

KAS INTERNATIONAL REPORTS

ARMY AND SOCIETY

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The Importance of Soldiers
and the Military in the USA**
Elmar Sulk

■ **Child Abuse in Conflict –
Child Soldiers in Congolese
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Steffen Krüger / Diana Hund

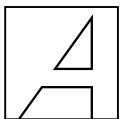
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EDITORIAL

Dear Readers,

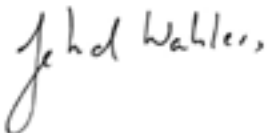
The First World War broke out 100 years ago in August 1914. Europe became a theater of war on an unprecedented scale. It was to be more than four years before the fighting finally ceased. By then, almost ten million soldiers had been killed, twice that number wounded and there were an estimated seven million civilian victims. The repercussions of the war changed the face of the continent and world affairs profoundly. Individual societies had to face the challenge of reintegrating returning soldiers into civilian life, dealing with those who had been injured and traumatised and looking after the dependents of those who had been killed. None of these issues are any less relevant today. When we look back at the outbreak of war in 1914, it is impossible not to think about today's hotspots – Ukraine, Afghanistan, the Middle East, South Sudan and the Central African Republic. Media coverage of these conflicts often pays too little attention to the pressures faced by societies that are directly affected by war. And the issues faced by countries whose armed forces are involved in international missions should also not be ignored. To what extent are people interested in soldiers who are deployed abroad? How is society reflected in its armed forces, and vice versa?

In Germany the principle of "citizens in uniform" ensures that society is also reflected in its armed forces. Yet soldiers are rarely seen in day-to-day life, and the current round of Bundeswehr reform has reduced their presence still further. Reductions in personnel, the suspension of compulsory military service and the closure of military facilities have all resulted in a much smaller geographical presence. Fewer people now come into contact with the military. They only become aware of the Bundeswehr when it is called upon to deal with a national catastrophe. It is often forgotten that the Bundeswehr is a constitutional body that forms part of Germany's value-based foreign policy with 4,400 soldiers currently involved in 16 international missions.

In other countries the gap between military and civil areas of society is much less pronounced. In this issue, Elmar Sulk investigates the importance of the military in the

United States and explains: "the American people have generally always supported their soldiers, who volunteer to take up arms and make great sacrifices in the service of their country". But at the same time, the American people and media are vocal in their criticism when military misconduct and scandals become public. The Israeli army is even more closely entwined with society than the American military, as Evelyn Gaiser reveals in her article. From its founding in 1948 right up to the present day, the Israeli Defense Forces guarantee the survival of the Jewish state. But certain rifts are becoming more apparent, such as the tensions between strictly religious and secular Jewish Israelis. They are increasingly being reflected in the army and threatening its status as "The People's Army". Steffen Krüger and Diana Hund turn to a different kind of threat to social cohesion. They highlight the problem of child soldiers in the Democratic Republic of Congo, where between 1996 to 2003, over 30,000 minors were involved in conflicts between various warring parties. In their study, the authors state: "Demobilisation and thus the first step out of rebel groups is not the only complicated process that faces a multitude of obstacles; permanent reintegration of child soldiers into society is only rarely successful."

As part of its international cooperation activities, the Konrad-Adenauer-Stiftung conducts a dialogue with members of the security forces and civil society in many different countries. We discuss the position of the army within a democratic system and subject to the primacy of politics, as well as the legal, ethical and moral challenges presented by military conflict. We are convinced a strong defensive army is vital for a free and secure society. It cannot be stressed enough that soldiers provide a service to society and have a place in its very center.



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AN ANCHOR IN SOCIETY

THE IMPORTANCE OF SOLDIERS AND THE MILITARY IN THE USA

Elmar Sulk

On the last Tuesday in January this year, Army Ranger Cory Remsburg – along with President Barack Obama – was the U.S. citizen who was attracting the most media attention. Right from the start of the State of the Union Address, in which the U.S. President gives his annual report to a joint session of Congress (also broadcast live on TV), the cameras were constantly returning to Remsburg. He and his father were given the place of honor next to First Lady Michelle Obama. The soldier was seriously wounded in Afghanistan on 1 October 2009. Since then he has been working hard on his recovery. Last year was the first time that he was able to return to his home in Arizona. Remsburg was one of the people on whom the President bestowed particular praise in the course of his address. He honored the service of the veterans and drew a comparison with the USA: “Cory is here tonight. And like the Army he loves, like the America he serves, Sergeant First Class Cory Remsburg never gives up, and he does not quit.”¹

This was a demonstration of the great respect that is afforded to soldiers in American society. The message of 28 January was clear: the Army and society stand together. It triggered the longest applause of the evening, right across party lines, and was the emotional highlight of Barack Obama’s speech. Apart from a short period during the Vietnam War and its aftermath, the American people have always supported their soldiers, who volunteer to take up arms and make great sacrifices in the service of their country

1 | The White House, Office of the Press Secretary, “President Barack Obama’s State of the Union Address”, press release, 28 Jan 2014, <http://whitehouse.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address> (accessed 31 Jul 2014).

and its involvement as a global power in the many trouble spots around the world. Conversely, the Army is strongly anchored in society. It is an institution which knows its place within a democracy where elected politicians decide about military operations and withdrawals.

THE MILITARY CONTINUES TO ENJOY HIGH LEVELS OF RESPECT

One reason for the close ties between the military and society is that the vicissitudes of the American people have been linked to the functioning of their armed forces since the birth of the United States – from the War of Independence, to the War of 1812 against the British, to the conflicts of the 20th century. In the past, wars have been decisive moments for this still-young nation, and they remain so in the people's culture of remembrance. In a country of immigration, the U.S. Army provides a path to integration and social advancement. The latest State of the Union Address and its protagonist Cory Remsburg have highlighted three ways in which U.S. society – including politicians – approaches the military factor during certain key moments such as Memorial Day or Veteran's Day.

In a country of immigration, the U.S. Army provides a path to integration and social advancement.

- Soldiers who pay a high price while serving their nation and defending its freedom. In Remsburg's case, this was his tenth foreign deployment.²
- The elected representatives who recognise this service call the soldiers "heroes" and decorate them accordingly.
- The head of state who turns the spotlight on these soldiers as representatives of all U.S. troops and thus, establishing a link to the destiny of the nation.³

2 | The emotionally-charged word "freedom" is used time and again when it is necessary to defend military operations. For Cory Remsburg, the word appeared in two of his deployments: Operation Iraqi Freedom and Operation Enduring Freedom. Cf. The Price of Freedom Gala, "JCS Heroes. SFC Cory Remsburg", http://priceoffreedomgala.org/jcsheroes_sfccr.php (accessed 31 Jul 2014).

3 | An excellent overview of America's early military operations and the challenges that began before the Declaration of Independence in 1776 is provided by Eliot A. Cohen, *Conquered into Liberty*, New York, Free Press, 2011, 307-342. The author was a Counselor to U.S. Secretary of State Condoleezza Rice.

The military is not visible everywhere in the country and it has been many years since every family included serving soldiers. Moreover, how specific regions are represented in the armed forces varies. A study by the Heritage Foundation found that 40 per cent of new recruits come from the Southern states, but hardly any from the Northeast.⁴ There are currently some 1.4 million Americans serving as active duty soldiers or reservists. The Army has nearly 514,000 soldiers, the Air Force 329,000, the Navy and Coastguard 364,000 and the Marine Corps 191,000.⁵ In addition, the Department of Defense uses many civilian contractors, such as in industry and education, who are directly or indirectly involved in providing equipment or in warfare itself. In some areas, entire sectors of industry are dependent on investment in military establishments, such as the naval base in San Diego in California or the Norfolk Naval Base with its aircraft carriers in Virginia.



The history of military in the U.S. is also a history of national identity. Commemorations, as seen here on Memorial Day at the Vietnam War Memorial in Washington, D.C., are firmly anchored in society. | Source: Cherie A. Thurlby, U.S. Department of Defense ©©.

4 | Minorities are not significantly represented and only eleven per cent of recruits come from the poorest fifth of the population. Cf. Shanea Watkins and James Sherk, "Who Serves in the U.S. Military? The Demographics of Enlisted Troops and Officers", The Heritage Foundation, 21 Aug 2008, <http://heritage.org/research/reports/2008/08/who-serves-in-the-us-military-the-demographics-of-enlisted-troops-and-officers> (accessed 31 Jul 2014).

5 | Cf. figures from the U.S. Department of Defense, as at 30 Jun 2014, https://dmdc.osd.mil/appj/dwp/getfile.do?fileNm=ms1_1406.pdf&filePathNm=milTop (accessed 21 Aug 2014).

However, these figures show only a fraction of each age group opt for a military career. The draft was abolished years ago in the wake of the Vietnam War,⁶ meaning that many families are now no longer directly affected by conflicts. Nevertheless, there has been little change in the way the military is anchored politically and culturally in society and in the respect that it is afforded. This is clearly demonstrated at the USA's top sporting events. For example, a military choir accompanied the singing of the national anthem at this year's Super Bowl, the NFL final. A little later, the game kicked off to massive applause as Army helicopters flew over the stadium. This respect is also reflected in advertising. Budweiser screened a commercial during the Super Bowl that showed soldiers returning from deployment. With 100 million viewers in the USA and with a 30-second commercial costing in excess of four million dollars, we can assume the company knew exactly how to address its customers. In short, soldiers are lauded as heroes, serve as screens for projecting other messages and are generally held in high regard, even if this is often of a rhetorical nature.

Soldiers are lauded as heroes, serve as screens for projecting other messages and are generally held in high regard.

Conversely, most soldiers believe their deployment is meaningful. They see themselves as serving a country which is often not the land of their or their parents' birth, a country they defend as immigrants and on the basis of personal ideals. Marine Corporal William Carpenter recently stated the following at a medal ceremony: "As the president put the medal around my neck, I felt the history and the weight of a nation."⁷ This feeling seems to be shared by many serving soldiers and veterans and is backed up by polls carried out by Pew Research. The USA has been involved in many long and difficult missions for decades, and particularly since the 9/11 terror attacks. The outcome of such operations is often not assured. Despite this, Americans treat their troops with great respect: in May 2013, 91 per cent of respondents said they were proud of the U.S.

6 | Cf. Selective Service System, "Background of Selective Service", <http://www.sss.gov/backgr.htm> (accessed 31 Jul 2014).

7 | Quoted from Elena Schneider, "Marine Cpl. William Kyle Carpenter Receives Medal of Honor", *The New York Times*, 19 Jun 2014, <http://nyti.ms/USks8d> (accessed 31 Jul 2014).

soldiers who have served since 11 September, especially in Afghanistan and Iraq. 76 per cent of respondents also said they had personally thanked soldiers for their service. The military also came out on top when Americans were asked which occupational group makes the greatest contribution to society's well-being.⁸

Table 1

Image of Occupational Groups in the American Society (in per cent)

Question: How much do these occupational groups contribute to society's well-being?

Occupational Group	A lot	Some	Not very much / Nothing
Military	78	15	5
Teachers	72	18	9
Medical doctors	66	24	8
Scientists	65	23	8
Engineers	63	26	7
Clergy	37	36	18
Artists	30	42	24
Journalists	28	42	27
Business execs	24	42	28
Lawyers	18	43	34

Source: Pew Research Center, n. 8.

However, when asked about specific military operations, approval ratings fall sharply. In February of this year, only around half of the population still agreed with military deployment in Afghanistan, compared to two-thirds in 2008. 75 per cent of Americans supported the troop withdrawal from Iraq in 2011. And the American public

8 | This survey was also carried out in 2013. Cf. "Public Esteem for Military Still High", Pew Research Center, Religion & Public Life Project, 11 Jul 2013, <http://pewforum.org/2013/07/11/public-esteem-for-military-still-high> (accessed 31 Jul 2014).

also believes the President is not obliged to send soldiers to other global trouble spots, as currently demonstrated by the examples of Ukraine and Syria. Indeed, the opposite is true: Americans expect their executive branch to concentrate on domestic issues and on “nation-building at home”, to quote the incisive words of columnist and author Thomas Friedman.⁹

More often the population expects their executive branch to concentrate on domestic issues and on “nation-building at home”.

The knowledge that the fate of a nation can depend on its military is echoed in the debate about the controversial prisoner exchange involving Bowe Bergdahl.¹⁰ Some observers, such as Republican Senator John McCain, have spoken out against this exchange, while it has been defended by others, such as the well-known conservative columnist David Brooks. He argues that the USA is less able than other nations to look back at a common history or a common ancestry; therefore it has to work much harder to build national solidarity. This results in more overt displays of patriotism: the plethora of flags; the daily recital of the pledge of allegiance in schools; the singing of the national anthem at public sports events – these are all a symbolic expression of this. According to Brooks, solidarity is an essential element of national defense. Men and women serve in the armed forces for a variety of reasons. One of the main motivations is the feeling that it is a privilege to be an American. So they want to repay this debt through their service. This is why politicians have a special responsibility to help these soldiers when they are in need.


9 | Cf. Thomas L. Friedman, “Anxious in America”, *The New York Times*, 29 Jun 2008, <http://nytimes.com/2008/06/29/opinion/29friedman.html> (accessed 31 Jul 2014). This ongoing topic of the work America needs to do at home has expanded to include areas such as education and training. See Thomas L. Friedman and Michael Mandelbaum, *That Used to Be Us. How America Fell Behind in the World It Invented and How We Can Come Back*, New York, Farrar, Straus and Giroux, 2011, 53-152.

10 | Bowe Bergdahl was held captive by the Taliban in Afghanistan for almost five years. In May 2014 he was released as part of a prisoner exchange in which the USA freed five Taliban members. The circumstances under which Bergdahl was captured have become a subject of intense debate. It has been asked whether Bergdahl is a hero or whether he in fact deserted his unit before being taken captive. This has been the subject of a Pentagon investigation.

They have to be able to rely on the fact that society will do everything it can to bring them home safely.¹¹

David Brooks' opinion seems to tie in with the survey results. At the same time, it is obvious that the majority of the public does not approve of military deployment, even in war regions. As a result, society has to perform a balancing act, something that becomes a challenge in itself. The example of Vietnam has shown how a war-weary nation can turn against its politicians, but also against its homecoming soldiers, meaning that official action to care for and reintegrate these soldiers is put on the backburner.



National solidarity and patriotism: Pledging allegiance every morning in schools or singing the national anthem before public sports events are expressions of a much more present patriotism in the U.S. | Source: Sarah Browning, flickr ©

THE WIDENING MILITARY-CIVILIAN GAP

For some time now, the numbers of people in the USA who have no family links to members of the armed forces have been increasing. I recently attended a boy scouts' event and asked several fathers whether they had served in the military over the last 25 years. Those who had were few and far between. 77 per cent of adults over 50 say they have or have had a relative serving in the armed forces. This drops to 57 per cent among the 30 to 49 age group

11 | Cf. David Brooks, "President Obama Was Right", *The New York Times*, 5 Jun 2014, <http://nyti.ms/1kFjZj7> (accessed 31 Jul 2014). Cf. on the particular role played by soldiers as representatives of their nation also: Raymond Aron, *Frieden und Krieg: Eine Theorie der Staatenwelt*, Frankfurt am Main, S. Fischer, 1962, 14.

and to less than a third for 19 to 29 year-olds. These family connections tend to be concentrated in certain regions and certain families as there is a much greater probability that soldiers will also have relatives in the military.¹²

Table 2

**Attitudes toward the Military in U.S. Society
(in per cent)**

	Immediate family member has served	No immediate family member has served
Felt proud of those who served	94	87
Thanked someone for their service	81	67
Helped someone in military or their family	65	47

Source: Pew Research Center, n. 12.

In the 95th Congress of 1977/1978, 77 per cent of the members of the two chambers (Senate and House of Representatives) had a military background. Today, the fact that only one fifth of senators and representatives are veterans shows that support for soldiers before, during and after their service does not necessarily go without saying. In this regard, the historical narrative of the United States is also in a state of flux. On the one hand, Americans are proud of their first president, George Washington, a serving general. Surveys show he is considered to be the country's most eminent president. Americans are also proud of the fact that he quite literally fought for their nation's freedom. So the military's role in U.S. society was set at the time of the nation's birth. On the other hand, it is no longer a given that politicians themselves have a background of

12 | Cf. Pew Research Center, Social & Demographic Trends, "The Military-Civilian Gap: Fewer Family Connections", 23 Nov 2011, <http://pewsocialtrends.org/2011/11/23/the-military-civilian-gap-fewer-family-connections> (accessed 31 Jul 2014). Other polling organisations have produced similar findings to those of Pew Research. Studies have also shown that Americans who have relatives serving in the military have different attitudes towards issues such as patriotism and national security. It tends to make them more patriotic than the average American. This also shows how the fate of a nation is excessively elevated and interwoven with the fate of war in people's minds.

active service in the armed forces. Military service has also dwindled in importance as the springboard for a career in politics.¹³

Politicians repeatedly assure that the nation will do everything it can to help its military personnel to enjoy a fulfilling life.

Like every other nation, the USA has to deal with the issue of how society supports its military. Its politicians have to create a legal framework and provide the financial means for veterans to be cared for and to help soldiers regain a foothold in civilian life. They repeatedly assure that the nation will do everything it can to help its military personnel enjoy a fulfilling life. No president ever fails to thank the veterans, and Obama is no exception: "For their service and sacrifice, warm words of thanks from a grateful nation are more than warranted, but they aren't nearly enough. We also owe our veterans the care they were promised and the benefits that they have earned. We have a sacred trust with those who wear the uniform of the United States of America. It's a commitment that begins at enlistment, and it must never end. But we know that for too long, we've fallen short of meeting that commitment. Too many wounded warriors go without the care that they need. Too many veterans don't receive the support that they've earned. Too many who once wore our nation's uniform now sleep in our nation's streets."¹⁴

If this promise is to be kept, then existing programs for veterans and military personnel need to be subjected to ongoing review. Problems and irregularities must be identified and addressed, and at times there is a need to adapt the existing instruments. There are three ongoing debates in this respect. The first of these revolves around a sense of dissatisfaction with the work of the Department of Veterans Affairs (VA). Secondly, there is the scandal about harassment and assaults within the military and the sharp

13 | History also illustrates the significance of a second former general who became president: Dwight D. Eisenhower. At the end of his term, he warned against the "military-industrial complex", believing that this was a threat to the processes of democracy.

14 | Barack Obama, 19 Mar 2009. Quoted from The White House, "Veterans and Military Families", <http://whitehouse.gov/issues/veterans> (accessed 31 Jul 2014). In his second inaugural address, Abraham Lincoln talked about the need to look after wounded warriors: "[...] to care for him who shall have borne the battle, and for his widow, and his orphan."

rise in reports of sexual assaults. The third issue concerns Defense Secretary Charles “Chuck” Hagel’s proposals to reform the Army. These three examples illustrate the caution that is needed if a democratic society is to be in a position to support its military, which in turn is responsible for protecting and defending this society.

PROBLEMS IN THE U.S. DEPARTMENT OF VETERANS AFFAIRS

The public reacted with embarrassment when a scandal broke out in May this year about medical care for veterans. It basically revolved around the fact that a great many veterans with physical and mental problems were facing long waits for treatment, resulting in delays in diagnosis and care. Media reports clearly showed how little society actually cares for veterans when it comes to taking concrete action. The establishment of the Department of Veterans Affairs underscores the importance of these tasks. Democrats and Republicans came together

to pledge immediate remedial action and a review of the programs. In the end, VA Secretary Eric Shinseki was forced to resign. A great deal of trust was frittered away during

The veterans’ healthcare system is one of the largest in the USA, with an annual budget of over 57 billion dollars, 151 hospitals are available countrywide.



the weeks this scandal was playing out. Looking after veterans, particularly those who need medical care, is a major welfare issue. The veterans’ healthcare system is one of the largest in the country, with an annual budget of over 57 billion dollars. 18,000 doctors look after 6.5 million patients each year in 151 hospitals and 820 clinics around the USA.¹⁵

Providing soldiers with medical care after active deployment is one of the most pressing issues. If problems exist on the scale being reported, then this serves as a wake-up call for politicians, the military and the public at large. There has been particularly strong criticism of those responsible because, as reported by the Washington Post, these problems have been known for at least a decade. The basic thrust of the criticism is that it is unacceptable for a nation to wage costly wars such as those in Afghanistan

15 | Figures quoted from Robert Pear, “History and Context of an Embattled Department”, *The New York Times*, 21 May 2014, <http://nyti.ms/1havDgN> (accessed 31 Jul 2014).

and Iraq if it does not provide the means to adequately care for soldiers when they return home.¹⁶



After returning from a military tour, it is a challenge for families and the social environment to help the veterans to reintegrate into everyday life. Comprehensive aftercare is essential in treating both mental and physical injuries. | Source: Matt Jones, Pennsylvania National Guard, flickr  (l.), D. Myles Cullen, U.S. Army, flickr  (r).

The treatment of veterans is currently a hot topic in the USA. The scandals affecting the Department of Veterans Affairs are evidence of how the country is finding it difficult to ensure every single soldier can enjoy a reasonable life after returning home. Critics accuse the Pentagon of only making available a fraction of its veterans' budget for the diagnosis and treatment of soldiers with psychological issues. Such problems have escalated beyond proportion, resulting in increasing numbers of suicides. According to a Pentagon report, many more soldiers than ever before are now being diagnosed with mental disorders such as post-traumatic stress disorder (PTSD). It is beginning to dawn on the nation that it has to pay a high price for the wars that are waged in the name of its security. Opinions

16 | The failure of the Department of Veterans Affairs to provide veterans with the best possible care was revealed in May this year. The press seized on the problems and management errors that were prevalent in a number of rehabilitation centers. Alberto Cuadra provides a good overview of specific costs in his article "How the VA calculates monthly payments for wounded soldiers", *The Washington Post*, 20 May 2014, <http://wapo.st/1AMtq73> (accessed 31 Jul 2014).

on the need for such wars are still divided.¹⁷ Along with their medical problems, scores of veterans also find themselves unemployed when they are discharged and many others are living on the brink of poverty. President George W. Bush's reformed GI Bill and the tax incentives for employers who take on veterans introduced by Obama have clearly not had the desired effect. Many veterans are still finding it difficult to return to civilian life. Soldiers returning from Iraq and Afghanistan have certainly not been subjected to the kind of exclusion that befell many Vietnam veterans. However, there is clear evidence of a certain degree of neglect, and reintegration remains an urgent political and social issue.

MISCONDUCT WITHIN THE MILITARY

In the military itself there have been many recent examples of misconduct against its members, which have damaged the public's faith in the institution. The German Bundeswehr's idea of a "citizen in uniform" seems to be less prevalent in the American armed forces. Moreover, a Parliamentary Commissioner for the Armed Forces like in Germany is also nonexistent. But at a time when reports of sexual harassment and assaults are on the increase and when such problems are being discussed with greater openness and sensitivity in the public sphere, Congress is called upon to view the issue with greater scrutiny and take legislative action. According to the figures from the 2013 fiscal year, the number of incidents of "sexual misconduct" in the Air Force alone – some of them violent – increased by 45 per cent compared to the previous year. The Associated Press reported that this figure rose as high as 86 per cent in the Marines, which considers itself to be the elite military corps.¹⁸

The idea of a "citizen in uniform" seems to be less prevalent in the American armed forces, a Parliamentary Commissioner for the Armed Forces like in Germany is also unknown.

17 | Cf. Richard N. Haass, *War of Necessity, War of Choice: A Memoir of Two Iraq Wars*, New York, Simon & Schuster, 2009. Haass is President of the Council on Foreign Relations. In this very readable study, he shows how the events of 9/11 led to a war in Iraq that did not coincide with the USA's interests.

18 | Cf. Lolita C. Baldor, "Military sex assault reports jump by 50 percent", Associated Press, 27 Dec 2013, <http://bigstory.ap.org/article/military-sex-assault-reports-jump-50-percent> (accessed 31 Jul 2014).



Internal reforms: Secretary of Defense Chuck Hagel, himself a Vietnam veteran, wants to reform the U.S. military. The keywords are structural cutbacks and modernizing the equipment. | Source: Glenn Fawcett, U.S. Department of Defense, flickr ©©©©.

This led to a great deal of agitated activity in the Senate. Politicians realized that the military jurisdiction is in need of an overhaul because the Army is now an institution that is open to both sexes. First of all, the wall of silence surrounding these incidents must be broken down. There are also many reports that victims of such assaults have been bullied. The politicians' aim was to change this culture and legislate to introduce democratic safeguards in line with basic individual freedoms. The commanding officers are in the spotlight here, as it is their actions or willingness to turn a blind eye that have played a key role in a command structure that enjoys a certain degree of omnipotence. Senator Carl Levin (Democrat) from Michigan sums it up aptly: "[The] military culture has been slow to grasp the painful truth that even a successful professional can also be a sexual predator."¹⁹ In March, the U.S. Senate passed legislation which now has to be implemented. Senator Kirsten Gillibrand's ongoing proposed legislation to remove sexual assault cases from the military chain of command failed to gain majority support, but Senator Claire McCaskill's bill was passed unanimously. It stipulates that the "good soldier defense" may no longer be used in prosecutions. So progress has been made with the introduction of measures

19 | The Senator's quote and background information: Donna Cassata, "Senate Overwhelmingly Backs Military Sexual Assault Bill", *The Huffington Post*, 10 Mar 2014, <http://huff.to/1p1Ux9c> (accessed 31 Jul 2014).

that correspond to general democratic principles and that point the way forward.²⁰

THE PENTAGON BUDGET AND REORGANISATION OF THE MILITARY

For the time being, the spotlight has swung away from the debate about reorganising and shrinking the Army. A few months ago, before the Ukraine crisis brought these plans and ideas back into focus, Defense Secretary Hagel stepped before the press and revealed the proposals that he was planning to put before Congress. Adapting and reshaping were the key words in this respect. These are ongoing challenges if the military is to ensure it has an effective response to new and global challenges. Leaner and better equipped – this is how Hagel envisions the Army of the future. There is no escaping the fact that expensive wars and the world’s largest arms budget have taken their toll since Congress approved its sequestration measures.²¹ Hagel announced that the total number of troops will drop to pre-9/11 levels. This will go hand-in-hand with investment in new technology as it is no longer a given that the USA has the edge in terms of weapons technology.²² Discussions are also ongoing about increasing military compensation. Although there are currently no proposals to shake up retirement benefits, it does seem that a rethink is underway. However the Defense Secretary’s reforms play out, and however the government chooses to handle a skeptical public, this debate is like a stone which continues to make ripples once it has been thrown into the pond.

Leaner and better equipped – this is how Secretary of Defense Hagel envisions the Army of the future.

20 | For an assessment see Melinda Henneberger, “Sen. McCaskill’s military sexual-assault bill is meatier than advertised”, *The Washington Post*, 9 Mar 2014, <http://wapo.st/1xSNy3g> (accessed 31 Jul 2014). This analysis appeared two days before the bill was passed unanimously.

21 | Sequestration is a procedure whereby automatic cuts are made to the U.S. federal budget if national debt levels are exceeded. It came into effect in March 2013 and since then cuts have been made with very little flexibility. Only one or two programs are exempt, such as military pay and the U.S. Department of Veterans Affairs.

22 | The speech announcing the new budget on 24 Feb 2014 can be read here: Chuck Hagel, “Secretary of Defense Speech. FY15 Budget Preview”, U.S. Department of Defense, <http://defense.gov/Speeches/Speech.aspx?SpeechID=1831> (accessed 31 Jul 2014).

CONCLUSION

No institution is more important to American society than its military, even after 13 long years of conflict since Operation Enduring Freedom began in Afghanistan. No other vocation is afforded more respect than that of the serving soldier. And it is doubtful whether any other country is more proud of its soldiers, the defenders of freedom. The reverse is also true: it would be difficult to find an army anywhere else in the world that is more patriotic or more ingrained with national ideals than the U.S. military.

Yet despite their hero status, these soldiers face tremendous challenges upon returning home. As veterans, it is often difficult for them to regain a foothold in society and build new lives as civilians. It is something of a paradox that it is the members of the most respected occupational group who face such difficulties in the labor market. The country's lawmakers have made efforts to address this problem but there remains much to be done. The problems discussed here provide a pointer to what needs to happen in this ever-changing situation. The state needs to do more to ensure the military remains an attractive employer, particularly in terms of the period that follows active service. The first voices raised against Hagel's proposals came from veterans' associations and certain governors of states that are dependent on the arms industry and who rely on this industry to fill their campaign coffers. Serious reservations have also been expressed by senators who will fight to preserve every single barracks. Yet nothing will change the high status enjoyed by the Army: it remains a fixed anchor in society. Nevertheless, politicians need to take greater pains to explain to the public why their armed forces have to be deployed around the world and how the associated high levels of individual risk can be justified. This is the only way for society and the military to maintain their current high levels of mutual esteem.

CHILD ABUSE IN CONFLICT

CHILD SOLDIERS IN CONGOLESE SOCIETY

Steffen Krüger / Diana Hund

Characteristics of and ideas about child soldiers have changed significantly over time. In history and in stories they are often trivialised or even portrayed heroically. Joan of Arc, who fought in battle at the age of 17 during the Hundred Years War, is perhaps the most famous child soldier in European history. There are also countless unknown boys and girls who were included in the warring parties as drummers, grooms, porters and weapons cleaners throughout the various wars. With the invention and rapid spread of small arms and automatic rifles, children became increasingly more involved in armed conflicts as combatants.

The United Nations (UN) Convention on the Rights of the Child (CRC) defines children as every human being below the age of 18 years.¹ Among other things, the Convention ensures children's rights to equality, life, rest and leisure, the right to engage in play and to receive an education. With the exception of Somalia, South Sudan and the United States, all UN Member States have signed the CRC and included it as part of their national policies. In addition, in 2000 the signatories committed to an additional protocol that those members of armed forces under the age of 18 shall not "take direct part in hostilities" and that



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1 | The full text of the CRC: German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, "Übereinkommen über die Rechte des Kindes. VN-Kinderrechtskonvention im Wortlaut mit Materialien", 2012, http://bmfsfj.de/Redaktion/BMFSFJ/Broschuerenstelle/Pdf-Anlagen/_C3_9Cbereinkommen-_C3_BCber-die-Rechte-des-Kindes.pdf (accessed 22 Jul 2014). Available in English: UN, Office of the High Commissioner for Human Rights (OHCHR), "Convention on the Rights of the Child", <http://ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (accessed 28 Jul 2014).

“all feasible measures” should be taken² to prevent armed groups from using children. Unfortunately, the reality for many boys and girls around the world is shockingly different: in many conflicts, children are used as soldiers. The media often portrays child soldiers simply as African boys with bandoleers around their necks and AK-47s in their hands, boys who have been forcefully recruited through coercion. It is also reported that child soldiers are used as weapons. Pumped full of drugs, they strike fear and terror into the hearts of people in combat zones. However, the problem of child soldiers is more complicated than the image relayed by the media and affects many others as well.

The term child soldier comprises children who actually fight in armed conflicts or are an inherent part of a military unit.

At two international conferences in Cape Town (1997) and Paris (2007), the United Nations Children’s Fund (UNICEF), several states and representatives of civil society coined the term “child soldier”. They also worked to develop standards to prevent abuse of minors in conflicts. The term child soldier covers a broad spectrum according to the Paris Principles. It not only comprises children who actually fight in armed conflicts, but all children who are an inherent part of a military unit, regardless of their function. Child soldiers are therefore “any person (male and female) below 18 years of age who is or who has been recruited or used by an armed force or armed group [...], including children used as fighters, cooks, porters, messengers, spies or for sexual purposes.”³

2 | UN, OHCHR, “Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict”, May 2000, Art. 1 and 4 (2), <http://ohchr.org/EN/ProfessionalInterest/Pages/OPACRC.aspx> (accessed 28 Jul 2014).

3 | UNICEF, “The Paris Principles. Principles and Guidelines on Children Associated with Armed Forces or Armed Groups”, Principle 2.1, Feb 2007, <http://unicef.org/emerg/files/ParisPrinciples310107English.pdf> (accessed 22 Jul 2014). These Principles have been signed by 95 countries.

Current estimates put the number of child soldiers worldwide at 250,000,⁴ a third of whom are girls.⁵ The use of children has been documented in more than 20 countries in Africa, Asia and Latin America. Child soldiers are used in both government armies as well as in irregular forces, such as rebel groups or paramilitary organisations. Myanmar currently has the highest number of child soldiers (about 10,000), followed by Colombia.⁶ Experts estimate that approximately 40 per cent of all child soldiers currently active are located in African countries.⁷ Information is imprecise for both statistical data on the age or origin of child soldiers, but also in terms of how these children were recruited as soldiers, and this cannot always be accurately determined. Children become “soldiers” through (forced) recruitment, voluntary membership or by birth. Especially in the case of military groups that have existed for decades in isolation, children born into such groups are likely to become child soldiers. This is the case with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) or the Lord’s Resistance Army (LRA) in Uganda.

Child soldiers are used in both government armies as well as in rebel groups or paramilitary organisations.

Far more often, minors join an army or armed forces through recruitment or voluntarily. While the majority of them will be recruited through abduction or trafficking, it is just as likely for children to join a group voluntarily on the basis of (false) promises, material incentives, ideologies, revenge or other reasons. In retrospect, it can be difficult to differentiate between these various practices and

4 | For example, the report by Terre des Hommes Germany, “Kindersoldaten. Daten und Fakten. Definition”, <http://tdh.de/was-wir-tun/themen-a-z/kindersoldaten/daten-und-fakten.html> (accessed 22 Jul 2014). However, other organisations and campaigns, such as the German Child Soldier Alliance (Deutsches Bündnis Kindersoldaten) or Straight-18, who lobby that no person under 18 years of age should serve in an army. This includes countries such as France, Germany and the USA. These organisations contend that the number of child soldiers is actually much higher.

5 | For more information about the UN Machel Report, http://unicef.org/graca/a51-306_en.pdf (accessed 22 Jul 2014).

6 | Report by Terre des Hommes Germany, n. 4.

7 | Cf. Mark A. Drumbl, *Reimagining Child Soldiers in International Law and Policy*, Oxford University Press, Oxford, 2012, 5.

motivations; it is a complex situation further fuelled by alcohol and drug use, extreme violence, abuse and coercion. But privileges and rewards are also given, which in turn influence the motives of children and their families.

Considering the practices mentioned above, becoming a child soldier can happen quite rapidly. However, the consequences are dramatic for those affected both directly and indirectly. What happens when conflicts are resolved or lose intensity and the child soldiers involved are no longer involved in fighting? Their connection to the military group particularly and significantly complicates their reintegration into a society that is itself no longer intact, be that connection one forged through psychological pressure, the desire for brutal violence or the abuse of minors. In the case of the Democratic Republic of the Congo (DRC), this particular challenge as well as the society's contact to child soldiers require closer examination.



Difficult distinction: The lines between victims and perpetrators are not always clear when it comes to child soldiers, which makes the reintegration of former child soldiers into society difficult. | Source: L. Rose, USAID ©©.

THE CHILD SOLDIER PHENOMENON IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Eastern Congo continues to experience a particular degree of heavy fighting over access to natural resources, land and power. Other causes of conflict are ethnic clashes between

Congolese and foreign groups.⁸ In the DRC, both the army and the many rebel groups rely on child soldiers. They are often direct combatants equipped with weapons and are involved in the various conflicts that have dominated the country for 20 years, during which time some six million people have lost their lives so far. The biggest use of child soldiers – from home and abroad – took place during the two Congo Wars (1996 to 2003). Future President Laurent Désiré Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaire (Alliance des Forces Démocratiques pour la Libération du Congo-Zaire, AFDL)⁹ and other rebel movements had more than 30,000 child soldiers among their ranks.¹⁰ Although there has been peace in most parts of the country since the Sun City Agreement in 2002, minors continue to be used for fighting purposes primarily by the more than 50 different non-governmental rebel groups in the east. However, a credible number cannot be determined as the rebels are mainly active in the remote corners of the country.

A lack of the rule of law, extreme poverty, social injustice and a lack of education and job opportunities are factors that increase the risk of boys and girls facing abuse as

In those places where native villages were destroyed and family members were murdered, joining an armed group can mean a chance of survival.

child soldiers. Children are primarily recruited from refugee camps, orphanages or the poorest families. They are not always forced to join, but many either are lured by promises or they volunteer. Particularly in those places where native villages were destroyed and family members were murdered, joining an armed group can mean a chance of survival; the hope of pay, security and a reliable food supply guides the actions of adolescents. Children who

8 | For further information: Steffen Krüger, "M23 Rebellion – A Further Chapter in the Violence in Eastern Congo", *KAS International Reports*, Jun 2013, 56-71, <http://kas.de/wf/en/33.34621> (accessed 22 Jul 2014).

9 | The Alliance des Forces Démocratiques pour la Libération du Congo-Zaire (AFDL) was a coalition of Congolese dissidents who brought about the fall of President Mobutu and were led by Laurent Désiré Kabila. Contemporary witnesses reported that more than 60 per cent of all combatants in the AFDL campaign from Bukavu to Kinshasa were child soldiers supervised by adult soldiers from Rwanda, Burundi and Uganda.

10 | Cf. "CONGO, Democratic Republic of the", in: *Child Soldiers. Global Report 2008*, London, 2008, 106-113, http://child-soldiers.org/user_uploads/pdf/congodemocraticrepublicof7740484.pdf (accessed 22 Jul 2014).

face war, violence and destruction on a daily basis weigh the option of carrying a weapon for self-defence against precisely this kind of violence to which they would otherwise regularly be exposed. But they also seek among other things acceptance in the rebel group.

THE LEGAL SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

The recruitment and use of children in armed conflict is even a violation of the law in the DRC. The Congolese government signed the UN Convention on the Rights of the Child from 20 November 1989, as well as the Optional

Protocols. According to the Convention,

The Kinshasa government signed other international conventions that found their way into national law. The laws forbid the use of children in armed conflict.

forced recruitment as well as voluntary use of children and adolescents under the age of 18 in armed conflicts are strictly, officially and internationally forbidden in countries

that are signatories. After the ratification of Protocols on 11 November 2001, the Kinshasa government issued a declaration stating that the recruitment age for the armed forces was set at 18. They also signed a host of other international conventions that found their way into national law. The laws forbid the use of children in armed conflict. Those who flout these laws can be tried before a national court. Forced recruitment, but also the recruitment of voluntary children to participate in hostilities are considered war crimes pursuant to Article 8 of the Rome Statute of the International Criminal Court (ICC), the signatories of which include the DRC; furthermore, the torture of children is considered a crime against humanity under Article 7 of the Statute. The recruitment and use of minors in armed conflicts can thus be legally sanctioned at the international level even if the Congolese government does not consistently follow through with criminal prosecution. The trial of Thomas Lubanga testifies to this international jurisdiction. In March 2012, he was sentenced to 14 years imprisonment by the ICC in The Hague for the forced recruitment

and use of child soldiers from 2002 to 2003; he was the first Congolese to be convicted as a war criminal.¹¹

Unfortunately, a judgement of this kind is the exception rather than the rule; such criminals are rarely held accountable for their unlawful actions in the Congo. The rebel leaders, local commanders and backers who get rich through the conflicts are able to exert political pressure to ensure that the laws are not applied to them. Furthermore, these groups operate in areas where the government has lost control. Arresting war criminals is thus almost impossible. In practice, political will is also lacking to enforce effective measures, prohibitions and sanctions. In addition, according to information from local experts, some of the Congolese security forces themselves have units in which children are used as aides.

Arresting war criminals is an almost impossible task. In practice, political will is lacking to enforce effective measures and sanctions.

DEMOBILISATION AND RE-INTEGRATION OF CHILD SOLDIERS

According to UNICEF, there are currently at least 4,500 adolescents among the ranks of the rebel groups in Kinshasa. The real figure probably exceeds this by far.¹² The UN peacekeeping mission MONUSCO¹³ confirmed at least 150 children were fighting in the non-state rebel groups M23, the FDLR and the LRA, as well as in local vigilante

11 | For more information on the case and the ruling, see the International Criminal Court "The Prosecutor v. Thomas Lubanga Dyilo", ICC-01/04-01/06, http://icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200106/pages/democratic%20republic%20of%20the%20congo.aspx (accessed 22 Jul 2014).

12 | On 4 October 2012, the Congolese government, together with the UN, signed an action plan to put an official end to the recruitment and involvement of children in the army. However, experts on the ground have reported that soldiers under 18 years of age are among new recruits.

13 | MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo) is a UN peacekeeping mission in the DRC established in 1999, the predecessor of which was the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) from 1999 until 2010. The MONUSCO mandate is based upon UN Resolution 1279, which was updated by the Council Resolutions 1925, 2098 and 2147. Currently, about 20,000 military personnel and civilians are part of this mission.

groups between January to August 2012.¹⁴ However, reliable official figures do not exist.



Deconfliction: The UN mission MONUSCO is collaborating with other organisations to destroy firearms in the DR of Congo. Thus, new escalations and acts of violence should be prevented. | Source: Sylvain Liechti, MONUSCO, flickr ©100.

Under the terms of the UN Convention on the Rights of the Child, the Congolese government must act to secure the demobilisation of children from armed groups and facilitate their reintegration back into their families and society. In 2003, the government, the United Nations and various NGOs agreed on a plan for the societal reintegration of these boys and girls. That same year, the DRC's transitional government established the National Commission for Disarmament, Demobilisation and Reintegration (CONADER).¹⁵ It was tasked with demobilising rebels and reintegrating members of rebel groups back into society. More than two-thirds of the 90,000 participants of the

14 | M23 (March 23 Movement) was a rebel group that occupied some areas in North Kivu between April 2012 and March 2014 and was composed of former government soldiers, rebels from the DRC and Rwanda. M23 was defeated in the spring of 2014. The FDLR is a rebel group mainly consisting of Hutus supported by Rwanda. Beginning in 2014, several military actions have been undertaken with the aim of disarming the FDLR. The LRA is a long-standing rebel group from Uganda, temporarily residing in the DRC. For more information, cf. Krüger, n. 8.

15 | The Commission Nationale de la Démobilisation et Reinsertion (CONADER) is the National Commission for Demobilisation and Reinsertion of former adult and adolescent rebels.

demobilisation programs were under the age of 18.¹⁶ The idea, though promising initially, has faced slow progress. As of 2006, 19,000 children had been demobilised but their reintegration was not satisfactorily ensured because of the short-term nature of the projects.¹⁷

In addition, many other international and national organisations have gotten involved in disarmament, demobilisation and reintegration (so-called DDR programs¹⁸) measures. Demobilisation and thus the first step out of rebel groups is not the only complicated process that faces a multitude of obstacles; permanent reintegration of child soldiers into society is only rarely successful. Often the programs do not receive adequate funding, are planned poorly or motivation is lacking with those involved. Traumatized former child soldiers do not receive sufficient support, and thus the vicious cycle threatens to repeat itself. Another apparent problem is the fact that no one authority has the jurisdiction throughout the entire DRC to provide follow-up care for demobilised and reintegrated adolescents. If former child soldiers are unable to find acceptance in society and receive no official follow-up care, they can quite easily fall back into the clutches of the military groups and the army. When international organisations such as the International Committee of the Red Cross visit families after several months, staff often report that the children have long since disappeared again.¹⁹ The task of reintegrating demobilised children back into Congolese society therefore usually falls to the children themselves.

Often the re-integration programs do not receive adequate funding, are planned poorly or motivation is lacking with those involved.

The boundaries between victim and perpetrator are not immediately recognisable with child soldiers, which is intensely problematic for their reintegration into society. The difficulties of transitioning from a military camp to civilian life should not be underestimated. Child soldiers are

16 | However, child soldiers were not the only participants; family members of rebels who were not deployed as soldiers were also included.

17 | Cf. Taylor Toeke Kakala, "Kongo: Noch 2000 Kindersoldaten", *Neues Deutschland*, 29 Aug 2013, <http://neues-deutschland.de/artikel/831650.html> (accessed 22 Jul 2014).

18 | DDR (disarmament, demobilisation, reintegration); disarmed rebels are often offered training or seed capital for economic activities for the purpose of reintegration.

19 | Cf. Kakala, n. 17.

accused of being criminals, murderers, looters or rapists in Congolese society. Such a reputation sticks with them even after their demobilisation. They are rarely treated as traumatised children who need special protection and care. Many of them have either lost their families or have been rejected by their relatives after their demobilisation. Families of former child soldiers usually live in such extreme poverty that they cannot look after those returning and cannot afford education costs. Boys and girls who (want to) return to communities whose social infrastructure was destroyed by years of exploitation and on-going wars face a particularly difficult time.



Uncertain future: Reintegrating child soldiers is rarely successful. Having finished a demobilisation program, children often find themselves alone, because their families are unable or unwilling to look after them. | Source: Julien Harneis, flickr ©📷📷.

Their use as child soldiers has resulted in physical injuries, psychological trauma, a lack of education and social exclusion; all of these will follow these children for their entire lives. Furthermore, unwanted pregnancies and sexually transmitted diseases have resulted from military service. In addition, HIV and AIDS have spread rapidly; this is not solely attributable to sexual assault, but also to the use of shared razor blades or other products in the training camps. Former child soldiers do not know (or no longer know) how to conduct themselves outside the combat zones according to societal norms. They do not know the rules because they have either forgotten them or never learned them in the first place. Survival and behavioural patterns that are remnants of their time as child soldiers

rarely apply in a peaceful environment. They have had very little or no education and are inexperienced in how to deal with certain problems. Field reports describe this problem as follows: "How is a child for whom violence and murder was common for ten years supposed to find their way back to a normal life through a three-month long integration program? That is ridiculous! How are you supposed to integrate into a society whose members you spent ten years senselessly killing in three months? That is where the biggest problem lies!"²⁰

Drug addiction, mental disorders and hallucinations are typical symptoms of former child soldiers. These young people cannot negotiate normal daily life by themselves without support. One consequence has been the increase in the number of street children in major cities such as Kinshasa, Lubumbashi, Matadi and Goma. A large number of them are former child soldiers. They either no longer have a family or are unable to return home. In Kinshasa alone there are an estimated 25,000 to 50,000 orphaned boys and girls living on the streets. Street children are destitute and rarely have access to education. Even the widespread kuluna groups in the DRC are comprised of former child soldiers. Kulunas are street gangs mainly located in the suburbs of Kinshasa, where they rob and threaten citizens, which often ends in deadly clashes. The kulunas present a real, everyday threat to people because they are often the source of professional organised crime.²¹

Plenty of former child soldiers are homeless: In Kinshasa alone there are an estimated 25,000 to 50,000 orphaned boys and girls living on the streets.

The educational deficits of this generation borne of war negatively impact Congolese society in the medium and long term. Most child soldiers can neither read nor write. In order to prepare themselves for the future – and not for combat – these youngsters need an adequate education, a vocational qualification, a job and, above all, to live their life in accordance with common values. If the youth of Congo is to be educated in democracy and the rule of law,

20 | Authors' interview with Junior Nzita Nsuami on 10 Apr 2014 in Kinshasa.

21 | For further information: Götz Heinicke, "Jugendbanden in Kinshasa", project overview, Hanns-Seidel-Stiftung, 30 Nov 2013, http://hss.de/fileadmin/media/downloads/Berichte/131205_Kongo_PB..pdf (accessed 22 Jul 2014).

they must also be familiar with democratic values and the values that accompany the rule of law and must be educated accordingly. Long-term programs for demobilisation, the treatment of trauma, rehabilitation and reintegration are therefore of vital importance in the DRC. The experiences of a former child soldier illustrate these challenges.



Hardly prepared for the future: Most of the child soldiers are not able to read or write. Therefore, the chances for a better life are not only reduced on an individual level, the educational deficits affect the society as a whole. | Source: Jonathan Hyams, European Commission, ECHO, flickr ©①③.

The Story of Junior Nzita Nsuami

Junior Nzita Nsuami²² was kidnapped by the AFDL from his boarding school in Kiondo in the province of North Kivu in November 1996 when he was 13 years old. He and other children were transported to an AFDL training camp in a sealed container, a journey that took two days. There he not only met other abducted children, but children who were recruited by soldiers or other child soldiers for the AFDL. They were approached in schools, nightclubs or on the street and lured with promises of large sums of money, cars or a house in Kinshasa. Most boys and girls came from very poor families who could barely afford to feed themselves. Junior also encountered child soldiers from Angola, Burundi, Rwanda and Uganda, who scarcely stood any chance of seeing their homelands again.

22 | Cf. interview with Junior Nzita Nsuami, n. 20.

In the training camp, the AFDL's campaign to capture Kinshasa and the accompanying overthrow of the Zairean government led by President Mobutu was propagandised. The initial training consisted of the intimidation and manipulation of recruits. Everyday life in the camp was full of terrifying events. Between military parades, exercises with wooden rifles and harassment, countless children were repeatedly killed before the others' eyes. Children who could not swim were left to drown, and the sick were not treated due to lack of resources and were simply taken away. The aim was to intimidate the children and to sow hatred in their minds. Escape attempts during the campaign and later in the barracks were nearly impossible. First of all, the children would never have been able to find their way back to their home villages without help, and second of all, they had all internalised the images of fleeing young people who were eventually tracked down and killed. These punishments acted as a deterrent.

Everyday life in the camp was full of terrifying events. Escape attempts during the campaign and later in the barracks were nearly impossible.

After a month-long march through the forests of the Congo, the AFDL reached the capital city of Kinshasa, which was peacefully surrendered to the rebels. After this coup against Mobutu and Desiré Kabila's rise to power, the rebel group became a part of the official national army. The child soldiers were placed in various military camps distributed throughout the country. Junior arrived at a barracks in Matadi where he lived with three families in a confined space in a single hut. At this point, he had not received any pay for seven months. Everyday life in the barracks saw less hostility. The soldiers were able to leave the camp alone and a truce was called. Since Junior's commander no longer required his services, they discharged him. With the help of a local family and his Christian faith, he regained the courage to start a "normal life", starting with attending school.

He later studied law and founded the NGO Paix pour l'Enfance (Peace for Childhood). With this NGO, he is not only committed to upholding international children's rights in the DRC, but also to helping former soldiers to integrate into society and receive follow-up care. He spends a lot of time with street children and former combatants, and finds out the addresses of their parents and visits them.

Junior Nzita Nsuami and his colleagues are committed to the acceptance and understanding of these children within the family and society at large. Junior himself has become a role model to the street children. He provides many child soldiers with real hope for a better life even though he faces a great deal of mistrust in his work because of his past.

PREVENTING THE USE OF CHILD SOLDIERS – A GLOBAL COMMITMENT

Worldwide, there are many measures in place to prevent the use of child soldiers. Multiple internationally networked campaigns have been led by civil society since the mid-1990s, shining the spotlight of global public opinion on the abuse of children in conflicts and engaging many governments and organisations on this issue. The lobbying and public pressure in favour of the protection of affected children mainly focuses on compliance with international agreements on the protection of children's rights and the national laws of the DRC.

The international community, the Congolese government and society itself should be asking themselves the question of how to effectively help these children after their demobilisation.

This means that they are more engaged in preventive awareness than they are in the curative area. However, curative measures are more important for the children affected.

This is the second aspect of the problem: In the DRC at least, there are very few programs in place for reintegration into society that are successful in the long term. The international community, the Congolese government, but also society itself should be asking themselves how to effectively help these children after their demobilisation. What does a liberated child need in order to receive at least a chance for a civilised life? To get a realistic answer, the experiences and knowledge of successfully reintegrated child soldiers, like those of Junior Nzita Nsuami, should be taken into account.

Initiatives, such as the non-governmental organisation Paix pour l'Enfance, that advocate the inclusion of former child soldiers in society form an important link to the work being done on the international level when it comes to enforcement and compliance with legal norms and prevention. International legal standards that also permit offenders to be sentenced should be implemented to a greater extent.

The Kinshasa government itself must lead by example and end their practice of recruiting children for the national armed forces. They must take responsibility for complying with the laws, and must carry out sanctions and ensure they are monitored. Furthermore, the causes underlying voluntary recruitment must be addressed. These causes are multifaceted and, taken as a whole, are mainly due to poverty and the security situation in the country. Every international organisation on site is battling these problems one way or another, and this battle is closely tied to the fight against using child soldiers. Even more organisations should be including activities in their programs aimed at raising awareness. Such an approach is necessary to bring about a comprehensive preventive and curative impact along with the societal acceptance of these children.



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THE RELATIONSHIP BETWEEN THE MILITARY AND SOCIETY IN ISRAEL

**THE ENTIRE NATION IS AN ARMY, THE ENTIRE
COUNTRY THE FRONT LINE¹**

Evelyn Gaiser

As a member of the OECD and the only democracy in the Middle East, Israel can be considered to be firmly anchored in the Western world in terms of its values. However, the country differs from many other Western democracies on account of its geopolitical situation and the central role that its military plays in so many areas of the country's life. The founding of the State of Israel on 14 May 1948 was swiftly followed by a combined attack by five Arab armies (Egypt, Jordan, Syria, Lebanon and Iraq). This was to be the first real test of the Israel Defense Forces (IDF), officially set up on 26 May of that year, a test from which they ultimately emerged victorious. Ever since its founding, the State of Israel has lived through numerous wars, military operations and other violent conflicts, such as the Arab uprisings in the Palestinian territories (known as the First and Second Intifadas). To date, the only peace treaties to be signed were with Egypt in 1978 and the Kingdom of Jordan in 1994. Negotiations with the autonomous Palestinian Authority have currently reached an impasse.²

In the past, the main threat to Israel was the possibility of attacks by the armies of its Arab neighbours. But in the last ten years there has been a growing threat from other, non-state actors. In addition to terrorist groups in the Gaza Strip, there are now numerous terrorist networks

1 | Israel's founder David Ben-Gurion on the role of the army, 1948.

2 | Evelyn Gaiser and Stefanie Friese, "Nahost-Friedensgespräche: Pause oder Ende? Von der Sackgasse in die Krise", KAS Country Report, Jerusalem, May 2014, <http://kas.de/israel/de/publications/37644> (accessed 22 Jul 2014).

in the Sinai Peninsula, a significant number of terrorist organisations in civil war-torn Syria, as well as the heavily-armed Hezbollah militia in Lebanon, who are supported by Iran. Therefore, a strong army is absolutely essential for Israel's very survival. National security has always been at the forefront of the Israeli mindset and is inextricably linked with the country's political culture.

The issue of national security has always been at the forefront of Israeli consciousness and is inextricably linked with the country's political culture.

AN ARMY OF THE PEOPLE – CONSCRIPTION IN ISRAEL

The IDF is a conscription-based army. While it is compulsory for Israeli citizens from the age of 18 – men and women alike – the legislation makes numerous exemptions. The following groups are represented within the IDF:

- Jewish males currently have to serve for 36 months. This is to be reduced to 32 months under new legislation aimed at a more equitable sharing of the military burden (Equal Burden Law), which will be discussed in more detail later.³
- Military service for the majority of national-religious Jewish males is based on the Hesder-Yeshiva model, which combines military service with Torah studies. Until now, Hesder students have had to serve in the army for 16 months, which is to be increased by a further month under the Equal Burden Law.
- Ultra-Orthodox Jewish males (Haredim), who are enrolled in a Torah school (Yeshiva) on a full time basis, have so far been exempt from military service. Under the Tal Law, which the Supreme Court of Israel (SCI) recently declared unconstitutional, military service could be deferred from year to year with no upper limit on the number of years.⁴ The new conscription law provides for a significantly higher number of ultra-Orthodox conscripts in the future.

3 | Cf. Jeremy Sharon, "Knesset committee votes to shorten men's army service to 32 months", *The Jerusalem Post*, 10 Feb 2014, <http://jpost.com/Defense/Knesset-committee-votes-to-shorten-mens-army-service-to-32-months-340935> (accessed 22 Jul 2014).

4 | Cf. Haim Zicherman, "The IDF and the Ultra-Orthodox", The Israel Democracy Institute, 12 Mar 2014, <http://en.idi.org.il/analysis/articles/the-idf-and-the-ultra-orthodox> (accessed 22 Jul 2014).

- Jewish females have to serve for 24 months. They can opt out if they prove they are religious, married and/or have children.



Among the Arab population, the Druze are the only group required to fulfil military service. They took part in the War of Independence in 1948/49 and were members of the IDF, e.g. as seen here in guarding a mobile power station. | Source: Kluger Zultan, Government Press Office, flickr ©🇮🇱🇮🇱🇮🇱.

Conscription does not apply to all of the country's Arab population. Within this group, military service is only compulsory for Druze males. Bedouins, along with Christian and Muslim Arabs (Bedouins are also Muslim Arabs, but will be considered as a distinct group in this article), also have the opportunity to volunteer for military service. However, as a significant proportion of the Muslim and Christian Arabs living in Israel define themselves as Palestinian, they consider military service with the Israel Defense Forces to be a fundamental contradiction of their own identity.

- The Druze community, which makes up only two per cent of the Israeli population, is very loyal to the state and members of this community have been volunteering for military service since 1956. Today, some 83 per cent of the male Druze population are enlisted – a relatively high proportion. Many Druze serve in distinguished military units and hold the rank of officer.⁵

5 | Cf. Rotem Pessu, "56 years of Druze soldiers serving in the IDF", IDF, 3 May 2012, <http://www.idf.il/1283-15853-en/Dover.aspx> (accessed 22 Jul 2014).

- The number of serving Bedouins has also risen in recent years. There are currently 1,665 – out of a total population of approximately 260,000.⁶ Because of their original nomadic lifestyle, many of today's more settled Bedouins are highly skilled trackers and, as a result, are often employed in reconnaissance and scouting units, whose job is to protect Israel's borders.
- Last year there was also an increase in the number of Christians volunteering for military service (currently around 150). Observers believe this particular group wants to be better integrated into Israeli society, a desire that has been intensified by recent attacks on Christians in Egypt and Syria.⁷ For its part, Israel has tried to promote the integration of Christians into the military and hopes to see evidence of more solidarity with the state in future.⁸
- The number of people from the Muslim minority in the IDF is very small with approximately 20 conscripts per year from a total population of 1,354,000 in 2012.⁹

Figures released by the army for the year 2007 suggest that three quarters of eligible males and 56.5 per cent of eligible females were doing military service that year. In 1980, still 87.9 per cent of eligible males joined the army while by 2002, that figure even dropped to 76.1. The growing number of ultra-Orthodox Jews within the Israeli

A growing number of ultra-Orthodox Jews within the Israeli population is the main reason why more males don't join the army.

6 | Cf. "Muslim Arab Bedouins serve as Jewish state's gatekeepers", *Al Arabiya News*, 24 Apr 2013, <http://english.alarabiya.net/en/perspective/profiles/2013/04/24/Bedouin-army-trackers-scale-Israel-social-ladder-.html> (accessed 22 Jul 2014).

7 | Cf. Jack Khoury, "Onward Christian soldiers. Israeli army sees increase in Christian Arab Recruits", *Haaretz*, 9 Feb 2014, <http://haaretz.com/1.573172> (accessed 22 Jul 2014).

8 | Cf. Michele Chabin, "Israeli Christians seek more integration into the country", *USA Today*, 11 Mar 2014, <http://usatoday.com/story/news/world/2014/03/11/israel-christians-military-service/5846019> (accessed 22 Jul 2014).

9 | Cf. Jordan Hoffman, "His deep, dark secret: He's Arab, Muslim and serves in the IDF", *The Times of Israel*, 10 Nov 2012, <http://timesofisrael.com/his-big-secret-hes-arab-muslim-and-serves-in-the-idf> (accessed 22 Jul 2014); Yaron Druckman, "CBS releases data about Israel's Muslim population", *Ynetnews online*, 25 Oct 2012, <http://ynetnews.com/articles/0,7340,L-4297091,00.html> (accessed 22 Jul 2014).

population explains this downward trend. Of the 25 per cent of eligible males who did not serve in 2007, eleven per cent were ultra-religious. By 2011, this figure had risen to 13 per cent, while the total number of eligible males who were not enlisted remained at 25 per cent.¹⁰

Ordinary conscripts alone are not sufficient to maintain the necessary strength of the IDF. Consequently, a proportion of male soldiers and unmarried female soldiers (especially from combat units) also serve as reservists for approximately one month per year once they have completed their three years of military service. Men normally serve until they are 40 (officers until they are 45). Women are usually released from reserve duty when they reach 24, but in certain individual cases may be called up until they are 38. Today women represent seven per cent of all reservists.¹¹ The army ensures the payment of reservists' salaries while on duty. Reservists are often called up to strengthen the forces during an operation.¹² Career soldiers make up another important part of the Israel Defense Forces in addition to conscripts and reservists. According to figures published by the Institute for National Security Studies (INSS) in 2012, Israel's troops comprised 176,500 regular soldiers and an additional 445,000 reservists.¹³

10 | Yaakov Katz, "60 percent of Israelis won't serve in IDF by 2020", *The Jerusalem Post*, 18 Nov 2011, <http://jpost.com/Defense/60-percent-of-Israelis-wont-serve-in-IDF-by-2020> (accessed 22 Jul 2014); Stuart A. Cohen, "The False 'Crisis' in Military Recruitment: An IDF Red Herring", BESA Perspectives Paper 33, 23 Jul 2007, <http://biu.ac.il/SOC/besa/docs/perspectives33.pdf> (accessed 22 Jul 2014).

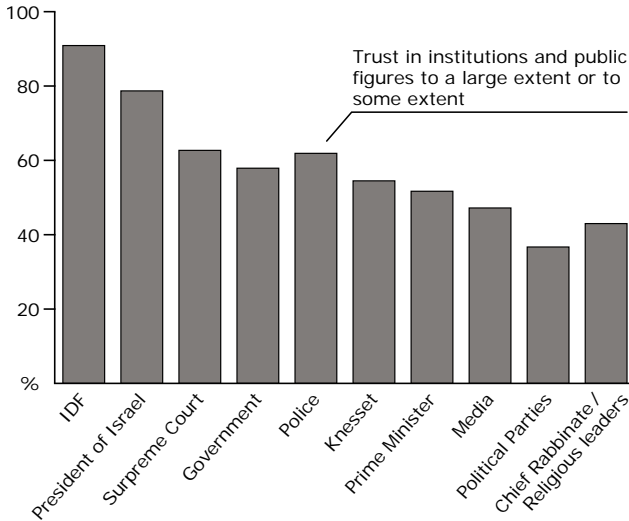
11 | Cf. IDF, personnel department, <http://www.miluim.aka.idf.il/894-he/Miluim.aspx> (accessed 22 Jul 2014).

12 | For the latest military offensive in Gaza (Operation Protective Edge) 82,201 reservists had been called up by 5 Aug 2014.

13 | The Institute for National Security Studies, "Israel", 8 May 2012, <http://d26e8pvoto2x3r.cloudfront.net/uploadimages/SystemFiles/israel-2012.pdf> (accessed 22 Jul 2014).

Fig. 1

Reputation of Public Institutions Among the Jewish Population in Israel (in per cent)



Source: Own presentation based on Hermann et al., n. 15.

THE IMPORTANCE OF THE ARMY IN SOCIETY

The dividing lines between the civilian and military spheres in Israel are blurred as these domains are very much intertwined.¹⁴ The army is highly appreciated compared to the country's political parties, and its renown goes far beyond political affiliation. 91 per cent of the Jewish population trust their armed forces, which came out top in a poll measuring public trust in Israeli institutions.¹⁵ This high level of esteem is in part due to the important societal role played by the IDF, which will be discussed later. Such a positive image can also be explained by the fact that they have emerged victorious from every war fought against other nations.

14 | The aim, therefore, is to examine specifically the relationship between the military and Jewish-Israeli society, as an analysis that also included the Arab-Palestinian population would be beyond the scope of this article.

15 | Cf. Tamar Hermann et al., *The Israeli Democracy Index 2013*, The Israeli Democracy Institute, 2013, 40, <http://en.idi.org.il/media/2720081/Democracy%20Index%20English%202013.pdf> (accessed 22 Jul 2014).



Commemorating soldiers killed in action and victims of terrorism: The Memorial Day Yom HaZikaron precedes the Independence Day. | Source: Masa Israel Journey, flickr ©🇮🇱🇮🇱.

Its role as an army of defense also confers a certain legitimacy on the IDF. It is viewed as a defensive institution with the mission of protecting the Israeli people. Most Israeli Jews consider the wars fought by the IDF as “wars of necessity”, forced upon the country because of repeated attacks by its Arab neighbours.¹⁶ Because of the existential importance of the IDF to the very survival of the State of Israel, there is a great willingness on the part of the Jewish Israeli society to contribute to and make personal sacrifices in defense of their country. Military service is seen as one way every individual can contribute to the existence of the state. It became part of growing up and a key hallmark of citizenship.¹⁷ By serving in the military conscripts encounter a high probability of being involved in combat operations and of risking their own lives. Memorial Day (Yom HaZikaron), which is dedicated to fallen soldiers, is considered to be one of the most important days of remembrance in the Israeli calendar. Nearly every Israeli has someone in their circle of family or friends who was killed in a war or because of a terrorist attack. The end of Memorial Day marks the beginning of the celebrations for

16 | Cf. Yoram Peri, *Generals in the Cabinet Room: How the Military Shapes Israeli Policy*, United States Institute for Peace Press, Washington D.C., 2006, 19.

17 | Cf. Noya Rimalt, “Women in the Sphere of Masculinity: The Double-Edged Sword of Women’s Integration in the Military”, *Duke Journal of Gender Law & Policy* 14, 2007, 1103, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1135&context=djgpl> (accessed 22 Jul 2014).

Independence Day (Yom HaAtzmaut), a fact which further underscores the symbolic importance of the army in politics and society.



State founder Ben-Gurion: Israel's first Prime Minister while visiting an army base in 1957. He designed the IDF as a backbone of society contributing to the integration of different groups and conveying social values. | Quelle: Israel, Government Press Office ©©.

THE SOCIAL ROLE OF THE IDF

The Israeli army has often been described as a melting pot, a human mosaic of different cultures and a catalyst for integration and communication between the various sectors of society. It is known as "The People's Army", a citizen's army that transcends social differences.¹⁸ This reflects the philosophy Israel's founder David Ben-Gurion was keen to promote. He saw the IDF not just as an instrument of defense, but as an institution with a duty to undertake social tasks and help shape the new Israeli society. Ben-Gurion's vision was for the IDF to be an apolitical national institution, in which every segment of heterogeneous Jewish immigrant society would be represented. This "citizen's army" called up men and women alike and played

18 | Cf. Matan Vilnai, "A public debate on the people's army", *Haaretz*, 5 Dec 2003, <http://haaretz.com/1.107734> (accessed 22 Jul 2014); Brig.Gen. Orna Barbivai, 3 Jun 2013, at the Mandel Leadership Institute conference "Country, City, Army", <http://mli.org.il/english/News/Pages/Country-Army-City.aspx> (accessed 22 Jul 2014).

a central role in the country's development. It promoted the integration of immigrants and supported the education sector. Soldiers assisted with the building of rural settlements (kibbutzim) and acted as teachers, helping new arrivals to learn Hebrew.¹⁹

The reservist system has also helped to strengthen the image of a citizen's army. Regular service creates a long-term connection to the military, which in turn allows the IDF to continue to be regarded as an army of majority society.²⁰ Some critics, however, argue that social differences can be detected in the way certain army units are put together. The Unit 8200 intelligence corps, for example, which is considered to be a talent incubator for the high-tech industry, has many more representatives of the educated middle and upper classes from the Tel Aviv region than from the socially and economically weaker periphery.²¹ The army's function as a promoter of integration is stretched to its limits if certain sections of the population distance themselves from it as a state institution or are not involved for other reasons. This applies especially to Arab Muslims, Christians or ultra-religious Jews whose already marked role as outsiders in Israeli society intensifies by their absence from army service.

The Impact of Military Service on the Individual and on Society as a Whole

Military operations leave soldiers and their families facing severe psychological stresses and traumas.

Military service influences the personal and professional development of young Israelis in many different ways and also has an impact on society as a whole. Military operations leave soldiers and their families facing severe psychological stresses and traumas. Coming to terms with combat experiences is a major challenge for individuals and society alike.

Young people generally start their years of military service immediately after finishing school, which means they have to put off going to university or starting a job. As a result, much of what has been learned in school tends to

19 | Cf. Vilnai, *ibid.*

20 | Cf. Peri, n. 16, 23.

21 | Cf. Inbal Orpaz, "The secret to high-tech success? This elite Israeli army unit", *Haaretz*, 18 Apr 2014, <http://haaretz.com/1.585863> (accessed 22 Jul 2014).

be forgotten and has to be relearned. The relatively high average age at which Israelis enter university for the first time disadvantages them in the international job market. It also means that many young people who fulfilled their service find it difficult to become financially independent before the age of 30. On the other hand, military service helps the transition to adulthood. Soldiers are often given responsibility at a young age because of the opportunities for quick promotion – especially, if they stay in the army once their military service has been completed. This means they can quickly develop leadership qualities and be in a position to make difficult decisions in dangerous or conflict situations.²² They are often called upon to find solutions or improvise when faced with difficult or even apparently hopeless situations. This ability to think outside the box can be a great advantage in later life, especially in the workplace.²³ Unlike most military organisations, the army has a flat hierarchy, which favours creative thinking and gives soldiers the space to develop their own ideas. In comparison to other armies, the Israeli military has a smaller number of high-ranking officers, which encourages those in the lower ranks to use their own initiative.²⁴

One phenomenon that has often been observed in Israeli society is a highly developed sense of solidarity between its people, something military service only serves to strengthen. Camaraderie within the unit, watching each other's backs and mutual support are all part and parcel of military operations. This kind of solidarity tends to spill over into civilian life and strengthens the sense of team spirit among young Israelis.²⁵ But there may be a downside. Sociologist Eva Illouz suggests that military service helps to promote a sense of solidarity and obedience within society, which in turn reduces the capacity of people to protest. According to her analysis, military service makes obedience and discipline the norm,

Sociologist Eva Illouz suggests that military service helps to promote a sense of solidarity and obedience within society, which in turn reduces the capacity of people to protest.

22 | Conversation between the author and Professor Mordechai Kremnitzer, Vice-President of the Israel Democracy Institute on 11 Jun 2014 in Jerusalem; Dan Senor and Saul Singer, *Start-up Nation: The Story of Israel's Economic Miracle*, New York, Twelve, 2009, 46.

23 | Cf. Senor and Singer, *ibid.*, 48 et sqq.

24 | Cf. Edward Luttwak and Dan Horowitz, *The Israeli Army*, London, A. Lane, 1975, quoted in: Senor and Singer, *ibid.*, 45.

25 | Cf. *ibid.*

but it also produces a feeling of national solidarity by creating a sense of common responsibility for the fate of the Jewish people and the Israeli nation. Eva Illouz argues that it is this kind of thinking that led to the failure of the social justice protests in 2011, as the protest leaders refused to give them a specific political direction and instead insisted on an approach based on national solidarity.²⁶

The Army as the Launching Pad for a Successful Career

The army is considered to be a first class training ground for employees in the public sector and also, increasingly, in industry. In addition to developing social skills such as leadership and decision-making, military service also gives young Israelis the opportunity to gain specialist knowledge, professional experience and learn about working life. Their unit post can often determine the future career. For this reason, many young Israelis opt for a unit that best matches their career plans. If they are interested in the world of media, for example, they might try to work for the military radio network Galei Zahal or for the IDF press unit. Meanwhile, those who consider a career in the high-tech sector are likely to pin their hopes on serving for the Unit 8200 intelligence corps. The education corps can also help to pave the way for a teaching position, while those who are accepted on the pilot training course can later usually get a job in civil aviation. Military service is advantageous for just about every career – especially for those who have served in one of the more prestigious units.²⁷ The issue of military service frequently becomes the connecting element in job interviews and supplies the basis for dynamic conversations. Time spent in the army often helps to provide the necessary contacts for working in particular occupations. Company representatives also often visit distinguished units to present career possibilities and recruit potential employees. The opposite applies to those sectors of the population that do not serve in the military – it is often much harder for them to enter certain professions. This is particularly true for jobs in the civil service,

26 | Cf. Eva Illouz, "Breaking Israel's holy trinity: Settlers, religious and the wealthy", *Haaretz*, 24 May 2013, <http://haaretz.com/1.525588> (accessed 22 Jul 2014).

27 | Cf. Senor and Singer, n. 22.

security²⁸ or in the high-tech sector, where secular Jews are disproportionately represented. Arab Israelis or ultra-Orthodox Jews tend to lack the necessary connections or the kind of training provided by certain IDF units.²⁹

ISSUES OF EQUALITY AND FAIRNESS IN CONSCRIPTION

Women in the Military: an Army of Equality?

When the IDF was first established, it needed every person available. Women were conscripted from the very beginning and took part in combat missions during the War of Independence. However, they were subsequently banned by law from taking part in front line combat missions, based on their role as mothers. This changed in the 1990s when women challenged the status quo in the courts. Through one of the most famous Supreme Court decisions one female complainant achieved the right to attend the Air Force Flight Academy. Subsequently, more and more combat units have opened up to female soldiers, who can now serve in all units with just very few exceptions.³⁰ Nevertheless, they are still significantly under-represented in combat units. In 2011 the proportion of women in these units was only three per cent.³¹ Women also lack real representation in high-ranking leadership positions, which are normally filled by members of prestigious combat units.³² The highest rank a woman has so far achieved is that of major general, awarded to Orna Barbivai as head of the Manpower Directorate in 2011. The fact that women were excluded from the more prestigious combat units in the past also proved to be disadvantageous in civilian life, both symbolically and materially. They were not only prevented from attaining the same social status through their military service as men, but being part of a combat unit often

Since the 1990s, more and more combat units have opened up to female soldiers. Nevertheless, they are still significantly under-represented in combat units.

28 | Many jobs in the security sector or in public service require IDF security screening.

29 | Cf. Inbal Orpaz, "Arabs taking their place in Startup Nation", *Haaretz*, 24 Jan 2014, <http://haaretz.com/1.570280> (accessed 22 Jul 2014).

30 | Cf. Senor and Singer, n. 22.

31 | Cf. Israeli Defense Forces, "More female soldiers in more positions in the IDF", 30 Nov 2011, <http://www.idf.il/1283-14000-en/Dover.aspx> (accessed 22 Jul 2014).

32 | Cf. Rimalt, n. 17, 1104 and 1114.

served as the perfect launching pad for a successful career for men, whereas women were denied this particular benefit for a very long time.³³

The Ultra-Religious

The Haredi Jews' exemption from military service at the expense of the majority of Israeli Jews has prompted a debate on how to spread the burden more fairly throughout society. The rules on military service for the ultra-religious go back to the time of the founding of the state, when Prime Minister Ben-Gurion exempted some 400 Torah students from military service. However, the ultra-religious group now represents almost ten per cent of all Jewish Israelis, with 15 per cent of those between the ages of 18 and 34 defining themselves as ultra-Orthodox or National ultra-Orthodox.³⁴ After the SCI had declared the Tal Law and the common practice of exemption unconstitutional, the Knesset passed the Equal Burden Law on 12 March 2014, which is designed to better integrate ultra-Orthodox Jews into the army and therefore also into the labour market and society as a whole. It is envisaged that 75 per cent of ultra-Orthodox students of an age appropriate for conscription (some 5,200 men per year) will be called up for civil or military service by the year 2017. Only 1,800 outstanding students at Torah schools will continue to be exempt from military service each year.³⁵

The law also stipulates that criminal sanctions should be applied if the 75 per cent quota is not achieved by 2017. This would mean an ultra-religious student trying to evade military service would face one to two years in prison. However, if thousands of the ultra-Orthodox men tried to evade

33 | Cf. Dafna N. Izraeli, "Paradoxes of Women's Service in the Israel Defense Forces", in: Daniel Maman et al. (eds.), *Military, State and Society in Israel: Theoretical and Comparative Perspectives*, New Brunswick, Transaction Publishers, 2001, 227 et sqq.

34 | Cf. Michael Mertes and Stefanie Friese, "Wehrpflicht für Ultra-religiöse", KAS Country Report, Mar 2014, <http://kas.de/israel/de/publications/37152> (accessed 22 Jul 2014); Hermann et al., n. 15.

35 | Cf. Jeremy Sharon, "Haredi IDF conscription bill: Trouble up ahead", *The Jerusalem Post*, 14 Feb 2014, <http://jpost.com/Features/Front-Lines/Religious-affairs-Trouble-up-ahead-341412> (accessed 22 Jul 2014).

scription, it would be practically impossible to apply the threatened sanctions and imprison so many of them. This would not only be damaging to the principle of the rule of law but could result in a serious split within Israeli society if there were a serious confrontation between the country's security forces and the ultra-religious.³⁶ The Haredim strictly oppose the new law, as they believe studying the Torah makes a spiritual contribution to the defense of the country. Because the new quotas will not be implemented for three more years it becomes less likely the law will actually be enforced. Knesset elections are scheduled for 2017 and a new government could amend the law or do away with it altogether.



Ultra-Orthodox Jews have been able to apply for an exemption from military service. The new Equal Burden Law aims at drafting more religiously observant conscripts. In that respect, the army offers special courses. | Source: IDF, flickr @100.

THE ARMY CAUGHT BETWEEN POLITICAL AND SOCIAL INTERESTS

Religious Influence: A Clash of Cultures within the IDF?

Secular kibbutz inhabitants are considered to be the traditional "old elite" of the IDF. However, the mid-1980s saw the beginning of a "crisis of motivation" within this particular sector of the population. Between 1985 and 1996 the willingness of members of this group to serve in combat units or participate in command programs fell from 90 per

36 | Cf. *ibid.*

cent to 70 per cent.³⁷ Meanwhile, the number of National-Religious within the armed forces has risen significantly over recent decades and there are now a disproportionately high number of national-religious soldiers in leading

While religious and secular Jewish Israelis have limited interaction in normal civilian life, the complex nature of the differences that exist in society is starting to be reflected in the army.

positions in the military compared to their share of the population as a whole.³⁸ Some observers believe the movement is using the army to spread its influence in politics and society as a whole. In the end, the army is increasingly being subjected to ideological influences. Thus, the planned incorporation of many ultra-Orthodox Jews may well lead to further tensions within the IDF and beyond. While religious and secular Jewish Israelis have limited interaction in normal civilian life, the complex nature of the differences that exist in society is starting to be reflected in the army.



After graduating from high school, most young Israelis begin a multi-year military service. Female draftees serve for a period of 24 months and can enter almost all army units. | Source: IDF, flickr ©①②.

The army's task is to find a practical framework which allows secular and religious representatives to serve their country together. This is particularly important when it comes to the position of women within the armed forces. Some of the efforts made by the IDF to better integrate religious

37 | Cf. Inbal Hakman, "The People's Army? Orthodox Soldiers and Religious Dilemmas in the IDF", The Jewish People Policy Institute, 31 May 2012, 180 et seq., <http://jppi.org.il/uploads/The%20Peoples%20Army.pdf> (accessed 22 Jul 2014).

38 | Cf. *ibid.*, 180 et seq.

soldiers have been sharply criticised by the military itself. The introduction of new (more modest) clothing regulations, for example, has been seen as discriminatory. There have also been reports of incidents in which women have been denied leadership positions, despite having excellent qualifications, because religious representatives within the unit did not accept female staff officers.³⁹

The high number of national-religious soldiers who justify their military service ideologically and spiritually by claiming they are making a contribution to the settling of “greater Israel” is beginning to cause operational problems for army leadership. This is especially the case in the West Bank where, for example, the army is called upon to clear illegal Jewish settlements. In that respect, there is a tendency to avoid using national-religious soldiers in order to avoid problems.⁴⁰

Politicisation of the Military or Militarisation of Politics?

In a country where security policy is the number one concern on the political agenda, a close interdependency between politics and the army has always been existing. Therefore, cooperation with the military is essential. The armed forces are subject to the primacy of politics as they are subordinate to the civil control of the Cabinet, the Prime Minister and the Defense Minister.⁴¹ The Knesset, the media and, increasingly, the Supreme Court also act as monitors.⁴² Having said that, the influence of the military tends to be greater than in other Western countries. There is a substantial amount of mobility between the armed forces and politics. Consequently, service in the IDF can be a relevant factor in a future political career. Army figures often enjoy a great deal of trust and credibility in society. It is the army that people trust to lead their

Army figures often enjoy a great deal of trust and credibility in society. To date, nine of Israel's defence ministers have been former army chiefs of staff.

39 | Cf. Amos Harel, “Is the IDF becoming an Orthodox army?”, *Haaretz*, 22 Jul 2011, <http://haaretz.com/1.374653> (accessed 22 Jul 2014).

40 | Cf. Senor and Singer, n. 22; Hakman, n. 37, 182.

41 | Cf. Yagil Levy, “Who Controls the IDF? Between an ‘Over-Subordinate Army’ and ‘a Military that has a State’”, The Open University of Israel Working paper series, 23, 2012, 11, <http://www.openu.ac.il/policy/download/maamar-23.pdf> (accessed 22 Jul 2014).

42 | Cf. Samuel W. Lewis, “Foreword”, in: Peri, n. 16, ix.

country safely through the challenges to its security. Many high-ranking politicians have held important military positions in the past. To date, nine of Israel's defense ministers had been former army chiefs of staff. Two former chiefs of staff, Yitzhak Rabin and Ehud Barak, even became prime ministers.

Until 2007, the official cooling-off period before it was possible to move into politics from a top job in the army was only six months. According to Yoram Peri, one of the leading experts on civil-military relations in Israel, this encouraged the "politicisation of the military and the militarisation of politics".⁴³ In order to reduce the influence of the army on policy making and stop high-ranking military officials from preparing for entry into politics while they were still in the army, the cooling-off period was extended to three years. Experts argue that many Israeli politicians who spent long periods in the armed forces tended to develop a military mindset.⁴⁴ If former IDF representatives move directly into politics, there is also the danger that they are more likely to make decisions in line with the army's interests. Sheffer and Barak suggest that throughout Israel's history it has been more often than not (former) members of the country's security apparatus, as opposed to politicians with a civilian background, who made the key decisions on security policy and military operations. As a result, it might compromise the civil control of the military by political institutions.⁴⁵

Another weakness in the way the relationship between politics and military is controlled is the lack of clarity about which civil institution or individual is directly responsible for the military. There is a division of labour, but it is not explicitly clear when the highest power of command is vested in the Cabinet, the Prime Minister or the Defense Minister.⁴⁶ The military also regularly plays an advisory role

43 | Yoram Peri, author of *Generals in the Cabinet Room: How the Military Shapes Israeli Policy* (n. 16), at a book launch at Carnegie Council for Ethics in International Affairs, 16 Nov 2006, <http://carnegiecouncil.org/studio/multimedia/20061116/index.html> (accessed 22 Jul 2014); Peri, n. 16, 4 et seq.

44 | Cf. Levy, n. 41, 10.

45 | Cf. Gabriel Sheffer and Oren Barak, *Israel's Security Networks: A Theoretical and Comparative Perspective*, Cambridge University Press, Cambridge, 2013, 41.

46 | Cf. Peri, n. 43, 2.

in government decisions. The Security Cabinet⁴⁷ decides on behalf of the government on issues of national security.⁴⁸ It relies on military assessments and information on the security situation and consults military representatives with regard to foreign and security policy. The National Security Council (NSC), set up in 1999 to advise the government independently of the army and to provide an assessment of the security situation, has not been able to replace the armed forces or the secret services as the highest authorities when it comes to advising on security policy.⁴⁹ The IDF has a highly efficient planning department, which is far superior to civil institutions of a similar nature and politicians continue to place the highest degree of trust in the expertise of what is a superbly well-organised military.⁵⁰

The National Security Council has not been able to replace the armed forces or the secret service as the highest authorities when it comes to advising on security policy.

In his book *Generals in the Cabinet Room*, Yoram Peri describes the civil-military relationship as being one based on partnership. He argues that the amount of influence the military has on political decision-making is largely dependent on the political leadership at the time. Throughout Israel's history, strong governments with a clear vision had shown themselves capable of prevailing against the advice of the military when they had not agreed with its assessments.⁵¹ However, Peri shows that there have also been times when political decision-makers with little experience in security issues have emerged and have effectively "outsourced"

47 | According to the law, the Security Cabinet is made up of the Prime Minister, the Defense Minister, the Foreign Minister, the Minister of Finance, the Justice Minister and the Internal Security Minister. The main Cabinet can appoint additional ministers to the Security Cabinet, but the latter must not contain more than half of the government's ministers.

48 | Cf. Herb Keinon, "Security Cabinet remains key in deciding on war", *The Jerusalem Post*, 9 Jun 2012, <http://jpost.com/Diplomacy-and-Politics/Security-cabinet-remains-key-in-deciding-on-war> (accessed 22 Jul 2014).

49 | Cf. Charles D. Freilich, "National Security Decision-Making in Israel: Process, Pathologies, and Strengths", *Middle East Journal* 60, 2006, 641, http://belfercenter.ksg.harvard.edu/files/freilich_mej_autumn_2006.pdf (accessed 22 Jul 2014).

50 | Cf. *ibid.*, 642.

51 | For example, Prime Minister Sharon pushed through the Israeli withdrawal from the Gaza Strip against the advice of his Chief of Staff, Moshe Yaalon. Yaalon's term in office as Chief of Staff was not renewed and his successor Dan Halutz was left to carry out the withdrawal.

The army has often tried to avoid conflicts and so found itself in opposition to the political leadership on more than one occasion.

difficult decision-making to military representatives and simply followed their advice.⁵²

History has shown according to Peri that when the IDF has not received clear strategic objectives from the politicians, they have felt obliged to develop objectives of their own.⁵³ The army has, however, often tried to avoid conflicts and so has found itself in opposition to the country's political leadership on more than one occasion. It had, for example, a significant influence on the initiation of peace talks with the Palestinians and Jordanians in the 1990s and actively supported the process.⁵⁴

Another key interface between the military and politics are negotiations on the defense budget, which far outstrips that of other departments. Between 2001 and 2011 it made up 14.7 per cent of the total budget, compared to an OECD average of 3.6 per cent.⁵⁵ These huge funds are a constant bone of contention, particularly between the Finance and Defense Ministries. The Knesset plays a secondary role in this respect.⁵⁶ Again, the information monopoly can be observed in the army's provision of data relevant to security policy. The budget debate gained a whole new dimension in the aftermath of the social justice protests of 2011. The Trajtenberg Committee for socioeconomic reform established by the government recommended a reduction in the defense budget, which had been implemented for the years 2013 and 2014. At present, experts are warning against any further cuts in light of the difficult security situation.⁵⁷

52 | Ehud Olmert gave in to pressure from Chief of Staff, Dan Halutz, and agreed to go to war against Hezbollah in southern Lebanon (Second Lebanon War 2006).

53 | Cf. Peri, n. 43, 8 et sqq.

54 | Cf. *ibid.*, 3.

55 | Cf. Meirav Arlosoroff, "OECD: Israel is the only member that cut spending per capita 2001-2011", *Haaretz*, 16 Nov 2013, <http://haaretz.com/1.558380> (accessed 22 Jul 2014).

56 | Gabriel Sheffer, Oren Barak and Amiram Oren (eds.), *An Army That Has a State: New Approaches to Civil-Security Relations in Israel*, Carmel Publishing House, Jerusalem, 2008, quoted in: Reuven Pedatzur, "Military Affairs / State of Emergency", *Haaretz*, 3 Jul 2009, <http://haaretz.com/1.279343> (accessed 22 Jul 2014).

57 | Cf. Shmuel Even, "Defense Expenditures and Israel's Social Challenges", in: Anat Kurz and Shlomo Brom (eds.), *Strategic Survey for Israel*, Institute for National Security Studies, Tel Aviv, 2012-2013, 259, http://d26e8pvoto2x3r.cloudfront.net/uploadImages/systemFiles/INSS2012Balance_ENG_Even.pdf (accessed 22 Jul 2014).

Influence Exercised by the Judiciary, Media and the Public

Since the mid-1990s, the Supreme Court has played a major role in exercising civilian control over the military. Up to this point, it had refused to institute proceedings and pronounce verdicts on military matters. However, since this change of course, the Court has concerned itself with legal issues relating to operations, the legitimacy of using certain weapons and the behaviour of soldiers in the West Bank. The actions of the Supreme Court during that phase have been described by observers as judicial activism that compromises the autonomy of the IDF and represents a takeover of the military sphere by civilian institutions.⁵⁸ Even if, as military expert Stuart A. Cohen comments, the Supreme Court had only rarely overturned military decisions, it still exerted indirect pressure on the military administration and thus influenced military behaviour.⁵⁹ However, according to Peri, this form of political interference is less obvious in times of military conflict because the Supreme Court – and society in general – tend to support the position of the political leaders under these circumstances.⁶⁰

Even if the Supreme Court has only rarely overturned military decisions, it still exerts indirect pressure on the military administration and thus influences military behaviour.

The Israeli media also monitors the military, though not to the same extent as the Supreme Court. Journalists are restricted by military censorship, as certain information is classified for reasons of security. In times of war, television, radio and newspapers tend to be more restrained in the way they report on the IDF. Peri states that during the peak of the Second Intifada, the media reported relatively little about the victims among the civilian Palestinian population and breaches of the rules during military operations. Of course the diverse and dynamic media landscape still produces channels such as the daily newspaper *Haaretz*, which takes an investigative approach and critical tone towards such conflict situations. The restrained media reporting is also related to the fact that many journalists had themselves been soldiers or still serve in the IDF as reservists. In contrast to most foreign (war) reporters in

58 | Cf. Peri, n. 16, 171 et seq.

59 | Cf. Stuart A. Cohen, *Israel and Its Army: From Cohesion to Confusion*, New York, 2008, 76 et seq.

60 | Cf. Peri, n. 16, 171 et sqq.

Israel, they and their families are directly affected by the conflict.⁶¹ While in the past it was unusual to question the army, which was considered to be the key player in guaranteeing Israel's survival, nowadays, airing public criticism of the armed forces has become more common. The main focus of public attention is the relationship between the military and politics, operational and moral issues and financial questions. Most of this criticism is brought forward by people and organisations that are markedly to the left or right of the political center.

After the Yom Kippur War of 1973, support for the IDF experienced its first setback. Their image of being invincible or even infallible had clearly been tarnished. The military suffered a similar loss of credibility during the First Lebanon War of 1982. Its inaction when faced with the massacres in Sabra and Shatila and the advance of Israeli troops as far as Beirut, despite the original statements made by Prime Minister Menachem Begin, sparked criticism of senior commanders and particularly of the Defense Minister at that time, Ariel Sharon. The 1970s and 1980s also saw the emergence of critical voices who viewed the ongoing presence of the Israeli army in the West Bank as occupation and who warned against Israel's moral decline. The Second Lebanon War in 2006 brought about criticism of the armed forces as well when it became obvious that the army had not been adequately prepared for this war and that the military commanders had made strategic errors.⁶²

Tough fighting without victories and the hard line taken by the army towards the Palestinians during the Second Intifada raised questions about the legitimacy of Israel's actions.

In general, particular types of conflict have an impact on public perceptions of the IDF. Long-lasting, low intensity conflicts have an effect on public opinion. Tough fighting without victories and the hard line taken by the army towards the Palestinians during the Second Intifada raised questions about the legitimacy of Israel's actions.⁶³ In the wake of a critical atmosphere at home, a number of NGOs on the left of the political spectrum have become active. These include Breaking the Silence and B'Tselem, which

61 | Interview with Prof. Mordechai Kremnitzer, n. 22.

62 | Cf. Stuart A. Cohen, "Why the Schalit Decision Makes Military Sense", Arutz Sheva, 27 Oct 2011, <http://www.israelnationalnews.com/Articles/Article.aspx/10762> (accessed 22 Jul 2014).

63 | Cf. Peri, n. 16, 46 et seq.

document the actions of the Israeli army with a view to exacting punishment for breaches of human rights. At the same time strong criticism of the code of Purity of Arms, a value that was set out in the IDF's official ethical doctrine from the outset, evolved. This code requires the lives of civilians from a conflicting party to be protected.⁶⁴ However, the activities of terrorist organisations have made it more difficult to abide by this code during asymmetric conflicts. Many terrorists use civilians as human shields, for example by getting children to accompany them or by concealing themselves within mass demonstrations in order to shoot Israeli soldiers. The fact that the IDF continues to uphold the Purity of Arms approach has led to criticism from certain sectors of society, who claim that the military is endangering its own soldiers by trying to protect civilians on the other side.⁶⁵

Paradoxically, in times when there is a widespread sense of security and the security forces are successfully preventing conflicts and attacks, there seems to be a general increase in criticism directed at the Israeli armed forces. This is partly linked to the fact that socio-economic issues tend to dominate the political agenda at such times. During the social justice protests of 2011, when Israel's secular middle class protested against the high cost of living and demanded a fairer distribution of the burden, the focus of public attention also turned to the country's massive defense budget. After the 2013 parliamentary elections, the party that emerged from these protests, Yesh Atid (There is a Future), joined the ruling coalition and its member Yair Lapid was appointed Minister of Finance. During the 2013 budget negotiations, Lapid took a rather aggressive stance towards the high pensions paid to military veterans. This was a novelty in Israeli politics and it triggered a great deal of media debate.

To conclude, it should be stated that public criticism of the military is still marginal and generally restricted to academia and liberal, leftist journalists. The military continues to enjoy broad support among the Israeli people, who stand particularly strong behind their forces in times of armed conflict. This is currently being demonstrated by

64 | Cf. *ibid.*, 180.

65 | Cf. *ibid.*

reactions to “Protective Edge”, the latest operation in Gaza. In this context, the army will be in a good position during Israel’s ongoing round of budget negotiations, which have to be completed this year. In light of the new tactics and strategies employed by Palestinian militant groups, a strong army is a top priority for the Jewish Israeli public, so there are unlikely to be any further cuts in defense spending.

Nevertheless, the IDF is facing some major challenges. If it is to retain its character as an army of the people, then it must adapt to social change. It needs to find ways to improve the integration of ultra-Orthodox soldiers in its ranks without affecting the status of women soldiers. If the army fails to mobilise adequate numbers of ultra-Orthodox, it will find itself struggling on the recruitment front. This is exacerbated by the new law reducing the length of military service for men. Reforms are essential if the army is to continue to enjoy the trust and high esteem of the Israeli public.

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NORTH KOREAN REFUGEES IN SOUTH KOREA

ARDUOUS ESCAPE AND DIFFICULT INTEGRATION

Norbert Eschborn / Ines Apel

“We can’t live in North Korea because of fear, we can’t live in China because of fear of deportation and we can’t live in South Korea because of ignorance.” This saying is widespread among North Korean refugees living in South Korea. It perfectly sums up the dilemma of a group of thousands of people who are no longer willing to live their lives under the totalitarian regime of the Kim family in North Korea. They therefore undertake an arduous and highly risky escape from their homeland – a journey that often takes many years – only to find they then have to face the many difficulties of integrating into the society of their final destination, South Korea.

The status of these refugees in South Korea is somewhat ambivalent. On the one hand, they are ideal subjects for official propaganda and it was not without a certain undertone of irony that South Korea’s *Kore Joongang Daily* announced in February 2007 that the 10,000th North Korean refugee had arrived in South Korea on 16 February 2007, the 65th birthday of former North Korean dictator Kim Jong-il.¹ Since that day, the number of refugees has more than doubled. At the same time, their political status in South Korea is not necessarily that of refugees. A common South Korean description for such people can be translated as “someone who has renounced North Korea”. Almost as pejorative is the term “defector”, commonly used by South Korea’s English-speaking press and which also appears in official



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1 | Cf. Myo-ja Ser, “10,000th defector arrives on Kim Jong-il’s birthday”, *Korean Joongang Daily*, 17 Feb 2007, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2872545> (accessed 20 Jun 2014).

government documents. In this way, North Korean refugees find themselves stigmatised by native South Koreans. This is particularly true of the younger generation, who tend to feel totally alienated from North Korea and its people. How do North Koreans manage to escape and what kind of material and personal sacrifices do they have to make in the process? Is it worth it and what kind of prospects do these people now have?

REFUGEE MOVEMENTS ON THE KOREAN PENINSULA SINCE 1945

On 22 August 1910, Korea officially came under Japanese colonial rule and so became part of the Empire of Japan.² Japanese rule ended on 2 September 1945 following the country's surrender at the end of the Second World War. Korea was subsequently divided up along the 38th parallel by the USA and Soviet Union, the victorious powers in the Pacific War. After the division, some two thirds of the total population ended up living in the U.S.-controlled South. However, the industrial centers and most of the country's mineral reserves were in the North, which meant that for a long time the North's economy was superior to that of the rural South. Even before the outbreak of the Korean War in 1950, the Soviet Union prevented the exchange of goods between the two Koreas and sent products manufactured in the North to the USSR instead.

Before the official founding of the two states in 1948 around one third of North Koreans migrated to the poorer South, mostly people who had been forcibly displaced or politically persecuted.

In spite of North Korea's economic advantage,³ around one third of North Koreans migrated to the poorer South before the official founding of the two states in 1948. These migrants were predominantly people who had been forcibly displaced and made to work in the industrial regions of the North and Manchuria, along with those who had been politically persecuted in North Korea after 1946, including landowners, business people, followers of various religions and alleged political opponents of the

2 | As early as 1876, Japan had forced Korea to open Korean ports to Japan in Busan, Wonsan and today's Incheon. For more on Korea's recent history, see: Bruce Cummings, *Korea's Place in the Sun. A Modern History*, New York and London, W.W. Norton & Company, 2005.

3 | It has been documented that until 1970 North Korea's economic output was higher than that of South Korea.

Kim Il-sung regime. Only around 4,000 refugees moved in the opposite direction and settled in the North between 1946 and 1948, mostly out of political conviction. Relations between the two countries worsened, with repeated clashes at the border until eventually an attack by North Korea on South Korea heralded the start of the Korean War on 25 June 1950.⁴ On 27 July 1953, an armistice agreement was signed after 4.5 million people had been killed during the hostilities.⁵ No official peace agreement has ever been signed by the two countries.

The conflict between the two countries turned into a war on 25 June 1950 with an attack on South Korea. Until the end in 1953, 4.5 million people had been killed.

The country was divided by a four-kilometer-wide demilitarised zone. After the war was over, many prisoners of war saw the South as a more attractive option than the North. During the prisoner exchanges known as the Little Switch (20 April to 3 May 1953) and the Big Switch (5 August to 23 December 1953) a significant number of prisoners taken by the U.S.-led United Nations forces (7,604 North Koreans and 14,235 Chinese) chose not to return to their homelands. By comparison, only 347 prisoners of the North, among them 21 Americans and one Briton, opted to stay in North Korea.⁶ In order to be sure that those involved had made their decisions of their own free will, a Neutral Nations Repatriation Commission was set up and presided over by India to ask each individual about the motives for their decision.⁷ Those who refused to return to the South mostly did so for political reasons: one black American non-commissioned officer, for example, claimed that race discrimination in his own country

4 | Particularly since the opening of the Soviet archives, it is now known that Kim Il-sung had been seeking agreement from Stalin for a military solution to the reunification of Korea for some time before the outbreak of the Korean War. Cf. inter alia Simon Sebag Montefiore, *Stalin. Am Hof des roten Zaren*, Frankfurt am Main, Fischer Taschenbuch Verlag, 2nd edition, 2007, 692 et sqq.

5 | A more recent German-language account of the conflict has been written by: Bernd Stöver, *Geschichte des Koreakriegs: Schlachtfeld der Supermächte und ungelöster Konflikt*, Munich, Verlag C.H. Beck, 2013. Among the classic histories of the Korean War is Max Hastings, *The Korean War*, London et al., Pan Books, 2010.

6 | Cf. Stöver, *ibid.*, 125 et seq.

7 | Cf. James L. Stokesbury, *A Short History of the Korean War*, New York, William Morrow, 1988, 189.

motivated his decision.⁸ However, not all repatriations took place voluntarily. Later – for example when the prisoners returned – it became clear that the majority of UN soldiers had been subjected to indoctrination and that some of them had been trained as spies.



Constant monitoring: North Korea's people are permanently controlled by the state for loyalty to the regime. | Source: Roman Harak, flickr ©📷📷.

Over time, the number of refugees heading to the South fell dramatically. This was in part due to the North's economic power but also because of the efficiency of the border control system that North Korea had put in place in the mid-1950s. Until the early 1990s, only five to ten people per year succeeded in escaping to the South, almost exclusively members of the North Korean elite. These refugees were not only in a position to give the South Korean authorities valuable information about the North, but they could also be used for propaganda purposes against the Democratic People's Republic of Korea. The South Korean government therefore tried to encourage people to defect, rewarding those who did with a significant amount of money and providing them with bodyguards for a while after their arrival.⁹

8 | Looking back, we can see that Germany also experienced voluntary migration to the communist East. Between 1950 and the fall of the Berlin Wall in 1989, some half a million people moved from the Federal Republic of Germany to the GDR. Cf. Stöver, n. 5, 140 et seq.

9 | Cf. Andrei Lankov, "Bitter Taste of Paradise. North Korean Refugees in South Korea", in: Stephan Haggard and Marcus Noland (eds.), *The North Korean Refugee Crisis. Human* ▶

Seoul's policy towards the refugees changed in the 1990s when North Korea lost almost five per cent of its population in the crisis that academic literature refers to as the "great famine" (1996 to 1999).¹⁰ Although certain external factors contributed to this outbreak of famine, including the collapse of the Soviet Union, (which had always provided essential support to North Korea), and the floods of 1995, (for which the North Korean government must take the lion's share of the blame), these were not the only contributing factors. The majority of the population relied on the national food distribution system, but this was clearly beginning to break down and the government was not doing enough to prevent its collapse.

North Korea's dramatic economic situation may have increased the freedom of some North Koreans to do business and travel, but it also created the ideal environment for corruption as a way for individuals to ensure they had sufficient personal supplies. The economic liberalisation of China that had begun in 1978 and the collapse of border controls between the two countries in the early 1990s allowed many North Koreans who wanted to flee the famine to escape to the People's Republic by crossing the Tumen, the river at the North Korean-Chinese border. The majority came from North Korea's three northern provinces, Chagang-do, Hamgyŏng-pukto and Ryanggang-do, which were the ones most affected by the famine. In China it was easy for them to find work as day labourers. The Chinese were initially well-disposed towards the North Koreans, as in the 1960s many Chinese had sought refuge in North Korea during the Cultural Revolution.¹¹

According to a study carried out between November 1998 and April 1999 by the South Korean non-governmental organisation "Good Friends",¹² there were between 143,000

Rights and International Response, The Committee for Human Rights in North Korea (HRNK), Washington D.C., 2005, 55.

10 | Cf. Stephan Haggard and Marcus Noland, *Hunger and the Human Rights: The Politics of Famine in North Korea*, HRNK, Washington D.C., 2005, http://hrnk.org/uploads/pdfs/Hunger_and_Human_Rights.pdf (accessed 20 Jun 2014).

11 | Cf. Andrei Lankov, "North Korean Refugees in Northeast China", *Asian Survey*, Vol. 44, No. 6, 2004, 856-873 and 859, <http://jstor.org/stable/10.1525/as.2004.44.6.856> (accessed 20 Jun 2014).

12 | Cf. *ibid.*

At the turn of the millennium, instead of privileged members of North Korean society, refugees were mostly poor farmers or workers who tried to find a way to South Korea.

and 195,000 North Korean refugees living in Northeast China. Meanwhile, 34 North Korean refugees reached South Korea between 1990 and 1993, 306 arrived between 1994 and 1998 and 1,043 between 1999 and 2001. Instead of privileged members of North Korean society, these refugees were now mostly poor farmers or workers who were driven by hunger to find a way to China and then onwards to South Korea. As the number of refugees increased, their political value to the government in Seoul started to lessen. It felt that the dangers posed by communism were now significantly diminished after the collapse of the Eastern Bloc. The South Korean government reacted by no longer trying to encourage North Koreans to flee their country. The reason they gave for this change in policy was that they feared a worsening of relations with North Korea. At the same time, the fact that the social status of the refugees was now different led to the concern that North Koreans from a predominantly poor background would be unable to adjust to life in South Korea and would end up being a burden on the country's economy.¹³

REASONS FOR FLEEING

Social Constraints

Individual motivations for wishing to flee North Korea should be viewed against the backdrop of the DPRK's fundamental ideological principles. *Juche* is North Korea's state ideology and is often translated as "autarchy" or "self-reliance". At the core of this ideology, which was developed during the 1970s, is the requirement to put national interests and characteristics before all else.¹⁴ The brains behind it is believed to be Hwang Jang-yop, who fled to the South in 1997. He is considered to be the highest-ranking North Korean refugee of all time on account of his former party function as chief ideologist.¹⁵ Another key element of *Juche* is the idea that North Koreans are too innocent and pure to

13 | Cf. Lankov, n. 9, 55 et seq.

14 | Cf. Andrei Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, New York, Oxford University Press, 2013, 67.

15 | Cf. "Highest-ranking N. Korean defector found dead", *The Korea Times*, 10 Oct 2010, http://koreatimes.co.kr/www/news/nation/2010/10/113_74270.html (accessed 20 Jun 2014).

live in a world of evil without a father-figure to lead them. This role of the “Great Leader” and the “Eternal President” was assigned to Kim Il-sung.¹⁶

Another peculiarity of North Korea is the *songbun* system,¹⁷ which classifies the status of individuals in terms of their loyalty and trust using three main and 51 sub-categories.

According to North Korea’s ideology the people are classified into three social categories that represent their loyalty to the system.

The main categories are called *haeksim*, *dongyo* and *choktae*. Members of the *haeksim* or “core” class are considered to be the most loyal. They enjoy significant advantages in all areas of life, including social welfare, educational opportunities, medical care, food supplies and the allocation of housing and job assignments. Next come the members of the *dongyo* or “wavering” class. The loyalty of this group to the government is seen as not necessarily guaranteed, but it is credited with being able to serve the regime through economic and political efforts. However, ongoing ideological indoctrination is necessary to maintain the reliability of this class of citizens. The lowest class is the *choktae*, the “hostile” class. Its members are seen as opponents of the regime and are discriminated against in the same way that members of the *haeksim* class are favoured.

Although the information is not made public, most North Koreans know the class they have been assigned to. Of a population of 23 million in 2008, 28 per cent belonged to the *haeksim* class, 45 per cent to the *dongyo* class and 27 per cent to the *choktae* class. The North Korean Ministry of State Security holds a file on every citizen from the age of 17 onwards. The file contains details of their *songbun* classification and is updated every two years. It is not unusual for a person’s *songbun* classification to be downgraded, for example if a crime is committed. And if someone commits a political crime, they will not only have their classification downgraded to the lowest level, but are also likely to be sentenced to prison for life, a punishment that can also be meted out to up to three generations of their family. Marrying someone from a lower *songbun* level is unthinkable,

16 | Cf. B.R. Myers, *The Cleanest Race: How North Koreans See Themselves – And Why It Matters*, Brooklyn, Melvine House, 2011, 9.

17 | A detailed description of the *songbun* system can be found in: Robert Collins, *Marked for Life: Songbun. North Korea’s Social Classification System*, HRNK, Washington D.C., 2012.

as this too will lead to one's own level being lowered.¹⁸ Improving one's *songbun* level is near to impossible.¹⁹

Even before the founding of the DPRK, there had been attempts to establish a system of social classes. The future leaders of the North tried to restructure the Confucian feudal system of the Korean Chosun Dynasty (1392 to 1897) and of the Japanese colonial system (1910 to 1945) in order to empower the working classes. The idea was that this would be at the expense of landowners, businessmen and followers of religion. The people of North Korea, 80 per cent of whom were peasants at that time, were generally positively disposed towards this policy. One of the first goals was land reform. The main targets were landowners, supporters of the Japanese colonial administration and followers of religion, who were basically excluded from the new society and had their assets confiscated. The result was that millions of people from these classes fled to South Korea. Their relatives who stayed behind suffered discrimination before being exiled to mountainous regions in the north of the country.

Over the years, the gulf between the classes grew, because the job assigned to each person by the party is based on that person's *songbun* level.

Following a three-year study, the citizens of North Korea were finally divided into the three classes mentioned above. While loyal citizens initially had little to fear from the consequences of the introduction of the system, the gulf between the classes continued to grow. This was partly due to the fact that the job assigned to each person by the party is based on that person's *songbun*, and this job allocation is binding for the rest of their lives. Someone with a low *songbun* level may have to work in the mines, while those with a high level would be given the opportunity to

18 | A good example of this system at work is the 1972 marriage of Kim Kyong-hui, sister of the dictator Kim Jong-il who died in 2011, to Jang Sung-taek, who later became a highly influential party functionary and was suddenly executed in December 2013. Rumour has it that the country's founder Kim Il-sung was vehemently opposed to the marriage of his daughter to Jang on *songbun* grounds. *Songbun* problems are also credited as being the reason behind the suicide of Jang and Kim's own daughter, as marriage to her partner of choice was deemed impossible due to his lower level.

19 | The only known example is that of a victorious Olympic athlete who was allowed to move to Pyongyang with her family after she won her medal. The capital is considered to be the best place in the country to live.

attend university. Using bribes in an attempt to circumvent the restrictions imposed by the *songbun* system are not uncommon but risky. In 2003 the Ministry of Public Security introduced the Chungbok 2.0 software to digitalise citizen registration data,²⁰ so the North Korean state security apparatus now possesses a copy of all *songbun* files.

The Attractiveness of the South and Modern Communications

In the early days after division, very little information about the rest of the world made its way into the closed country of North Korea. But since the breakdown of the food distribution system and the emergence of new markets, it has become much harder for the government to control the flow of information into and out of the country. Today, for example, it is possible to find foreign DVDs, CDs and USB sticks on the black market.²¹ In 2006 alone, 350,000 DVD players were apparently imported from China. By manipulating equipment, it is now even possible to receive foreign TV and radio broadcasts.

It is clear that North Koreans have become far too disillusioned with their country's own unrealistic propaganda to disbelieve all the things they hear about South Korea via these media. As a result, North Koreans are becoming increasingly aware of South Korea's economic superiority, to such an extent that, since the year 2000, government propaganda has stopped referring to impoverished South Korea and begun talking about a South Korea that is not unsuccessful economically, but one in which people lead unhappy lives because of their cultural oppression by American imperialists.²²

Information also continues to flow into and out of the country via smuggled Chinese mobile phones, which many refugees use to keep in contact with their families in border

20 | Cf. Collins, n. 17, 26.

21 | Cf. Kim Yonho, *Cell Phones in North Korea. Has North Korea Entered the Telecommunications Revolution?*, US-Korea Institute at SAIS, 2014, 7, <http://uskoreainstitute.org/wp-content/uploads/2014/03/Kim-Yonho-Cell-Phones-in-North-Korea.pdf> (accessed 20 Jun 2014).

22 | Cf. Lankov, n. 14, 103.

regions by taking advantage of Chinese phone networks.²³ In March of this year, there were reports that North Korea had introduced new detection systems to identify and punish those who receive foreign telephone calls. As a result, the number of calls made with foreign countries has apparently gone down.²⁴ It was also reported in the same month

Besides the betraying of state secrets, the reception of foreign radio oder television might be considered an act of treason and could be punished by death.

that five new paragraphs had been added to North Korea's criminal code making the following activities an act of treason: making illegal telephone calls to foreigners; watching South Korean soap operas or DVDs; listening to foreign radio broadcasts; using or selling drugs; transnational human trafficking; enforced prostitution; helping or inciting somebody to flee the country and betraying state secrets.²⁵ According to the law, harsh penalties will be imposed against those committing such offences, including the death penalty. Since the criminal code was amended, there have increasingly been reports of executions due to breaking these new laws. For example, it has been reported that a man was executed for contacting his family in South Korea;²⁶ as had two men for breaching the laws on prostitution. Prior to the changes in legislation, it was likely they would "only" have been sent to a re-education camp. It remains to be seen whether these executions are only intended to act as a deterrent or whether such crimes will continue to be so harshly punished in future. But it can be assumed that such activities would not have been criminalised if they were only considered to be minor issues.²⁷

23 | Cf. Kim, n. 21, 7.

24 | Cf. Mi Jin Kang, "Cellphone Use Drops as Detectors Close in", *DailyNK*, 4 Mar 2014, <http://dailynk.com/english/read.php?num=11592&cataId=nk01500> (accessed 20 Jun 2014).

25 | Cf. Mi Jin Kang, "Criminal Code Inciting Border Fears", *DailyNK*, 21 May 2014, <http://dailynk.com/english/read.php?num=11885&cataId=nk01500> (accessed 20 Jun 2014).

26 | Cf. Mi Jin Kang, "Hyesan Man Executed as Example for Rest", *DailyNK*, 22 May 2014, <http://dailynk.com/english/read.php?cataId=nk01500&num=11891> (accessed 20 Jun 2014).

27 | Cf. Mi Jin Kang, "Two Shot over Prostitution as Article 60 Enforced", *DailyNK*, 18 Jun 2014, <http://dailynk.com/english/read.php?num=11980&cataId=nk01500> (accessed 20 Jun 2014).

Excursus: The Role of the People's Republic of China in the Treatment of North Korean Refugees²⁸

In order to fully understand the North Korean refugee problem, it is important to look at the role played by the People's Republic of China. The main escape route for North Koreans is across the border between the two countries which runs along the Yalu and Tumen rivers. Therefore China always plays the role of a transit country, even if it is not the final destination itself. The Chinese government considers the escapees to be illegal immigrants who are fleeing because of hunger, not because they fear persecution. They refuse to afford them refugee status, even though the People's Republic of China is a signatory to the Geneva Convention on the Status of Refugees, but also recognises that the DPRK has not itself signed the Convention. China therefore sees it as its duty to repatriate them. In doing so, Beijing justifies its actions by referring to a number of treaties and agreements it has signed with Pyongyang, such as an extradition treaty for criminals, agreements on border surveillance and China's own law on the repatriation of illegal immigrants and anyone who crosses the border illegally.



Crossing borders: North Korea and China are geographically divided by the Tumen River. Strict controls on both sides are supposed to prevent the escape from North Korea. | Source: Roman Harak, flickr ©©©.

28 | Cf. Yoon Yeo-sang, Park Seong-cheol and Lim Soon-hee, *North Korean Defectors in China. Forced Repatriation and Human Rights Violations*, Seoul, Database Center for North Korean Human Rights, 2014, 31 et sqq.

However, China only really began taking action against North Korean escapees in the 1990s, when it was specifically requested to do so by Pyongyang. Part of the reason may have been China's gratitude towards North Korea for supplying its neighbour with food aid during the 1960s. What was also evident at that time was that many North Korean escapees were returning to their homeland once they had increased their food and money supplies in China. However, with the North Korean famines of 1995 and 1996, the number of refugees and those who wanted to stay in China for a longer period or flee to another country rose once again.

Penal and Prison Camps

Caught refugees will be brought to police facilities. Their fate will be decided after long questioning, during which they are regularly tortured.

People who are caught trying to escape to China or who are repatriated from China are interrogated in North Korean police facilities (*ku-ryu-jang*). Here they are questioned

about the reasons for their flight, where they stayed and what they did. Later they are questioned about visits to religious buildings and any activities relating to South Korea. Their fate will be decided after what may be several months of questioning, during which they are regularly beaten and tortured. Most are then sentenced without trial to a short period of forced labour in detention centers (*jip-kyul-so*), or in mobile labour brigades (*ro-dong-danryeon-dae*).

If their escape is considered to be politically motivated, then they may, in individual cases, be sentenced to life imprisonment in re-education camps (*kyo-hwa-so*) or in the "revolutionary zones" of the *kwan-li-so*, often referred to as "gulags" after their Soviet equivalent. Many of those who are repatriated from China end up in the *jip-kyul-so*, where they serve sentences of up to six months. The fact that the sentences are relatively short does not mean the treatment meted out in these prisons is any less inhumane. Many prisoners die before the end of their sentences from a combination of hard labour and starvation. Prison sentences in the *ro-dong-danryeon-dae*, which were originally set up to deal with the growing number of North Koreans repatriated from China, are even shorter than those in the *jip-kyul-so*. There, escapees who have been repatriated are separated from other prisoners to prevent them from

reporting on the relative freedom and prosperity they have witnessed in China. Many prisoners even receive some form of trial.²⁹

Others are sent to the *kyo-hwa-so* penitentiaries that exist in every North Korean province. They are designed to re-educate prisoners and make them better citizens through hard work and indoctrination. They are forced to learn Kim Il-sung's speeches by heart and exercise self-criticism, particularly when it comes to fulfilling their work quotas. In contrast to the *kwan-li-so*, which are designed for political prisoners, the *kyo-hwa-so* handle all serious offenders or felons. An example of a "serious" crime is singing a South Korean pop song. Another difference is that prisoners know the "crime" they are accused of and their whole family is not arrested with them, as can be the case in the *kwan-li-so*. The families know where they are being held. Not all, but some prisoners are even given a trial to decide their sentence. However, conditions in these camps are so hard most prisoners die before completing their sentence,³⁰ which is why the *kyo-hwa-so* are also known as "death camps".

Unlike political prisoners, felons are not arrested with their whole family and their sentence can be decided by a trial.

Prisoners may be sent to a *kwan-li-so* for crimes (in the eyes of the regime) such as wrong-doing, wrong-thought, wrong-knowledge, wrong-association or wrong-class-background. People may be accused of wrong-class-background if their ancestors were aristocratic landowners. Practising a religion such as Christianity is also a serious crime that may result in imprisonment. This may be due to a historical fear on the part of North Korea's rulers, as before Korea was freed from Japanese colonialism Pyongyang was known as the "Jerusalem of the East".³¹ At that time, 22 per cent of North Korea's population of 9.6 million

29 | Cf. David Hawk, *The Hidden Gulag. The Lives and Voices of "Those Who are Sent to the Mountains". Exposing North Korea's Vast System of Lawless Imprisonment*, HRNK, Washington D.C., 2nd edition, 2012, 84 and 119 et sqq., http://hrnk.org/uploads/pdfs/HRNK_HiddenGulag2_Web_5-18.pdf (accessed 20 Jun 2014).

30 | Cf. Hawk, *ibid.*, 84.

31 | Cf. Andrei Lankov, "North Korea's missionary position", *Asia Times Online*, 16 Mar 2005, <http://atimes.com/atimes/Korea/GC16Dg03.html> (accessed 20 Jun 2014).

were considered to be religious.³² Kim Il-sung's parents were even thought to be Christians.

Under North Korea's widespread belief in "three generations of punishment", not only the offenders, but also their families can be sent to the camps.

In theory, the *kwan-li-so* are divided into two zones: one for prisoners serving a life sentence and one for those who have the possibility of release, as can occur on public holidays such as New Year or Kim Il-sung's birthday.³³ But there are no records of anyone being freed since 2007.³⁴ Under North Korea's widespread belief in "three generations of punishment", based on the penal practices of the feudal Chosŏn dynasty, not only the offenders themselves, but also up to three generations of their families can be sent to the camps.

In 2013 South Korea's Institute for National Unification (KINU) estimated the number of political prisoners to be between 80,000 and 120,000.³⁵ The North Korean government denies the existence of the camps, which sprang up in the 1950s when Kim Il-sung was consolidating his power, but eye-witness reports and satellite photos mean they can no longer be kept a secret. Many camps have gradually been closed down, but after the execution of high-ranking party official Jang Seong-taek, the uncle-by-marriage of ruling dictator Kim Jong-un, the Japanese newspaper *Sankei Shimbun* reported that the prison camps were being expanded.³⁶ Inside the camps food is a means of exercising power. Breaches of camp rules result in threats to reduce rations. Guards also use the promise of food or better working conditions to entice women into providing sexual favours. As this violates camp rules, these women are often executed if they get pregnant.³⁷ North Koreans

32 | Cf. Collins, 78.

33 | Cf. Hawk, *The Hidden Gulag*, 34.

34 | Cf. David Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes in the Prison Camps*, HRNK, Washington D.C., 2013, 11, [http://hrnk.org/uploads/pdfs/NKHiddenGulag_DavidHawk\(2\).pdf](http://hrnk.org/uploads/pdfs/NKHiddenGulag_DavidHawk(2).pdf) (accessed 20 Jun 2014).

35 | Cf. Chico Harlan, "Population of North Korea's gulag has shrunk, experts say", *The Washington Post*, 12 Sep 2013, <http://wapo.st/1v7pkWK> (accessed 20 Jun 2014).

36 | Cf. also the South Korean report by: Song Sang-ho, "N. Korea expanding prison camps: Pyongyang appears to have locked up many arrested for connections to Jang Song-thaek", *Korea Herald*, 7 Apr 2014, <http://koreaherald.com/view.php?ud=20140407000982> (accessed 20 Jun 2014).

37 | Cf. Hawk, n. 29, 31 et seq. and 34.

believe they are a racially pure people that is superior to all others, so unions with Chinese are treated as defilement. Women who are pregnant when they arrive in the camps from China are forced to have abortions.³⁸

The camps are also home to informants, who tell the guards when other prisoners break the rules. This creates an atmosphere of mistrust and hostility. Escape attempts are punished by public executions, usually by hanging or firing squad. In general, executions are frequently held in front of other prisoners as a deterrent. Mortality rates in the labour camps are high because of the bad conditions, lack of food, hard labour, torture and poor safety in the workplace.³⁹ And it should not be assumed that treatment in the short-term prisons is any better than in the *kwan-li-so* or *kyowa-so*. The conditions in all these prisons are totally inhumane. There is some evidence to suggest that convicts with a good *songbun* background are favoured in terms of length of sentence and place of imprisonment.⁴⁰ Upon their release, prisoners are given a passport that allows them to be immediately identified as former convicts by the North Korean authorities.⁴¹

Mortality rates in the labour camps are high because of the bad conditions, lack of food, hard labour, torture and poor safety in the workplace.

FIRST STOP: CHINA

After 1990, the once well-secured border between China and North Korea gradually began to open up. This was mainly due to the collapse of the Eastern Bloc and the economic crisis this triggered in North Korea. The country's worsening financial situation led to a huge increase in corruption, including among border soldiers and officials. These changes made it possible for refugees to flood into China, particularly when North Korea was afflicted by famine between 1996 and 1999. The three northern provinces of Chagang-do, Hamgyŏng-pukto and Ryanggang-do were particularly badly affected, and it is likely that the famine led to the deaths of one third of their population.⁴²

38 | Cf. Hawk, n. 29, 95.

39 | For a comprehensive list of human rights abuses in North Korean internment camps (in German), see: *Nordkoreanischer Menschenrechtsfallbericht: Victims' Voices*, Database Center for North Korean Human Rights, Seoul, 2013.

40 | Cf. Collins, n. 17, 19.

41 | Cf. Hawk, n. 29, 35.

42 | Cf. Yoon, n. 28, 32.



Seeking refuge in the big cities: China is oftentimes the first stop after escaping North Korea. A metropolis such as Shanghai offers anonymity to the refugees, who, nevertheless, live in constant fear of being sent back. | Source: Riwan Erchard, flickr ©①⑤③.

At the end of 1998, non-governmental sources estimated the total number of North Korean refugees in China to be between 140,000 and 200,000. Numbers dropped off as the crisis began to ease – between 2001 and 2003 the figure was still at 100,000, but today it is somewhere between 10,000 and 15,000. Reasons for this trend included stricter border controls, the improved food situation in North Korea, the growing number of people successfully leaving China for South Korea and regular arrests and repatriations on the part of the Chinese government. In 2002, large numbers of North Korean escapees stormed various embassies in China seeking refuge. This led the Chinese authorities launching large-scale search operations in three provinces of Northeast China. According to press reports, these led to the repatriation of some 4,500 refugees and tighter border controls. The refugees had mainly gathered in China's north-eastern provinces, where a significant proportion of the population were ethnic Koreans. After the year 2000 they began to spread out to other regions, including Beijing, Qingdao, Shanghai and the Tibetan region of Western China. Today, the majority live in large cities or in areas where the population is predominantly Han Chinese. This resettlement seems to have occurred because of the heightened risk of being discovered in Chinese communities that have large Korean populations. Reasons for China's clampdown on refugees include the fact that North Korea is still a vital strategic partner. But it is also because of Beijing's fear of masses

of refugees surging into China, which could lead to the collapse of the North Korean regime. The aim of this stricter refugee policy is to reduce the number of escapees and the international attention they attract.

Over the years, the number of refugees has fallen, but their profiles and preferred destinations have also changed. During the 1990s, men and women were leaving the North in equal numbers, but now the majority of refugees are women. One of the reasons for this is the one-child policy, which has created a severe gender imbalance in China. This has resulted in a trade in women, and North Korean women often become victims of trafficking who will be sold on to China. Traffickers can earn between 1,000 and 10,000 yuan (120 to 1,200 euros) for every woman they deliver to a buyer.⁴³ If these women are living with Chinese men, then it is certainly easier for them to stay hidden in China and find work, often in the service sector, but they are still illegal immigrants. They enjoy no legal protection because their marriages are not recognised by the Chinese authorities. Women who manage to escape these kinds of forced marriages generally end up doing casual jobs to earn a living, including prostitution. Their wages are far below those of the local population – if indeed they get paid at all.

Of those who make it to China, only a small proportion dares to try to reach South Korea. In China there are no legal channels for them to seek refuge in South Korea, so they have to try to enter via a third country. Brokers offer to smuggle them into South Korea for a payment of 10,000 U.S. dollars. The broker's fee is around 10,000 U.S. dollars, a sum that normally can only be raised by people who have relatives in South Korea. In 2000, half of all refugees who made it to South Korea already had family there. As refugees, North Koreans who present themselves to the authorities in South Korea receive South Korean citizenship and financial assistance.⁴⁴

43 | Cf. Hae Young Lee, *Lives for Sale. Personal Accounts of Women Fleeing North Korea to China*, HRNK, Seoul, 2009, 9, http://hrnk.org/uploads/pdfs/Lives_for_Sale.pdf (accessed 20 Jun 2014).

44 | Cf. Lankov, n. 11.

LAST STOP: SOUTH KOREA

Social Familiarisation

People who successfully flee to South Korea have to submit to a hearing. Depending on their status and background, this can take as long as 180 days.⁴⁵ It is followed by a comprehensive program of social familiarisation (revised in April 2012). This lasts for over twelve weeks and involves more than 400 hours of instruction. All refugees are placed on a central register and complete this program in Anseong, a city 80 kilometers south of Seoul.

Through comprehensive programs in South Korea the refugees should regain their physical and emotional strength, learn about South Korean culture, and receive career training.

The *Hanawon*, a facility run by the Ministry of Unification, is designed to help refugees settle into South Korean society. Upon completion of the program, they receive a family register and become citizens of South Korea.

According to the Ministry of Unification, the aim is to help refugees regain their physical and emotional strength, give them a better understanding of South Korean culture, provide career advice and training and familiarise them with the government's settlement program.

The program is divided into 123 hours of instruction on South Korean society. Participants learn about the political concept of democracy and the market economy and attend history and language classes.⁴⁶ They are also taken on field trips to learn how to deal with everyday situations. In addition, refugees have to attend a 49-hour program to help them with emotional stability and health issues. There is another 51 hours of instruction on government assistance for refugees, along with training on how they can become more independent. Other courses include bookkeeping and gaining a driving licence. *Hanawon* even has its own small clinic.⁴⁷

45 | Cf. Chico Harlan, "In South Korea, high-profile defector is accused of spying for the North-by his sister", *The Washington Post*, 18 May 2013, <http://wapo.st/1pB3e9A> (accessed 20 Jun 2014).

46 | Language classes are necessary because experts estimate that, since Korea split in two, some 3,000 different terms have emerged in every area of life. These have to be learned in order to understand the colloquial language of South Korea.

47 | Cf. more details on integration courses in: *White Paper on Korean Unification 2013*, Ministry of Unification, Seoul, 2013, http://eng.unikorea.go.kr/index.do?menuCd=DOM_000000204001001000 (accessed 20 Jun 2014).

The *Hanawon* in Anseong only has space for 200 people, but the actual number of refugees had grown to 400. So on 5 December 2012 a second *Hanawon* was opened in Hwacheon, 90 kilometers from Seoul, with a capacity of 500. This *Hanawon* is designed for male refugees only, whereas the facility in Seoul will house women only. South Korea still has a very traditional view of gender roles, as evidenced by state regulations that make courses gender-specific. Cooking courses are restricted to women, whereas only men can learn to become car mechanics.⁴⁸



Arrival with obstacles: Integration into South Korean society is not easy for refugees from the north. In addition to looking for jobs and getting oriented in a city like Seoul, they face the problem that many South Koreans know very little about the refugees and their situation. | Source: Mark Goh, flickr ©①③③.

The 2012 revision of the program was sorely needed. In “Eyes of Pyongyang”, a column for North Korean refugees on the website of the North Korean Strategy Center (an organisation that works to promote democracy in North Korea), a young woman writes how she was unable to cope when she was released from *Hanawon* and had to travel

48 | For more details cf. Tongil baekseo, *Unification White Paper 2014*, Ministry of Unification, Seoul, 2014, http://www.unikorea.go.kr/index.do?menuCd=DOM_000000105003005000 (accessed 20 Jun 2014).

alone on the subway for the first time.⁴⁹ Many refugees also complained they were already familiar with 50 to 60 per cent of the subjects on the curriculum. They also said it was difficult to really concentrate on the classes, as they were worrying about the family and friends they had left behind and simply wanted the program to be over as quickly as possible.⁵⁰

At the end of the program, the refugees receive help to find accommodation, often close to family members. Each refugee also gets a payment in instalments totalling seven million won (in the region of 5,000 euros at current exchange rates). Additional financial assistance is available to seniors over 60 years of age, people with physical or psychological illnesses, people who need long-term medical care and children with only one parent.⁵¹ Other assistance includes an easing of recruitment requirements for refugees and tax breaks for companies who employ refugees.⁵²

Integration – Problems and Assistance

In order to reach South Korea, many refugees use a broker who helps to get to a third country from where they can legally apply to emigrate to South Korea.

Refugees say one of the main problems they face until they leave *Hanawon* is the fact that they live in a constant state of dependency and supervision. This not only applies to the

time spent in the reception center and during their hearings in South Korea, but also to their journey up to this point. In order to reach South Korea, many of them use a broker who helps them to get to a third country from where refugees can legally apply to emigrate to South Korea. But this process can take a long time. Then there are the long-drawn-out hearings, as previously mentioned. Since 2010, a government ruling means that refugees from the North

49 | "My most Shocking Moment in South Korea", NKSC, 13 Feb 2014, http://nksc.co.kr/english/bbs/board_view.php?bbs_code=bbsIdx9&num=9825 (accessed 20 Jun 2014).

50 | Cf. Hak Min Chung, "To become the Hana Center that defectors need", NKSC, 31 Jul 2013, http://nksc.co.kr/english/bbs/board_view.php?bbs_code=bbsIdx9&num=9779 (accessed 20 Jun 2014).

51 | Cf. n. 47, chapter 6.

52 | Cf. Ministry of Unification, "Press Release: A revised law on protection and resettlement support for North Korean defectors promulgated", 26 Mar 2010, http://eng.unikorea.go.kr/board/view.do?boardId=BO0000000090&menuCd=DOM_000000201002000000&startPage=1&dataSid=220127 (accessed 20 Jun 2014).

can now be held in detention centers during their hearing for twice as long as before – 180 instead of 90 days. This is due to the growing number of arrests of alleged spies. During their hearings, refugees are kept under constant surveillance (video cameras in their cells) and are also questioned at night without a lawyer in attendance. Activists have criticised these practices as being a legal grey zone.⁵³

An assessment of the psychological pressures placed on refugees, not only during their long and dangerous journey to South Korea, but also after their arrival, shows that they find it difficult to get used to and enjoy their new freedoms. According to a survey by the Yeo-Myung School,⁵⁴ 60 per cent of North Korean refugees felt insecure and 30 per cent of respondents displayed symptoms of depression. It also revealed that 60 per cent of students suffered from diabetes and anaemia as a result of their escape. They receive help during their stay at *Hanawon*, but this is not enough for refugees to recover from their trauma and overcome their worries about family members left behind in North Korea or China.⁵⁵

After they have completed the *Hanawon* program, refugees can seek help from one of 32 *Hana* centers throughout the country. These centers offer an intensive three-week program which helps refugees to find jobs and to learn about medical care and training opportunities. After completion of the program, the centers offer ongoing regular consultations for up to one year and recommend other help organisations. In contrast to *Hanawon*, which is run by the Ministry of Unification, the *Hana* centers are run by private contractors on behalf of the government. In 2012, 95 per cent of refugees attended a *Hana* center, and 92 per cent completed the program.⁵⁶

53 | The sister of accused spy Yoo Woo-sung describes how she was verbally abused, humiliated and forced to make false statements during her time in the detention center. She claims she was forced to stand in front of other North Korean refugees wearing a sign stating "I come from China". In the end, Yoo Woo-sung was cleared of being a spy after it was proven that the South Korean secret service had falsified evidence. Cf. Harlan, n. 45.

54 | This school is based in Seoul and works to integrate young North Korean refugees into South Korean society.

55 | Yeo-Myung School brochure.

56 | Cf. n. 47, chapter 6.

In South Korea, huge emphasis is placed on obtaining a good education and it is difficult to get a good job without attending one of the country's elite universities. So it is not easy for North Korean refugees to enter the labour market. A job center was set up in 2012 to help them find work. There are also monthly job fairs where refugees can find employment with small and medium-sized companies.⁵⁷ From January 2010 to December 2012, 4,800 refugees took part in these job fairs. 1,632 of these received job offers, which were accepted by 312 people (19.2 per cent). This kind of government initiative is vital, as 20.7 per cent of refugees only do casual work. It is true that this figure has fallen by 32.2 per cent since 2011, but it is still high. This also explains the pay gap between North Korean refugees and employees of South Korean descent. With a weekly average of 47.9 hours, North Koreans tend to work harder than their South Korean colleagues (by 7.9 hours), but their wages are well below the national average. Unemployment among former refugees stands at 9.7 per cent compared to just 2.7 per cent among South Koreans.⁵⁸

Monthly job fairs offer a chance for refugees to find employment. Almost 5,000 attended those events so far.

In an attempt to prevent high staff turnover, the South Korean government rewards North Korean refugees who stay in the same job for a year or more. In 2009 this amounted to 5.5 million won (approximately 4,000 euros). There are also financial incentives to complete training courses and gain qualifications. The money that refugees are given when they complete the foundation course at *Hanawon* is often used to finance the escape of family members left behind in North Korea or China.⁵⁹

57 | Although it cannot be empirically proven, it seems fair to assume from this that major South Korean conglomerates never or only rarely take on North Korean refugees. Small and medium-sized companies in South Korea still do not have a good reputation as employers, partly due to their poor pay and conditions.

58 | For more details see: Eun Ju Moon, "Defectors in SK Report Incomes Half National Average", *DailyNK*, 13 Feb 2014, <http://dailynk.com/english/read.php?cataId=nk01501&num=11504> (accessed 20 Jun 2014).

59 | Cf. n. 47, chapter 6.

How Happy Are They with Their New Lives?

Existing studies on whether North Korean refugees are happy with their new lives in South Korea have given rise to some interesting points. 54.2 per cent of respondents say they are happy and 20.3 per cent even describe themselves as very happy. This suggests that three quarters of respondents believe – at least publicly – they made the right decision to flee their homeland. Reasons given include the fact that they are now paid more appropriately for their work, along with economic freedom and the lack of constant surveillance and controls. Those who claim to be unhappy cite financial difficulties (70.2 per cent) and discrimination against refugees (33.6 per cent) as the main reasons.⁶⁰

According to a survey, three quarters of respondents believe – at least publicly – that they made the right decision to flee their homeland.

65 per cent of refugees live in Seoul because it offers better opportunities for jobs and education. Since 2012, North Korean refugees are also allowed to work for provincial authorities and the national government.⁶¹ Although the assistance given to refugees by the South Korean government is portrayed in a positive light, the time they spend at *Hanawon* is simply too short to prepare them for life in a totally different country. And it is not only the refugees who need to learn about life in South Korea. In turn, South Koreans need to learn more about North Korea and its refugees. Many of them still seem to have little understanding of the refugees' situation. Since 2011, South Korean broadcaster *Channel A* has been running a program on Sunday evenings in which North Korean refugees talk about their lives in North Korea and the difficulties they face in South Korea. But discrimination or perceived discrimination remains a problem.⁶² According to the Yeomyung School, six out of ten students conceal their origins because they fear discrimination.⁶³ The constant use of

60 | Cf. Moon, n. 58. The value of the survey results are somewhat limited because of the strong imbalance between male and female respondents (almost 1 to 3).

61 | Cf. n. 47, chapter 6.

62 | Cf. "Gu Ga-in, [Saturday sketch] Channel A, 'Let's go and meet them', episode 100...Conversations that could not be held by beautiful refugee women" [author's translation], *dongA.com*, 4 Nov 2013, <http://news.donga.com/NewsStand/3/all/20131101/58630761/1> (accessed 20 Jun 2014).

63 | Cf. n. 55.

borrowed English words in the South Korean language also causes communication problems. Perhaps this is another reason why five out of 100 young North Korean refugees drop out of university, compared to just one in 100 South Koreans. It also seems that short-term psychological help is not sufficient. The terrible ordeals they have endured in North Korea and during their escape mean that many need long-term help.

NORTH KOREAN REFUGEES – FOREIGNERS IN KOREA?⁶⁴

After completion of the familiarisation program at *Hanawon*, North Korean refugees are given a South Korean passport. However an intensive three-month course and an official document are not enough to turn them into South Koreans. It is not possible to simply erase or overwrite their former lives and the experiences that have shaped their personalities. Both Koreas still officially uphold the myth of “one Korea” and “one people”. But in reality the people of the two countries are becoming increasingly estranged from each other as time goes by. This is not only because of the considerable disparity between the living conditions of the two nations, but media reporting on both sides serves to ramp up mutual distrust. This is another reason why it is a mistake to believe that having Korean origins is enough in itself for North Korean refugees to integrate smoothly into the South.

South Koreans have many reservations about their Northern compatriots. This is because of the refugees’ ideological indoctrination in the North Korean system and the fact that many have lived illegally in China. Many South Koreans believe the things they had to do to survive are immoral and barely legal. This is why South Koreans tend to be suspicious of North Koreans and why an invisible gulf divides them. South Koreans are also worried about North Koreans “taking their jobs” and are envious of the fact that it is easier for these new citizens to gain access to the coveted places and scholarships at elite universities in Seoul due to more relaxed entry requirements, while South Koreans have to work hard and take an entrance exam.

64 | The information provided in this article is the result of conversations between the author and young North Korean refugees. The interviews were organised with the help of the Yeo-Myung School.



Credibility and compassion: If the South was more open-minded it would help to give credibility to the inter-Korean dialogue of President Park Geun-hye, here at a commemoration on 6 June 2014 in Seoul. | Source: Jeon Han, Korean Culture and Information Service, flickr ©①②.

As long as the North Korean regime is in existence and people continue to seek asylum in South Korea, it is necessary to forge a basic sense of understanding and actively work to reduce prejudices on both sides. The *Hanawon* program seems to be a good start for helping refugees to settle into their new home. But is this the only and best way of achieving successful integration? When it comes to familiarisation, it should be noted that South Korea differs hugely from North Korea and the refugee's transit country of China. Despite many thousand years of common Korean history and the same basic language, the cultural, political and technological gap yawns so widely that they would seem to need more than just a three-month stay at *Hanawon* to prepare them for their new lives.

Based on the experiences of German reunification, it can be concluded that North Koreans need to learn about the South, but in turn South Koreans need to learn about the North. They need to gain a better understanding of the people, daily lives and culture of their neighbours. However, this requires easy access to such information from the government in Seoul – particularly via new media channels – but this is being prevented by Seoul's prevailing legal climate. Greater openness on the part of the South

would help to spark the interest of young South Koreans in the issue of reunification and lend credibility to President Park Geun-hye's policies on Korean rapprochement. North Korean refugees would also benefit from this, as there is still one element that is really lacking in South Korea: compassion.⁶⁵

65 | Cf. in this respect the speech given by President Park Geun-hye at Dresden University of Technology on the occasion of her state visit to Germany on 28 March 2014: "An Initiative for Peaceful Unification on the Korean Peninsula", 31 Mar 2014, Korea.net, <http://korea.net/Government/Briefing-Room/Presidential-Speeches/view?articleId=118517> (accessed 28 Jul 2014).

FROM AN INSTRUMENT OF POWER POLITICS TO DEMOCRATIC VALUES

DECENTRALISATION IN MOROCCO

Helmut Reifeld

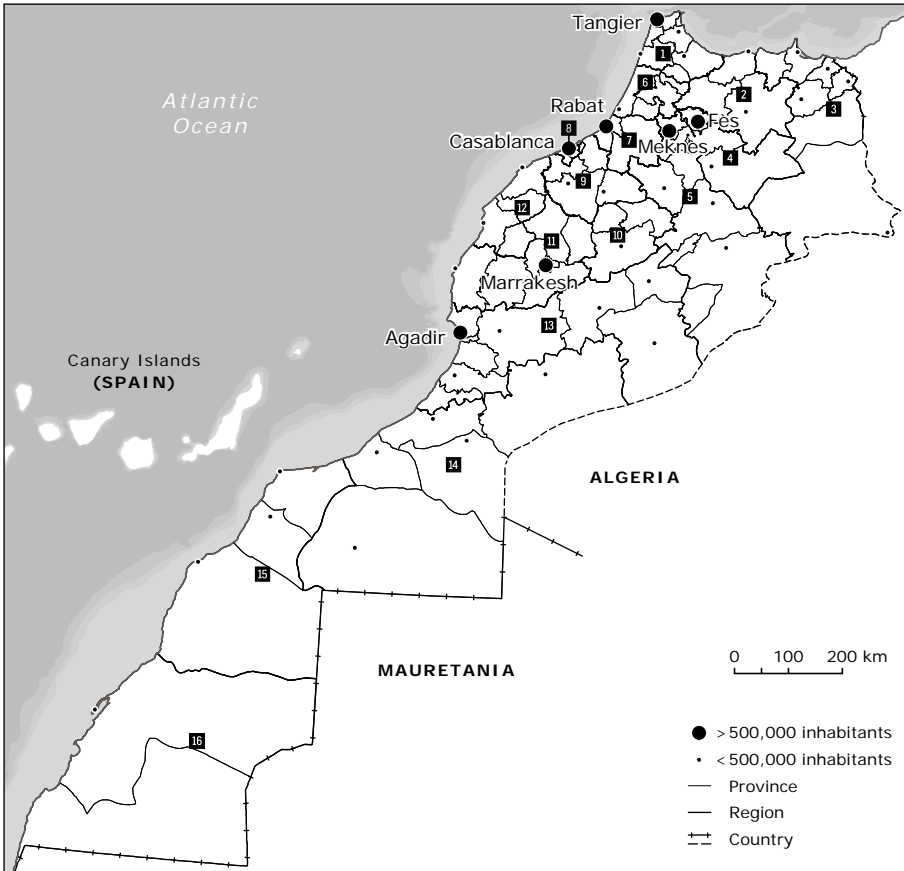
When Morocco's new Constitution took effect with the referendum held on 1 July 2011, a considerable step was taken toward democratisation.¹ More than ever before, this Constitution presents the country's political leadership with the challenge of representing a homogeneous society with pluralistic structures that is democratically involved in the political decision-making process in accordance with the principles of good governance. Along with bolstering human rights, the strengthening of decentralisation forms the most sustainable element of this process. The significance of this is clearly stated in the first Article. After designating Morocco a "constitutional, democratic, parliamentary and social" monarchy, it goes on to say that national communal life was founded upon federal structures, among other things. The Article ends by stating, "The territorial structure of the Kingdom is decentralised. It is based on an advanced regionalisation (*régionalisation avancée*)."



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1 | An excellent overview of the current state of the implementation of the new Moroccan Constitution with regard to the articles outlining fundamental rights in particular provides: Ellinor Zeino-Mahmalat, "Constitutional Reform and Constitutional Reality in Morocco: Between Monarchical Stability and Democratic Renewal", *KAS International Reports*, Feb 2014, 113-147, <http://kas.de/wf/en/33.36789> (accessed 4 Aug 2014).

Fig. 1
Regions and provinces of Morocco



Source: Own presentation based on Abdelali Binane. For allocation of regions cf. Table 1.

Under the heading “Regions and Other Territorial Entities”, the ninth Section of the Constitution is devoted entirely to the regional authorities under Articles 135 to 146. Along with the regions, this term also includes the middle level of the Provinces (rural) and Prefectures (urban), as well as the lower municipality level. Their representatives must each be directly elected with universal suffrage (Art. 135) and they should exercise their official duties according to the principles of “solidarity” and “participation” (Art. 136). The regional councils (*Conseils régionaux*) determine a region’s basic policy guidelines (Art. 137) and their president is responsible for implementing these decisions (Art.

138). Together with the other authoritative bodies, the regional assemblies strive for a participatory dialogue and seek the necessary coordination between all the authorities involved. Citizens and their associations may submit petitions and these petitions must be addressed (Art. 139). The following Articles refer to the fundamental idea of the subsidiarity principle (Art. 140), calling for a kind of financial compensation (Art. 141 and 142), claiming regional self-determination (Art. 143 and 144), but while continuing to coordinate with the governors and the *Wali* as the representatives of the Crown (Art. 145). Finally, Article 146 lists all policy areas that are to remain exempt from laws being implemented by the national Parliament.

In light of Morocco's constitutional development and the establishment of democratic institutions, the measures in the new Constitution regarding decentralisation indicate the consolidation of a constitutional development that has gone on for decades. This applies both institutionally and normatively.

Table 1

Overview of the 16 regions, their provinces, prefectures and urban municipalities respectively rural municipalities

	Regions	Provinces and prefectures	Urban municipalities	Rural municipalities
1	Tangier-Tetouan	6	10	87
2	Taza-Al Hoceima-Taounate	3	14	118
3	Oriental	6	22	91
4	Fès-Boulemane	4	12	48
5	Meknès-Tafilalet	5	23	111
6	Gharb-Chrarda-Béni Hssen	2	11	61
7	Rabat-Salé-Zemmour-Zaer	4	10	40
8	Grand Casablanca	12	7	10
9	Chaouia-Ouardigha	3	15	102
10	Tadla-Azilal	2	9	73
11	Marrakesh-Tensift-El Haouz	5	15	198
12	Doukkala-Abda	2	10	77

	Regions	Provinces and prefectures	Urban municipalities	Rural municipalities
13	Souss-Massa-Drâa	7	24	212
14	Guelmim-Es Semara	5	11	49
15	Laâyoune-Boujdour-Sakia El Hamra	2	4	10
16	Oued Ed-Dahab-Lagouira	2	2	11
	Total	70	199	1,298

Source: Own compilation modified from "Atlas graphique, chiffres clés du Maroc", 2006, 8.

At the institutional level, this is mainly expressed through the direct election of the members of the regional assemblies, which are comparable to the *Landtagen* in Germany, though with much more limited authority. The presence of a freely elected representative from each local authority (province, prefecture, municipality) in the region has anchored this institution in democracy. The two designated social funds (Fonds de mise à niveau sociale and Fonds de solidarité interregionale) serve the same purpose: tackling the social and economic disparities between the regions.

On the normative level, four aspects are brought to bear:

1. In Article 140 of the Constitution, the principle of subsidiarity is explicitly referred to as the basis upon which the local authorities have both their own responsibilities as well as those they exercise together with the central government and those that may be delegated to them by the State.² Not only regionally specific decisions are possible through this; in fact, this significantly weakens the classic polarisation with the central seat of power, which may allow or abolish any local or regional decisions at any time. This emphasises the responsibility of local decision makers. However, it simultaneously holds them accountable for the wider context of their decisions. Therefore, all levels involved are encouraged to align their decisions with the objectives that have been formulated together. And the more each regional or

2 | The French version of Article 140 reads: "Sur la base du principe de subsidiarité, les collectivités territoriales ont des compétences propres, des compétences partagées avec l'Etat et celles qui leurs sont transférables par ce dernier."

municipal level exercises its freedom of choice to form public policy, the more they bring this constitutional right to life.

2. The *principes de libre administration, de coopération et de solidarité* enshrined in Article 136 are there to guarantee the affected public's participation in the configuration of public affairs in their respective territory in order to ensure their integration and stability. This is to ensure that even potential social and economic issues resulting from these decisions are supported by the populace. The notion of a *libre administration* comes from the administrative practices in France, where each lower level is granted a limited amount of leeway in decision-making. The context in which this is used in Morocco extends beyond that and grants local authorities the ability to have a real impact in forming decisions.

The public's participation in configuration of public affairs in each territory is guaranteed by Constitution to ensure integration and stability.
3. The principle of cooperation, which is also referred to in Article 136, opens up a wide range of possible advice and consultation between representatives at the various territorial levels. Since this is its first appearance in this form in a Moroccan Constitution, it remains to be seen whether and in what form it will play out.
4. The same applies to the principle of solidarity, which could dismantle the sometimes considerable developmental differences among the regions in the interests of the nation as a whole. It does not require uniformity in the different regions, rather it will probably require their common focus on the State as a whole. Moreover, it should legitimise targeted offers of help from the State.

Thus regionalisation is not just one foundational principle of the new Constitution among many others; it is a central and key objective to which this Constitution is dedicated.

REVIEW

The origins of decentralisation in Morocco date back to well before the colonisation of the Sharifian Empire and included a territory larger than the 16 regions that comprise the

country today.³ There have repeatedly been regions that have remained subject to the Sultan in religious matters, but in actuality, their political freedoms are based on the absence and weakness of the *makhzen*, the aristocratic apparatus of the Crown. Even if its actions have tended more towards enforcing their rule than their legitimisation, such a review is important because in many cases both the mentality as well as some terminology have been preserved to this day.

For centuries, it is being differentiated between *bled es-makhzen*, a domain over which the State directly influences, and *bled es-siba* areas beyond this central authority.

This is the case for the two different territorial terms *bled es-makhzen* and *bled es-siba*, which have been valid in Morocco for centuries. *Bled es-makhzen* is a domain over which the State (sultanate or kingdom) can directly wield its influence. *Bled es-siba*, however, are those areas that extend beyond this central authority, which were primarily found in the Sahara, the High Atlas and the Rif mountains. Today, the local representative of the central State power remains the *caïd*, whose function is to ensure public order as far as possible, as well as the stability of the law. This term has also retained much of its original connotation. People in the *bled es-siba* were often grouped under the collective term *amazighs*, which is often used interchangeably with "Berber", but in practice has become synonymous with indigenous, ethnic diversity.

The most famous Arab historian, Ibn Khaldoun, a 14th-century native of Tunis, already compiled long and differentiated lists of ethnic settlements in the Maghreb, divided into small sections. Since the beginning of colonisation, and especially during the protectorate era (1912 to 1956),⁴ the term *bled es-siba* was used in the sense that these areas defied every form of modern rule and thus posed not only an administrative problem, but a political problem in particular. The required lists grew longer with time and formed the basis for all authorities.⁵

3 | Cf. Abdallah Laroui, *Les origines sociales et culturelles du nationalisme marocain (1830-1912)*, Paris, 1977, 126-190.

4 | This period applies to the French and Spanish protectorates in northern Morocco. The Spanish protectorate over the Sahara provinces spanned from 1885 until 1979.

5 | One of the most comprehensive lists of this kind: Alfred le Chantelier, *Notes sur les Villes et tribus du Maroc en 1890*, Angers, 1902.

Before the protectorate, the king reigned over a hierarchically structured political system of more than 600 tribes (the majority of which were non-Arab), which included some 36,000 tribal or village communities.⁶ The most active decision-making body was the *jemâa*, the tribal assemblies whose existence partially continues today and who know how to make their influence felt. Under the conditions of the protectorate, there was no reason to fundamentally revise this perception. There were still “pacified” regions and others requiring a military presence because they were time and again considered to be “rebellious”. The regional breakdown of the country remained a means of military control and surveillance during the protectorate era.

According to the notion of divide and conquer (*divide et impera*), the regions served to aid the French and Spanish in distinguishing between the Arab territories and those of the “Berbers”, i.e. between the civilian and military regions. Consequently, there were three civilian regions (with their centers at Rabat, Casablanca and Oujda) and four military regions (with their centers at Fès, Meknes, Marrakesh and Agadir). This fragmentation informed both the social and economic development of these regions. It led to the solidification of developmental differences or, in some cases, even strengthened these differences. While Casablanca has since developed into an economic metropolis, other cities were considered “useless”. The administrative structures that had been established during the protectorate era were not aimed at levelling the country’s ethnic, linguistic and demographic pluralism, rather they accepted this codification.

In the municipalities, provinces and prefectures, it is largely a matter of old, established social and political structures that have not been altered by colonial intervention. Immediately following independence in 1956, King Mohammed V increased both the powers and status of the governors that served as his direct representatives in the provinces by issuing a royal decree (*dahir*). In Article 93 of the 1962 Constitution, the provinces, prefectures and municipalities were first labelled independent local bodies and their status

6 | Cf. Sylvia I. Bergh, “Traditional Village Councils, Modern Associations, and the Emergence of Hybrid Political Orders in Rural Morocco”, *Peace Review*, Vol. 21, No. 1, 2009, 45-53.

in relation to each other was equalised. For a long time following independence, the distinction was made between devolution (*déconcentration*), which was mainly related to administrative processes and responsibilities, and decentralisation (*décentralisation*), which was directed toward zoning and the relevant legislative process. However, the first term, which mainly concerned the governor's duty as the representative of the Crown in the provinces and prefectures, gradually faded into the background.

The decree issued in 1971 by Hassan II moved decentralisation forward. It fostered economic growth through the division of Morocco into seven regions and the upgrading of urban centers.

The *dahir* issued in 1971 by Hassan II, King Mohammed's son and successor, was an important step towards decentralisation; it explicitly addressed the importance of the regions for the economic growth of the country as a whole. The aim of this decree was to break up the existing rigid administrative structures in order to enable more dynamic economic growth in the country. To this end, the division of Morocco into seven regions was addressed and their urban centers were enhanced by receiving new coordinating functions in regional financial management.

The aim of this decree was to break up the existing rigid administrative structures in order to enable more dynamic economic growth in the country. To this end, the division of Morocco into seven regions was addressed and their urban centers were enhanced by receiving new coordinating functions in regional financial management.

In November 1975, the peaceful and well-organised "Green March" took place in the "Spanish Sahara", which at that time still fell under the protectorate, with approximately 350,000 unarmed Moroccan citizens participating. Madrid acquiesced to the protest, with Spanish troops refusing to fire on civilians; all the while, General Franco lay dying and there was significant international pressure on Spain to end this protectorate. Shortly thereafter, Hassan II issued a corresponding municipal charter (*Charte Communale*) enabling the first municipal elections that same year – though this did not yet extend to the area now referred to as the "Moroccan Sahara". Although this expanded municipal law was primarily characterised as a power-political tool for enforcing national unity and voter turnout was very low, a significant step was nonetheless taken in the country's decentralisation process.⁷

7 | Mohammed Amine Benabdallah, now a member of the *Conseil Constitutionnel*, called the 1976 *Charte Communale* "le point de départ de la véritable décentralisation au Maroc". Mohammed Amine Benabdallah, "Propos sur la décentralisation territoriale au Maroc", Rabat, 2002, 8, http://aminebenabdallah.hautetfort.com/list/droit_administratif/d_decentralisation_territoriale_.pdf (accessed 31 Jul 2014).

At the same time, however, the structural differences between the regions became more readily apparent. This is true of the Casablanca region, for example, which was always able to develop into an economic powerhouse more rapidly while the remaining regions consistently fell short of this economically. In addition, it was becoming increasingly clear that the original division into seven regions reflected a French schematic, which was not appropriate for the country's particular historical, cultural and political conditions. Serious regional disparities were consolidated, for example with regard to trade opportunities, and structural disadvantages, including water supply, the provision of electricity, education and health facilities, were neglected.



Morocco's rural areas are still structurally neglected, a legacy of the French colonial times. Therefore, educational institutions like this school in Ijjoukak, 200 kilometers south of Marrakesh, are highly significant. | Source: Geert van den Boogaard, flickr ©📷📷📷.

The constitutional reforms of 1992 brought sustained improvement when the regions were given the status of political entities. A further step was the re-division of the regions in 1996/1997, which not only took into account structural conditions, but rather primarily established new democratic forms of individual responsibility. The regional assemblies were established, whose members are indirectly elected by the municipal representatives who are themselves directly elected in general elections. Furthermore, representatives from both the prefectures and provinces, as well as all professional organisations (industry, trade, artisanry, agriculture and fishing, where

The total number of Moroccan regions is raised to 16, which may be seen as Hassan II wants to draw parallels with 16 federal states in Germany.

applicable) and trade unions are included in the regional assemblies. A new layout has raised the total number of regions to 16, which may be seen as Hassan II wanting to draw parallels with the 16 federal states (*Bundesländer*) in Germany, according to some experts. He had already declared multiple times that German federalism would be used as the definitive model for Morocco to follow.⁸

For King Mohammed VI, who succeeded his father to the throne in 1999, questions of decentralisation were not the first priority; nevertheless, by 2002 he had issued an expanded and clarified municipal constitution. From the moment he ascended to the throne, he has mainly been concerned with strengthening the country's democratic development on different levels, codifying the rule of law and ensuring the application of human rights. In practice, this has meant a political shift so that at each communal, provincial and regional level, a representative of the people elected through free elections could be tasked with their own duties and financial resources simultaneously and in parallel with the official representative of the Crown. Although this dual power structure was not universally and immediately adopted, a tendency toward early cooperation and coordination between these two representatives is evident.

Announced in 2008, the *makhzen* initiative "Plan Horizon 2015" promised to place citizens at the center of all planning and guarantees them good quality management on a statutory basis. At the very least, voter turnout rose to 52 per cent during the municipal elections in 2009 compared with the 37 per cent in 2007. A completely new kind of latitude has been granted to the local entities for making financial decisions and the newly elected representatives have been promised a State that will facilitate and support them (*un état accompagnateur et facilitateur*). The extent to which these new policy options were implemented has so far differed in each region. However, no evidence exists that they have been boycotted or undermined. In addition, in his speech from the throne on 3 January 2010, Mohammed VI established a Consultative Commission on Regionalisation (Commission Consultative de la Régionalisation,

8 | Cf. *ibid.*, 8 et sqq.

CCR) as a consultative body whose attention would primarily be focused on the economic impact of globalisation and increasing the efficiency of municipal autonomy. Since then, this has been referred to as a *régionalisation avancée* in Morocco.

RÉGIONALISATION AVANCÉE AS THE DRIVING FORCE FOR DEMOCRATISATION

Among the 16 regions Morocco has been divided into since 1997, the three southern regions (Oued Ed-Dahab-Lagouira, Laâyoune-Boujdour-Sakia El Hamra and Guelmim-Es Semara) deserve special attention with regard to the discussion of decentralisation. They comprise the territory of Western Sahara, whose political status remains unclear under international law. From a Moroccan perspective, however, the inclusion of this area in the process of decentralisation promises the three so-called Southern Provinces the opportunity to establish their autonomy; the country is hoping for the long-term approval of the international community on this. It is from this perspective that the *makhzen* and every Moroccan government since 2008 along with him have pursued the Moroccan Autonomy Plan (Projet Marocain d'Autonomie, PMA). This plan has received international support from the U.S. in particular, but France as well.⁹ Based on the content of the plan, the PMA is focused on the example of the autonomy of provinces in Spain, particularly that of Catalonia.¹⁰ From the perspective of French experts, this constitutes a heightened form of decentralisation so much so that it borders on federalism.¹¹

The Moroccan Autonomy Plan is focused on the example of the autonomy of provinces in Spain, particularly that of Catalonia.

- 9 | To date, the Federal Government of Germany has issued no formal position on this. Their stance suggests they welcome a joint agreement that addresses the concerns of all parties involved under the existing UN agreements and human rights are respected.
- 10 | For more on Catalonia as a model, see Abdelhamid El Ouali, *Autonomie au Sahara. Prélude au Maghreb des régions*, London and Paris, 2008, 146-155. El Ouali is an expert in constitutional law at the University of Casablanca and served as Morocco's representative to the United Nations.
- 11 | According to François-Paul Blanc, "La régionalisation et la Constitution de 2011: genèse et prospective", in: *La Constitution marocaine 2011. Analyses et Commentaires, sous la direction du Centre d'Études Internationales*, Paris, 2012, 307-343, here: 326. More extensive literature can also be found there.

Content-wise, the PMA is inspired by the concept of a Europe made up of regions as was formulated in the Maastricht Treaty in 1992. Mohammed VI has repeatedly taken up this idea of regional units. The example of the European Union demonstrates that this approach promotes regional autonomy in order to strengthen regional expertise and grass-roots solutions based on the principle of subsidiarity.¹² In terms of the Southern Provinces, El Ouali interprets this concept as a Moroccan commitment to the effect that the paradigm of political self-determination depends less on national independence than it does on democratic governance.¹³



Based on the principle of federalism and subsidiarity the "Projet Marocain d'Autonomie" aims to strengthen regional autonomy without weakening democratic achievements. Laâyoune-Boujdour-Sakia El Hamra, as shown here, belongs to the regions affected by the PMA. | Source: Guillaume Galdrat, flickr ©©©.

It is consistent with Articles 135 to 146 of the new Constitution mentioned at the beginning of this report and – from a Moroccan perspective – is primarily based on three principles: first, the centuries-long unity experienced under the Sharifian dynasty; second, the regional unity as an autonomous region with its own legislative, executive and judicial powers under the principle of subsidiarity; and third, the free election (referendum) on its affiliation to the Moroccan State.

12 | Cf. his speeches from the throne on 3 Jan 2010, on 9 Mar 2011 and especially on 6 Nov 2012.

13 | Cf. El Ouali, n. 9, 11.

In addition, Point 26 of the PMA provides for the establishment of an institution with constitutional status dedicated to regionalisation in general and the status of Western Sahara in particular.¹⁴ This is the Economic, Social and Environmental Council (Conseil Economique, Social et Environnemental, CESE), whose political duties are enshrined in Articles 151 to 153 of the new Constitution, along with the duties of the Cour Constitutionnelle (Art. 129 to 134) and those of the Cour de Compte (Art. 147 to 150). In October 2013, the CESE submitted a comprehensive development plan entitled "Nouveau modèle de développement pour les provinces du Sud", which discusses the integration of the provinces in question in a highly differentiated and systematic manner, laid out over 473 points.

In terms of decentralisation, from a Moroccan perspective it is plain that these special provisions better represent these Southern Provinces in terms of domestic policy if they also account for the rest of the country's provinces, at least in principle. Under the Constitution, subsidiarity, solidarity and balance apply equally for all regions. The claim that accompanies the plan of *autonomie élargie* itself would have been a sufficient reason for Constitutional reform. By integrating the overall concept of *régionalisation avancée* as provided in the new Constitution, however, this may provide a basis for the discussion of the Sahara issue on an international level. Against this backdrop, there is a high likelihood that the enacting legislation announced for 2015 will also be adopted. It is up to the CCR to make the arrangements for the desired implementation. This could be accompanied by a further reassessment by the upper house of the Parliament of Morocco, the House of Councillors (*Chambre des Conseillers*). There is very little expectation of controversy regarding this in the lower house because it is not an issue that divides the political parties.

14 | Mohammed VI strongly emphasised the importance of this task in his 6 Nov 2012 speech from the throne.

THE BALANCING ACT BETWEEN MONARCHY AND DEMOCRACY

The extent to which this can be considered a unified regional and municipal sense of responsibility in Morocco is debatable. Is the decision-making process really democratic and decentralised? Can this even perhaps be referred to as a development towards regional “autonomy” and federalisation? Or is it just a functional shift of administrative tasks under new central control?

Regular democratic elections have been held on all three levels (municipal, provincial and regional) since 1992; the next elections are scheduled for 2015. The 16 regions into which Morocco has been divided since 1997 face dual leadership – monarchical and democratic. On the one hand, the King still appoints (based upon the recommendation of the Cabinet) a *wali* as his representative in each region; on the other hand, the *Conseil Régional*, similar to the German *Landtagen*, are democratically elected and their presidents are formally equivalent to German minister-presidents (*Ministerpräsidenten*). One hierarchical level below, i.e. the provinces and prefectures, the Ministry of Interior appoints a governor on behalf of the King, essentially serving under the *wali*. Its equivalent on the parliamentary side is each president of the *Conseil Provincial* or the *Conseil Préfectoral*. An equivalent polarisation ultimately exists at the lowest level as well, the municipal level: again, *pascha* and *calid* are appointed by the governor in provincial towns and rural municipalities, respectively, whose counterparts in the town and community councils are the presidents of the municipalities (*Président de la commune*).

In fact, two different hierarchical structures coexist on all political levels: a monarchist-statist structure and a democratic parliamentary structure. While the first is deployed by the Ministry of Interior under the guidance of the *makhzen* and is ultimately accountable to the Crown, the second is elected by the people in each case and must answer to them.¹⁵ The distribution of powers between

15 | The current government, which has been in power since 2012, is the first to have also nominated the Minister of Interior as recommended by the head of government and not exclusively by the Crown.

these two hierarchical structures is theoretically separate; in practice, however, their political options are primarily determined in advance through informal arrangements. When viewed from a constitutional theory perspective, this relationship remains largely unclear.¹⁶

Although the dynamics of *régionalisation avancée* have gained much momentum since the new Constitution entered into force, much of the necessary enacting legislation (competency requirements and divisions of responsibility among the decision-making bodies, financing laws, election law, etc.) has not yet been updated. Lacking above all are the regulations according to which the social funds provided for in Article 142 of the Constitution (Fonds de mise à niveau sociale and Fonds de solidarité interrégionale) are to be administered.¹⁷ Highly visible, however, is the tendency to claim that the autonomy enjoyed by the Southern Provinces will inevitably benefit the decentralisation interests of all regions and thus the democratisation of the country as a whole.

Against this backdrop, it is understandable that European observers in particular often portray Moroccan decentralisation in a critical and largely negative light. The *makhzen's* control of all regional executive decision-making areas remains great to this day. This is especially true for taxes, financial planning and budgetary matters. Though the development plans drawn up by the regions themselves are addressed, they currently still remain in draft form. On the one hand, the Commission de la parité et de l'égalité des chances is considered very active, has submitted countless recommendations and administers its role in shaping policy to the fullest extent; on the other hand, however, their approach to a functional system of citizen's participation is quite scattered. The current process of formulating and adopting the necessary enacting legislation remains insufficient. Critics argue civil society has been exploited and that there is only partial support from the political parties.

A functional system of citizen's participation is quite scattered. Critics argue civil society has been exploited.

16 | This assessment is based on discussions the author led with both elected and appointed representatives of these bodies.

17 | Cf. Henri-Louis Védie, "Réforme constitutionnelle et gouvernance économique: L'exemple du Maroc", in: *La Constitution marocaine de 2011*, n. 11, 297-305, here: 304 et seq.

As yet, the realisation that decentralisation not only affects regional authorities, municipal political institutions and state institutions, but the private sector and civil society as well has barely penetrated the public consciousness. Since the last *Charte Communale*, the regions, provinces and municipalities have been entitled to their own tax revenues, even if this right has not yet been implemented. Although good governance is often spoken of, this is directed more at the highest levels of government than everyday political life.

According to analysts, the current process of implementing decentralisation has replaced the old system of patronage with a new one.

This is especially true of the current state of municipal self-government. Sylvia I. Bergh rightly questions how local governmental representatives administer their duties. Do they see themselves as representatives of the citizens or do they regard them as clients? In her estimation, the current process of implementing decentralisation has replaced the old system of patronage with a new one. It has not led the population to engage in lobbying and real participation, rather it has only created additional institutions without establishing new structures for political action. Although public life has been partially re-ignited, there has been no development in terms of new and lasting engagement of the citizenry. Her prevailing impression gained from her assessments is that central government policies continue to dominate in a top-down manner, and the royal family's position of control is secure.¹⁸ Compared with Tunisia, Egypt, Jordan and Lebanon, however, Bergh regards Morocco as the "best practice case". She rightly emphasises that the strengthening of democratic parties represents one of the surest means of further strengthening municipal self-governance in practice.

Anja Hoffmann offers an even more critical assessment of the practice of decentralisation in Morocco than Bergh does. She hypothesises that any decentralisation has yet to occur.¹⁹ Her findings are based on interviews in a

18 | Cf. Sylvia I. Bergh, "Introduction: Researching the effects of neoliberal reforms on local governance in the Southern Mediterranean", *Mediterranean Politics*, Vol. 17, No. 3/2012, 303-321.

19 | Cf. Anja Hoffmann, "Morocco between Decentralization and Recentralization: Encountering the State in the 'Useless Morocco'", in: Malika Bouziane and Anja Hoffmann (eds.), ▶

provincial town on the edge of the Atlas region focusing on the everyday experiences of the local population. In her assessment, she suggests that it is the overwhelming opinion of the respondents that only one state power exists and that it has the sole power to make decisions, which are then handed down to a powerless society. The overall picture Hoffmann outlines is one of paternalism, corruption, patronage and a lack of accountability. In the process, she describes a perception of the decentralisation process that may perhaps be typical but, taken in isolation, is scarcely representative.

For large parts of the population, the central authority of the Crown continues unbroken. The conflicts that occur at the local and regional levels reflect the same conflict of interest that exists between the Crown and the people, as has dominated public life for centuries. However, Hoffmann's position that Morocco is already transitioning from decentralisation to "recentralisation" is excessive. So many legal and political facts are already in place that this process cannot readily be undone. Furthermore, she does not specify who would want this and at what price.

Hoffmann falls short by not mentioning the many cases in which municipal self-government is already well under way, where decision-making is working at the municipal level and proposals that have been formulated through participation have become a reality. This may not be the rule but is an increasing trend in and of itself. In fact, development proposals from the municipalities or the provinces that are presented to the regional assemblies must be coordinated with the *wali* and sent up by him. Yet there is no known case in which such a proposal would have been denied.²⁰ There is no doubt that the parallel structures described are relevant, but in practice they should coordinate with each other without interfering with one another.

Development proposals from the municipalities or the provinces that are presented to the regional assemblies must be coordinated with the *wali* and sent up by him.

Local Politics and Contemporary Transformation in the Arab World. Governance Beyond the Center, Basingstoke, 2013, 158-177, here: 158-163.

20 | The author engaged in numerous discussions on this topic with members of the regional assembly for the Marrakesh-Tensift-El Haouz region (including its president) in the second half of 2013.

Table 2

Institutional authorities and their overlap

Authority	Municipalities	Prefectures / Provinces	Regions
Responsibilities	<ul style="list-style-type: none"> ▪ Local public administration ▪ Administration of collective facilities 	<ul style="list-style-type: none"> ▪ Public administration for the province or prefecture 	<ul style="list-style-type: none"> ▪ Vocational training
Comparable authority at different levels	<ul style="list-style-type: none"> ▪ Economic and social development ▪ Promoting employment ▪ Promoting investment activities and commercial areas ▪ Conservation ▪ Promotion of sport in society ▪ Promoting culture ▪ Social services 		
Comparable authorities with defined responsibilities	<ul style="list-style-type: none"> ▪ Municipal roads and road networks ▪ Investments in companies with various local, inter-municipal, prefectural, provincial or regional interests ▪ Municipal water works 	<ul style="list-style-type: none"> ▪ Road works and maintenance ▪ Management of inter-municipal transportation ▪ Investments in companies with various prefectural or provincial interests ▪ Rural development programme ▪ Contribution to housing programs 	<ul style="list-style-type: none"> ▪ Regional land-use planning scheme ▪ Investments in companies with various regional or inter-regional interests ▪ Management of water resources

Source: Own research program.

From the perspective of the elected bodies, the *wali* functions as an authorising *ordonnateur*. At the same time, there have been persistent reports of paternalism (*tutelle*) whereby the elected representatives formulate their proposals in preparation for and in the course of mutual compromises in order to avoid conflicts. In the meantime, special appreciation has been given to the equality of opportunity (*équité*) put into effect by the new Constitution among the provinces. Current decision-makers actually refer to this as a “revolution” that highlights elected officials’ responsibilities and thus their planning and decision-making authority.²¹

21 | According to Dr. Hassan Amillat, Secretary-General of the Maison de l’Elu in Marrakesh, 14 Feb 2014.



Urban-rural contrast: Cities are the economy's engines and one of Morocco's driving forces is Casablanca. The decentralisation policy of Mohammed VI. seeks to provide equal chances for urban and rural areas alike. | Source: Fr Maxim Massalitin, flickr ©📷📷.

WHAT REMAINS?

It is obvious that a wide gap often exists between the perception of decentralisation among the population on the one hand and their assessment of decision-makers on the other. Historical influences and current political interests easily converge here. On the basis of the two municipal elections in 2002 and 2009, Ali Jafry has collected many examples of the extent to which traditional habits, political ignorance and deference to authority on the part of the voters and ill-conceived party profiles, lack of awareness of the rules of procedure and coalitions that follow no inherent logic on the part of the candidates have led to hopeless confusion.²²

On a somewhat more abstract level, both Bergh and Hoffmann describe a fairly sluggish conservatism that many consider to be a basic approach to public life in Morocco. They point to the structural problem that administrative and socio-political jurisdiction in Morocco have at best been "granted" to the provinces by the State for centuries. They have never served as the primary source from which

22 | Cf. Ali Jafry, *La Commune contre l'élu. Action et contraintes*, Casablanca, 2012.

Even if the door to regional or municipal self-determination seems more open today than ever before, it is open no further than benefits the monarchy.

the centralised state could have emerged. The long path from independence to Mohammed VI's reforms was primarily dictated by pragmatic considerations, at least for issues related to decentralisation. Even if the door to regional or municipal self-determination seems more open today than ever before, it is open no further than benefits the monarchy rather than undermining it. Nevertheless, many are working on opportunities to open this door even wider.

Is decentralisation a genuinely Moroccan project on the whole? What serves as a benchmark for the country? No obvious archetypes exist in the Arab world. Casting a view to Europe thus seems likely. It seems unlikely that the current political and legal developments have actually granted the regions this degree of autonomy as is the case in some regions of Spain. However, today's actors in Morocco are eagerly seeking a greater degree of decentralisation than France has. From a statist-nationalist perspective, which was still influenced by the "Gaullism" of the 1950s in the years following independence, there was no reason to further decentralise the existing domestic and administrative structures. For particularly traditionally-minded royalists, however, decentralisation retained its "Jacobin" image, one of a direct democracy that was still associated with the idea of "regicide" well into the eighties.

Even in Morocco, regional management responsibilities always retained a centralised control function, though this does not necessarily imply systematic paternalism by the State. *Régionalisation avancée* has launched a modernisation of State structures that has the ability to significantly contribute to an integrated development of the country. It is a testament to a progressive democratisation process, which the monarchy considers an important feature of Morocco's international profile. With regard to decentralisation, the extent to which universal suffrage is applied is unique in the Arab world, especially in electing the *conseils régionaux*.

The same applies to the broad spectrum of opportunities for organisation and compromise between the claims made by the regions in favour of self-determination and the State's

claim to power. However, the lack of regulations in place to balance ethnic, gender and regional differences in education must still be regarded as unsatisfactory. The tools in place

The tools in place to combat corruption are not managed rigorously enough and the calls for good governance are all too often met with non-committal answers.

to combat corruption are not managed rigorously enough and the calls for *bonne gouvernance* are all too often met with non-committal answers. Though valuable institutions have been created for human rights to be fully applied, they continually lack consistent State support.


To this day, the two-faced character of decentralisation in Morocco oscillates between a real balance of power and a chimaera. Ultimately, however, decentralisation significantly contributes to the fact that the central royal authority's key policies are being implemented without State bodies needlessly compromising on the details of municipal self-government or even being forced to intervene directly. The previously established form of decentralisation has already created a reality with democracy at its core. The right to municipal self-determination and regional freedoms is already guaranteed to the extent that it has already "entered" the political perception of the population.

Morocco is gaining increasingly greater recognition for the fact that the constant developments and political changes associated with this number among the *raisons d'être* for municipal self-government. The knowledge that local problems can be solved at the local level is not only historically rooted, but has now adopted a democratic parliamentary character as well. For centuries, the *jemāa* held an institutionalised assembly in which all social classes are represented and which formulates decisions to be taken and proposes solutions in a semi-parliamentary advisory capacity. Consequently, the idea of parliamentary representation and consensual decision-making as a democratic element was introduced into the civil consciousness.

The political consciousness in Morocco is not centralised even in terms of dealing with issues of participatory democracy. By no means are either EU integration (*statut avancé*) or participation in the process of globalisation administered earlier in the Moroccan capital than they are in the regional metropolises. It is often the regional centers that have to face international challenges much more

directly. The following are examples of this: Casablanca and Tangiers (for the economy, industry and international trade), Marrakesh, Fès and Agadir (for scientific exchanges and tourism) and Ouarzazate (for climate and energy). To some extent it is these cities that are the ones currently generating the best adaptation efforts.



Rural regions in Morocco, such as the small town of Moulay Idris, take part in the policy-shaping process due to stronger popular responsiveness and participatory opportunities. | Source: Anja Disseldorp, flickr .

In order for decentralisation to contribute to the sustainable stabilisation of the country, it must not be borne by the principles of power and control, rather it should stem from the knowledge of man's dignity and his right to self-determination. Decentralisation can therefore also be considered a legitimate component of State power in Morocco. It is an expression of the inalienable democratisation the country has achieved thus far because it guarantees fundamental liberties at the local level. Ultimately, it strengthens the State's authority more than it weakens it as it guarantees the right to further develop democratic administrative structures at the local and regional levels.²³

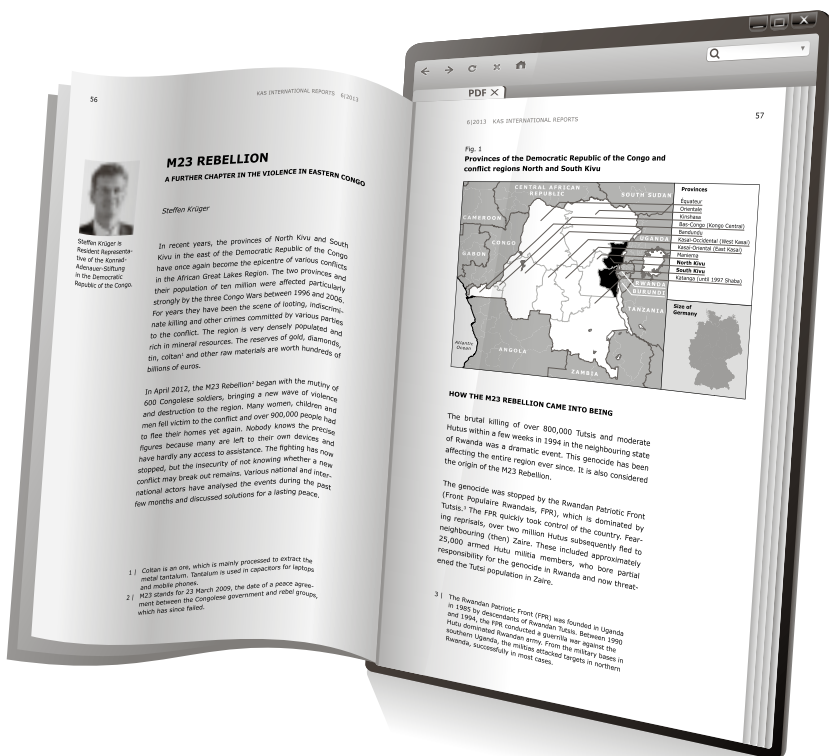
23 | Cf. Karim Cheggari, *Les apports de la nouvelle constitution marocaine en matière de décentralisation territoriale*, Marrakesh, 2012.

To put it succinctly, Morocco is a “flawless” monarchy that provides a great degree of democracy. King Mohammed VI has already achieved a great deal since ascending to the throne: particularly in the area of women’s rights, but also all human rights, with a view to liberalising the economy and his country’s rapprochement with the EU. Just as is the case with these developments, the process of decentralisation has a long way to go. Given the country’s sometimes considerable shortfall in many areas of social and educational policy, this deserves to be given high priority. It is sure to become an enduring project of political reform and a benchmark for democracy in Morocco.

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