015.

Following are recommended for ensuring continued participation in UNPKOs:

- Bangladesh Armed Forces may enhance its capability to provide more "Hard-to-Generate-Key-Enablers" to meet increased demand of the UN. Long term (three years) procurement plan may be formulated so that the required budget may be provisioned gradually. Due to very high rate of reimbursement for these assets, it would be a viable option for the economy of Bangladesh. The plan should include enhancing ability to provide these enablers like aircrafts, engineering assets and logistics support system (equipment for combat logistics battalion, escort company etc).

- Bangladesh may support UN's effort to enhance rapid deployment capability through two options such as:

  Option-1 Other than the normal rotation plan, Bangladesh Armed Forces may keep one additional infantry battalion as standby and ready to be deployed within seven to ten days. The standby battalion, if not deployed on emergency demand may be deployed as part of normal rotation plan and another one may be put as standby. As a result, at a time other than the normal rotation plan, one additional infantry battalion may be kept ready to fly on short notice.

Option-2 Developing a permanent task force as follows:	
Composition	**Characteristics**
1. Two Infantry Companies 2. Two Engineer Companies 3. One Advance Dressing Station 4. One helicopter	1. Ability to deploy within seven days and self-sufficiency for sixty days 2. Ability to perform multi-dimensional role

- A 5-year perspective plan may be developed by Bangladesh Armed Forces to train selected persons on few subjects like air planning and movement, information analysis, chemical weapon, security sector and defence reform etc.

- Steps should be taken to incorporate modern gadgets such as motion-sensitive perimeter lighting, hand-held biometric devices, infrared systems, weapons locating systems and thermal imaging equipment in the organogram of all types of contingents.

- Diplomatic efforts by the permanent mission of Bangladesh at the UN Headquarters need to be more proactive to get involved in the decision making process of the UN so that present state of troops contribution may continue.

- Necessary steps must be taken to get proportional share in higher appointments of UNDPKO and also in the expert category. Bangladesh Armed Forces may arrange required training and administrative support to the potential candidates so that they can prepare themselves to effectively compete for these appointments. Bangladesh should try to get the important appointments like Under-Secretary-General (USG), Military Advisor to Secretary General (MILAD) and more number of Force Commanders.

- Any breach of discipline in operational areas or lacking in professional competencies should be dealt seriously. Nobody should be allowed to defame the country and degrade the reputation earned over the years.

- Participation in UNPKOs needs to be viewed as an operational activity. Competency based selection system may be introduced for participation in UNPKOs. Selection criteria for PKOs should be set after conducting in-depth analysis of operational requirements in the mission area.

- Bangladesh has one of the most vibrant and recognised PKOs training institutes of the world namely Bangladesh Institute of Peace Support Operation Training (BIPSOT). Bangladesh Armed Forces should take maximum advantage of this institute to train potential/selected contingent commanders in decision making process and interpersonal skill.

- Members of armed forces need to focus on acquiring workable knowledge on French and Arabic language.

- Bangladesh Armed Forces should intensify its media campaign, keep people informed about their contributions and success stories in UNPKOs to ensure continuation of existing popular and political support.

5.   Concluding Remarks

In order to keep pace with changing security environment, over the course of six and a half decades of their existence, UNPKOs have undergone a series of fundamental transformations from their original nature and purposes. The UN has brought changes in its operational modalities to make it more dynamic and cost effective. Besides, the changing nature of threat that peacekeepers are now facing also compelled the UN to bring robustness in its operational procedures. It is also trying to incorporate modern equipment and gadgets to facilitate intelligence gathering and decision making process. There is an increasing pressure from the key financial contributors to increase operational efficiency of the forces. Some influential countries

are becoming interested to contribute to UNPKOs to enhance their global image. Regional organisations are also showing their increased interests to become partners in UN peacekeeping efforts. On the other hand, security environment of operational areas of UNPKOs has undergone rapid changes making it multidimensional, complex and fluid. All these factors and issues will directly influence UN's decision regarding selection of TCCs and expectation about professional standard of the troops in the near future. Bangladesh Armed Forces has long experience of participation in UNPKOs with some successes. In the past, Bangladeshi peacekeepers did successfully counter the threats of rebels and militants and therefore Bangladesh was considered as one of the preferred TCCs for UN whenever necessity for a new deployment came up. However, Bangladesh Armed Forces need to take necessary measures to cope up with the evolving strategic contexts so that they can meet global standard and remain as a preferred option for the UN.

Serial No.	Identification	Contributors	Important Features
Appendix 1: Efforts to Enhance Rapid Deployment Capability			
1.	EU Battle Group[59]	EU	1. Planned for 18 battle groups[60] 2. One battle group includes an army battalion with command and support element (1500 troops) 3. Ability to deploy within 15 days 4. Self-sustained for 30 days in operations not to exceed three months 5. Every six months two battle groups are rotated into high readiness 6. Battle groups are designed to operate independently and not intended to be combined in a formation[61]
2.	EU Gendarmerie Force	France, Italy, Netherlands, Portugal and Spain	1. Flexible, heavily equipped and highly trained police formation 2. Ability to manage every aspect of various phases in a crisis 3. A field headquarter includes both operational and crime fighting components 4. Ability to be mobilised within 30 days
3.	African Stand-by Force (ASF)	AU	1. Outcome of concept "African solutions for African problem" 2. Five regionally based stand-by forces 3. Each group is comprised of multinational brigade group, civilian and police component 4. Ability to deploy within 90 days for a complex multidimensional peacekeeping operation involving low-level spoilers to 14 days for a crisis involving genocide or crime against humanity

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[59] H. Peter Langille, *Improving United Nations Capacity for Rapid Deployment,* New York: International Peace Institute, 2014, p. 17.

[60] Gustav Lindstrom, "Enter the EU Battle Groups", Chaillot Paper No. 97, Institute for Security Studies, Paris, 2007, pp. 9-12.

[61] Deaglan De Breadun, "Value of EU Battle Group Plan Stressed by Annan", *The Irish Time,* Dublin, 15 October 2004.

4.	Rapid Development Capability (RDC)	AU	1. Capable of responding within 14 days
			2. To be deployed in cases of genocide and gross human rights abuses
			3. Planned 2500 troops per regional stand-by forces
			4. Deploy as a precursor to a large multidimensional mission
5.	African Capacity for Immediate Response to Crisis (ACIRC)	Algeria, Chad, South Africa, Tanzania and Uganda	1. A reservoir of 5000 troops in three tactical battle groups
			2. Ability to deploy within 10 days and self-sufficiency for 30 days
			3. Interim measures likely to be phased out when ASF is fully operational

Source: Compiled from various documents.

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NON-STATE ACTORS IN GLOBAL CLIMATE NEGOTIATIONS: POLICY INFLUENCING STRATEGIES AND CHALLENGES

Abstract

Non-State Actors (NSAs) are regarded as important stakeholders in global climate negotiations to uphold the views of climate change victims all over the world. Defining NSAs and why do state actors allow them to participate in the negotiation process are drawing academic interest. During the Conference of Parties (COP), under the United Nations Framework Convention on Climate Change (UNFCCC), NSAs try to influence policies by sharing knowledge and enforcing pressure on state actors in order to adopt effective policies. In contemporary climate change negotiations, NSAs' policy influence can be understood in two ways: first, as "outsider", when they put pressure on state actors without participating in the negotiation; an second, as "insider", when they directly participate in the negotiation process. In this respect, the main objectives of this paper are to evaluate policy influencing strategies of NSAs in the negotiations and what are the challenges they face to influence the policies.

1. Introduction

The influence of Non-State Actors (NSAs) in global climate negotiations is receiving global attention considering their emerging role in addressing climate change challenges. In global climate negotiations, particularly in the Conference of Parties (COP) under the United Nations Framework Convention on Climate Change (UNFCCC), NSAs play important role in the process of agenda setting, policy formulation, framing implementation mechanism and measures to monitor and evaluate implementation process. NSAs have critical opinions, where in many cases, they differ with state actors.[1] However, how could NSAs be defined in the context of global climate change negotiations is a debate in academic forums. Why do state actors allow NSAs in the negotiation process and what are the strategies used by the NSAs to influence negotiation process are also receiving academic attention.

This paper is an endeavour to understand NSAs in the context of global climate negotiations and evaluate policy influencing strategies used by the NSAs to achieve their goals. The policy influencing strategies of NSAs can be understood in

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[1] A state is a political unit that has sovereignty over an area/territory and the people within it. State actors mean the legitimate body that represents the state. However, state actors refer to the government apparatus which represents a state in the global climate negotiations.

two ways: "insider" and "outsider".[2] The paper also focuses on the existing challenges NSAs are facing in global climate negotiations. The paper consults published books, journal articles and studies by different research instituttions to realise conceptual debates on NSAs and their policy influencing strategies.

The paper is divided into seven sections. First section is introduction. Section two deals with definitional debates on NSAs. Section three is about why do state actors allow NSAs in climate negotiation processes. Section four highlights participation mechanism of state actors and NSAs in global climate negotiations. Section five focuses on policy influencing strategies used by NSAs in the negotiations. Section six discusses challenges that are faced by NSAs. Section seven concludes the paper.

2. Defining NSAs

The importance of NSAs is increasing in compliance with levels of interdependence in international settings.[3] Increasing transactions, emergence of transnational issues, environmental degradation and common concerns for regional and global problems require collaboration among nation states, transnational organisations and communities. In short, NSAs have emerged as essential instrument within international system today. During 1980s and 1990s, at least three important developments affected international politics. First, expansion of Information Technology (IT) from developed to developing world introduced a new order of connectivity among people beyond the state surveillance.[4] Traditionally, state was the only dominant force for any connection outside its boundary. But the IT revolution challenged the authority of the state. Several NSAs have emerged as influential force in global arena. Second, the debate over collective action framework after the Cold War affected state actors' role in international politics.[5] During the Cold War, the collective action was dominated by the United States (US)-led capitalist bloc and Union of Soviet Socialist Republics (USSR)-led Soviet bloc. The end of the Cold War introduced new debates in the world politics. Huntington predicted that the international order would be dominated by the "Clash of Civilisations".[6] He argued that not the states, rather civilisations would dominate world politics. Kaplan in his book *The Coming Anarchy: Shattering the Dreams of the Post Cold War* asserted that the issues of poverty and environmental degradation would overwhelm the capacity of the state to undertake global decisions.[7] Jessica T. Mathews argues that the information revolution

[2] Wyn Grant, "Pressure Politics: From 'Insider' Politics to Direct Actions?", *Parliamentary Affairs*, Vol. 52, No. 2, 2001, pp. 337-348.

[3] Trevin Stratton, "Power Failure: The Diffusion of State Power in International Relations", *Infinity Journal*, Vol. 1, No. 1, 2008, pp. 1-8.

[4] Richard A. Higgot, Geoffrey R. D. Underhill and Andreas Bieler, "Introduction: Globalisation of Non-state Actors", in Richard A. Higgot *et. al.* (eds.), *Non-State Actors and Authority in the Global System*, London: Routledge, 2000, p. 2.

[5] Ann M. Florini, "Who Does What?", in Richard A. Higgot *et. al.* (eds.), *op. cit.*, p. 15.

[6] Samuel P. Huntington, "The Clash of Civilisations?", *Foreign Affairs*, Vol. 72, No. 3, Summer 1993.

[7] Robert D. Kaplan, *The Coming Anarchy: Shattering the Dreams of the Post Cold War*, New York: Random House, 2001.

has rendered a whole host of NSAs increasingly capable of making global decisions and thus undermining the power of the state.[8] Third, the emergence of transnational issues in the world politics like environment, illicit networking, global terrorism, Non-Government Organisations (NGOs) networks and epistemic communities affected global policy making institutions to consider the role of NSAs. Higgot *et. al.* depict the rise and growth of NSAs in transnational issues.[9] To address such issues, the role of NSAs has come forward as important phenomenon.

In such a milieu, some observers in international relations have concluded that the role of state actors is declining while NSAs are gaining status and influence. New theories of International Relations (IR) such as "Complex Interdependence" of Robert Keohane and Joseph Nye were shaped to explain new developments.[10] Kegley and Wittkopf noted, "as the world grown smaller, the natural dependence of nation states and the other transnational actors on the other has grown".[11] In the present world, NSAs are co-writing drafts of international treaties like the Amnesty International is contributing in the Anti-Torture Convention, scientists are determining how policymakers go forward on issues like global warming, business lobbies are placing their preferences in the World Trade Organization (WTO) negotiations, protestors are blocking the opening and continuation of WTO summits, terrorist networks are influencing the security doctrine of the most powerful countries, etc. Therefore, the role of NSAs is increasing in all areas of international negotiations. But the literature about NSAs is still diverse and fragmented and the field is characterised with 'empirical and conceptual complexity'. Experts in this area like Arts[12] and Higgot *et. al.*[13] define NSAs as actors that are not representative of the states, yet that operate at global level and are potentially relevant in international relations. The National Intelligence Council of the US defines NSAs as non-sovereign entities that exercise significant economic, political and social power and influence at national and international levels.[14] Porte defines NSAs as "empowered by financial, political and technical resources, widely available in these global time".[15]

Haas tried to define NSAs basing on their different types of role in international politics. He identified five categories of NSAs: a. Inter-Governmental Organisations (IGOs); b. International Non-Government Organisations (INGOs); c. Trans-National Corporations (TNCs); d. Epistemic Communities; and e. Remainder category like

[8] Jessica T. Mathews, "Power Shift", *Foreign Affairs*, Vol. 76, No. 1, January/February 1997.
[9] Richard A. Higgot, Geoffrey R. D. Underhill and Andreas Bieler, *op. cit.*
[10] Robert O. Keohane and Joseph S. Nye, *Power and Interdependence*, New York: Longman, 2001, pp. 20-32.
[11] Charles W. Kegley, Eugene R. Wittkopf and Charles W. Kegley Jr, *World Politics: Trend and Transformation*, Basingstoke: Palgrave Macmillan, 1997, p. 2.
[12] B. Arts, "International Policy Arrangements of State and Non-State Actors", in B. Arts, M. Noortmann and B. Reinalda (eds.), *Non-state Actors in International Relations,* Aldershot: Ashgate, pp. 41-58.
[13] Richard A. Higgot, Geoffrey R. D. Underhill and Andreas Bieler, *op. cit.*
[14] "Nonstate Actors: Impact on International Relations and Implications for the United States", National Intelligence Council (NIC), USA, 27 August 2007.
[15] Teresa La Porte, "The Impact of 'Intermestic' Non-State Actors on the Conceptual Framework of Public Diplomacy", *The Hague Journal of Diplomacy,* Vol. 7, Issue. 4, 2012, p. 446.

liberation movements, guerrilla organisations, mafia and terrorist networks, churches, professional organisations and scouts.[16] In this respect, IGOs, though they are representatives of the government, enjoy autonomy in their actions.[17] For example, Inter-Governmental Panel on Climate Change (IPCC), United Nations Environmental Programme (UNEP) and UNFCCC are composed of state actors. But at the same time, they enjoy autonomy in the agenda setting, policymaking, implementation and evaluation. In the global climate negotiations, NGOs try to ensure their representation and influence. Considering aforesaid arguments, Josselin and Wallace[18] identify three types of organisations as NSAs:

- Largely or entirely autonomous from the central government funding and control, emanating from civil society or from the market economy or from political impulses beyond state control and direction;

- Operating as or participating in networks which extend across the boundaries of two or more states, thus engaging in 'transnational' relations, linking political systems, economies and societies; and

- Acting in ways which affect political outcomes, within one or more states or within the international institutions either purposefully or semi-purposefully, either as their primary objective or as one aspect of their activities.

Anne Peters *et. al.*[19] identify NSAs as the global agenda setter but deny them as entities, saying that they "only have in common ...they are not the state and are not government". Alan Boyle and Christine Chinkin recognise NSAs as sub-state entities e.g., NGOs, the corporate and business sectors, entities that deny statehood, etc. According to the second paragraph of Article 7.6 of UNFCCC, "Any body or agency, whether national or international, governmental and non-governmental, which is qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a session of the Conference of Parties as an observer, may be so admitted unless at least one third of the Parties present object".[20] However, in the meeting of global climate negotiations, NSAs are those entities who have no direct link with governments but are keen to push their opinions in agenda setting and policy formulation. Nevertheless, in many cases, governments allow NSAs

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[16] P. M. Haas, "Epistemic Communities and the Dynamics of International Environmental Cooperation", in Volker Rittberg (ed.), *Regime Theory and International Relations*, Oxford: Clarendon Press, pp. 168-201.
[17] Alexander Andreev, "To What Extent are International Organisations (IOs) Autonomous Actors in World Politics?", *Opticon1826,* Issue. 2, Spring 2007, available at http://www.ucl.ac.uk/opticon1826/archive/issue2/VfPS_HS_International_Organisations.pdf, accessed on 25 June 2015.
[18] Daphne Josselin and William Wallace, "Non-state Actors in World Politics: A Framework", in Daphne Josselin and William Wallace (eds.), *Non-state Actors in World Politics*, Hampshire: Palgrave, 2001, p. 3.
[19] Anne Peters, Till Foster and Lucy Koechlin, "Towards Non-State Actors as Effective, Legitimate and Accountable Standard-Setter", in Anne Peters, Till Foster, Lucy Koechlin and Gretta Fenner (eds.), *Non-State Actors as Standard Setters,* Cambridge: Cambridge University Press, 2009, pp. 544-584.
[20] United Nations Framework Convention on Climate Change (UNFCCC), United Nations, 1992.

in the negotiation process due to their in-depth knowledge and experience in issues relating to climate change mitigation and adaptation. On the other hand, NSAs create pressure to accommodate their views in the final outcomes of negotiations.

3.   Why Governments Allow NSAs

NSAs have emerged as integral part of contemporary global climate change negotiations.[21] Since the Rio Summit of 1992, an unprecedented growth of NSAs in multilateral climate change negotiations has been visible. During the annual COP summits of UNFCCC, hundreds of different NSAs from environmental groups to business associations, from trade unions to women groups, faith based organisations or farmers' associations are participating with their respective agendas. The first COP summit was held in Berlin in 1995. Since then, the numbers of accredited NGOs are attending as observers have increased tremendously. Figure 1 shows participation of state actors and NSAs in the 20th COP Summit in Lima, Peru in 2014.

Figure 1: Number of Participants in the 20th COP in Lima, Peru in 2014		
	States/Organisations	Participants
Parties	186	6291
Observer States	2	5
Total Parties + Observer States	188	6296
United Nations secretariat units and bodies	30	245
Specialised agencies and related organisations	19	197
Inter-govemmental organisations	53	439
Non-governmental organisations	624	3104
Total observer organisations	726	3985
Media	434	904
Total Participation		11185

Source: Conference of the Parties (COP), Twentieth Session, Lima, 1-12 December 2014, United Nations.

Global climate change negotiations are inter-governmental mechanisms, where representatives from almost all countries participate to provide sufficient inputs for negotiation and try to secure their respective interests in the formation of global climate regimes. However, contemporary international negotiations on environmental issues formally began with United Nations Conference on the Human Environment, held in Stockholm in 1972. Almost 250 NGOs attended that conference, representing constituencies bound by common values, knowledge and interests.[22]

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[21] Edward A. Pogarty, *States, Nonstate Actors and Global Governance: Projecting Polities*, New York: Routledge, 2013, p. 28.
[22] Michele M. Betsill and Elisabeth Corell, "Introduction to NGO Diplomacy", in M. M. Betsill and E. Corell (eds.), *NGO Diplomacy: The Influence of Non-governmental Organizations in Environmental Negotiations*, Boston: MIT Press, 2008, p. 1.

These NGOs served as technical experts, helped develop rules for NGOs' participation, participated in the plenary sessions and committee meetings and engaged in several parallel forums designated to strengthen their connections with one another.[23] UN General Assembly in 1992 decided to accommodate NSAs in climate change negotiation considering their importance and utility in the process. The Rio Earth Summit of 1992 marked a relationship between governments and NSAs. The preparatory committees for the summit were followed in detail by hundreds of NGOs, who contributed to the development of Agenda 21.[24] There are 10,000 NGOs reported to have attended the Rio conference. Agenda 21 requested governments to recognise the NSAs because they "possess well-established and diverse experience, expertise and capacity in the fields…of particular importance to the implementation and review of environmentally sound and socially responsible sustainable development".[25] It also mandated NGOs "to contribute to policy design, decision-making, implementation and evaluation of IGOs' activities".[26]

During the formation of Kyoto Protocol in 1997, NSAs' participation in the negotiation process was highly appreciated. More than forty organisations sent representatives to at least two of the negotiation sessions, with the largest delegation coming from Greenpeace, Friends of the Earth and the World Wide Fund for Nature. Environmental NGOs coordinated their participation in the Kyoto Protocol negotiation under the umbrella of the Climate Action Network (CAN). The business community was also active during the negotiation of Kyoto Protocol. Since the formation of UNFCCC, NSAs were always active in global climate change negotiation process. The Commission on Sustainable Development (CSD), responsible for implementing Agenda 21, classified NSAs into the following major groups: women, children and youth, indigenous peoples and communities, NGOs, workers and trade unions, scientific and technological community, business and industry, and farmers.

During the 13th COP Summit in Warsaw in 2013, more than 1,600 NSAs participated to raise their issues. Hence, questions may be raised: when NSAs lack traditional forms of power and why do states allow them in the negotiation process? The answer may be developed in two ways: capacity and legitimacy of NSAs. In the modern age, NSAs bear some specific capacities which are helpful for governments to formulate policies and implement government agendas.[27] Particularly, in the cases of climate negotiations, due to ground level experience, NSAs are capable of helping governments in framing policies. The epistemic knowledge of scientists and academia can help governments formulate policies. The IPCC Assessment Reports are

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[23] *Ibid*.
[24] Agenda 21 is a non-binding, voluntarily implemented action plan of the United Nations with regard to sustainable development. It is a product of the Earth Summit (UN Conference on Environment and Development) held in Rio de Janeiro, Brazil, in 1992.
[25] Agenda 21, Chapter 27.
[26] *Ibid*.
[27] D. Green, *From Poverty to Power: How Active Citizens and Effective States can Change the World*, Oxfam: Practical Action Publishing Limited, 2012, p. 12.

helping governments to assess the risks of climate change. Epistemic knowledge is also helpful for formulating mitigation and adaptation policies.[28] Moreover, epistemic communities can play an effective role to generate green technologies, which would contain global Green House Gas (GHG) emissions. Governments consider epistemic communities for weighing and validating knowledge as well as a common policy enterprise associated with a set of problems to which their professional competence is directed. In this respect, NSAs bear special position to government actors to formulate climate regimes.

The epistemic communities, NGOs and Civil Society Organisations (CSOs) have developed a transnational network within state and beyond. It is easy for them to accommodate the view of different stakeholders. By using transnational networks, NSAs can link transnational issues and can put the issues in the negotiation tables. The transnational networks of NSAs are based on voluntary cooperation arrangements between actors from the public, business and civil society that display a minimal degree of institutionalisation, have common and non-hierarchical decision making structures to address public policy issues.[29] The Global Environmental Outlook of UNEP and the recently launched UN Millennium Ecosystem Assessment are good examples of formalised networking of NSAs. Indigenous communities are also considered as worthy to state actors. During negotiations, they can raise their issues and vulnerabilities due to climate change. Indigenous knowledge is effective for policy formulation.[30] By allowing indigenous people in the negotiation process, governments easily get inputs from them. Government actors consider NSAs as an important source of knowledge and information.

NSAs' organisational capacities as well as mobilisation power help government bodies to receive local demands in the negotiation process. Nevertheless, the legitimacy of NSAs is also increasing in global climate change negotiations. The legitimacy compels government actors to invite NSAs in the negotiations. Democratic norms suggest that governments should accommodate the views of people. Governments cannot deny the views of NSAs, since they have direct link with marginalised people. Moreover, NSAs know the field level demands. When they raise local demands in an articulated manner, governments cannot reject their arguments. The political commitments of governments also push them to allow the views of NSAs in negotiations. NSAs play a significant role to raise public awareness about the dangers of climate change. They receive support from the people on present views. Governments consider NSAs' view relevant for them due to public support. NSAs like Multi-National Corporations (MNCs) and business communities are important

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[28] Clair Gough and Simon Shackley, "The Respectable Politics of Climate Change: The Epistemic Communities and NGOs", *International Affairs,* Vol. 77, No. 2, pp. 329-345.
[29] T. Risse, *Governance Without a State?: Policies and Politics in Areas of Limited Statehood*, New York: Columbia University Press, 2011.
[30] Heather A. Smith, "Disrupting the Global Discourse of Climate Knowledge: A Totonac Cosmopolitics", in Mary E. Pettenger (ed.), *The Social Construction of Climate Change: Power, Knowledge, Norms, Discourses,* Hampshire: Ashgate, 2007, p. 209.

stakeholders for climate change mitigation and adaptation. They have legitimacy to offer inputs in the negotiation process.

The emergence of transnational NSAs like civil society bodies, MNCs and transnational NGOs has made governments' activities comparatively easy and effective.[31] Governments can find necessary inputs from NSAs to formulate policies as well as NSAs help government to implement its policies. Transnational networks and ground level experiences of NSAs make them capable of accommodating views of multi-level stakeholders in climate change negotiations. It is helpful for government actors to find sufficient recommendations in the negotiation processes.

4.   State Actors and NSAs in Global Climate Negotiations

The UNFCCC is an international treaty developed by the United Nations Conference on Environment and Development (UNCED) in 1992. The objective of the treaty is to "stabilize greenhouse gas concentrations in the atmosphere in a level that would prevent dangerous atmospheric interference with climate system".[32] The main concerted international action is to mitigate climate change and to adapt with its impacts. The Article 7 of the convention established COP, the apex body of the convention. It periodically evaluates the obligation of countries for achieving effective climate change mitigation and adaptation. At present, global climate governance issues are dominated by COP summits. There have been twenty summits completed till 2014. The Kyoto Protocol of 1997 and the Bali Road Map are considered as the major achievements of these summits.

COP meetings are the main negotiation framework for global climate change. The COP not only engages state actors but also NSAs in such meetings. UN member countries are divided in different parties and groups basing on economic development, geographical proximity, GHG emission data and global power balance. Developed countries offer for Clean Development Mechanism (CDM) for underdeveloped countries but developing countries emphasise that developed countries should reduce GHG emission. In global climate change negotiations, parties and groups are keen to promote their own ideas in the process.

The UNFCCC divides countries into three main groups based on different commitments: ANNEX I parties include the countries of the Organisation of Economic Cooperation and Development (OECD) and Economies in Transition (EIT) countries, including Russia, Baltic States, Central and Eastern European countries. ANNEX II parties consist of ANNEX I but not EIT parties. Non-ANNEX I parties are mostly developing countries. They are mainly vulnerable to the adverse impacts of climate change, including countries with low-lying coastal areas prone to desertification and

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[31] David Lewis and Nazneen Kanji, *Non-Governmental Organization and Development*, London: Routledge, 2009, p. 91.
[32] UNFCCC, United Nations, 1992, Article 2.

drought. The Least Developed Countries (LDCs) are also given special concentration under UNFCCC on account of their limited capacity to respond to climate change and adapt to its adverse effects.

Figure 2: Party Groups in the Global Climate Change Regime[33]
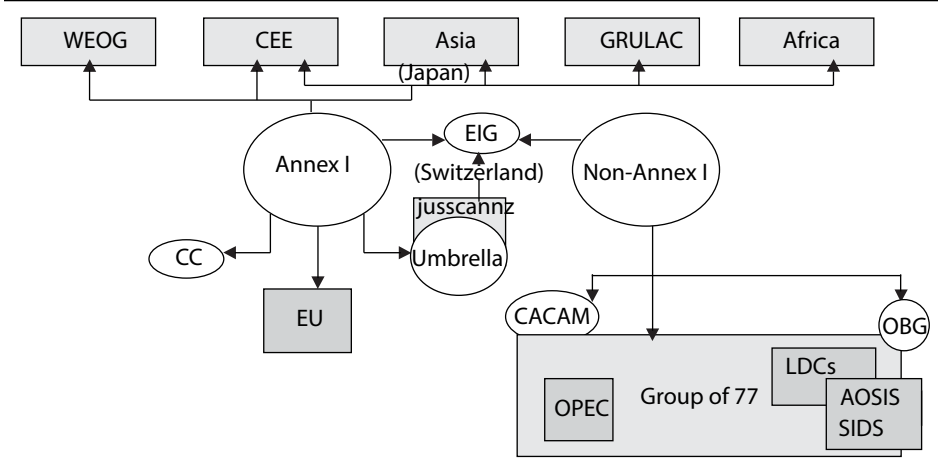
Note: JUSSCANNZ - Japan, US, Switzerland, Canada, Australia, Norway and New Zealand; OBG - Open Balkan Group; CG - Central Group; SIDS - Small Island Developing States; OPEC - Organization of Petroleum Exporting Countries.

However, each party is represented in the COP meeting by a national delegation. Based on UN tradition, parties are organised into five regional groups: Western European and Other Group (WEOG), Central and Eastern European group (CEE), Asia, Group of Latin America and the Caribbean (GRULAC) and Africa (see Figure 2). Such five groups are not always used to present the substantive interests of parties. Hence, there are different types of groups developed basing on the proximity of their interests. The Group 77 and China are the largest group. G77 selects a chair annually. It is a diverse group and the members intervene in the negotiations of other groups such as Alliance of Small Island States (AOSIS) and LDCs. AOSIS is a coalition of countries who pose survival threat for the cause of global climate change. The 50 LDCs group is becoming more active on their particular interests like adaptation and vulnerability to climate change. The EU speaks for its member countries as a regional economic unit. The Umbrella Group and Environmental Integrity Group (EIG) are also influential in the negotiation process. In addition, OPEC and Central Asia, Caucasus, Albania and Moldova (CACAM) group have their agenda in the negotiation. At present, such different groups have their separate agenda in the negotiation and want to ensure their position in the decision making process.

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[33] Farhana Yamin and Joanna Depledge, *The International Climate Change Regime: A Guide to Rules, Institutions and Procedures*, Cambridge, UK: Cambridge University Press, 2004, p. 32.

Figure 3: State and Non-State Actors in Climate Change Negotiations

State Actors | Non-state Actors

State Parties → COP Negotiations ← Observers

ANNEX I — ANNEX II — NON-ANNEX I

Inter-governmental Bodies

Party Groupings

INGOs

CSOs

RoEs

Media

Regional Groupings	Group-77
African States	AOSIS
Asian States	LDCs
Eastern European States	EU
Latin American and Caribbean States	EIG
Western European and other States (Australia, USA etc.)	OPEC
	CACAM

As Figure 3 shows, in addition to state actors, different NSAs are active in global climate change negotiations. Although it is not inscribed in any official document, climate regimes currently acknowledge five NGO constituencies: Environmental NGOs (ENGOs), Business and Industry NGOs (BINGOs), Local Government and Municipal Authorities (LAMA), Indigenous People Organisation (IPOs) and Research and Development NGOs (RDNGOs).

Moreover, a number of inter-governmental specialised agencies and related organisations are active in the negotiation process. Some IGOs are under UN framework. At the same time, several regionally active inter-governmental bodies are important stakeholders in the negotiation process. The Rosters of Experts (RoEs) and CSOs give the scientific and rational inputs in the negotiation process. Last but not the least, in today's world, the role of media is widespread. Media highlights the opinions of NSAs in different issues, which create pressure on state actors to consider the betterment of humanity. Under the COP, a number of subsidiary bodies are developed to address particular issues e.g., Subsidiary Body for Implementation (SBI),

Technology Executive Community, Compliance Committee, Adaptation Committee, etc.

5.   NSAs and Their Policy Influencing Strategies

The policy influencing strategies of NSAs in global climate negotiations can be understood in two ways: "outsider" and "insider". The "outsider" influence is when the NSAs do not participate in the negotiation directly and the "insider" influence is when they directly participate in the negotiation. However, some activities of NSAs have implications for the "outside" of the negotiation as well as for the "inside". Their strategies include research and analysis, awareness building and mobilising public opinion, protest and procession, direct participation in negotiations and lobbying with state actors in the processes of regime formation. This section tries to summarise the strategies of NSAs in global climate change negotiations.

5.1   *Research and Analysis*

This is one of the most important policy influencing strategies used by NSAs. All over the world, epistemic communities undertake research to assess and understand the impacts of climate change. They generate knowledge and share local experiences at global levels which influence local as well as global policies.[34] Research and analysis cover the impacts of climate change, its causes and consequences, mitigation, adaptation and governance activities at national, regional and global levels. Such contributions can be termed as "outside" role of these communities. Nowadays, they directly work with IPCC to develop assessment reports where NSAs get the opportunity to influence global negotiation as "insider".[35] The contribution of NSAs in research and analysis is well accepted by governments.

5.2   *Awareness and Mobilising Public Opinion*

NSAs make people aware and mobilise public opinion about the calamities of climate change as well as how such calamities are induced by human activities. Such awareness building is done through their writings, research, interview and discussion in media, arranging rallies and processions. It helps NSAs to mobilise public opinion to support their ideas and to raise voice against activities which are affecting climate.[36] In the modern world, NGOs and CSOs are considered as watchdogs of

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[34] Kal Raustiala, "Non State Actors in Global Climate Regime", in Urs Luterbacher and Detlef F. Sprinz (eds.), *International Relations and Global Climate Change*, Cambridge, Massachusetts: The MIT Press, 2001, p. 110.
[35] Simon Shackley, "Introduction to Part II: Governance", in Nils Markusson, Simon Shackley and Benjamin Evar (eds.), *The Social Dynamics of Carbon Capture and Storage: Understanding CCS Representations, Governance and Innovation*, London: Routledge, 2012, p. 118.
[36] Binayak Roy, *Climate Change: IPCC, Water Crisis and Policy Riddles with Reference to India and Her Surroundings*, New York: Lexington Book, 2011, p. 15.

government activities.[37] NSAs take the responsibility of mobilising public opinion to prevent government activities which are harming the nature. It can be mentioned that in many cases, state actors face pressure from interest groups or from MNCs to support different projects that have negative impact on climate.[38] In such cases, NSAs can create public opinion and put pressure on governments to consider the greater interests of the society. In global climate negotiations, the mobilisation of public opinion influences policymakers to design their planning on climatic issues.

5.3   *Protest and Pressure*

In modern state, interest groups are influential in governments' policy formulation and implementation activities.[39] Business lobbies have strong impact on the climate change policies of the state.[40] Particularly, governments' energy and industrial policies are directly connected with the interests of MNCs. They prevent governments to adopt policies which are affecting their investment in different sectors. The unplanned industrial activities are the main threats for global climate change. When governments want to prevent them, they exert pressure on political leaders. In this respect, NSAs can play pivotal role by protesting and putting pressure on governments to take policies which are not threatening for climate change.[41]

5.4   *Participation and Representation*

The direct participation of NSAs in global climate negotiations opens up an opportunity to play an "inside" role. For the "outside", NSAs can raise their voices only but by their direct participation in the negotiation, they can directly influence policymaking process. They negotiate with state actors in the policy formulation and directly bargain with states.[42] Moreover, nowadays, different NSAs ensure their representation in the "inside" negotiation where they find scope to raise their voice. It helps policymakers to accommodate direct opinion from different groups and indigenous communities.[43] During direct participation in the negotiation process, NSAs can place their concerns and opinions to undertake policies and can provide sufficient inputs to minimise the problems.

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[37] Debora Spini, "Civil Society and the Democratisation of Global Public Space", in David Armstrong, Valeria Bello, Julie Gilson and Debora Spini (eds.), *Civil Society and International Governance: The Role of Non-state Actors in Global and Regional Regulatory Frameworks*, London: Routledge, 2011, pp. 15-30.

[38] Kumba Digdowiseiso, "How MNCs Threaten our Environment", *The Jakarta Post*, 22 October 2010.

[39] Jorge Rivera and Chang Hoon Oh, "Environmental Regulations and Multinational Corporations' Foreign Market Entry investments", *The Policy Studies Journal*, Vol. 41, No. 2, 2013, pp. 243-272.

[40] *Ibid*.

[41] Jonas Anshelm and Martin Hultman, *Discourses of Global Climate Change: Apocalyptic Framing and Political Antagonism,* London: Routledge, 2015, p. 121.

[42] Luke Tomlinson, *Procedural Justice in the United Nations Framework Convention on Climate Change*, London: Springer, 2015, p. 198.

[43] *Ibid*., p. 126.

5.5   *Agenda Setting and Advocating Environmental Justice*

In every negotiation, agenda setting determines the future direction of the process. In global climate negotiations, agenda setting in every COP determines the future developments of the negotiation. However, in current global climate negotiations, NSAs play active role in the agenda setting and prioritising the agendas.[44] As mentioned earlier, the priority of agendas of all NSAs is not same. The agendas of MNCs may be contradictory with those of CSOs or indigenous communities. In this respect, when state actors set the agenda, NSAs are nowadays active to prioritise the issues. CSOs are keen to promote ideas of climate justice to influence negotiations for developing pro-people policies.

5.6   *Information and Policy Advice*

Due to transnational communication, NSAs can easily gather information to provide different inputs in the negotiation process. They compile the information and process to give policy advice for the government actors.[45] Their global network enriches them with different scientific and social studies which in turn help them evaluate overall strategies of global climate change policies. NGOs collect information from domestic level and provide inputs in global climate negotiations (see Figure 4).

Figure 4: Channels of NGO Influence in the International Negotiations [46]
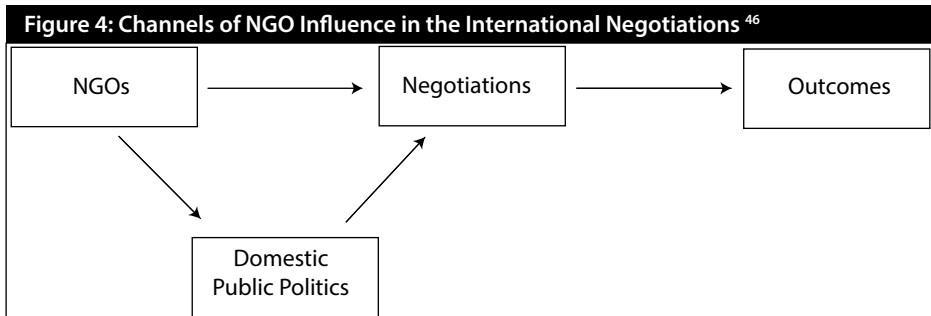
Nevertheless, information gives them immense power to influence negotiation process and offer sufficient policy advice for governments in global climate negotiations.

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[44] Susani Jakobsen, "Transnational Environmental Groups, Media, Science and Public Sentiment(s) in Domestic Policy-making on Climate Change", in Richard A. Higgot *et. al.* (eds.), *op. cit*., p. 275.
[45] Michele M. Betsill and Elisabeth Corell, *op. cit.,*
[46] Andreas Tjernshaugen and Ho-Ching Lee, "Shaming and Framing: Norwegian NGOs in the Climate Change Negotiations", in Paul Harris (ed.), *European and Global Climate: Policies, Foreign Policy and Regional Cooperation,* UK: Edward Elgar Publishing Limited, 2007, p. 196.

5.7   Maintaining Contacts with Negotiators and Lobbying

It is a widely used policy influencing strategy by NSAs. All over the world, NSAs maintain contact with negotiators who participate in climate negotiations. They provide local information to negotiators and try to convince them to adopt policies which would be helpful to mitigate threats of climate change. Nevertheless, in contemporary negotiation process, NGOs directly participate in the COP summits, contact with negotiators to raise their arguments and demands. NSAs also lobby with policymakers to influence global policies in favour of them.[47] In such cases, they play "inside" as well as "outside" role. They maintain contact with the negotiators in the "inside" of the negotiation as well as in the "outside".

5.8   Litigation and Non-Regime Activities

NSAs also contribute in the litigation and non-regime activities at national, regional as well as global levels on the issues of climate change.[48] To deliver inputs in the litigation process, they raise their voice to add their demands therein. The litigation is important for mitigation, adaptation and also climate governance. However, the influence of NSAs does not remain limited in these activities only. Rather it covers non-regime activities also. NSAs help government machineries to promote ideas of awareness building, develop green technologies and adopt projects which can help to mitigate climate change.[49] In global climate negotiations, they raise voice about the "legally binding" rules for climate change mitigation as well as for non-regime policies.

5.9   Monitoring Government Actions

NSAs are active almost in every corner of the world to monitor activities of the state. The policies of the state, legal activities, litigation principles and adaptation activities are monitored by NSAs. In global climate negotiations, NSAs monitor governments' positions in the "outside" as well as in the "inside" negotiation processes. It pushes government actors to be transparent and accountable to the people.[50] NSAs come forward to protest against government policies when they consider it as a threat for the interest of the humanity.[51] Such awareness creates compulsions for government actors to address the concerns of the people, adopt policies for proper

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[47] Ibid.

[48] Kal Raustiala, op. cit.

[49] Iain Watson and Chandra Lal Pandey, "Introduction: Environmental Security in the Asia-pacific", in Iain Watson and Chandra Lal Pandey (eds.), Environmental Security in the Asia-pacific, New York: Palgrave Macmillan, 2015, pp. 3-4.

[50] Norichika Kanie, "NGO Participation in the Global Climate Change Decision Making", in Gunnar Sjostedt and Ariel Macaspac Penetrate (eds.), Climate Change Negotiations: A Guide to Resolving Disputes and Facilitating Multilateral Cooperation, London: Routledge, 2013, p. 176.

[51] Ibid.

mitigation and adaptation of climate change. With state actors, NSAs are thus playing vital role in contemporary climate negotiation processes.

The policy influencing strategies of NSAs are multi-faceted. They generate knowledge by research and analysis, gather information on local concerns, create awareness and mobilise public opinion, arrange protests and processions to create pressure on the governments. On the other hand, by participating in the negotiations and representing in global forums, they contribute in the agenda setting and regime formation.

6.   Challenges for NSAs

State actors are always at the centre of global climate change negotiations. NSAs influence policies by different strategies as mentioned in the earlier section. However, the role and contribution of NSAs are not always undisputable and not sufficiently effective.[52] Due to lack of capacity and legitimacy, they face a number of challenges in the negotiation process.

6.1   *Divergence of Interests*

Interests and objectives of all NSAs are not always same. Business groups' and MNCs' interests versus the agenda of human rights organisations are different. While human rights NGOs want to propagate the idea of climate justice, business groups lobby for opportunities to invest in climate threatening industrial sectors. NGOs may say that government has to ensure group rights or rights of indigenous communities, business groups consider it as anti-development propaganda by NGOs. On the other hand, among human rights NGOs, some focus on women rights, some on group rights and some are for the interests of developing countries. Such divergences of interests weaken their position to influence in the negotiation process.[53] To overcome these, common platforms are not developed yet. Comparatively bigger and financially strong companies find scope to influence policies, whereas weaker NSAs get little chance to influence.

6.2   *Domination of State Actors*

State actors finalise the policies and decisions in any climate negotiations.[54] In the negotiation process, governments always cannot avoid the interests of

[52] Naghmeh Nasiritousi, Mattias Hjerpe and Karin Bäckstrand, "Normative Arguments for Non-state Actor Participation in International Policymaking Processes: Functionalism, Neocorporatism or Democratic Pluralism?", *European Journal of International Relations,* 15 October 2015.

[53] Beth Edmondson and Stuart Levy, *Climate Change and Order: The End of Prosperity and Democracy*, New York: Palgrave Macmillan, 2013, p. 73.

[54] Ronald B. Mitchell, *International Politics and the Environment*, Chapter 5, Sage: Lose Angeles, 2010, pp. 112-145.

pressure groups. In developed countries, state actors are influenced by MNCs in the policymaking. Governments face challenges to mitigate their internal demands. In global climate negotiations, the US, China and western countries dominate the process. The North-South debate, the economic rise of India and China and the existing lifestyle of the developed world hamper the effective policymaking and regime formation.[55] NSAs cannot have pressure and influence in "close door" meetings, where state actors dominate the negotiation. For long, NSAs are fighting for a legally binding agreement to curtail GHG emission but the success in this regard is not worthy yet.

6.3   Resource Mobilisation and Capacity Building

NSAs cannot always mobilise sufficient resources to complete their activities. Mobilising resources is always a challenge for the NSAs.[56] In many cases, NSAs are dependent on the resources of state actors.[57] In such circumstances, state actors may try to influence the activities of NSAs. In many developing countries, NGOs and CSOs cannot mobilise sufficient resources to enhance their capacity. They take help from state actors and due to their dependency on government resources they cannot always raise voice against government activities. Lack of resources again is a challenge for the capacity building.[58] Having a strong capacity enhances the negotiation skill and policy influencing techniques. Capacity building covers knowledge generation, awareness building, having protest, negotiation skill and bargaining capacity. In the power structure, NSAs bear limited power comparing with state actors. Such lack weakens their position in negotiations.

6.4   Credibility and Accountability

NSAs not always have sufficient credibility and acceptability in the society. Governments are legitimate body to represent a state but NSAs lack the credibility to influence negotiation process.[59] However, in a democratic system, the role of epistemic communities and CSOs is recognised. When NSAs can make any remarkable contribution, it enhances their legitimacy. State actors may work with some deficiencies due to their strong hold over the power structure but NSAs always need to be accountable to the people. The deficiencies of their activities marginalise them

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[55] Jayati Ghosh, "The Global North-south Carbon Divide", *The Guardian*, 01 October 2009.
[56] Rehema C. Batti, "Challenges Facing Local NGOs in Resource Mobilisation", *Humanities and Social Sciences*, Vol. 2, No. 3, 2014, pp. 57-64.
[57] Alexander Cooley and James Ron, "The NGO Scramble Organization Insecurity and the Political Economy of Transnational Action", *International Security*, Vol. 27, No. 1, 2002, p. 15.
[58] Hayley Stevenson and John S. Dryzek, *Democratizing Global Climate Governance*, Cambridge: Cambridge University Press, 2014, p. 123.
[59] Brain Hocking, "Non-State Actors and the Transformation of Diplomacy", in Bob Reinalda (ed.), *The Ashgate Research Companion to State Actors*, Burlington, USA: Ashgate Publishing Company, p. 229.

in the negotiation table. The question of credibility and accountability sometimes affects the role of NSAs in global climate negotiations.[60]

6.5   *Open and Close Meetings*

In open negotiations, NSAs can participate and represent, find scope to evaluate, assess and criticise the policies of state actors. In "close door" meetings, NSAs have no access and they cannot observe what are the policies adopted by state actors. In such cases, the views and opinions of NSAs are not reflected and states take policies basing on their designed agendas which may not be in line with demands of NSAs.[61]

Differences of interests and objectives of NSAs sometimes undermine their legitimacy, while state actors can easily dominate negotiation process. However, the significant challenges faced by NSAs are resource mobilisation and capacity building. Dependency on resources sometimes affects their activities. Their credibility is also questioned and the restriction on participation in indoor meetings limits their influence in climate change negotiations.

7.   **Conclusion**

In existing global climate negotiations, NSAs play pivotal role in agenda setting, policy formulation, developing regimes for mitigation, adaptation and governance. Nevertheless, a complete definition and understanding of NSAs are not fully developed yet in the literature on global climate change negotiations. Generally, actors who have no formal linkage with state mechanisms are considered as NSAs e.g., NGOs and CSOs. Their expertise and organisational strength make them relevant in the negotiations. States allow them due to their epistemic knowledge. Protests and processions by NSAs also compel state actors to consider their demands.

NSAs do influence in global climate negotiations as the "outsider" as well as the "insider". For the "outside", they create awareness and mobilise public opinion, arrange protests and monitor government activities. For the "inside", they participate in negotiations, represent different groups, maintain contact with negotiators and lobby to adapt new policies on climate change issues. They face different challenges to ensure their influence in the policymaking. Due to their lack of resources, divergence of interests and dominance of state actors, NSAs

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[60] Kal Raustiala, *op. cit.*, p. 96.
[61] Naghmeh Nasiritousi and Björn-Ola Linnér, "Open or Closed Meetings? Explaining Nonstate Actor Involvement in the International Climate Change Negotiations", *International Environmental Agreements: Politics, Law and Economics*, 17 January 2014, available at https://www.diva-portal.org/smash/get/diva2:730896/FULLTEXT01.pdf, accessed on 12 July 2015.

always cannot influence policies. Capacity building and sharing work areas with governments are important issues for NSAs. Moreover, the "close door" meetings among state actors limit the role of NSAs. Even after that, policy influencing by NSAs is being widely recognised and appreciated due to their remarkable contributions in contemporary climate change negotiations.

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Mezbah-Ul-Azam Sowdagar

ASEAN+3+3+2: EXPLAINING TRENDS OF US-CHINA REGIONAL COMPETITION IN THE ASIA-PACIFIC

Abstract

The recent trends of regionalism in the Asia-Pacific region in perspective of the ASEAN+3+3 (Association of South East Asian Nations+China, Japan and Korea+Australia, New Zealand and India), officially known as the East Asia Summit (EAS), are important for international relations. Especially, China's growing role and influence in this ASEAN centric new international order have attracted scholars of international relations substantially. China responded to the structural changes in East Asia, managed to transform its policies for the region in the mid-1990s and began to engage more actively than before in multilateral frameworks. The involvement of United States (US) in the regionalism has furthered a new political and strategic facet. Particularly, with this engagement, the US has made a big policy shift in the region. Taking into account of this policy shift of the two great powers, US and China, the paper mainly addresses two specific questions. First, what are the invisible dynamics of EAS politics after the US involvement? Second, how are the inside rudiments of security, political and strategic connotation in this regionalism after the US engagement? The paper aims to explain significance of recent trends of EAS centric regional competition and a deeper understanding of the increasing security, political and strategic nuances of the Asia-Pacific regionalism. The paper argues that ASEAN is inviting both powers to compete with each other through its balancing role. In the name of regional grouping, a regional security competition has been started under the umbrella of EAS.

1. Introduction

East Asia is on the move, merging different national strands into a new regional fabric.[1] The Asia-Pacific has become a key driver of global politics. Stretching from the Indian subcontinent to the western shores of the Americas, it spans two oceans - Pacific and Indian that are increasingly linked by shipping and strategy. It boasts almost half

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[1] Peter J. Katzenstein and Takashi Shirashi (eds.), *The Dynamics of East Asian Regionalism*, London: Cornell University Press, 2006, p. 1.

the world's population, includes many key elements of global economy as well as the largest emitters of greenhouse gases. It is home to several key United States (US) allies and important emerging powers like China, India and Indonesia.[2] In addition, China's meteoric rise in economic heft, military muscle and political clout over the past three decades has not just noticeably revamped the world's most populous nation but also decisively shaped East Asia's post-Cold War geopolitical landscape.[3] Again, China's economic development needs overseas markets not only in the US and Europe but also in Asia. On the one hand, China needs to engage regionally to counterbalance the increasing US power in East Asia[4] and on the other hand, the verity that undermines East Asian regionalism with its own identity is dominant US power and role herein. Therefore, US involvement in the (Association of South East Asian Nations (ASEAN) framework has added a new dimension in this region.

The recent trends of regionalism in the Asia-Pacific in perspective of the ASEAN+3 (ASEAN+China, Japan and Korea) and ASEAN+3+3 (ASEAN+3+Australia, New Zealand and India) are critical to international relations and in addition, the involvement of US and Russia in this regionalism has furthered a new political and strategic facet. The objective of the paper is to analyse recent trends of regional competition in the Asia-Pacific in terms of regional grouping and security. The ASEAN+3, ASEAN+6 and the involvement of US and Russia, formally known as East Asia Summit (EAS), with the politics of maritime security issues, Trans-Pacific Partnership (TPP) patronised by the US versus the proposal for the new trade bloc to be known as the Regional Comprehensive Economic Partnership (RCEP) which is enthusiastically embraced by China, have recently attracted great attention. ASEAN+3 is proposed by China while ASEAN+3+3 is proposed by Japan who welcomes and appreciates the inclusion of the US and Russia in these regional groupings. TPP includes many Pacific nations but excludes China and the proposed ASEAN+3 oriented RCEP includes many Pacific nations but excludes the US.

Ten Southeast Asian nations regarding RCEP said that they would begin negotiating a sweeping trade pact that would include China and five of the region's other major trading partners but not the US. Such inclusion-exclusion grouping is a regional competition that has much strategic significance considering geopolitical and strategic interests of major powers in the Asia-Pacific. Japan and China are the most vital players in the region in terms of security and regional competition. In absence of outright Chinese and/or Japanese leadership, ASEAN remains the most important institutional hub or focal point for security cooperation in East Asia. In this veracity, the active involvement of US, the key ally of Japan in this regionalism, China-US inclusion-exclusion grouping game as well as China-Japan and ASEAN relations seem vital. The study of trends of regional competition, great powers' interests and security concerns in the region invites the paper to juggle around with this changing

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[2] Hilary Rodham Clinton, "America's Pacific Century", *Foreign Policy*, 11 October 2011.
[3] Richard L. Armitage and Joseph S. Nye, "The US-Japan Alliance: Anchoring Stability in South Asia", *CSIS Report*, August 2012.
[4] H. E. Baogang, "East Asian Ideas of Regionalism: A Normative Critique", *Australian Journal of International Affairs,* Vol. 58, No. 1, March 2004.

regional security environment. More to the point, the complex nature and changing trends of international relations in the region will be reflected in deeper analysis of these facts in the paper.

The paper is mainly focused on key contemporary trends of regional competition between the two potential rivals, US and China. It is divided into seven sections. In section two, historical background of the EAS is discussed where US engagement and basic EAS policies up to the last 9th EAS meetings are mainly explained. In section three, the paper analyses the narration and facts on how and why the US is motivated to EAS. Section four analyses Chinese reaction and diplomacy in response to the US engagement in EAS. It also shows how a pro-China group in EAS meeting emerges concerning maritime security issue in South China Sea (SCS). In section five, nature and significance of the US' EAS politics are analysed. An explanation of US-China inclusion-exclusion grouping in the two regional trade blocs, TPP and RCEP, is also provided. In section six, the paper investigates ASEAN's role, as a key institution, in US-China confrontation in the EAS. Finally, concluding remarks are given in section seven where it is summarised that a regional competition on security and trade in the name of regional grouping in the Asia-Pacific has begun under the institutional patronisation of EAS.

2.   Background of the EAS

East Asia is presumably the most diverse region in the world in terms of economic development asymmetry, mix of political regimes and socio-religious characteristics. It is a region marked by historic animosities between and among rival nations, where conflicts still persist between and among old and new states alike and where nationalism remains a potent force in many countries. The region, therefore, will seem to face a special set of challenges in the endevour of regional community building.[5] In this geopolitically and strategically significant region, formation of EAS has brought new political and strategic dimensions. EAS is a regional forum that consists of ten ASEAN members and eight countries of the Asia-Pacific (China, Japan and Korea+Australia, New Zealand and India+US and Russia) which is officially known as ASEAN+3+3+2. It is the region's premier forum for Asia-Pacific leaders to discuss pressing political and strategic issues. It is important for East Asian regional leaders for having strategic dialogue and cooperation on key challenges their countries are facing. It is also a major regional grouping with a vital role to play in advancing closer regional cooperation and integration.

With the participation of the US and Russia for the first time in 2011, EAS included all major regional powers, including US allies Japan, Republic of Korea, Australia, Thailand and the Philippines as well as India and China.[6] The first move towards regional community building in East Asia was marched by Malaysian Prime Minister Mahathir Bin Mohammad's proposal for an East Asian Economic Caucus (EAEC) in 1991 which

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[5] Christopher M. Dent, *East Asian Regionalism*, New York: Routledge, 2008, p. 3.
[6] "Fact Sheet: East Asia Summit Outcomes", available at http://www.whitehouse.gov/the-press-office/2012/11/21/fact-sheet-east-asia-summit-outcomes, accessed on 19 January 2013.

was strongly opposed by the US. With the failure of EAEC, the ASEAN+3 (ASEAN+China, Japan and Korea) started its drive immediately after the Asian financial crisis in 1997. The first Asia-Europe Meeting (ASEM) held in Bangkok in 1996 and attended by countries from European Union (EU) and East Asia (ASEAN, China, Japan and South Korea) became crucial. During this summit, leaders of Asian countries had joint discussion in order to elaborate common position in the format of ASEAN+3. Perceiving declining US power due to preoccupation with the War on Terrorism, a confident and assertive China saw an opportunity in the proposal to steer East Asian multilateralism along the lines of Shanghai Cooperation Organization (SCO).[7]

A joint meeting of the heads of ASEAN members along with leaders of China, Japan and South Korea, during which the decision on the creation of ASEAN+3 was made, took place in 1997 in Kuala Lumpur. Since then, ASEAN Plus Three (APT) summits have been held annually.[8] Beijing's enthusiasm for an "Asians only" regional grouping, however, alerted countries that remain wary of the region being divided into Chinese and American blocs and/or falling under an "East Asia Co-prosperity Sphere" with Chinese leadership. Concern about China's ambitions thus led to a campaign to include India, Australia and New Zealand and ensured that ASEAN remained at the centre of a future EAC. Even after ASEAN decided to make EAS more broad-based, the membership issue remained a major bone of contention well into 2005 with China (keep it closed) and Japan (open it up) on opposing sides.[9] Within few years of the formation of ASEAN+3, the then Japanese Premier Junichiro Koizumi, in a speech in Singapore in January 2002, called for establishment of an expanded East Asian regional model together with Australia, New Zealand and India besides ASEAN+3 framework which is called ASEAN+6.

The proposal, supported by the 8th ASEAN+3 Summit held on 29 November 2004 in Vietnam was accepted by the 10th ASEAN Summit to convene the first EAS in Malaysia in 2005. ASEAN diplomats believe Japan is trying to drag countries like Australia and India outside this region to serve as a counterbalance to China.[10] China, in particular, strongly disapproved India and Australia's inclusion in the proposed EAS.[11] However, almost all Southeast Asian nations accepted the proposal of including Australia and New Zealand. Beijing did not get any supporter for its stance except Kuala Lumpur. Nearly all Southeast Asian countries supported India's participation in EAS, seeing it as a useful counterweight to China's growing power and backed Australia's participation provided Canberra acceded to the ASEAN Treaty of Amity and Cooperation (TAC). Australia and

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[7] Mohan Malik, "China and the East Asian Summit: More Discord than Accord", *Asia-Pacific Center for Security Studies*, February 2006.
[8] Vyacheslav V. Gavrilov, "Framework of the ASEAN Plus Three Mechanisms Operating in the Sphere of Economic Cooperation", Discussion Paper No. 7, Center for Asian Legal Exchange (CALE), Nagoya University, Japan, September 2011.
[9] Mohan Malik, *op. cit.*
[10] G. Jayachandra Reddy, "East Asia Summit: Interests and Expectations", *International Journal of Peace and Development Studies*, Vol. 1(3), December 2010, pp. 35-46.
[11] Mohan Malik, *op. cit.*

New Zealand nonetheless remained targets of derisory barbs by Malaysian leaders who called them "US proxies" and ethnically or culturally unfit to be part of the Asian community.[12]

In the first EAS, the objectives, way of working and going ahead were declared in the Kuala Lampur Declaration 2005 focusing on enhancing regional cooperation, as a forum for dialogue on broad strategic, political and economic issues of common interest and concern with the aim of promoting peace, stability and economic prosperity in East Asia. The declaration, among other things, focused on several aspects:

- Fostering strategic dialogue and promoting cooperation in political and security issues to ensure that countries can live at peace with one another and with the world at large in a just, democratic and harmonious environment;

- Promoting development, financial stability, energy security, economic integration and growth eradicating poverty and narrowing the development gap in East Asia, through technology transfer and infrastructure development, capacity building, good governance and humanitarian assistance and promoting financial links, trade and investment expansion and liberalisation;

- Promoting deeper cultural understanding, people-to-people contact and enhanced cooperation in uplifting the lives and well-being of peoples in order to foster mutual trust and solidarity as well as promoting fields such as environmental protection, prevention of infectious diseases and natural disaster mitigation.

In 2010, ASEAN officially agreed to invite US and Russia to join EAS. Indonesian Foreign Minister Marty Natalegawa recognised that the principal modality for the integration or the involvement or engagement of the Russian Federation and the US in the region was through the EAS expansion. Although the proposal is not specifically done by the desire of any individual country, it is evident that it is actually an ASEAN proposal to expand the EAS involving the US and Russia. In 2011, the 19th ASEAN Summit and 6th EAS were held in Bali, Indonesia. The US joined this East Asian regional grouping for the first time. In 2012, the 20th ASEAN Summit was held in Phnom Penh that officially accepted the proposal for the new trade bloc to be known as RCEP which is enthusiastically embraced by China and it does not include the US. TPP is an arrangement that officially aims to further liberalising trade in the Asia-Pacific initiated by New Zealand, Chile, Brunei Darussalam and Singapore in 2005. The US, Canada, Australia, Peru, Vietnam, Mexico and Malaysia have since joined. South Korea and Japan are still undecided to join. The US is the engine behind the TPP that does not include China.

[12] *Ibid.*

In 2013, the 8th EAS meeting was held in Brunei Darussalam led by the US Secretary of State John Kerry where Chinese Premier Li Keqiang and Indian Prime Minister Manmohan Singh attended. US President Barack Obama had to cancel his Asia tour, including that of Brunei for the ASEAN summits, to deal with the partial US government shutdown. His absence gave Li Keqiang a chance to garner more influence at the meetings. The conflicting claims over the SCS pitted an increasingly assertive Beijing against smaller Asian nations that look for support from the US. China claims almost the entire oil and gas-rich SCS, overlapping with claims from Taiwan, Malaysia, Brunei, the Philippines and Vietnam causing tensions over the disputed territory.[13] In the meeting, the parties were called on to explore all mechanisms for peaceful settlement of disputes including maritime security in that sea without resorting to threats or use of force and in accordance with universally recognised principles of international law including 1982 United Nations Conventions on the Law of the Sea (UNCLOS) in the region. The Sultan of Brunei noted good momentum between ASEAN countries and China over territorial disputes in SCS and development towards a code of conduct. However, the Chinese Premier Li Keqiang warned countries to stay out of the dispute. He also said that the freedom of navigation in SCS had not and never would be an issue.[14] The 9th EAS meeting was held in Nay Pyi Taw in 2014. All EAS leaders were present, including the US President and Chinese Premier. In the summit, issues of conflict between the two rivals were an area of debate and discussion.

3.   US Involvement in the EAS

Through the involvement in EAS in 2011, the US undertook a big policy shift in the region. During the 1980s and early 1990s, view of the US was that Asian multilateralism was inimical to American interests, undermining its hub and spokes alliance system. The former Assistant Secretary of State, Richard Solomon, famously described proposals for a security dialogue forum as a solution. This hostility softened during the Clinton administration as the US joined the ASEAN Regional Forum (ARF), but under the George W. Bush administration, engagement with Asian institutions was episodic at best. After EAS was created in 2005, Bush officials dismissed the possibility of US participation, saying they would hesitate to push for an invitation to an organisation when they do not even know what it does.[15] Actually at that time, US foreign policy focus was on the Middle-east and a bit on the Asia-Pacific. More explicitly, Bush administration's prioritised issues were wars in Iraq and Afghanistan and US foreign policy was heavily guided by the doctrine of preemption. Before the 6th EAS meeting, the summit was largely driven by ASEAN. There are many reasons for which the US has been keenly interested in the EAS. The significance of US participation in EAS can be justified by some.

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[13] "Global Leaders Attend 8th East Asia Summit in Brunei", available at http://www.indtvusa.com/global-leaders-attend-8th-east-asia-summit-in-brunei/, accessed on 22 June 2014.

[14] Naomi Woodley, "What Mattered Most about the 8th East Asia Summit in Brunei?", available at http://www.abc.net.au/news/2013-10-10/east-asia-summit-brunei-asean-chinese-li-keqiang/5015494, accessed on 11 October 2013.

[15] David Capie and Amitav Acharya, "The United States and The East Asia Summit: A New Beginning", *East Asia Forum* , 20 November 2012.

The first reason is deeper engagement policy of the US where today's world is considered as more complex given the distribution of power and that the US power is challenged. The former US Secretary of State Hilary Clinton has said that today's world is a crucible of challenges testing American leadership. Global problems, from violent extremism to worldwide recession to climate change to poverty, demand collective solutions, even as power in the world becomes more diffuse. They require effective international cooperation, even as that becomes harder to achieve. And they cannot be solved unless a nation is willing to accept the responsibility of mobilising action. The US is that nation.[16] Hilary's statement clearly indicates new role of the US in the world to face new challenges which are threat to its existing status quo. Rising economies of the Asia-Pacific, ASEAN's dominant role in regional and world trade are the new challenges to the US interest. The existing hub and spokes system is a wrong mechanism to these challenges like decreasing influence and role in the Asia-Pacific and its regional framework. When ASEAN began in 1967, Southeast Asia was comprised of less developed agro-based economies. Today, the region boasts ultra-modern metropoles with competitive industries and economic growth rates that are among the highest in the world. These successes actually influence the US to change its Southeast Asia policy. More explicitly, the ASEAN's own cooperation style, popularly known as the ASEAN Way has been successful. Its harmony has been taken for granted. Therefore, ASEAN Way framework and its continuous attainment have pushed the US out from the region to influence ever more rather a possibility of replacement by other states like China. And that is always considered as the potential threat to the US in spite of having traditional hub and spokes alliance system in the region. In this veracity, the US, to maintain existing status quo in the region, needs more active engagement in ASEAN framework and that is why EAS is considered as the right place to be involved.

The second reason of initiating a big policy shift by the US in the Asia-Pacific is that the Cold War is over but diverse inter and intra national conflicts pose potential threats to the US interests. During the Cold War, China was the strategic ally of the US. However, after the end of the Cold War and the collapse of communism, Chinese military modernisation and rapid economic growth with the Pacific rim's growing influence and emerging drifts are worrying the US. These call for a big policy shift in the Asia-Pacific. In addition, Asian economic crisis and undermined Asian confidence in Asianism are responsible for active US presence and influence in Asia. Certainly, Asian ideas of regionalism are also constrained by geo-politics, historic and economic factors. For example, the Asian economic crisis has undermined Asian confidence in Asianism and slowed down the process of regionalism despite its speeding-up in 2001-2002. In addition, what underlies Asian perceptions of regionalism is the awareness of a dominant US power in Asia. The unipolar system, under which the US power penetrates East Asia and maintains fragmentation and division of the region, has made difficult and even impossible for the emergence of a common Asian identity.

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[16] Hilary Rodham Clinton, "Leading through Civilian Power: Redefining American Diplomacy and Development", *Foreign Affairs*, Vol. 89, No. 6, November-December 2010.

With the presence of the US factor, Asian regionalism can only be a supplement to the US. Asian regionalism has to be Pacific-centric regionalism with its door open to the US.

The former US Secretary of State Hilary Clinton in an article[17] explained that US had moved fully to engage the region's multilateral institutions. She also claimed there was a demand from the region that the US should play an active role in the agenda setting of these institutions. It was in US interests as well that would be effective and responsive. She again cleared that President Obama would participate in the EAS for the first time in 2010. To pave the way, the US opened a new mission to ASEAN in Jakarta and signed Treaty of Amity and Cooperation (TAC) with ASEAN. Among other things, China's overwhelming and unique influence in SCS is the prime area of the US concern. EAS is considered as the right forum and a mechanism to address the issue effectively for US interests. EAS members are linked by the region's maritime spaces, which have enabled the region's dynamic economic growth and facilitated greater connectivity. Maritime security is a priority issue for EAS countries recognising that challenges including territorial and maritime disputes, piracy, trafficking in illicit materials and natural disasters can threaten regional peace, stability and prosperity. President Obama reaffirmed US national interests in the maintenance of peace and stability, respect for international law, unimpeded lawful commerce and freedom of navigation. He encouraged the parties to make progress on a binding code of conduct in the SCS in order to provide a framework for preventing conflict and managing incidents when they occur and help resolve disputes. The US has consistently worked with its partners in the Asia-Pacific region to build capacity and promote cooperation on maritime security issues.[18]

The third reason is China's central role in the ongoing formation of Asian regionalism. China sits at the centre of the region's production-sharing networks, absorbing parts, components and raw materials from its Asian neighbours. It is also a significant buyer of other countries' consumer goods. It is already the economic driving force in the region and aims to acquire a political weight that matches its economic influence.[19] The US is worried about China's such rise. China's meteoric rise in economic heft, military muscle and political clout over the past three decades is noteworthy. This rise has also shaped East Asia's post-Cold War geo-political landscape. Far from being a constraint from China's rise, the strong US-Japan alliance has been crucial. The alliance has a stake in China's success. However, the lack of transparency and ambiguity as to how China intends to use its newfound power to reinforce existing international norms, to revise them according to Beijing's national interest or both is an area of growing concern.[20]

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[17] Hilary Rodham Clinton, "America`s Pacific Century", *op. cit.*
[18] "Fact Sheet: East Asia Summit Outcomes", *op. cit.*
[19] Wang Jiang Yu, "China and East Asian Regionalism", *European Law Journal,* Vol. 17, No. 5, September 2011, pp. 611-629.
[20] Joseph S. Nye Jr. and Richard L. Armitage, "The US-Japan Alliance: Anchoring Stability in Asia", *CSIS Report*, August 2012.

The US has a close eye on EAS as it includes Asia's major powers like China, Japan, Korea and India. On the other hand, inclusion of political and security issues in the agenda setting is the prime objective of the US engagement in EAS. Capie and Acharya[21] argued that EAS historically had five priority areas for cooperation: finance, education, avian flu, disaster management and climate change. The US wants to include new issues e.g., maritime security, disaster and humanitarian response and non-proliferation. The issues are more or less related not only with security but also with Chinese sensitivity. The US has already raised these in EAS meeting.[22] Finally, the big and important question behind the US pivot to Asia is of course how to deal with China. Every US move to EAS thus seems to be centred on potential China threat.

4. Chinese Diplomacy and Reaction to US Engagement in the EAS

China's reaction and diplomacy were reflected in the statements of Premier Wen Jibao and Vice Minister Yi Xiaozhun regarding what states ought to be included within the East Asian regional community. China prefers ASEAN+3 (China, Japan and Korea). It has reluctantly accepted participation of India, Australia and New Zealand but would not welcome inclusion of other countries outside the region such as the US and the EU.[23] Chinese government has also been wary of the US pivot to Asia strategy, its role in EAS agenda setting and more clearly, the ongoing maritime disputes between China and its Asian neighbours. Concern and position of the US regarding maritime security in SCS mostly worried China who never wants those disputes to be discussed in regional fora. However, the US, many Southeast Asian and other countries consider the issue to be addressed in the EAS as it is central to regional peace and security. China has resisted calls to deal with these in a multinational setting, preferring to deal with individual countries separately.[24]

The US wants an international code of conduct concerning the disputed body of water, apparently as a check on Chinese territorial claims with Vietnam and the Philippines. Japan, which has its own dispute with China over the Japanese-administered Senkaku Islands in the East China Sea, also backs the US effort. China is keen to resist any attempts by the US to get more deeply involved in SCS, as Beijing has long advocated to address territorial disputes there with each of the claimants one by one. Before the EAS summit 2011, Chinese Vice Foreign Minister Liu Zhenmin said at a briefing that China hoped SCS would not be discussed at the EAS. He pointed out that China's position on the SCS issue was consistent and clear. Dispute over that sea should be solved by directly related sovereign states through friendly consultations and negotiations.

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[21] David Capie and Amitav Acharya, *op. cit.*
[22] *Ibid.*
[23] Wang Jiang Yu, *op. cit.*
[24]"China and US Leaders Talk during East Asia Summit", available at http://ntdtv.org/en/news/china/2012-11-20/china-and-us-leaders-talk-during-east-asia-summit.html, accessed on 20 January 2013.

China and ASEAN signed the Declaration on the Conduct of Parties in the SCS in 2002 confirming to promote pragmatic cooperation and ultimately reach a code of conduct in that area. This is the common aspiration of ASEAN members and China. China emphasises on economic growth of East Asia and Southeast Asia. The navigation freedom and security in the SCS are not affected by the dispute there at all. It is especially necessary for the EAS to keep its strategic forum's nature under the guidance of leaders and adhere to the theme of solidarity, development and cooperation in the current circumstances and not to deviate from this direction. Chinese Premier Wen says that outside forces should not, under any pretext, interfere in a regional fight over the control of the SCS.

At the 7th EAS in 2012, ASEAN leaders and conference member nations continued to be divided into China friendly and anti-China camps. Malaysian Prime Minister (PM) Najib Tun also used the meeting to state that SCS territorial disputes should not be internationalised, echoing the Chinese position and putting him quite suddenly in the China camp. After the conference, the pro-China deputy foreign minister of Cambodia said that ASEAN had agreed with the Malaysian PM's position. By choosing to keep SCS disputes as an in-house affair, ASEAN must be seen as moving to exclude the US - a development that also confuses US backing for the Philippines and Vietnam. In reaction to the US involvement, China made it clear that ASEAN should play a neutral role, be guided only by the principles of regional cooperation and regional economic integration.

## 5.	The US-China's EAS Politics and Regional Competition

Primarily, US and China's regional grouping and politics in EAS are centred on two issues, i.e., security and formation of regional trade blocs like TPP and RCEP. After the US engagement in EAS, both countries are trying to dominate each other in the forum. The US initiated the domination in EAS bringing security issues like SCS first which is antagonistic to China's regional vision. Analysing US stands and Chinese response, their approach and role in EAS, it is observed that security issues are the prime concerns of both rivals in this regional forum. As part of that, the US has brought SCS issues and wants internationalisation of the code of conduct of maritime security issues. On the other hand, China is reluctant to internationalise it and argues it is a regional issue and will be solved regionally.

China is serious to contain US dominance in SCS. After being re-elected, President Obama first visited Myanmar, a country which is an ASEAN member and simultaneously, a big ally of China whom Myanmar always receives huge amount of economic and political support from. Its military regime has a historical relationship with China. China is keen to maintain stability in Myanmar especially along the routes of the 2,380 km pipeline from the port of Kyaukphyu to Kunming in Yunnan province and the 2,806 km pipeline from the port to Guizhou and Guangxi province. Before starting construction of the twin pipelines,

the ruling military regime had reassured China of Myanmar's stability and desires to ensure the security of these investments.[25] With such reality, just before EAS meeting in 2014, the US President's motive of visiting Myanmar was pressing and vital.

It might be said that the trip fitted into a larger geopolitical chess game by the Obama administration, which sought to counter China's assertiveness by engaging its neighbours. Actually in EAS, the US wants Myanmar on its side. Not only Myanmar, Obama also visited Cambodia, another host country of EAS meeting and a good ally of China, which is receiving huge amount of Chinese economic aid. For decades after the US bombing in Cambodia, a US president first visited the country. In EAS meeting, Cambodia strongly supported China's position on maritime security issues. In this pro-China and pro-US groupings, Obama remained calm and tried to exercise steady diplomacy. He did weigh in on those disputes but seemed careful not to agitate China. He refrained from displaying obvious support for allies like Japan, the Philippines and Vietnam. Instead, he urged Asian leaders to reduce tensions over the ongoing maritime territorial disputes.

5.1   *Regional Security Competition*

ASEAN is the driver or agenda-setter of EAS. Its traditional focus has been on education, finance and nontraditional security issues such as energy, disaster management, infectious diseases and food security. This emphasis was driven in part by unfolding events and in part by a desire of some members to avoid more controversial issues that might raise tensions. In 2011, ASEAN decided to place traditional security issues on the agenda and so in that year maritime security and nonproliferation were slated to be major topics of discussion. Therefore, the US diplomatically felt comfort to bring security issue like SCS in EAS agenda setting and security competition started there.

Since the last EAS meeting, it is perceived that in the name of economic cooperation, the two potential rivals have taken the security agenda as their prime area of concern and been trying to shape their foreign policy and diplomacy accordingly. ASEAN nations have already been divided into pro-US and pro-China camps. Chinese diplomacy, to a great extent, is focused on economic cooperation and wants to proceed steadily with security dialogue. However, the US' prompt role in EAS agenda setting and an effort to include security issues have changed environment of the institution influencing shift in Chinese diplomacy. In EAS, security issues have been a prime area of discussion and the directly visible pro-China and pro-US groupings are centred on security issues. China sees the maritime security and territorial dispute as regional matters and wants to solve through bilateral negotiation and attempts. However, the US wants an international code of conduct for the maritime security issues.

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[25] Clifford McCoy, "China, Myanmar Reaffirm Strategic Vows", available at http://www.atimes.com/atimes/ China/LI16Ad03.html, accessed on 30 January 2013.

China's desire is regional influence, while the US desires not to accept any regional influence of China. Due to US involvement and intervention in regional issues, Chinese diplomacy is now conducted to make the ASEAN China friendly and that will support its bilateral solution policy at EAS meetings on maritime security and territorial disputes. In order to do that, China is committed to providing huge financial support to ASEAN nations. This policy is the prioritised one in Chinese EAS diplomacy. Simultaneously, the major shift of the US to East Asia has drawn the two rivals into regional competition. Both states are applying various strategies in the name of economic or regional cooperation in the region. In this competition, ASEAN as a growing and successful regional institution is considered as their base. Some diplomats of ASEAN argue that the group needs a balance. Otherwise, one country will dominate it. Evidence and recent trends demonstrate that the act of bringing such balance of influence of the two great powers invite them to a security competition in the region. Anyhow ASEAN is calling both powers to compete each other.

The obscure role of ASEAN may in future jeopardise its true goal and EAS is going to be the key institution. ASEAN is playing a dual role: first, it is supporting TPP excluding China and second, it is going to build another institution named RCEP excluding the US. Both are growing with direct and indirect patronisation of ASEAN. Consequently, regional security competition is fostering under the ASEAN framework and paves the way for new East Asian international order. Such EAS politics between the two great powers is also complicating diplomatic relations among East Asian nations at bilateral level and efforts to build multilateral frameworks in East Asia. The precursor of this kind of proposition is reflected in the US President's visit to Myanmar. Obama's first trip to several Asian countries including the first visit to Myanmar by a sitting US President exemplifies the new emphasis that is being placed on a region. The visit was significant in the context of ASEAN-centric inclusion-exclusion game between the two rivals. The situation is mostly like the Cold War era. Therefore, Obama's pivot to Asia strategy will form the cornerstone of American foreign policy in future.

The policy shift of the US and regional competition between the two rivals have affected global trade also. China's exclusion from the TPP is strange, given its huge economic presence in the Asia-Pacific region. Amitendu Palit, visiting Senior Research Fellow at the Institute of South Asian Studies at the National University of Singapore, argues that the US is driving TPP with the strategic objective of marginalising China. The big policy shift of the US and China's new EAS diplomacy are clear indication of security competition in the name of regional economic cooperation within the ASEAN framework. Although Chinese leaders still emphasise on economic cooperation, their move on de-internationalising maritime security issues and its EAS diplomacy will dominate regional politics. Regional peace and stability will be affected by this competition. The ASEAN's dual role will work as a prime impediment on the way of regional integration in Asia. Although EAS leaders are still giving joint statements after their gathering that they are working for greater economic cooperation and their role during meetings represent that a cold war has already begun between the great powers there.

The big policy shift of the US towards East Asia, having security issues in the EAS, China's EAS diplomacy and more importantly pro-US and pro-China groupings as well as friends making game between the two powers are clear indication of security competition that can be considered as the preparation of an another Cold War. In addition, the US attempts to include humanitarian response in the EAS meeting also create concern for China. China thinks humanitarian matters as their domestic issue and it is unwilling to make any deal with others. The potential China threat perception of the US and the Chinese fear of the US hegemony are now the prime determinants of the foreign policy and security strategy of the US and China respectively. Under this circumstances, no one can ignore their inside objectives that they are moving towards a security competition in the region. In this manifestation, regional security competition also has affected trade related areas. Thus, a Chinese proposal is widely supported by ASEAN leaders that a new regional trade bloc will be formed which will include all EAS members, excluding the US.

5.2   *EAS Led Trade Related Regional Competition in the TPP and RCEP*

Under the umbrella of EAS, US-China conflict began with SCS. However, within very short time, this conflict gave birth to another conflict related to regional trade. Trends of regional competition are extremely noticed between the US and China in trade within the ASEAN forum i.e., EAS. Both of them want a separate regional trade bloc excluding each other and it is extremely manifested in the formation of TPP and RCEP. TPP is an arrangement consisting of New Zealand, Chile, Brunei and Singapore founded in 2005. The US, Canada, Australia, Peru, Vietnam, Malaysia and Mexico since joined. The US is now patronising TPP and trying to influence EAS countries to join. However, it did not invite China. On the other hand, the ASEAN Summit of 2012 officially announced that they were going to form a new trade bloc named RCEP that would exclude the US.

Any competition under the two agreements may divide ASEAN members. Singapore, Malaysia and Vietnam may focus on promoting TPP to other Southeast and East Asian countries, while the rest of the ASEAN countries are likely to develop RCEP. TPP and RCEP may come into conflict due to the tension between the US and China, as each wants to shape economic cooperation in Southeast and East Asia in order to secure its economic interests. Consequently, rivalry between the US and China might become the predominant factor in how the regional economic architecture develops.[26] It is to note that the formation of this alternative bloc could undermine the influence and long-term involvement that the US seeks to gain, as part of the plan laid out by Secretary Clinton.[27] It also calls into question the truth of Clinton's claims of America's essential role in Asia - if the US is not included in the region's largest trade agreement, it cannot be too essential. Clearly, the subordination of the TPP to this newly announced trade bloc does not fit with the American objectives of leadership and engagement with the region. Perhaps, to

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[26] Beginda Pakpahan, "Will RCEP Compete with the TPP?", *East Asia Forum*, 28 November 2012.
[27] Laurel Jarombek, "The East Asia Summit: Threats to the "Pivot"?", available at http://twglobalist.org/the-east-asia-summit-threats-to-the-pivot/, accessed on 25 June 2014.

China, a US-dominated trade agreement with so many of its neighbours looks a little too much like encirclement, providing impetus to form a separate and rival partnership. The following table shows comparison between TPP and RCEP.

Table 1: Comparison between TPP and RCEP	
TPP	**RCEP**
Aim: To establish regional Free Trade Area (FTA) that can tackle the challenges of 21st century. It will follow World Trade Organization (WTO) approach and non-ASEAN way.	Aim: Integrated regional economic agreement deeper than existing FTA. It will follow ASEAN way.
Areas: Trade liberalisation in goods and services, investment, intellectual property rights, environmental protection, labour, financial services, technical barrier to trade and other regulatory issues.	Areas: Trade liberalisation in goods and services, investment, technical cooperation, intellectual property and dispute settlement.

Source: Compiled from different sources

In the TPP and RCEP politics between the two rivals, it is observed that China wants the ASEAN way of dispute settlement in the RCEP and the US prefers internationalisation of trade regulatory issues in WTO approach in the TPP. Both want to achieve almost same objectives from the two trade blocs but through two different ways and evidently their extreme rivalry and competition are manifested when China was not invited to TPP and the US was not to RCEP.

6.   The Role of ASEAN in US-China Confrontation in the EAS

Although as an institution ASEAN's objective is regional economic cooperation, the involvement of two great powers with ASEAN framework has made matters more dynamic and complex. To a great extent, this framework is affected by politics of the two powers. Closer ties with the US and Russia would provide a balancing role as China's economic and military influence rises in the region. There must be a counterbalance, otherwise domination will continue to prevail. ASEAN can play a central role because it is a friend to all the major powers. Truly, it wants a balance of great powers and their influence in the region. Regarding the TPP and RCEP politics, the same ASEAN balancing role is found. Some ASEAN countries joined or committed to join TPP and simultaneously the ASEAN Summit in 2012 officially announced the formation of a new trade bloc RCEP excluding the US.

ASEAN's balancing role is also found in the EAS meeting in Nay Pyi Taw in 2014 where decisions on SCS were taken considering the inclination of the two rivals. In the Chairman's statement, President of Myanmar declared that enhancing maritime security was an important element in maintaining peace and stability in the region. ASEAN

underscores the importance of freedom of navigation, unimpeded lawful commerce as well as resolving disputes by peaceful means, without resorting to the threat or use of force in accordance with universally recognised principles of international law including the 1982 UNCLOS. In this regard, enhanced maritime cooperation is important and implementing the decisions of 3rd Expanded ASEAN Maritime Forum in Danang is vital. It is clear that EAS will emphasise on the internationalisation of the issue which is also the policy and strategy of the US. On the other hand, what is crucial is to welcome the progress on full and effective implementation of the Declaration on the Conduct (DOC) of parties in the SCS and Consultation on a Code of Conduct (COC) in the SCS. It also makes clear that the issue of SCS will be solved by concerned neighbours only who signed the DOC and COC.

The declaration and consultation of DOC and COC are important for the concerned parties of the SCS and these are the Chinese policy and strategy of solving disputes. It is necessary to mention here that the situation in SCS is on the whole stable and the freedom and safety of navigation in the region are ensured. China and ASEAN have had close dialogue and communication on effectively implementing the DOC and promoting maritime practical cooperation. Both have affirmed dual-track approach for dealing with SCS issues. Therefore, disputes are likely to be solved through negotiations and consultations by countries directly concerned. Consequently, peace and stability in the region are to be jointly upheld by China and ASEAN countries working together. China and ASEAN are agreed to actively carry out consultation on the basis of consensus in order to reach the COC within an earlier timeframe.

The conflicting dual strategy of the EAS on a sensitive disputable issue does not produce any strong argument in favour of solving the dispute peacefully. Rather, it will bring rival powers on the point of no return making them stronger on their own positions. Thus, in spite of having the balancing role of the ASEAN, a regional competition has been fostered in the ASEAN framework of cooperation. The involvement, influence and competition of the rival powers in the EAS may jeopardise the ASEAN way of cooperation in the region. Therefore, the sustainability of ASEAN's balancing role might be problematic in future. Such dual policy and division of the EAS will profoundly influence the centrality of ASEAN.

It is argued that both the US and China are important for ASEAN but the increased rivalry between them could place Southeast Asian countries in an awkward situation.[28] ASEAN aims to preserve its centrality to economic cooperation within Southeast and East Asia through initiatives such as the EAS and ASEAN+3. East Asian economic integration has been centred on ASEAN. In other words, powerful countries in the region, including China, Japan and South Korea, would allow ASEAN to sit in the driver's seat for Asian regionalism.[29] If it does not respond effectively to any potential

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[28] Fenna Egberink and Frans-Paul van der Putten, "ASEAN, China's Rise and Geopolitical Stability in Asia", Clingendael Paper No. 2, Netherlands Institute of International Relations, 2011.
[29] Wang Jiang Yu, *op. cit.*

competition between the two rivals on conflicting issues like SCS, TPP, RCEP, etc., its role as a driving force in various regional arrangements is more likely to decline. US-China rivalry could also undermine the crucial role that ASEAN plays. Thus, ASEAN is in a dilemma.

7.   Concluding Remarks

The paper demonstrates that under the institutional policies and patronisation of ASEAN, a regional competition between the US and China is more likely in East Asia as well as the Asia-Pacific region. In 2010, ASEAN officially agreed to invite the US to join EAS. Through the involvement in EAS in 2011, the US undertook a big policy shift in the region and China also has done the same in Asia. With the US involvement, EAS has been a forum of debate on issues of conflict between these two. India and Australia's participation in EAS added a new dimension in this regard. Nearly all Southeast Asian countries supported India's participation in EAS, seeing it as a useful counterweight to China's growing power. China has reluctantly accepted the participation of India, Australia and New Zealand in EAS but might not welcome inclusion of the US. Chinese government has been wary of the US pivot to Asia strategy and its role in the EAS as their primary objective is to bring security issues in the agenda setting of the EAS and more specifically, the ongoing maritime disputes between China and its Asian neighbors. Pro-US and pro-China groupings in EAS are thus observed noticeably.

The basic objective of ASEAN in EAS is to bring a balance so that China, a potential player in the region, cannot influence overwhelmingly in EAS. In addition, the US' high enthusiasm to include security issues like SCS in the agenda setting of EAS has a strategic nuance. The paper explains the US concern and position regarding maritime security in SCS as well as the worry of China about the issue. It analyses that Chinese policy regarding the sea is incongruous with its potential rival, the US. It also justifies the reasons of the US interests, involvement in EAS, further arguing that EAS has been a suitable forum to pursue the US interests in the region and explaining ASEAN's policy in EAS.

Regional competition is largely influenced by security issues. It also affects trade issues. ASEAN officially announced the formation of a new trade bloc like RCEP, where the US was not invited to join. It is enthusiastically embraced by China. By contrast, TPP officially aims to further liberalise trade in the Asia-Pacific in which the US is the driving force and China is not a part of it. An EAS patronised regional competition largely influenced by security issues is also affecting trade related issues. The paper shows that the balancing role ASEAN is playing sometimes is taking dual policy. This dual role and inclusive character of ASEAN are incongruent with the policy of amity and regional cooperation, as it is patronising a security competition between the US and China.

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MIGRATION CRISIS IN EUROPE: NEW CHALLENGE FOR THE EUROPEAN UNION

Abstract

In 2015, one of the most challenging tasks for leaders and policymakers in Europe has been to deal with the recent migration crisis therein. Despite the crisis being rooted in different parts of the Middle-east, Asia and Africa, Europe is facing its aftereffects. Because of having different perspectives like humanitarian and security issues, the situation has become complicated. As a result, response from the European Union (EU) in managing the situation has been divided. However, different measures have already been taken by the EU members and other relevant actors to find out some temporary solutions. Besides the EU, major global powers and the Gulf countries need to take additional responsibilities. For finding a durable solution, it is necessary to address root causes of the crisis and develop strategies towards the countries that help generate mass irregular migration.

1.   Introduction

Twenty-eight member states of the European Union (EU) are currently facing the biggest wave of disorderly migration after the Second World War and struggling to respond to handle the surge of desperate migrants towards Europe. The United Nations High Commissioner for Refugees (UNHCR) reports that more than 464,000 migrants have entered Europe by sea for the first nine months of 2015 due to ongoing political upheaval, civil war and exploitation in the Middle-east and Africa. The rate of irregular migration in 2015 is roughly twice of 2014 and eight times of 2013.[1] It has resulted in more than 3,000 deaths, many perishing or missing in the Mediterranean since the beginning of 2015.[2] These irregular migrants have left their home countries to escape uncertainty, repression and extremism but unfortunately still they are in the midst of insecurity in some destination countries in Europe.

The response from Europe to the challenge has been divided. On the one hand, the humanitarian case for generosity is considered; on the other hand, Europeans feel insecure as irregular migrants are often accused of burdening job opportunities, social services, different public services and supposedly posing threats

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[1] United Nations High Commissioner for Refugees (UNHCR), *2015 UNHCR Regional Operations Profile – Europe*, Geneva, Switzerland, 2015.
[2] "What is the Europe Migrant Crisis and How has It Evolved?", *The Financial Times,* 04 September 2015.

to cultural stability.[3] Migrants who have been able to reach different European countries are facing several challenges and those who are trying to reach Europe are found in dire situation, succumbing themselves to death sometimes at sea. On the other hand, European countries are facing a deadlock as they have nearly reached a breaking point to solely manage the crisis. Major players and leaders of Europe have been trying to balance the interests of their countries as well as protect the rights of these newly arrived irregular migrants. Though in this situation it is necessary to work by joining hands, but unfortunately, some influential global actors tend to keep themselves mum in responding to this, worsening the crisis.

It is in this context, this paper focuses on the ongoing migration crisis in Europe and the corollary challenges faced both by irregular migrants and countries that are receiving them, root causes behind and possible options to lessen the crisis. For convenience of discussion, the paper is divided into six sections including introduction and conclusion. Section two deals with the conceptual complexity on whether these people should be termed as migrants or refugees. The third section analyses the background and current situation of the crisis. Responses of the EU and the global community have been elucidated in section four. Section five tries to find out several possible options to lessen the crisis. Section six concludes the paper. The paper is qualitative in nature and looks into migration crisis in Europe by analysing different issues and factors pertinent to the continent. The paper limits incorporating data no later than 30 October 2015.

2.   Conceptual Complexity: Migrants or Refugees?

Distinguishing migrants from refugees is not an easy and clear-cut process, but it is crucial to differentiate them as different groups are entitled to different levels of assistance and protection under the international law. In Europe, the current crisis is clouded by mixed motives of migration and has become complex to the level whether the newly arrivals are migrants or refugees. This section defines migration, migrants and refugees in accordance with different international legal frameworks to find out what suits the best for these irregular migrants.

Basically, migration is a process of movement from one place to another aimed at settling temporarily or permanently in the new location. According to the International Organization for Migration (IOM), "migration is the movement of a person or a group of persons, either across an international border, or within a state. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants and persons moving for other purposes including family

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[3] Surya Narain Yadav and P. V. Khatri, *International Migration, National Security and Economic Development*, New Delhi, India: Jnanada Prakashan, 2010, p. 117.

reunification."[4] The person who migrates is called a migrant. The IOM defines migrant as, "any person who is moving or has moved across an international border or within a state away from his/her habitual place of residence, regardless of (1) the person's legal status (2) whether the movement is voluntary or involuntary (3) what the causes of movement are or (4) what the length of stay is."[5]

When migration occurs across the international borders, it is called international migration. As a concept, 'international migration' is multidisciplinary[6] and there are different paradigms *viz.* international security, international development and international political economy (see Table 1) and factors - push factors and pull factors in international migration.

Table 1: Different Paradigms in International Migration		
International Security	**International Development**	**International Political Economy**
Migration management presents a far greater security challenge to the destination states as immigrants are sometimes perceived as threat to the economic, social and cultural cohesion of the destination countries.[7]	Short and long term migrations are often the result of global income inequality, with Least Developed Countries (LDCs) acting as the origin and developed countries as the destinations.[8]	International labour migration is defined as function of supply and demand, wage disparities and size of the labour force in international political economy.[9]

Source: Compiled from various sources.

The current irregular migration towards Europe is directly linked to the first two paradigms of international migration *viz.* international security and development. Such migration from Syria, Afghanistan and Iraq is a factor in international security as these people are trying to reach Europe to avoid insecurity in their origin countries. But poor migration management presents a security challenge not only to themselves but also to the destination countries of Europe. This is because sometimes they are perceived as a threat to the economic, social and cultural cohesion of different European countries. Regarding discussion on global development and migration, it is vital to mention that many Africans are emigrating mainly due to economic reasons as they are the worst sufferers of unequal global development and income. Better

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[4] International Organization for Migration (IOM), *Glossary on Migration*, Geneva, Switzerland, 2004, p. 41.
[5] *Ibid.*, p. 40.
[6] Russell King, *Theories and Typologies of Migration: An Overview and A Primer,* Sweden: Malmo Institute for Studies of Migration (MIM), 2012, p. 9.
[7] Surya Narain Yadav and P. V. Khatri, *op. cit.,* p. 117.
[8] Robert E. B. Lucas, *International Migration and Economic Development,* UK: Edward Elgar Publishing Limited, 2005, p. 260.
[9] Kavita R. Khory (ed.), *Global Migration: Challenges in the Twenty-First Century,* New York: Palgrave Macmillan, 2012, p. 3.

living conditions and income opportunities in Europe influence them to leave their home countries.

There is mixed movement of migration (forced as well as economic) towards Europe but it cannot be gainsaid that the lion share of these is refugees because the preconditions of these people for receiving that status are same as mentioned in different regional and global conventions in this regard. According to the 1951 UN Convention relating to the Status of Refugees, "a refugee is someone who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country".[10] Though it is the most accepted definition of refugee, it is inadequate to deal with the problems of millions of externally displaced persons worldwide due to public disorder, civil war, internal conflicts, massive human rights violation, famine, etc.[11] For removing this inadequacy, the term refugee has been expanded in practice to cover a variety of people in diverse situations demanding assistance and protection.[12] The most notable of these expansions is found in the Convention on Refugee Problems in Africa, a regional instrument adopted by the Organization of African Unity (OAU) in 1969, which includes people fleeing "external aggression, internal civil strife, or events seriously disturbing public order" in African countries.[13] Besides, the Cartagena Declaration of 1984, approved by representatives and experts from Central American nations and covering Central American refugees, goes further than the 1951 UN Convention by including "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."[14] These regional legal norms are in fact much more inclusive and address the actual causes of current irregular movement from different Middle-eastern and African countries towards Europe.

The current irregular human influx towards Europe is a mixed-migration phenomenon[15] where both economic migrants and refugee status seekers are moving together. This has made the situation complicated. But the majority of people arrived in Europe in 2015 are refugees[16] as they are from the major refugee producing countries mired either in war or internal armed conflicts and for them, international protection is of the essence.

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[10] Article 1(A) (1), 'Definition of Refugee' by The 1951 Convention Relating to the Status of Refugees, adopted on 28 July 1951 by the United Nations Conference on the Status of Refugees and Stateless Persons, convened under General Assembly Resolution 429 (V) of 14 December 1950.
[11] B. S. Chimni (ed.), *International Refugee Law: A Reader,* New Delhi: Sage Publications Ltd., 2000, p. 62.
[12] Gil Loescher, "Refugee Movements and International Security", Adelphi Papers 268, London: Brassey's for International Institute for Strategic Studies (IISS), 1992, p. 6.
[13] B. S. Chimni (ed.), *op. cit.,* p. 63.
[14] *Ibid.*
[15] UNHCR, *Mixed Migration into Europe*, Geneva, Switzerland, 2015.
[16] UNHCR, *UNHCR Viewpoint: "Refugee" or "Migrant" – Which is Right?,* Geneva, Switzerland, 2015.

3.   The Recent Migration Crisis in Europe: A Brief Analysis

In analysing the recent migration crisis in Europe, this section basically deals with few major aspects of the crisis with a view to getting a better understanding of the situation. The discussion includes the main reasons behind irregular migration towards Europe; major origins, destinations and routes pertinent to this disorderly movement; and conditions faced by these migrants in Europe. Elucidating these aspects does not only help unearth new information about the current circumstances but also paves the way to take proper steps to control the crisis.

Migration to Europe is not a new phenomenon because after the end of the Cold War, citizens from Central and Eastern Europe, North Africa, Middle-east, South and Southeast Asia and Latin America started to migrate to Western Europe as an opportunity to reduce unemployment, earn remittances and reduce demographic pressures.[17] But the recent political turbulence in some parts of the Middle-east, Africa and Asia is reshaping the migration trends towards Europe. The vast majority of the irregular migrants are likely to leave their home countries because of war or repression but a significant portion, between 20 to 30 per cent, is likely to run off poverty rather than conflict, particularly from West African region.[18] These people take risks in the hope of reaching Europe mainly for two reasons. Firstly, Europe is a wealthy region geographically closer to the Middle-eastern and African countries. Secondly, some countries of Europe (especially Scandinavian countries) are popularly known as better providers of protection and services to asylum seekers and refugees and that is why majority of these irregular migrants tend to reach Europe.

The number of irregulars border-crossing towards Europe started to increase in 2011 as thousands of Tunisians started to arrive at the Italian island of Lampedusa following the onset of the Arab Spring. Many Sub-Saharan Africans, who had previously migrated to Libya during the Gaddafi era, had to leave Libya to flee the unrest in the post-Gaddafi era.[19] The recent surge at EU's maritime borders includes growing numbers of Syrian, Afghan and Eritrean migrants and refugees. Syrians, who are fleeing because of their country's four and a half year old civil war, are the largest group. Afghans looking to escape the ongoing war with the Taliban made up the second largest group of migrants after Syria. Deteriorating security and grinding poverty in Iraq, Nigeria, Pakistan, Ukraine, Somalia, Eritrea and Sudan have also contributed to the irregular influx. Though there are different reasons behind migration from these countries, protracted conflict therein is the main reason that has forced unfortunate citizens to flee their motherlands.

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[17] Myron Weiner and Rainer Munz, "Migrants, Refugees and Foreign Policy: Prevention and Intervention Strategies", *Third World Quarterly*, Vol. 18, No. 1, 1997, p. 25.
[18] "Refugee Crisis in Europe: News and Discussion", *The Mess Forum*, 04 September 2015.
[19] Rachela Tonta, "The Crisis in the Middle East and Its Impact on Europe", available at http://networks.hnet https://networks.hnet.org/node/73374/announcements/79983/crisis-middle-east-and-its-impact-europe, accessed on 10 October 2015.

According to the UNHCR, the total number of worldwide displaced people reached 59.5 million at the end of 2014, the highest level since the Second World War, with a 40 per cent increase taking place since 2011.[20] Among them, Syrian refugees became the largest refugee group in 2014 (3.9 million, 1.55 million more than 2013) by overtaking Afghan refugees (2.6 million) who had been the largest refugee group for the last three decades.[21] The UNHCR estimated that more than 320,000 migrants had crossed the Mediterranean till September 2015.[22] As of mid-September 2015, 84 per cent of Mediterranean Sea arrivals came from the world's top ten refugee-producing countries (54 per cent from Syria, 13 per cent from Afghanistan, 7 per cent from Eritrea, 3 per cent from Iraq, 3 per cent from Nigeria and 3 per cent from Pakistan). The top ten nationalities also include Somalia (2 per cent), Sudan (2 per cent), Gambia (1 per cent) and Myanmar (1 per cent).[23]

Figure 1: World Top 10 Refugee Producing Countries
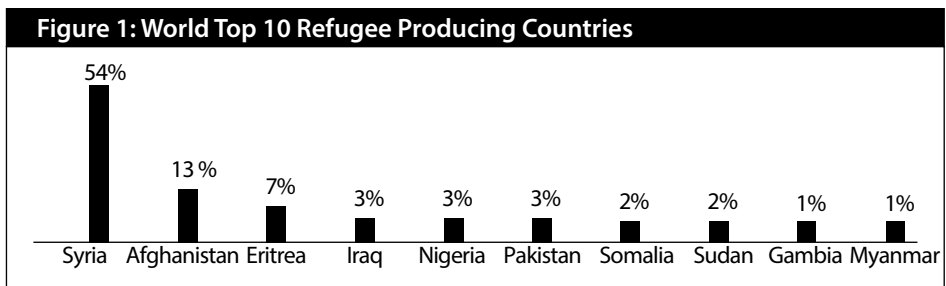
Source: Frontex and UNHCR, 2015.

Developing countries host the largest share of refugees and the LDCs alone provided asylum to 25 per cent of the total refugees worldwide.[24] Even though most Syrian refugees have primarily been hosted by neighbouring countries such as Turkey, Lebanon and Jordan, the number of Syrian refugees applying for asylum in Europe steadily started to increase between 2011 and 2015, totalling 428,735 in 37 European countries (including both EU members and non-members) as of the end of August 2015. A good number of them applied for asylum in Germany as it had been the most generous in receiving these irregular migrants.[25]

3.1   Major Migratory Routes to Reach Europe

As the migrants are from different countries of origin, they use different routes to reach Europe. Frontex recognises several general routes (both sea and land)

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[20] UNHCR, *Mixed Migration into Europe, op. cit.*
[21] *Ibid.*
[22] UNHCR, *Refugees and Migrants Crossing the Mediterranean to Europe*, Geneva, Switzerland, 2015.
[23] *Ibid.*
[24] UNHCR, *World at War,* Geneva, Switzerland, 2015.
[25] Available at http://data.unhcr.org/syrianrefugees/asylum.php, accessed on 30 September 2015.

used by irregular migrants to enter EU countries.[26] These include Western African, Western Mediterranean, Central Mediterranean, Apulia and Calabria routes to Italy, circular route from Albania to Greece, Western Balkan and Eastern Mediterranean routes.

Two EU member states of South Europe *viz*. Greece and Italy serve as the main points of entry for migrants and refugees due to their proximity to the Mediterranean. In 2012, 51 per cent of irregular migrants entered EU via Greece.[27] This trend shifted in 2013 after Greek authorities enhanced border controls which included the construction of a barbed-wire fence at the Greek-Turkish border. But by July 2015, Greece once again became the preferred Mediterranean entry point, with Frontex reporting 132,240 illegal EU border crossings for the first half of 2015, five times the number detected for the same period in 2014.[28] Syrians and Afghans made up the lion share of irregular migrants traveling from Turkey to Greece. Migrants from some Sub-Saharan African countries also try to reach Europe through Greece and Balkans.[29]

Figure 2: Main Migratory Routes into EU across Sea

Source: Frontex, 2015.

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[26] Frontex, *Migratory Routes Map,* Warsaw, Poland, 2015, available at http://frontex.europa.eu/trends-and-routes/migratory-routes-map/, accessed on 05 October 2015.

[27] *Ibid.*

[28] *Ibid.*

[29] *Ibid.*

Figure 3: How Migrants are Entering Different EU countries

Source: The Independent, UK, 02 September 2015.

The Central Mediterranean passage connecting Libya to Italy was the most trafficked route for Europe-bound migrants in 2014. Frontex reported 91,302 illegal border crossings into Italy for the first half of 2015 and more than 2,000 people died along this route during this time.[30] Shifting migratory patterns for the last few years have also exposed Hungary to irregular migration. A growing number of Syrians and Afghans traveling from Turkey and Greece through Macedonia and Serbia has made Hungary the latest frontline in Europe's migration crisis. Similar migration from Kosovo through Serbia also contributed to influx into Hungary and Frontex reported 102,342 illegal crossings into the country in 2015.[31]

3.2   *Conditions Faced by Irregular Migrants in Europe*

Although each migrant or refugee camp around the world has its own story, there is a common factor among all these camps - shortage. There are shortages of food, water, shelter and medical facilities, security within the camps especially for women, children and aged persons. Migrants currently staying in Europe are facing the same crisis as the European countries have reached a breaking point in their ability to manage the situation. In addition, the Dublin Regulation (revised in 2013) has worsened the situation that makes the entry-point states bound to bear the unilateral responsibility for migrants.[32] This EU law stipulates that migrants must remain in the first European country they enter and that country is solely responsible for examining

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[30] *Ibid.*

[31] *Ibid.*

[32] "Explaining the Rules for Migrants: Borders and Asylum", *The New York Times,* 16 September 2015.

migrants' asylum applications. Migrants who travel to other EU states from bordering states face deportation back to the bordering EU country they entered first due to this regulation that is deteriorating the condition of bordering states like Greece, Italy, France and Spain.

There is another concern that France, Greece and Italy are alleged of not protecting the rights of these forced irregular migrants. There are many migrant detention centres across these countries and several rights groups contend that a number of these detention centres violate Article 3 of the European Convention on Human Rights, which prohibits inhuman or degrading treatment.[33] In Italy, migrants face fines and deportation under the controversial Bossi-Fini Immigration Law, which stipulates that migrants must secure work contracts before entering the country.[34] This 2002 law makes illicit migrants and aiding illicit migrants punishable by fine or jail. In Greece, the prolonged detention of migrants and asylum seekers, who are sometimes 'mixed in with criminal detainees', has elicited repeated censure from rights groups. In Hungary, a new series of emergency law was adopted in September 2015 that would allow its police to operate detention centres, in addition to making illegal border crossings and aiding migrants punishable by prison time.[35] The government also deployed armed troops at the border and erected a barbed-wire fence on Hungary-Serbia border. In April 2015, a public opinion survey found that 46 per cent of the polled Hungarians believed that no asylum seeker should be allowed to enter Hungary.[36] However, migrants in the richer north and west find comparatively well-run asylum centres and generous resettlement policies. But these harder-to-reach countries still remain inaccessible to many migrants who are seeking international protection.

Although the EU, IOM and UNHCR are working intensively to meet the basic needs and protection of these helpless people, the given facilities and services remain far behind in contrast to the demand. Budgets for migration and asylum issues have not been kept up with growing demands and needs. In August 2015, the European Commission approved a 2.4 billion euro (US$ 2.6 billion) emergency aid package, with 560 million euro (US$ 616 million) for Italy and 473 million euro (US$ 520 million) for Greece to subsidise their migrant rescue efforts for the next six years.[37] These funds still fall short of the growing magnitude of the crisis. Moreover, as the migrants always remain in the midst of insecurity and frustration, it is necessary to counsel them properly especially the children so that they cannot feel negative about their lives and get motivated for leading a normal one.

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[33] European Court of Human Rights, *European Convention on Human Rights,* Strasbourg, France, 1953.

[34] Alberto Di Martino, *The Criminalization of Irregular Immigration: Law and Practice in Italy,* Pisa: Pisa University Press, 2013, p.7.

[35] Balazs Koranyi, "Hungary Passes New Laws to Stem Inflow of Migrants", *Reuters,* 04 September 2015.

[36] "Hungary has Strict Immigration Policy", *The Budapest Beacon,* 17 May 2015.

[37] Alexander Saeedy, Barbara Lewis, Louise Ireland and Digby Lidstone, "EU Approves 2.4 billion Euros Funding for Migration Crisis", *Reuters*, 10 August 2015.

4.   Response from EU Countries and Global Community

Response to the challenge has been divided and there are two facets of the repercussion of this crisis. On the one side, the humanitarian case for generosity is considered, while on the other, there is a feeling of insecurity among European as the migrants are accused of burdening job opportunities, social services, accommodation and other public services as well as supposedly posing threats to traditional European culture.

Muted humanitarian response from some EU countries is coming out due to Europe's increasingly polarised political climate, where many nationalist and anti-immigrant parties are growing. Religion of the migrants has also become another factor as some EU nations like France and Denmark have cited security concerns for justification of their reluctance in accepting Muslim migrants from the Middle-east and North Africa, particularly in the wake of the Paris (*Charlie Hebdo* shooting on 07 January 2015) and Copenhagen terrorist shootings in early 2015.[38] In this regard, Charles Kupchan, former Senior Fellow of Council on Foreign Relations (CFR) says that the backdrop to this crisis is that many European countries are facing difficulty in integrating minorities into the social mainstream. Many of these immigrants are coming from Muslim countries and the relationship between immigrant Muslim communities and the majority population is not good.[39]

Underscoring this point, leaders of Eastern European states like Hungary, Poland, Slovakia and the Czech Republic expressed a strong preference for non-Muslim migrants. In August 2015, Slovakia announced that it would only accept Christian refugees from Syria.[40] Poland has similarly focused on granting asylum to Syrian Christians and the head of the country's immigration office admitted that applicants' religious background would have an impact on their refugee status applications.[41] In Hungary, Prime Minister Viktor Orban explicitly explained his anti-migrant policies in an anti-Muslim language.[42] While selecting migrants based on religion is a clear violation of the 1951 Refugee Convention and the EU's non-discrimination laws, these leaders defended their policies by pointing to their own constituencies' discomfort with growing Muslim communities.

By contrast, Germany and Sweden have unveiled some of the most generous asylum policies in the EU. In September 2015, Berlin pledged six billion euro (US$ 6.6 billion) to support the 800,000 migrants and German officials signaled that the country would take '500,000 asylum seekers a year' after the outbreak of the conflicts

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[38] Susanne Gargiulo, Greg Botelho and Steve Almasy, "Copenhagen Attacks: Police Kill Man during Shootout", *CNN,* 15 February 2015.

[39] Jeanne Park, "Europe's Migration Crisis", *Council on Foreign Relations,* New York, 23 September 2015.

[40] "Slovakia to EU: We'll Take Migrants - If They're Christian", *The Passport,* 19 August 2015.

[41] Jeanne Park, *op. cit.*

[42] "Amid Refugee Crisis, Hungary Prime Minister Says Muslims Not Welcome", *Aljazeera America,* 03 September 2015.

in the Middle-east.[43] German Chancellor Angela Merkel has warned that if Europe fails on the question of refugees, then it would not be the Europe, the region, wished for.[44] Similarly, Sweden's liberal asylum policies helped to ease the situation and the country granted refuge to the largest share of EU applicants (317.8 per 100,000) in 2014.[45] Stockholm had previously announced that it would offer permanent residency to all Syrian applicants in 2013.[46]

In this regard, it may be noted that Germany and Sweden's open immigration policies also make demographic and economic sense as Europe is going through a trajectory of declining birth rates and ageing population that lead towards demographic deficit. Migrants can positively contribute to overcome this demographic deficit in Europe. For example, the UK's current population is 61 million and is likely to reach 70 million in 2028. According to Eurostat, the UK will have the largest population in Europe by 2060 and 70 per cent of this growth will be due to immigration.[47] Thus, migrants could boost Europe's demography as well contributing to its economies not only as workers but also as taxpayers and consumers. There is, however, a caution that EU citizens might come to consider migrants as economic competitors, not contributors.

The US, which signed the 1967 Protocol to the Refugee Convention but not the original 1951 Convention, has traditionally taken bulk of refugees resettled by the UNHCR.[48] But, as a global power, it is yet to be vocal enough in countering this crisis. In September 2015, after a long wait, the US broke its surprising and unlikely silence over the issue and Secretary of State John Kerry announced that his country would accept an additional 10,000 Syrians in 2016 and an additional 30,000 global refugees over the next two years.[49] Undoubtedly, Europe needs more support from the US and it can lead a global response in this crisis even though the people of the US have mixed reactions regarding migrants arriving in Europe.

Different international organisations like IOM and UNHCR are working closely with the EU in strategic cooperation to promote a holistic, coherent and humane approach in migration management and humanitarian issues. Global icons like Pope Francis and UN Secretary General Ban Ki-moon have called for taking positive action and urged EU leaders to act decisively and quickly to stop these tragedies.[50]

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[43] "Germany to Spend $6.6 Billion on 800000 Refugees and Migrants", *NBC News*, 07 September 2015.
[44] *Ibid.*
[45] "Sweden's Asylum Offer to Refugees from Syria", *BBC News, Sweden,* 23 October 2013.
[46] *Ibid.*
[47] Christopher Langton, "The Effects of Global Demographics", in Bastian Giegerich (ed.), *Europe and Global Security*, London: Routledge, 2010, p. 60.
[48] UNHCR, *States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol*, Geneva, Switzerland, updated on 17 April, 2015.
[49] "US to Boost Refugee Intake by 30000 Over Two Years", *The Wall Street Journal,* 20 September 2015.
[50] "Pope Francis and United Nations Chief Ban Ki-moon have been United in Calls for Action", *Australian Broadcasting Corporation News,* 20 April 2015.

## 5.	Possible Options to Lessen the Migration Crisis

Primarily, shrinking the escalation of conflicts around different parts of the world might be the most effective way to manage the crisis. However, it should not be regarded as panacea. In addition to that, other initiatives like revisiting migrant quota system, giving working rights to the migrants, more response from Gulf countries, ending repression and extremism and following immigrant integration policies could be workable options. In this regard, this section mainly analyses these issues with a view to have various way outs.

As war is the prime reason behind the crisis, it is important to understand that war can damage a specific country but the impacts can affect other countries like the EU is currently facing. For example, what has been the problem for Lebanon after the outbreak of the Syrian civil war in 2011 became the problem of Germany in 2015. Hence, it is imperative for the major powers to intervene more actively to resolve the ongoing conflicts in countries like Syria, Afghanistan, Libya, Iraq and Eritrea for their own interests. It is easy to say that many of the migrants would never have left home if there were no war and peace would be the surest way of curbing their numbers. But the situation inside these countries is so complex and involves so many parties that there is no realistic short-term possibility to bring peace therein. The alarming fact is that even if fighting formally stops, post-war condition will not make them safe for many returning citizens and there is an apprehension among them that even if there is a solution, their origin countries would not be a place as it was before.[51] Therefore, it is necessary to restore the peace process after the conflicts stop and rehabilitate victims of the war as soon as possible.
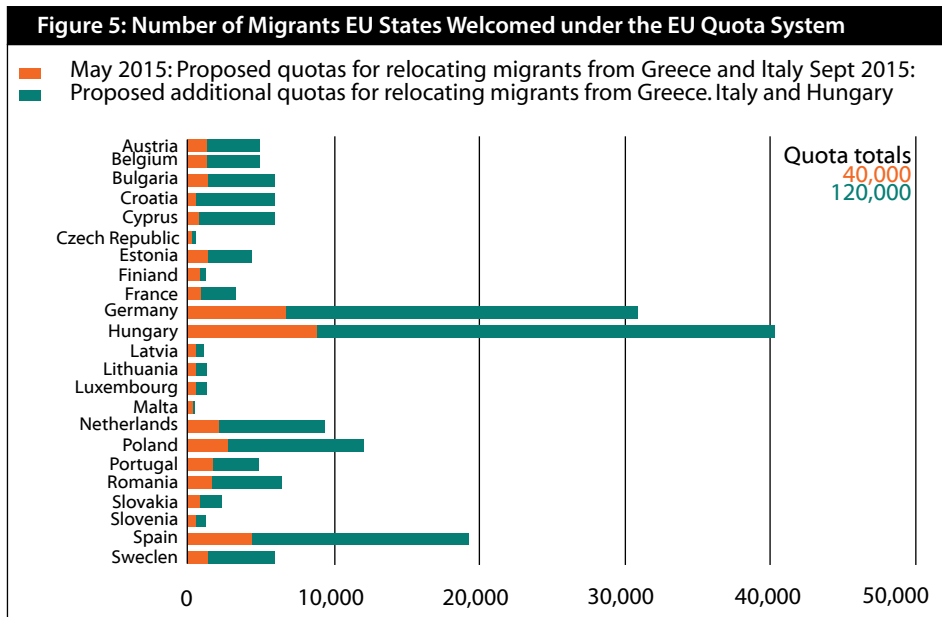
Revisiting the migrant quota system could be a viable option to find out short-term solution to this long-standing problem. In September 2015, EU ministers agreed to resettle 120,000 migrants from Greece and Italy in 23 member states despite vocal objections of the Czech Republic, Hungary, Romania and Slovakia. It is to mention that Greece and Italy will not be required to resettle more migrants. Again, Denmark, Ireland and the UK have exemption from EU asylum policies under the provisions laid out in the 2009 Lisbon Treaty.[52] This agreement is based on a previous voluntary quota system that called on member states to resettle 40,000 migrants from Greece and Italy over a two-year period.[53] But there is an apprehension that free movement inside the Schengen zone might nullify the national resettlement quotas. Besides taking in larger numbers of asylum seekers, the EU and global powers must provide more aid to Middle-eastern countries like Turkey, Lebanon and Jordan, which have taken the primary responsibility for Syrian refugees. The influx has altered the demographics and economies of these host nations who are now struggling to provide basic foods, shelter and other necessary services to these people due to funding shortages. Thus,

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[51] "The Migrant Crisis in Europe: Readers Questions Answered", *The New York Times, 27* September 2015.
[52] "Q&A, The Lisbon Treaty", *BBC News,* 17 January 2011.
[53] "EU Leaders Agree to Relocate 40,000 Migrants", *BBC News, Europe,* 26 June 2015.

the EU countries should come forward to provide more aid to these countries. At the same time, though global powerhouses outside Europe (e.g., China, Japan) are not being affected by the crisis, they also need to support UNHCR and other humanitarian organisations in better managing the situation because remaining self-sufficient does not guarantee sufficiency to these countries and every problem has spillover effects which the EU is currently facing.

Figure 5: Number of Migrants EU States Welcomed under the EU Quota System

May 2015: Proposed quotas for relocating migrants from Greece and Italy Sept 2015: Proposed additional quotas for relocating migrants from Greece. Italy and Hungary

Source: European Commission, 2015.

Undoubtedly, Turkey has been more hospitable than most other countries. But it is still not a place where Syrians can settle for long as it does not grant work permits for Syrians, except in special circumstances. Therefore, Syrians lack the right of employment, though the right is preserved by the 1951 Refugee Convention.[54] Giving Syrians more of a long-term future in Turkey, the country that houses most Syrian refugees may persuade some of them to stay there. Another idea is building more asylum centres in North Africa and the Middle-east to primarily handle the situation and confine the outcome of the conflicts within the region. In this regard, European Council President Donald Tusk called for building asylum centres in the two places to enable asylum seekers in order to apply for asylum without undertaking risky journeys across the Mediterranean as well as cutting down the number of irregular migrants arriving on European shores. Nonetheless, there is a concern that the uncontrolled number of applicants expected at such 'hotspots' could further destabilise the already fragile states.

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[54] Article 17 (Wage Earning Employment) of *The 1951 Convention Relating to the Status of Refugees,* adopted on 28 July 1951 by the United Nations Conference on the Status of Refugees and Stateless Persons, convened under General Assembly resolution 429 (V) of 14 December 1950.

It is to note that many Arab countries like to keep themselves mum in responding to the crisis. Some are very keen not to allow the entry of migrants, particularly the Syrians. However, some Arab countries have reasonable excuses for that. For example, Lebanon's refugee population is already a quarter of the country's total populace.[55] On the other hand, Gulf countries like Saudi Arabia, UAE, Kuwait and Qatar have also justifications in this regard but these are yet to be globally accepted. Rather, their support for various sides in the Syrian war seems to be one of the reasons for protracting the conflict. If Europe has a moral duty to help Syrians, then Gulf nations should do something at least for their own interest, considering that every crisis has spillover effects.

If repression and extremism cannot be ended in the origin countries, then they are likely to keep producing more refugees. For example, even if Libya was brought under the control and the Syrian war ended, many people who are fleeing to other countries would remain in the origin countries. Hence, measures like eradicating poverty and ending repression in the origin countries need to be undertaken. Uninterrupted economic investment in the countries of origin could be a sustainable response to the migration crisis. In addition, it is necessary to follow immigrant integration policies if voluntary repatriation is denied. Different policies may be followed to integrate and mainstream this huge influx. These include employment policy, education policy, social cohesion policy, housing policy, etc.[56] Furthermore, reviewing the Dublin Regulation might be an important step to establish a common European asylum policy.[57] Under the current system, the burden of responsibility falls disproportionately on entry-point states with open borders. It is important to mention here that many of the bordering countries in practice have already stopped enforcing Dublin Regulation and are allowing migrants to pass through to secondary destinations in the north or west Europe.[58]

6.   Conclusion

Migration is an age-old phenomenon that helps bring different ideas, people and culture together. Globalisation plays a part in changing the patterns of migration by facilitating and encouraging migrants from almost anywhere in the world.[59] As the global situation is changing day by day, different drivers of global migration have transformed as well due to expanding global labour markets, booming Information and Communication Technology (ICT) and transport system, trade and economic

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[55] Mary Creagh, "Syrian Refugee Crisis: Lebanon Steps up while Britain Fails to Engage", *The Guardian*, 08 September 2015.

[56] Elizabeth Collett and Milica Petrovic, *The Future of Immigrant Integration in Europe: Mainstreaming Approaches for Inclusion*, Washington DC, USA: Migration Policy Institute, March 2014.

[57] European Commission, *Common European Asylum System*, 23 June 2015.

[58] "Germany, the EU Country which Takes the Most Asylum Seekers, is Straining", *The Economist,* 21 August 2015.

[59] Christopher Langton, 2010, *op. cit.,* p. 60.

activities. Migration helps create opportunities to enhance human development, promote decent work and strengthen collaboration. Simultaneously, it poses some challenges pertinent to economic and social security that, for example, Europe is currently facing. The migration crisis that is the spillover effect of present unrest in the Middle-east and North Africa does not only shock Europe but also gives a warning to the global community to rethink the fact - why and how conflicts are detrimental to human civilisation.

Different interventions may help EU member states better manage the crisis but these steps alone cannot stem the tide of migrants. Global leaders must address root causes of irregular migration and act accordingly that includes bringing an end to the Syrian civil war, restoring stability to different regions worldwide that are going through instability, increasing aid and development measures especially to the Sub-Saharan African countries, reducing global income inequality, etc. It is important to mention that without finding a political solution to the crisis, Europe will continue to struggle with migrant inflows. There is an apprehension that lack of a coordinated and proportional EU response in the near-to-mid-term could continue to fuel the crisis, pushing individual countries to emphasise on national security over international protection that could in turn result in closed borders, barbed-wire fencing and maritime pushback. Such practices will not just jeopardise the conditions of migrants and refugees but will also impede the values EU promotes like protecting human life and the right to asylum. Thus, a coordinated and comprehensive approach should be followed as well as maximum number of stakeholders at national, regional and global levels need to be engaged actively to manage and resolve the crisis.

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