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Dear Reader,

It is my pleasure to present the third digitally published edition of the Towson Journal of International Affairs. The Towson Journal of International Affairs (TJIA) was founded in 1967 as the world’s first academic journal to publish undergraduate research in the field of international relations. While the TJIA publishes mostly undergraduate research, we also feature articles by graduate students, faculty, and scholars from around the country.

This issue begins with an article by Professor Anneliese Johnson, which discusses how individual identity development co-evolves with the emergence of a group’s national identity. Professor Johnson analyzes demographic and economic changes in colonial America between 1720 and 1763 to support her argument. Next, Matt Sanford analyzes the paths taken by states of the former Yugoslavia in joining the World Trade Organization (WTO) in order to determine how and why post-separatists states approach trade liberalization. The author argues that these states pursued trade liberalization when it became clear that they could take advantage of the positive economic impacts of trade. Last, Jacob Loewner compares how the differences in the drone rhetoric from the Obama administration differs from the realities of the drone program. The article, furthermore, calls on increased transparency more effective human intelligence to make the program more successful.

Sincerely,

Charles Lyons
Editor-in-Chief
TOWSON UNIVERSITY
JOURNAL OF INTERNATIONAL AFFAIRS

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The Reciprocal Relationship Between Self and Social: The Impact of Individual Identity Development on National Identity

Anneliese Johnson

Abstract: This paper unites political science and psychological research in a cohesive discussion of how individual identity development impacts the emergence of a group’s national identity. The social construction of national identity is particularly important in colonial experiences, where individuals experience a conversion from one definition of self to another. Evidence presented suggests that a national identity cannot exist in a meaningful way without the presence of an internalized sense of national identity at the individual level. Antecedents to a fully expressed national identity, or cornerstones of commonality, provide individuals with critical reference points of sameness when a new national identity is presented, allowing individuals to shed their current social identity in favor of one that more clearly defines the existing realities of their social experience.

Rather than operate in abstractions, the significance of individual identity formation for national identity is illustrated through an exploration of demographic and economic changes in colonial America between 1720 and 1763. This article demonstrates that individual conceptions of identity began to shift prior to the acknowledgement of a group national identity, but were critical for its success in fostering and sustaining an independence movement.

Introduction

Individual identity formation and the emergence of national identity have received near constant attention within the academic community over the past several decades. Despite this robust history of scholarly engagement, a dearth of research exists that fuses conceptions of individual identity formation with the onset of collective national identity in an effort to coherently express the influence of individuals on the emergence of national identity. Uniting political science and psychological research increases the understanding of the importance of individuals’ development of self for the successful development of national identity.

Though national identity is situated as a group identity, psychological theories about individual identity formation can yield fresh insight into the way in which individuals construct a foundation for the acceptance of a national identity prior to its recognition at the collective level. This article argues that a reciprocal relationship between individual and social realms exists, such that nationalism cannot exist in a meaningful way without the presence of an internalized sense of national identity at an autonomous level. As such, antecedents to a fully expressed national identity must be present within individuals’ conceptions of self to facilitate the acceptance of a new social identity so that it resonates within the population, allowing individuals to shed their existing adherence to a social group in favor of one that more clearly defines the realities of their social experience.
First, a literature review of nationalism and identity formation will be used to provide a basis of common understanding. The importance of a socially constructed collective national identity will be explored, with primary emphasis on how language and common experiences influence its formation. Social construction plays a vital role in the development of both individual and collective social identities. Individual identity formation will also be explained, referencing in particular the reciprocal relationship between the self and the social world. Special attention will also be given to the hierarchical yet fluid nature of identity. In addition, an explanation of the reciprocal nature of individual identity development and national identity will be presented, highlighting both political science and psychological insights to achieve a deeper understanding of how a collective national identity emerges and is sustained by a foundation of individual commitment. Finally, analysis of existing theories will shed new importance on the role that individual identity development plays in creating cornerstones of commonality prior to the acknowledgement of a national identity at the societal level. These cornerstones provide members of the given group critical reference points of sameness when a new national identity is presented socially, strengthening the collective identity and reinforcing notions of belonging among group members.

Rather than operate in abstractions, the significance of individual identity formation for national identity will be illustrated using a concrete example – the emergence of national identity in the United States of America. American national identity has been traditionally associated with the Revolutionary War period, however, in order to observe its earliest vestiges, an examination of the mid-eighteenth century prior to the Revolutionary period is warranted. As such, this article will evaluate evidence from the American colonies between 1720 and 1763. Prior to the Revolutionary War, individual conceptions of identity began to shift as demographic and economic changes moved the colonists away from defining themselves as ‘British’ and closer to a new definition more compatible with the cultural and historical experiences in their lives, that of ‘American.’ Primary sources and contemporary research will both be used to demonstrate the presence of a shifting identity and the establishment of foundational elements critical to the emergence of American national identity.

Literature Review

Ernst Renan was the first to interpret nationalism as something more than an ethnic or racial distinction, and instead conceived the nation as constituting the soul of the community, sustained by a “rich legacy of memories” and “the desire to live together.”¹ Since his speech in 1882, several other thinkers have also supported the idea of the nation as a social construction, including Benedict Anderson, who described the nation as an “imagined community” because of the powerful yet intangible bonds that unite people within a community, most of whom are unlikely to ever meet. Chief among these bonds are shared language, culture, and history.²

Language in particular has a unique ability to unite people previously isolated due to distance or circumstance by expanding access to the ideas and values associated with a national

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identity, allowing individuals a common understanding of what a given identity represents. Not only does language act as an agent of expansion, but the messages themselves also carry weight. Language is an invaluable mechanism for spreading ideas and stories that contribute to a group’s culture and shared history, reinforcing a common national identity. It can also strengthen the idea of exclusivity by grounding a group’s existence in history.\(^3\)

Though national identity is dynamic in nature, it must be grounded by some level of commonality in order to maintain enough consistency over time to preserve a sense of continuity. Visceral connections between members of a group (such as shared histories) are essential to this continuity because they foster feelings of inclusion by providing rallying points for members to unite around.\(^4\) A common history provides a link from the past to the present, intensifying associations between generations of group members while also establishing the legitimacy of the group as one that has ‘always’ existed. The legacy of the past is referenced by current members of a group as part of their story of belonging, reinforcing their commitment to a national identity.\(^5\) Furthermore, the ability of historical narratives to increase group affinity extends beyond the present and links the current cohort to both previous and future generations legitimizing the ‘nation’ group as one that has always existed. Common historical experiences and linguistic norms are an important part of how national identity develops\(^6\) providing a foundation for nationalism to adhere to as it becomes a powerful force within the community.

The case of colonialism presents a unique set of challenges in determining national identity, in that it is not merely formation that occurs, but the transfer from one identity to another. Conversion theory offers some insight into how an individual processes a change of identity, and what social conditions are necessary for such a conversion to occur.\(^7\) Rodney Stark and John Lofland outline a conversion process in their work “Becoming a World Saver: A Theory of Conversion to a Deviant Perspective” which includes a series of seven steps, four of which are time dependent upon particular social actions occurring, such as a catalyst for change at the moment when a population has already been primed for such a move.

The first three steps of their process however are not time dependent, and as such can occur at any time prior to the recognition of a new social identity. These steps create a predisposition to change that primes the individual to be more accepting of an alternate world view, shifting his or her understanding of their acceptance of and participation in a social identity. In order to accept the need for a potential shift, there must be the presence of actual or perceived tension, a problem solving perspective, whereby an individual searches for resolution of the conflict, and seekership, when an individual cannot relieve the tension through traditional means and is thus ready for new approaches to an identity after exhausting conventional means of reconciliation.

The idea that people socially construct their reality is important because it places them as active participants in the shaping of national identity rather than passive spectators subject to

\(^3\) Anderson, *Imagined Communities*, 44-45
\(^5\) Heinrich Best, “History Matters,” 922.

biological classification. Although fiery rhetoric and overt displays of patriotism bolster the
development of a nation, particularly at critical moments in history, national identity generally
develops slowly over time, beginning long before public expressions of impassioned oratory.\footnote{Michael Skey, “The National in Everyday Life: A Critical Engagement with Michael Billig’s Thesis of Banal Nationalism,” \textit{Sociological Review} 57, Issue 2 (May 2009), 334.} Michael Billig’s theory of “banal nationalism” highlights the formation of cultural bonds simply by the reinforcement of seemingly mundane actions, or ‘flags,’ establishing a foundation for national identity that continues to strengthen itself as the nation becomes more and more clearly defined.\footnote{Michale Billig, \textit{Banal Nationalism} (London: Sage Publications, 1995), 6.}

National identity is not only defined as members engage in mundane actions that reinforce belonging, it can also be defined in a discriminatory way. The notion of ‘otherness’ is well documented and centers on the idea that intergroup dynamics greatly influence our social choices, including those regarding national identity.\footnote{Kitty Dumont and Johann Louw, “A Citation Analysis of Henri Tajfel’s Work on Intergroup Relations,” \textit{International Journal of Psychology} 44, No. 1 (October 2007), 47-48. See also John Turner, “Social Comparison and Social Identity: Some Prospects for Intergroup Behaviour,” \textit{European Journal of Social Psychology} 5, no. 1, 7-8, and Maggie Elizabeth Penn, “From Many, One: State Representation and the Construction of an American Identity,” \textit{Journal of Theoretical Politics} 21, No. 3 (2009): 352, doi: 10.1177/0951629809103967} A sense of otherness is critical for the formation of social identities because it calcifies boundaries between groups, and highlights attributes that are considered essential to an identity. Perceived and actual discrimination between individuals of a group can provide a powerful incentive for those members viewed as ‘other’ to break away from current associations and form a new group, effectively re-defining themselves from ‘other’ to ‘us.’


Not only is group identity defined by intimate interactions between individuals, there is also a reciprocal element between self and social when determining an individual’s identity. James Marcia’s Identity Status Theory highlights the importance of an individual’s willingness to explore an identity, and commit to it, accepting that it accurately defines his or her interpretation of self. If so, the new definition of self is adopted, and a strong bond to it is
created. However, it is important to understand that ‘identity’ is not one, singular entity, rather it is composed of several pieces that work together to produce a collaborative definition of self for the individual. These distinct pieces, or holons, develop in a non-linear fashion independent of other parts and emerge via Marcia’s theory. These holons represent both a whole and a part, in that each is an autonomous interpretation of identity, but also fits together with others to collectively form something greater than its parts. This collaborative identity is presented to the outside world simply as the individual’s identity.

Individual interpretations of group identities are part of this process, and as such can inform our understanding of how and why individuals attach meaning to a social identity like national identity. ‘Identity’ is not a static expression of self; an individual is constantly challenged to assimilate new data and experiences and adjust to accommodate the new information. The collaborative identity may be dynamic, but it is also hierarchical in nature, where order is based upon interactions between holons and the level of acceptance they have achieved. Holons that have been fully adopted by an individual are closer to the core of an individual’s identity while those still in the exploration stage are relegated to the periphery.

Identity development is dynamic and complex, and its relationship with social contexts cannot be ignored. An individual’s collaborative identity is influenced by the social cues within a given environment, and also influences the environment. Lev Vygotsky, a Russian developmental psychologist, believed that “social interaction actively informs and forms individual identity” going so far as to say “the two are symbiotic in nature.” Social identity is the part of the identity that specifically deals with an individual’s membership in different groups. An individual may consider him or herself as a member of several groups, yet some of these groups are more meaningful than others when determining how one defines him or herself collectively. An individual’s conception of their national identity is but one example of a social identity.

The reciprocal nature of social identities allows an individual to continually assess and accommodate new social cues. However, as individuals engage within their environment, the environment itself is also altered, so that social cues projected to an individual at one time may

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17 Fish & Priest, “Identity Structures,” 185-186.

18 Penuel & Wertsch, “Vygotsky and Identity Formation,” 84, 87


be different than at a later date in time. These shifts can be dramatic or subtle, but even subtle shifts can alter the environment given time. Urie Bronfenbrenner’s ecological systems theory illustrates the impact of social/external forces on identity formation by highlighting the importance of external factors in determining a person’s cognitive and emotional development. Further, his assessment of the power of external influences on an individual’s general development can also be understood as a model for a single facet of identity development, such as national identity.

Bronfenbrenner identified five environmental systems responsible for influencing a person’s development in varying ways, and envisioned them as concentric rings around the individual, increasing in influence based on the proximity to the individual. Thus, the microsystem is closest to the person and consists of family, neighbors and peers of the person. It is also the most powerful ring of social influence. Other rings are comprised of a wider array of influences, expanding to include the general attitudes and ideologies that influence not just an individual but a large group of people based on sociohistorical conditions. Bronfenbrenner envisioned the influence of each system on the individual as bidirectional in nature, that is, emphasis must also be placed on the individual as a contributor to both his own development and to the systems within which he operates.

Analysis

Each theory presented above illustrates an important aspect of identity development. Collectively, these theories provide support for the premise that foundational cornerstones of national identity are laid in an individual’s identity prior to the acknowledgement of national identity at the social level. Previous research suggests that national identity emerges and develops in response to a catalyst for change, continually strengthening its power through commonality and mundane reinforcement. While this research offers valuable insights into how national identity develops once it has been acknowledged by society, it fails to explore how individuals come to initially accept the national identity as more closely aligned with their social experiences than any current conceptions of self. This article argues that antecedents of a national identity, expressed as commonalities and existing as peripheral influences on an individual’s collaborative identity, are present prior to the acknowledgement of a new national identity at the social level. These cornerstone elements create a latent foundation for acceptance of a new identity, in response to social cues that continually inform the development of both an individual and society.

Social identities are, by definition, dependent upon the acceptance of a large group of individuals for their meaning. Commonality then is essential for the development of any social identity, and national identity is no different. Although the potential identities themselves may be innumerable, there are reliable bonds that unite groups together, providing opportunities for commonality. Language, social experiences, and a collective history all act to bind groups together, creating cornerstones for social identities such as national identity.

The power of these cornerstones of commonality as binding agents to identity is not diminished simply because a collective identity has yet to be fully defined. The pieces exist, however peripherally, until such a time as they are called to the forefront of an individual’s collaborative identity as evidence of his or her membership in a newly defined social group. These individual interpretations of the value of a given language, history, or experience are antecedents to a fully developed sense of national identity, but are critical for its success in terms of its motivational ability and sustainability over time. A social identity supported by enthusiastic individual acceptance of its foundational elements is far more likely to survive the pressures of the external world than one that individuals of the group do not readily and strongly identify with. In order for a national identity to have meaning within a group, the characteristics of the given identity must resonate within the individuals eligible for membership.

If an individual does not identify with the core definition of what it means to be a member of a given nation, he or she will reject that identity as one that does not fit with his or her social experience. Thus, the success of a social identity is predicated on individuals accepting that the choice made most closely defines their experiences. In this case, individuals who have already accepted foundational elements of the national identity, even subconsciously, as accurate definitions of their life experiences are far more likely to accept a realized national identity than those who have very little or no meaning attached to those fundamental building blocks that comprise the given identity. An existing link to a newly defined identity creates an inherent bond to it. These links only occur after a social identity has presented itself, but the existence of the distinct elements as part of an individual’s definition of self predates the emergence of the national identity. Thus, individuals create a foundation for acceptance of a new national identity prior to its emergence at a societal level.

Each player in the environment and each social interaction influences the way in which an individual understands and conceives him or herself and the environment. Bronfenbrenner’s ecological systems model suggests a reciprocal relationship between the individual and the social world, indicating that nationalism cannot exist in a meaningful way without the presence of an internalized sense of national identity at an autonomous level. The individual, changed by social interactions, alters the environment by projecting something new to others, as he or she is inherently changed, forcing others to engage in the continual assessment and accommodation of a dynamic social space over time. However, in times of dramatic social upheaval, such as a population boom or a declining social construct, the environment can be so radically altered that it becomes difficult for individuals to assimilate the new information with existing definitions of their individual and group identities, forcing an exploration of new possibilities.

The kind of tension that provokes an identity conversion can be found in any situation where dramatic social changes fundamentally alter the experience of an individual. However, conversion tension is particularly relevant in colonial settings, as colonists must continually assess the meaningfulness of their identity in relation to the imperialist country, and even in relation to previous generations of colonists, who might have been more or less aligned with the national identity of the imperialist country. Regardless of an individual’s acceptance or rejection
of a new identity, the onus of change is placed on the individual, that is, individuals are responsible for socially constructing their reality.

The social construction of identity indicates that not only do individuals build identities, but that they are continually involved with the work of identity construction. There is no break from defining one’s self on a subconscious level. Every interaction is assessed and answered based on social cues that are unceasingly sent and received. These kinds of continual adjustments are themselves banal transactions, unyielding in the ability to examine an experience and categorize it into one or more of the various holons that comprise the individual’s collaborative identity. Transformation occurs when the experiences no longer align with accepted notions of identity. In cases where a disconnect exists between current identity and social cues, an opportunity for redefinition occurs. Dramatic social changes offer a heightened opportunity for new social identities to emerge due to the increased yield of incompatible social cues with existing identity conceptions. The social landscape of colonial American in the mid-eighteenth century yielded an abundance of social change, and is an ideal period of exploration regarding the emergence of antecedents to national identity.

Case Study

The Revolutionary War period in America is valued as a time of rich national identity development. It was during this period that a defined American national identity emerged, one that more closely aligned with the colonists’ perception of their group identity than that of an ‘English’ identity. However, the foundation necessary for this shift to occur took place not during the Revolutionary period, but prior to it, as cornerstones of commonality emerged in response to a variety of new social cues being presented to the colonists. These cornerstones laid the foundation for acceptance of a fully realized national identity that would emerge, in part, due to a recognition of otherness between the English and the colonists. Resistance to British influence in the American colonies does not make sense from a psychological perspective unless there is an underlying commitment to a new social identity, ‘American,’ which places the English as the other in terms of in-group/out-group associations. An increase in opportunities for political participation, such as reading pamphlets, listening to sermons, and engaging in demonstrations, influenced the development of American national identity by increasing the possibility of contact with specific notions and ideas related to it. Colonists’ conceptions of their own identities as ‘American’ began to emerge prior to the “shot heard around the world” in Lexington, something even the founding fathers understood. Benjamin Franklin recognized the Revolutionary War as a crystallizing moment for the colonists who saw themselves as uniquely American prior to the commencement of war. Reflecting in 1787 he wrote that the Revolutionary War was necessary in order to “properly comprehend the character they had assumed.”

John Adams also understood that the emergence of identity predated the war and wrote:

The American Revolution was not a common event....But what do we mean by the American Revolution? Do we mean the American War? The Revolution was effected before the war commenced. The Revolution

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was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations...This radical change in the principles, opinions, sentiments, and affections of the people, was the real American Revolution.25

Antecedents to national identity began to emerge prior to the Revolutionary War, and created a critical context for the acceptance of a national identity once acknowledged by the group.

In this section, the idea that cornerstones of commonality are present prior to the emergence of a clearly defined national identity will be illustrated. Three cornerstones of American identity will be presented and examined, the Puritan work ethic, a reliance on self-preservation, and the importance of liberty and inherent rights. The development of these cornerstones will be analyzed within the context of the social changes that occurred between 1720 and 1763 to establish these ideas as foundational elements of an American national identity. A dramatic increase among colonists, as well as an increasing number of diverse immigrants and emerging economic markets all acted to fundamentally change colonists’ social experiences, prompting an examination of identity to occur. At the start of the eighteenth century, colonial society was “isolated, independent, and homogenous.”26 In addition, colonies (particularly those in New England) elevated the group over the individual, restricting personal activities to traditional roles usually defined by the local church27 in order to give themselves the best chance at survival. Survival was key in the minds of early colonists, as was the Puritan thinking that became one of the prominent building blocks of American identity. Edmund Morgan offers a lengthy analysis of the link between Puritan thought and the American Revolution. He explains “The values, ideas, and attitudes of the Puritan Ethic...clustered around the familiar idea of “calling.” God, the Puritans believed, called every man to serve Him by serving society and himself in some useful, productive occupation.”28 Martin Luther and John Calvin, Protestant reformers that influenced Puritan beliefs, promoted work as a calling from God, and success as a sign of salvation.

These ideas led many Puritans to accept that “hard work and good deeds would bring rewards, in life and after.”29 This adherence to hard work permeated the colonial culture, and is still evident today.30 Even when Puritan values were not explicitly present, their influence can be seen in the colonist’s thought processes and the way in which arguments were crafted. Not only did the Puritan ethic lead to individual salvation, but, equally important, it also let to societal salvation. Life’s purpose was centered on diligence, thrift, frugality, and productivity for the benefit of society; community was first, and self was second.31

Puritan thought, though a powerful cultural norm, was not the only influence on colonists’ identity development in America, particularly after 1720 as more and more individuals

immigrated from a variety of backgrounds. In many respects however, colonists (particularly the colonial ‘elite’) sought to emulate the best of British society and re-create it in the American colonies. Much as a parent influences the identity of a child, by providing instruction and experiences consistent with their own lifestyle choices, it is natural that aspects of colonial identity would be English in origin. However, an attachment to existing influences does not preclude the formation of a new identity based on the assimilation and adaptation of current cultural models merging with new experiences.

Population growth, immigration, and the resulting emerging market all altered the way in which colonists operated within their environment. In doing so, identity formation at both the social and individual level was impacted. As a result of demographic and economic changes, a broadening of identity occurred, whereby colonists envisioned themselves as not just part of a particular town or community but as a group of colonies with common values and purpose despite their different daily experiences.

American national identity began to emerge in part due to the impact of demographic changes on the way in which people imagined their social identities within a dynamic society. Between 1720 and 1780, growth of the white population continued to double every twenty to thirty years and the black population grew at an even more astonishing rate, as nearly 300,000 slaves were forcibly immigrated to the colonies. On the whole, between 1700 and 1770, the population of the American colonies increased by an incredible 756 percent, from 250,000 to approximately 2.1 million. This increase in population meant in part that while colonists in the 1720s reasonably expected to acquire land within their community and live out their lives as their families had before them, colonists in 1770 had no such guarantee.

As fertility and life expectancy continued to rise, more and more men were faced with the realization that they would be responsible for creating their own future, rather than having it passed down to them from their parents. As a result, some colonists capitalized on the expanding markets and rising demand for raw materials produced in the colonies, shifting their perspectives from community-survival to self-reliance. Two swings of economic growth and expansion occurred from 1720 to 1745 and 1745 to 1775 driven in large part by the booming colonial population. Many colonists viewed individual economic opportunity as a means of survival, resulting in increased importance on the idea of personal property and reliance on an emerging market economy. As success was found in the new system, many began to view themselves as capable of economic survival without British oversight and intervention. Even before the Revolutionary War, towns and colonies were no longer isolated, independent, and

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homogenous; rather they were diverse, and interconnected due to a variety of factors including population growth, emerging economic markets, and an increasing number of immigrants arriving in colonies.

Much like population growth, immigration added to the total number of colonists, increasing the interconnectedness between settlements due to the sheer quantity of people. Immigration also diversified colonial life calling into question the appropriateness of an adherence to English identity. In the seventeenth century, an estimated 378,000 British citizens (mostly English) arrived in the colonies.\(^{40}\) As their numbers declined in the eighteenth century, the number of German and Irish immigrants rose.\(^{41}\) Aaron Fogleman estimates that between 1700 and 1775 approximately 307,400 Europeans immigrated to the colonies, including 73,100 English/Welsh, 35,300 Scots, 108,600 Irish, 84,500 German\(^{42}\), and 5,900 other European immigrants.\(^{43}\) By the middle of the eighteenth century “people born elsewhere may have constituted a larger percentage of the American population than they did later, when the absolute number of immigrants peaked.”\(^{44}\)

The diversity of heritage, language, and ethnicity influenced society by providing colonists exposure to a variety of new cultures. Exposure to other cultures and ethnicities was important for the development of American identity because as commonalities emerged among immigrants, they served as bridges between ethnic groups, reframing ‘otherness’ as a colonists/imperialist distinction rather than an ethnic distinction. Ned Landsman suggests that although colonists with English heritage embraced their English identity, intermingling by way of settlement and marriage weakened their primary identification as ‘English.’\(^{45}\)

Immigration also influenced the ideas and language of pro-independence colonists. Although slaves were largely excluded from this organic mixing of cultures, only about one quarter of all immigrants to the colonies arrived free.\(^{46}\) Because the experience of most colonial immigrants in the mid-eighteenth century was one that often included some level of servitude (via the redemption system or indentured servitude) ideas about liberty and inherent rights became paramount in many colonists’ minds, influencing the way they thought of themselves and their ‘rights’ as members of the British Empire. Later arguments for American independence would draw on the social context that highlighted liberty and oppression in vivid and easily understood terms, often portraying the British as ‘cruel masters’ and the colonists as ‘slaves’ to British vice and corruption.\(^{47}\)

Because of the increasing interconnectedness of colonists, ideas were easier to spread, often via pamphlets and papers, confirming the vital role of a common language in establishing national identity. Not only does it highlight who belongs, but it also acts a vehicle for idea transmission across a large space. In the case of colonial America, the spread of similar messages

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\(^{40}\) Price, “Who Cared about the Colonies?,” 426.
\(^{41}\) Fogleman, “From Slaves, Convicts, and Servants,” 51.
\(^{42}\) Some estimates for German immigration place the figure even higher, at closer to 125,000 (Roeber, “The Origins of Whatever,” 245).
\(^{43}\) Fogleman, “From Slaves, Convicts, and Servants,” 71.
\(^{44}\) Fogleman “From Slaves, Convicts, and Servants,” 49.
\(^{46}\) Fogleman, “From Slaves, Convicts, and Servants,” 57.
allowed colonists from Massachusetts to Georgia to recognize that they were part of something larger than themselves and their local communities.

In colonial America, reading pamphlets and listening to sermons helped define national identity for many colonists who incorporated presented ideas into their understanding of who they were and how they fit into the world. Beginning in the 1720s, the use and distribution of newspapers and political literature in colonial America increased dramatically. From 1715-1724 there were forty two published pamphlets between Boston and Philadelphia, however, between 1755-1764 one hundred and fifty four pamphlets were published in Boston, Philadelphia, and New York. The rise in published commentary is noteworthy, not only because of the sheer volume of publications, but also because the literature was “intended to make politics everyone’s concern.” Although these works did not directly address issues of national identity, the emergence of the press as a political tool established the format as an accepted way to learn about and participate in current political developments. In the case of American independence, the production of printed media such as the Pennsylvania Magazine was integral to the expression and consolidation of resistance to Britain and support for a new national identity both before and during the war.

The diffusion of national identity across a community must necessarily occur not only among the ‘elite’ but also spread among the common citizenry. Though many groups were excluded from the development of an American national identity, there was an increase in the level of participation of middle and lower-class white men, and the cooperation between these groups and the societal ‘elite.’ Mob behavior was an essential part of the resistance to Great Britain, both prior to and during the Revolutionary War. Mob activity was employed as early as the 1730s by political leaders in order to gain favor and win elections. Lower class freemen were organized to bolster support for a particular candidate.

These previously “politically inert” members of society (free white males, such as unskilled laborers and boatmen, who owned only enough property to qualify as voters) suddenly gained a new level of importance during the mid-eighteenth century shifting their identity by expanding the roles they played in society. Increased access to political participation arose out of necessity for political leaders to secure victory rather than a magnanimous recognition of the rights of an individual to participate in political exchanges, but the result was the same; those who had been previously excluded from political participation were now included in it. Gary Nash writes “That an increasing percentage of qualified voters was participating in electoral politics not only by casting their votes, but also by taking part in street demonstrations, rallies, and caucuses was emblematic of the changing political culture of the cities….which by 1765 already contained many of the changes in political style and behavior usually associated with the

49 Although New York City had published pamphlets in previous years, in the decade 1715-1724 none were recorded. From Gary B. Nash. “The Transformation of Urban Politics 1700-1765.” The Journal of American History 60, No. 3 (December 1973): 617.
53 Gordon Wood, “A Note on Mobs in the American Revolution,” The William and Mary Quarterly 23, no. 4
Revolutionary period.”56 This broadening of political activism prior to the Revolutionary War created a cultural norm of political involvement for both the elite and common colonists to draw upon during the struggle for independence.

Increasing political participation was evident throughout society, not only through the abundance of political literature published during the period and the activation of the mob to address political grievances, but also by the increase in the willingness of the clergy to speak on uniquely American issues and problems. An escalation of political involvement from the clergy and other religious figures occurred around 1740 as clergymen began to assert their right to “preach politics.”57 Their sermons were often diatribes and jeremiads against values that were seen as different and changed from those of their ancestors who arrived in America to create a new ‘city upon a hill.’

The accuracy of such assessments is not relevant for this discussion; what matters is the acknowledgement that colonists had fundamentally changed from their ancestors. For Jonathan Mayhew, a prominent preacher in Boston, and other clergymen, American colonists had already begun to explore a new identity. In many ways, American colonists in the mid-eighteenth century were experiencing a crisis of identity (though this was not the term used at the time) as they sought to determine their relationship with the world. Were they English citizens, separated by an ocean from other members of their community, or were they something different, removed from English influences by time and space and thus uniquely American?

The revolutionary period crystallized the ‘American’ identity for many, but the impetus for the new identity occurred prior to engaging in organized resistance to the English. Colonists in mid-eighteenth century America faced an increase in the diversity of social cues from which to determine their definition of self. Bronfenbrenner’s ecological systems model poses a plausible understanding of how colonists’ identities were changed due to the dramatic social revisions they were forced to assess and accommodate. Increases in the quantity and diversity of population as well as expanded political engagement and emerging economic markets dramatically altered the social space of colonists beginning in 1720.

The changing social landscape of colonial life linked young, white male colonists more closely to each other due to commonalities of language, history, and social experiences. As the bonds of commonality increased between colonists, a weakening of association between colonists and previous generations of colonists or previous national affiliations occurred. In the case of mid-eighteenth century colonial America, there were clear differences between the English and the colonists. However, these differences did not gain importance in a reactionary sense until the colonists realized that the English no longer viewed the colonists as part of the same group, but as less than, or ‘other’ instead. The realization that the English saw the colonists as others inevitably lead the colonists to sever association with one group identity (the British) in favor of another (Americans) more closely aligned with similar cultural and historical experiences.58

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Conclusion

National identity exists, in part, because of the commonalities created by language, history and cultural experiences, yet this paper argues that commitment to a social identity such as national identity can only occur when there is support for analogous values and beliefs at the personal level. First, the importance of commonality for defining groups and developing feelings of belongingness was explained. Additional attention was given to the concept of otherness and its ability to further define boundaries between groups. Next, the dynamic, segmented, and hierarchical aspects of identity were discussed. Finally, the influence of the social world on identity development was illustrated, revealing a reciprocal relationship between self and social. Analysis suggested that antecedents to a realized national identity develop at the individual level, and act as foundational elements by providing a context for the acceptance of a national identity. The colonial experience in America was highlighted to demonstrate the emergence of antecedents to national identity prior to the Revolutionary period.

As Anderson and others illustrate, language can unite a population by creating a medium for the expression of individual recognition of identity shifts. These individual interpretations are then shared with others in the community, even those who may have been previously isolated by time or space. Similarly, the use of a shared history among group members solidifies the concept of who belongs and who does not based on individual responses to culturally significant stories. Often, the truthfulness of the stories carries less weight than the ability to elicit an emotional response from the listener. As the individual relates the story to him or herself, he or she also relates to the group, by establishing a commonality to others who also connect with the story. In as much as a historical past allows generations of group members to identify with particular “rallying” moments for their culture, mundane interactions and individual daily experiences also inform a person’s identity as well as the identity of the community in which they participate.

National identity is but one way in which an individual can define him or herself, and will hold more or less influence over that person based on the feedback received from external sources. Social processes, such as the construction of an identity, link members of a community by providing a forum for exchange of similar ideas and practices. National identity also serves as a way to define an individual by indicating who is, and equally important, who is not a member of a given group, positioning the individual within a larger social context by ordering the world based on notions of sameness and difference. The strength of national identity at the societal level is a function of its importance at the individual level. When national identity is constructed at an individual level through micro-contexts and engagement with social structures, a foundation is created, priming society for national consciousness expressed as nationalism.

The reciprocal relationship between self and social is best illustrated by Urie Bronfenbrenner’s ecological systems model that demonstrates the way in which an individual’s definition of self is influences by external social cues, such as language, common history, and everyday interactions. These social cues inform the individual of their identity, but are also influenced by the individual, and by all the individuals within the given community. Together, identity formation at the individual level impacts the social identity of the community, simply because the individual is engaging with the community.

Antecedents to national identity act as cornerstones of commonality among individuals, creating a context of sameness important for the acceptance of a group identity such as a new national identity. As individuals receive and interpret cues from social sources, these cues are
assimilated or accommodated based on existing notions of an individual’s definition of self. Dramatic social changes, such as those experiences by American colonists in the mid-eighteenth century, provide individuals with an overwhelming amount of information that may not easily fit with existing conceptions of self. In this case, social cues are accepted by the individual, but relegated to the periphery of their identity; they are accepted because they are an experienced phenomenon, but only of limited importance because they do not fit with current conceptions of a social group’s definition. Thus, when a social identity is acknowledged that draws on existing holons and reinforces those on the periphery, a new identity can be adopted.

In this article, the theory that cornerstones of national identity develop prior to emergence at the societal level was explained using colonial America in the period before the revolution, 1720-1763. Individual conceptions of a shift in identity occurred and spread via cultural tools such as language, history, and common experience until an American national identity at the collective level emerged. In the case of colonial America, emergence of national identity occurred during the revolutionary period, but this emergence was preceded by the acceptance of foundational cornerstones at an individual level prior to the Revolutionary War.

The connection between individual and group identity has been underrepresented in both general scholarship, and work specifically dedicated to American national identity. While articles may address the psychological or political aspects of identity development, few attempt to marry the disciplinary approaches into a cohesive theory of identity formation at both the individual and collective level. The presences of antecedents to national identity at an individual level provide a foundation for the acceptance of a national identity at a group level, by providing cornerstones of commonality for individuals to reference when determining the suitability of a social identity. These antecedents become particularly important when comparing new choices with existing conceptions of both individual and group identity. Increased understanding of how national identity is formed is potentially powerful information considering the impact it continues to exert at both the domestic and international level for many countries. Therefore, an understanding of the reciprocal and reinforcing nature of national identity at both the individual and group level is critical for interpreting national identity movements.
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Trading Spaces: WTO Membership in Slovenia, Croatian, and Bosnia and Herzegovina

Matt Sanford

Abstract: Trade has the potential to spur economic growth. However, government policies deny entrepreneurs access to international markets for fear of allowing competition against domestic industries. States use institutions to build trust with other states and facilitate trade liberalization, the removal of trade barriers. The World Trade Organization (WTO) is one of those institutions. This paper analyzes the paths to membership in the WTO of three states in the former Yugoslavia. These states pursued WTO accession when it became clear that they could each take advantage of the benefits of trade. Slovenia quickly adopted liberal trade policies and acceded to the WTO because of the structure of its economy and how dependent on trade it was for economic growth. Croatia was the next to pursue WTO membership because, while it recognized the benefits of trade, Croatia’s accession timeline was pushed back due to the state’s need to prioritize other economic reforms before trade liberalization. Finally, Bosnia and Herzegovina has recently accelerated its WTO accession process because it suffered the most from the effects of conflict and it did not necessarily need to pursue WTO membership in order to solidify its most important trade relationships.

Introduction

Needless to say, the breakup of Yugoslavia contributed to a massive decline in the overall social welfare in the region. The wars caused entire cities to be razed to the ground, roads and bridges to be pounded by gunfire, and tens of thousands of potential rebuilders of these countries to perish. Even after the guns stopped firing and the last piece of artillery was towed back to a military warehouse, prosperity did not instantly return to the land. Once they had experienced such devastation, the newly formed states faced the challenge of reconstructing the lives they once had and putting themselves back on the path to prosperity.

The states of the former Yugoslavia each separately made attempts to fix their broken economic systems after the war. Such actions largely included extensive infrastructure investments financed by outside actors. Without roads, bridges, and schools, even the best entrepreneurs with the most marketable ideas will not get the support and resources they need to sell their products and grow the economy. Similarly, without access to global markets, entrepreneurs are denied the ability to sell their products abroad. This denial becomes increasingly detrimental to economic growth as the world becomes more interconnected and globalized. Trade barriers, such as tariffs and unfair subsidies, distort the economy and cause economic growth to stagnate. Trade barriers have an even more destructive impact on consumers, raising prices for both imported and domestically produced goods. Those who buy goods that are subject to a tariff are forced to pay higher prices for the same product. Such
wasteful government policies decrease the total income that citizens have at their disposals to spend. Recognizing the benefits of international trade, Slovenia, Croatia, and Bosnia and Herzegovina (BiH) have each pursued membership in the World Trade Organization (WTO) as a way to generate economic growth.

The major differences between the actions of these states are that their timelines for trade liberalization are vastly different. Slovenia was the first to pursue WTO membership and acceded to the organization’s predecessor in 1994.\(^1\) Croatia was the next state to gain entry into the multilateral trade regime of the WTO in 2000.\(^2\) BiH has yet to join the WTO, but it accelerated the membership process in 2012.\(^3\) That means that Slovenia joined the WTO only three years after it became a sovereign state, Croatia joined eight years after it gained sovereignty, and BiH has, thus far, taken ten years to join. By analyzing the paths that these states took in joining the WTO, it is possible to determine how and why post-separatists states, especially in the former Yugoslavia, approach trade liberalization. States in the former Yugoslavia pursued trade liberalization in the form of WTO membership when it became clear that the states could take advantage of the positive economic impacts of trade.

Trade, Institutions, and Cooperation

In order to combat protectionist inclinations, states that desire to take advantage of a general system of free trade seek to create institutions that make cooperation easier and more desirable. In particular, states that desire to open their borders to the flow of goods and services seek to join organizations, such as the WTO. States also show their willingness to lower trade barriers by signing both bilateral and multilateral free trade agreements (FTAs).\(^4\) These agreements commit a signatory state to lowering trade barriers in exchange for reciprocal trade concessions from the other signatories. The World Trade Agreements (WTAs), under the purview and supervision of the WTO, are the basis for many other trade institutions. Attaining WTO membership is usually a critical first step for states seeking to liberalize trade practices. For the states in the former Yugoslavia after its breakup, another step in the process of trade liberalization is signing onto a plethora of regional and bilateral FTAs with the eventual goal of EU membership.\(^5\)

WTO Membership

WTO membership entails a general liberalization of trade practices. The organization itself is comprised of Member States who are signatories to the WTAs, including the General Agreement on Tariffs and Trade (GATT). Given the benefits of trade between states, the WTO is tasked with lowering the transaction costs that sometimes prevent states from engaging in open trade. States are unwilling to cooperate with each other without some level of institutional backing. In an anarchic system, states are more likely to risk cooperation if there are some guarantees that their partners will also cooperate. The WTO provides part of that institutional backing. The WTAs are rules that provide the basis for agreement between states with the goals of trade liberalization. The WTO works by applying transparency and legal infrastructure to trade policy. As a part of the WTO, each Member State is required to submit all trade laws that they enforce and all trade agreements of which they are a part to the WTO. The WTO, in turn, publishes and maintains a database of bilateral and multilateral trade agreements. The WTO also performs a regular and thorough trade policy review for each Member State. By ensuring that states are able to freely access trade statistics and review laws of their trading partners, policymakers are able to better evaluate what the best practices are and how to improve the trade regulations.

It is important to note that the WTAs are not an exhaustive block of international trade law. Instead, they reflect the multilateral nature of the WTO itself. The WTAs are meticulously negotiated by all WTO members and can only be adopted or amended by unanimous consensus. Because it is difficult to form a consensus around international trade law between 159 unique states, the WTAs only cover the very few areas in which all states agree. The incompleteness of the WTAs has led to a continued desire among states to negotiate and enforce a multitude of bilateral, regional, and multilateral trade agreements, as well as other FTAs. Therefore, WTO membership is frequently viewed as a state’s first step, and not a last step, towards trade liberalization.

Additionally, WTO membership is perceived by states as a long and arduous process. The criteria for membership are not explicitly stated by the WTO. The Marakesh Agreement, which established the WTO in its current form and governs who may enter into the WTAs, merely states that states may pursue accession “on terms to be agreed between it and the WTO.” The actual terms of succession vary a bit between states as the WTO evolves and its members change their positions on trade policy. Because there are no clear rules for WTO membership, the process for accession presents challenges for states seeking entry. Negotiations are costly and time-consuming due to the WTO’s large and diverse membership. Working parties, which are comprised of self-selected WTO members, are responsible for defining the terms of accession and determining when, if at all, a state has met those terms. These relationships are frequently used to extract concessions from states wishing to gain

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membership. In order for a state to pursue WTO accession, the potential member must have a clear opinion that membership is worth the costs of negotiation.

Slovenia and the WTO

Slovenia pursued WTO (and GATT) membership well before Croatia and BiH. Prior to joining the WTO, Slovenian trade was lower than its full potential. By agreeing to the same standardized rules as the other WTO members at the time, Slovenia facilitated the reduction of trade-related transaction costs to individuals and firms. The removal of these basic trade barriers contributed to Slovenia’s observed growth in trade as a percentage of its GDP. Slovenia’s quick accession to the WTO was a result of the structure of its economy and how dependent on trade it was for economic growth.

Slovenia joined the predecessor to the WTO, the GATT, in 1994, only three years after Slovenia gained independence from Yugoslavia. In 1998, the Slovenian Prime Minister, Janez Drnovšek, gave a statement before the WTO Ministerial Conference, a meeting between high level foreign or financial ministers of all WTO Member States, in which he framed Slovenia’s accession to the GATT as “a major stepping-stone in Slovenia’s economic history.” Drnovšek also stressed that entry into the organization provided Slovenia with the opportunity to “[prove] its viability as a young, vibrant and forward-looking economy.” Slovenia realized that its future of economic integration rested squarely in accession to the multilateral trade regime governed by the WTO.

The WTO membership made sense for Slovenia because of the country’s reliance on trade to drive economic growth. Prior to becoming a WTO member, Slovenia imported approximately $6,827,851,000 worth of goods and services and exported approximately $7,303,935,000 for a combination of more than $14.5 billion in total trade. The amount of trade that Slovenia conducted with its neighbors steadily increased, keeping pace with economic growth rates. However, in 1995 and throughout the rest of the decade, Slovenian trade vastly increased. In 1995, the country exported more than $8.3 billion worth of goods and services and imported more than $9.4 billion. Slovenian trade was 93 percent of its GDP in 1995, but grew to 114 percent in 2004, when Slovenia joined the EU, and 143 percent in 2014. Slovenia’s status as an economy heavily reliant on international trade influenced its willingness to liberalize its trade practices and join the WTO.

Slovenia’s transition to more open trade practices was relatively simple. The country was quickly able to join the WTO with little hesitation. Slovenia has also never been a plaintiff nor a

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14 Ibid.
16 Ibid.
defendant within the WTO’s Dispute Settlement Body (DSB). If the Slovenian government had passed any legislation that sought to enact prejudicial trade barriers, their actions would have brought the state before the DSB. In addition, Slovenia has consistently been party to new and expanding areas of the WTO, indicating that the country’s preferred economic policies are largely aligned with the WTO rules and procedures.

In 1996, Slovenia signed the WTO agreement on Trade-Related Aspects of Intellectual Property (TRIPS). This agreement, part of the broader WTAs, commits states to standardize their domestic laws regarding intellectual property – copyrights, trademarks, and patents. TRIPS is a functional necessity for the globalized economy because intellectual property laws provide incentives for firms and entrepreneurs to innovate by giving innovators a legal monopoly on a single good or practice. The monopoly allows the innovator to be heavily compensated for its investment in developing new technology. Nevertheless, TRIPS is a more contentious part of the WTAs. It forces states to adopt national copyright laws, sometimes solely to protect foreign firms and entrepreneurs. Understandably, states are occasionally disinclined to provide what they view as concessions to foreigners. However, states that wish to truly liberalize their trade practices understand that it is important to standardize intellectual property laws. Slovenia’s adoption of TRIPS so quickly after its accession to the WTO demonstrates a commitment to trade liberalization. This commitment to trade liberalization allowed Slovenia to coast through the WTO accession process relatively quick.

Furthermore, statements by Slovenian officials and the WTO itself reflect the positive impacts that WTO membership has had on the economy. According to the WTO’s 2014 trade policy review of Slovenia, the country has made great strides to liberalize its trade practices in the WTO. Slovenia is now an “outward-oriented economy” that is well integrated into the globalized world of today. This attitude towards the WTO is indicative of a broader Slovenian commitment to liberalized trade practices. Janez Drnovšek’s 1998 statement praised the WTO’s work on increasing trade. More importantly, he solidified Slovenia’s commitment to open trade. Drnovšek noted that GATT ascension “allowed [his] country to assert its economic independence and gain full citizenship among trading nations.” Slovenia not only identifies itself as an independent state, but also as a player in the global economy. To Slovenia, independence was exercised in its free choice to enter into partnerships with other states and organizations, like the WTO.

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22 Ibid.
23 Drnovšek
24 Ibid.
25 Ibid.
Croatia and the WTO

Similarly to Slovenia, Croatia worked relatively quickly to liberalize and open its borders to trade. Croatia was driven to pursue trade liberalization via WTO membership at a specific pace because the country’s economy stood to positively gain from increased trade. Statements by Croatian officials before the WTO Ministerial Conference demonstrate Croatia’s recognition of the importance of trade as a means for economic growth. However, Croatia’s accession timeline was pushed back due to the state’s need to prioritize other economic reforms before trade liberalization. Croatia, unlike Slovenia, inherited both protectionist policies left over from the Yugoslavian government and an economy damaged by war.

During the early 1990s, Croatia was less inclined to promote open trade. Instead, it opted to meet its economic needs using a region-oriented approach. As opposed to seeking increased trade with the EU economies across the Adriatic and to its North, Croatia sought to increase economic ties with its neighbors in the Balkans. In the second half of the decade, trade patterns in the Balkans reflected ethnic connections. A large percentage of Croatian trade occurred across Croatia’s “soft” border with Herzegovina. In 1996, Croatia, as a WTO observer, touted that Croatia had “intensified the process of legislative adjustment and trade policy” to the Ministerial Conference, noting that “accession to the WTO and participation in the international trading system is the next logical step in furthering our growth and development.” The first official communiqué between Croatia and the WTO concerning Croatia’s formal accession was published in 1999 and consisted of the appointment of a working party.

Conflict and Croatia’s status as a transitional economy were a major cause of Croatia’s only limited trade liberalization in the early to mid-1990s. Trade flows between many southeastern European countries were greatly depressed throughout the 1990s as a result of military conflict and increased tariff protection. Delayed structural reforms also restricted trade in the region. In its 1996 statement, Croatia noted that it had maintained economic stability “[d]espite the war.” Croatia was limited in its ability to pursue WTO membership when other economic reforms could work better to increase trade.

Nonetheless, two aspects of the Croatian economy made it an especially good candidate for trade liberalization. Croatia’s economy produced high value-added goods, which generate large amounts of income for domestic producers if their goods can be exported. Secondly, Croatia’s economy also traded heavily in services, partially as a result of its dynamic and growing tourism industry. The growth of tourism in Croatia influenced it to seek EU membership because it would abolish travel restrictions between Croatia and other EU members, including Slovenia, which became a member in 2000. These aspects of the Croatian economy

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21Uvalic, 178.
22Ibid, 179
23Ibid
26Stiblar, 66.
27Ibid 67.
28Stern
influenced its trade liberalization patterns and WTO membership timeline. In an effort to capitalize more on the economic benefits of foreign trade, Croatia joined the WTO in 2000.35

Croatia traded primarily in manufactured and industrial goods with high value-added.36 The term value-added refers to the increase in value of a single good achieved in addition to its various imported components. A report by the OECD and WTO elaborates on the concept by using the popularized example of the Apple iPod.37 The iPod is assembled in China from largely American and Japanese components, which have to be imported by China. The value of the assembled iPod is much more than the value of its various imported components. A large portion of the iPod’s value was added during the manufacturing process. Trading in high value-added products means that they received a large economic boost from trade because domestic firms are able to receive the majority of income generated from trade. When an economy trades in high value added goods, protectionist ‘‘beggar thy neighbour’’ strategies can turn out to be ‘beggar thyself’ miscalculations38 as protectionist strategies may deprive domestic industries of the input imports needed to efficiently produce goods that can be sold at high prices.

Additionally, Croatia’s heavy reliance on trade in services and tourism as instruments for economic growth contributed to Croatia’s trade liberalization aspirations. Service trade constitutes a sizeable percentage of the Croatian economy. Specifically, between 2005 and 2013, trade in services represented between 26 and 30 percent of Croatia’s GDP.39 By comparison, service trade reached a maximum of only 22 percent of Slovenian GDP and 14 percent for BiH during the same time period.40 Trade in services was an area of trade that was a relatively new addition to the WTAs, which came into force in 1995 under the General Agreement on Trade in Services (GATS).41 Croatia cited reducing trade barriers in services as an area that the Croatian government has pursued since its independence.42 Croatia’s service sector was greatly liberalized by 2005.43 Croatia first sought to reduce trade restrictions through WTO membership for services because they traded heavily with other economies through the service sector.

A final critical factor that pushed Croatia to pursue trade liberalization was the potential for growth in its tourism industry. The Croatian tourism sector is a major net foreign exchange earner.44 In 1995, tourism represented approximately six percent of GDP. In 2000, tourism’s share of the economy grew to 12 percent.45 Tourism has the potential to benefit from more trade liberalization because such policies would increase foreign presence within the country.46 At the 1998 WTO Ministerial Conference, Croatia, speaking as an observer, cited its liberalization efforts in the area of banking, tourism, and capital as examples of its commitment to increasing

35WTO, “Croatia and the WTO.”
38Ibid, 6.
42Stern
43Stiblar, 67.
market access.\textsuperscript{47} The heavy influence of tourism on the Croatian economy led it to pursue trade liberalization and WTO membership.

After its accession to the WTO, tourism became an even more important driver of Croatia’s economic growth. When measured as a percentage of GDP, tourism expenditures grew from approximately 12 percent in 2000 to approximately 19 percent in 2003, before falling to 16 percent in 2008.\textsuperscript{48} Even though it did not keep pace with GDP between 2003 and 2008 (which more than tripled between 2000 and 2008\textsuperscript{49}), the tourism sector continued to grow rapidly. The total receipts that the Croatian economy received from tourism in 2000 were only approximately $2.8 billion (measured in current USD), but quickly grew to $6.5 billion in 2003, peaking at $11.6 billion in 2008 - prior to the global recession.\textsuperscript{50}

The World Bank does not have credible data that accurately tracks Croatia’s trade in services before 2005, which makes it difficult to determine if WTO membership had an effect on service trade. However, more generally, trade as a percentage of GDP increased substantially after Croatia joined the WTO. In 2000, trade was equal to approximately 70 percent of GDP. Just one year later, trade grew to approximately 80 percent of GDP. Between 2002 and 2008, trade remained consistently between 83 and 87 percent.\textsuperscript{51} This sharp increase in trade indicates that trade was below sustainable levels prior to Croatia’s accession to the WTO. These data seem to suggest that Croatia was correct that WTO membership and lower trade barriers would correlate with positive economic growth and foreign exchange.

The prospect of EU membership provided an additional incentive for Croatia to liberalize its trade policies. Since Croatia ascended to the WTO, it underwent many reforms that brought it in line with the EU’s internal trade atmosphere and regime.\textsuperscript{52} At the 2001 WTO Ministerial Conference, Croatia’s Minister of European Integration, Mr. Neven Mimica, noted that Croatia was looking next towards regional integration “namely the Stabilization and Association Agreement with the EU, Croatia’s main trading partner.”\textsuperscript{53} The country has lowered its average tariff rate from around 12 percent to 7 percent between joining the WTO and joining the EU.\textsuperscript{54} Not surprisingly, these reforms have increased trade into and out of Croatia.\textsuperscript{55} These actions showcase Croatia’s commitment to broad reforms towards trade liberalization. Croatia pursued a general regimen of liberalization and WTO accession partially as a stepping stone to EU membership.

Croatia pursued trade liberalization more slowly than Slovenia because Croatia faced additional steps in the process of transition. However, the prospect of EU membership and the specific composition of the Croatian economy demonstrated to Croatia the benefit of more open trade practices. Trade was eventually recognized as one of Croatia’s strongest assets to an expanded EU.\textsuperscript{56} Once Croatia was recognized as an economic asset, the EU was then ready to

\textsuperscript{47}Stern
\textsuperscript{49}Ibid
\textsuperscript{50}Ibid
\textsuperscript{51}Ibid
\textsuperscript{53}Neven Mimica, “Statement by H.E. Mr Neven Mimica Minister for European Integration,” \textit{WTO}, 2001.
\textsuperscript{54}Ibid
\textsuperscript{55}Ibid
absorb it as a new Member State. WTO membership almost certainly contributed to Croatia gaining EU membership, as it caused the state to have a raising trade profile because of multilateral stability and partnership.\textsuperscript{57}

**BiH and the WTO**

While Croatia and Slovenia sought to quickly liberalize trade through expansive international organizations, BiH took significantly more time to join the WTO. Two major factors contributed to BiH’s long delay. Firstly, the structure of BiH’s economy as one dependent on trade within the Balkans region and not on trade with many states outside the region made WTO membership a lower priority to BiH than the implementation of regional FTAs. BiH suffered the most economic damage from the breakup of Yugoslavia, limiting its capacity and willingness to sign multilateral trade agreements. As such, the process of WTO accession has been cumbersome because the government cannot complete the process itself. BiH repeatedly stalled the lowering of trade barriers. Croatia and BiH both first applied for WTO membership in 1999. However, Croatia was fully committed to liberalizing trade and was acceded to the organization in 2000 and BiH delayed the liberalization process, not completing the accession process as of 2015.\textsuperscript{58}

BiH did not gain independence from Yugoslavia until the Dayton Accords were signed in 1995. The fact that it had to wait three additional years to gain sovereignty after Slovenia and Croatia caused the state to lag behind in economic liberalization efforts. Furthermore, BiH was the scene of more costly effects of the war for independence than both other countries. Between 1991, when BiH first declared independence, and 1995, when the Dayton Accords were signed, the country’s GDP decreased from $7.8 billion to merely $2 billion.\textsuperscript{59} The damage from the war caused BiH’s economy to become dependent on foreign aid. Between 1995 and 2000, BiH received massive amounts of aid. Official net foreign aid for each year during this time period ranged from $851,810,000 in 1996 and $1,286,480,000 in 1999 (measured in current USD).\textsuperscript{60} The damage resulting from the war made rebuilding, rather than making potentially painful economic reforms, the first priority of the Bosnian state.

BiH officials also credited the war with slowing the country’s trade liberalization efforts. In its statement at the 1999 WTO Ministerial Conference, BiH’s Minister of Foreign Trade and Economic Relations, Mirsad Curtovic, explained that BiH’s GDP had shrunk dramatically because of the conflict. More hopefully, Curtovic explained that the aid received by BiH from abroad as a result of both official aid and unilateral transfers from BiH citizens living abroad was necessary to reconstruction efforts, even allowing the country to reconstruct its electricity sector into an exporter. Curtovic cited a series of economic reforms undertaken by BiH in the years prior to 1999, such as the passage of legislation that sought to liberalize foreign direct investment, as examples of BiH’s success in transition. The minister ended his remarks by

\textsuperscript{57}WTO, “Trade Policy Review: Croatia.”

\textsuperscript{58}WTO, “Accessions: Bosnia and Herzegovina.”


\textsuperscript{60}World Bank, “Bosnia and Herzegovina,” World Development Indicators, 2014.
reaffirming his country’s commitment to the multilateral trade regime and the principles of WTO membership.\textsuperscript{61}

Curtovic was not incorrect; the BiH economy rebounded in the latter half of the 1990s. Between 1995 and 2000, BiH’s GDP grew at an average of 24 percent per annum, peaking in 1996 at a rate of 54 percent.\textsuperscript{62} These tremendous growth rates were actually to be expected as, in many parts of the country, people were beginning to return to work in productive sectors of the economy after peace was established. In the first decade of the 21\textsuperscript{st} century, the Bosnian economy still experienced high rates of economic growth, hovering between 3.5 and 6 percent until 2009, when the global financial crisis caused a global economic recession.\textsuperscript{63}

Even though BiH officials recognize that trade and economic liberalization are important steps towards economic growth, the structure of BiH’s government has presented a significant barrier to these efforts. The Dayton Accords establish the Bosnian government with many government authority redundancies.\textsuperscript{64} Because of the ethnic composition of the country and the role such ethnic divides played in the war with Serbia, external powers believed that a federal system of power-sharing was the best way to form a cohesive government in BiH. However, these power-sharing efforts have prevented the country from effectively working to implement policy reforms.\textsuperscript{65} The main obstacle standing between BiH and full WTO accession is BiH’s inability to liberalize internal trade and economic policies.\textsuperscript{66} Inefficient government structures also have a negative effect on the Bosnian economy overall. Transfer payments and government expenditures account for almost 40 percent of BiH’s GDP.\textsuperscript{67} Such a high percentage is a result of both generous social programs and redundant programs at the various levels of government. More importantly, the authority to address a number of trade and economic issues is not held by the central government, but is instead administered by the entities of the Federation of Bosnia and Herzegovina (FBiH), the Republika Srpska (RS), and the Brcko District.\textsuperscript{68} With such a divided political sphere, it is no wonder that the WTO has not received adequate responses to its queries and requests for trade liberalization policies to be ratified.

When BiH was created, it had two conflicting sets of trade policies. The trade laws in RS reflected the entity’s ethnic closeness to the Federal Republic of Yugoslavia (Serbia and Montenegro or FRY), featuring an average tariff rate of 29 percent and a free trade agreement with FRY. Trade laws in FBiH reflected its ethnic relations to Croatia, featuring an average tariff rate of 12 percent and a free trade agreement with Croatia.\textsuperscript{69} It was not until 1998 that these differences were resolved by a unified customs regime for the entire state. The united trade


\textsuperscript{62}World Bank, “Bosnia and Herzegovina.”

\textsuperscript{63}Ibid.


\textsuperscript{65}Ibid.


\textsuperscript{68}USTR.

\textsuperscript{69}Bartlett, 34.
policies of BiH resulted in a tariff rate of only 6.2 percent. However, many duties and surcharges on specific goods remain as trade barriers.70

In place of WTO membership, BiH pursued further integration with its Balkan neighbors.71 This choice was driven partly by the fact that BiH contributed immensely to trade done within the former Yugoslavia, but also because BiH sought to pursue regional integration as a step towards EU accession. In 2002, the trade between Croatia and BiH and between Serbia (and Montenegro) and Macedonia accounted for almost 75 percent of the total trade within the Balkans.72 In 1998, BiH received more than 52 percent of its imports from other economies in southeastern Europe.73 The region was also the destination of more than 66 percent of Bosnian exports.74 Dominance in regional trade caused BiH to seek trade liberalization on a more focused, regional scale before accelerating its WTO membership. In 2007, the state became a full member of the Central European Free Trade Agreement (CEFTA).75 BiH also signed FTAs with Macedonia in 2002, Serbia and Montenegro in 2002, Albania in 2004, and Croatia in 2005.76 BiH committed the resources necessary to joining regional trade pacts, but not the resources necessary to join the WTO.

Similar to Croatia, BiH’s decision to participate in regional trade agreements was driven by the promise of EU membership. Following in the footsteps of its neighbor, BiH negotiated and signed a Stabilization and Association Agreement in 2005, which outlined regional trade integration as a requirement for EU accession.77 Even so, BiH is far from joining the EU, as it faces institutional challenges that prevent it from making the same reforms that would allow it to join the WTO.78 Without having membership in less comprehensive market access agreements, such as the WTAs, BiH cannot hope to gain full entry into the more extensively outlined EU single market.

Three Paths to WTO Membership

BiH still faces a plethora of challenges to fully joining the multilateral trade regime overseen by the WTO. Even though it applied for membership at the same time as Croatia, it has stalled its accession process. WTO membership for BiH can only be attained if the political entities that have the authority to determine trade and economic policy coordinate with each other towards this end. Furthermore, BiH has historically looked towards joining less-comprehensive FTAs in its region, such as CEFTA, because of the trade patterns BiH experienced prior to independence. Membership of these agreements was also encouraged by the EU association process. While regional integration is an important step towards more general

70Ibid, 35.
71Stiblar, 68.
72Stiblar, 70.
73Uvalic, 178.
74Ibid.
76Bartlett, 35.
77European Union, “EU Enlargement: Bosnia and Herzegovina.”
trade liberalization, BiH has little hope of EU membership without first accepting the standards set by the WTO.

Croatia did not face the same political barriers that halted BiH’s WTO accession, but both states looked regionally for lucrative trade prospects. Croatia pursued WTO membership because it traded in high value added goods and services, such as tourism. These factors of the Croatian economy show the potential for trade-driven economic growth. However, Croatia’s WTO accession timeline was stalled because of its status as a transitional economy. Eventually, Croatia’s liberalization paid off, as trade became such a benefit to Croatia that it convinced the EU to absorb it in 2013.

Slovenia experienced the best of both worlds. By the time Slovenia gained independence, it was already engaged in large amounts of trade. Slovenian policymakers seemed very inclined to solidify this interdependence with its neighbors and the larger international community. Furthermore, Slovenia was not as burdened by the economic costs of the dissolution of Yugoslavia, like Croatia and BiH were. Both of these conditions contributed to Slovenia’s quick accession to the WTO.

In the cases of each state, WTO membership was pursued and accelerated at a time when each state stood to benefit heavily from multilateral trade relations. WTO accession is a costly process to undergo and states are understandably reluctant to engage in its negotiation unless they are sure that the benefits outweigh the costs of that negotiation. Each state’s economic profile and state capacity made it more or less willing to pursue WTO accession at a given time. Slovenia was the only state from the former Yugoslavia to be a founding member of the WTO, having ratified the GATT just one year prior to the WTO’s formation. The role that trade played in Slovenia’s economy and the fact that it was mostly insulated from conflict influenced Slovenia’s quick accession. On the other hand, BiH has yet to join the WTO because it suffered the most from the effects of conflict and it did not necessarily need to pursue WTO membership in order to solidify its most important trade relationships. Croatia’s path to WTO accession partially resembles aspects from both of its neighbors. Croatia’s economy was also reliant on trade, but not to the degree of the Slovenian economy. Croatia also inherited illiberal trade policies that had to be reformed before the accession process could be completed. These factors pushed Croatia to neglect WTO membership early in its history, but push strongly for accession later.

Recognizing the positive economic benefits of trade and understanding the various factors that caused the long delays in the WTO accession process is critically important to building a more prosperous world. Slovenia, Croatia, and BiH each took different paths towards trade liberalization and WTO membership, but the each pursued accession because they reasoned that it would result in economic growth. For two of these states, their leaders were correct when they posited that trade liberalization could drive prosperity. The third state has been hamstrung by its political system. However, it is clear that overcoming the various challenges faced by transitional economies is possible, even when it may be cumbersome.
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Make No Drones About It: Evaluating the U.S. Drone Program Based On Domestic Policy Standards

Jacob Loewner

Abstract: United States policymakers have set strict standards on the parameters of drone use. They have thereby laid out before the public an idealized narrative of the effectiveness of drones, as well as the restraint with which they are used. Beyond this lofty rhetoric, however, the U.S. government has been incredibly reluctant to furnish information on its drone program. To complicate matters further, the rhetoric on the drone program put out by the administration is rarely corroborated by facts on the ground due to frequent civilian deaths, signature strikes, and the targeting of Americans. This piece analyzes the realities of the drone program against the backdrop of the idealized rhetoric laid out by the Obama Administration and finds that the rhetoric is not supported by the facts on the ground. As such, the piece argues for increased transparency and more effective human intelligence to be applied to the drone program.

Introduction

In January 2015, the United States conducted a drone strike that led to three deaths which had enormous and widespread consequences. A drone strike targeting an Al Qaeda compound on the border between Pakistan and Afghanistan led to the death of Ahmed Farouq, an Al Qaeda leader and American citizen, and two hostages, one an American and the other an Italian.\(^1\) The United States did not know that the hostages were present, and did not specifically target the American Al Qaeda leader.\(^2\) According to President Obama and the White House Press Secretary, the United States acted on the best intelligence that it had available, which included “hundreds of hours” of surveillance of the site.\(^3\) The tragic circumstances surrounding this case led the Obama administration to release an almost unprecedented, yet still relatively scarce, amount of information on a particular drone strike. Even so, the White House still refused to acknowledge on the record that a drone carried out the attack, preferring to call the attack a “counterterrorism operation.”\(^4\) Unfortunately, according to UN reports, narratives such as these are not isolated incidents; they are often the realities of the U.S. drone program.\(^5\) In order to

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2. Ibid.
3. Ibid.
4. Ibid.
mitigate future tragedies and to avoid international scrutiny, U.S. drone policy must be critically examined and evaluated. This piece will attempt to contribute to the aforementioned evaluation. Regardless of the nationalities of the civilians who have died as a result of U.S. drone strikes, anecdotes such as these raise important questions about both the standards that the United States sets for its drone program and the effectiveness of the intelligence behind them. To be sure, drones offer an effective way to kill terrorists with comparatively fewer risks to both U.S. personnel and to civilians than other counter-terrorism methods.\(^6\) As will be examined throughout this analysis, United States policymakers have been careful to set strict standards on the parameters of drone use. Policymakers have laid out before the public an idealized narrative of the effectiveness of drones, as well as the restraint with which they are used. Beyond this lofty rhetoric, however, the U.S. government has been incredibly reluctant to furnish information on its drone program. To complicate matters further, the rhetoric on the drone program provided by the administration is rarely corroborated by facts on the ground due to frequent civilian deaths, signature strikes, and the targeting of Americans.\(^7\) Recognizing this, the United States should bolster its human intelligence apparatus and employ other counterterrorism methods such as ground troops in conjunction with drones. Such action would bring the drone program in line with the high standards the administration has placed upon it.

**Stated U.S. Drone Policy**

In order to make an effective evaluation about the U.S. drone program, it is necessary to have a standard by which to evaluate it. Some scholars have set that standard as international law and others have sought to evaluate drones on their practicality and effectiveness as a counterterrorism mechanism.\(^8\) These metrics are certainly important, and they will be touched on throughout this analysis, but it is also necessary to evaluate the drone program based on the standards that the U.S. government itself has placed on it. As previously alluded to, the U.S. government very rarely releases substantive information on its drone policy. The closest to definitive comments on policy that has been released to the public come from a 2013 speech that President Obama gave at the National Defense University, and an accompanying fact sheet released by the White House. In his speech, Obama claims that for the

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http://www.slate.com/articles/health_and_science/human_nature/2013/02/drones_war_and_civilian_casualties_how_unmanned_aircraft_reduce_collateral.html.


\(^8\) For an international legal perspective, see Mahmood Ahmad, “The Use of Drones in Pakistan: an Inquiry into the Ethical and Legal Issues,” *Political Quarterly* 85, no. 1 (January 2014): 65 and 68, accessed March 8, 2015.  
http://eds.a.ebscohost.com/eds/detail/detail?sid=e256a5e-2237-40db-ae72-2ba03a162d46%40sessionmgr4002&vid=18&hid=4102&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZS%3d%3d#db=ecn&AN=1380314.
U.S. to carry out a drone strike, “there must be near-certainty that no civilians will be killed or injured.” Obama goes on to refer to this as “the highest standard we can set.” President Obama surely knows that civilian deaths are one of the most potent arguments against drone warfare and by setting this standard he attempts to address the doubts of all but the most stalwart humanitarians.

Released the same day as the president’s speech, the fact sheet, summarizing a classified Presidential Policy Guidance on targeted killings, echoes and corroborates the information presented in Obama’s speech. For instance, the document clearly states that it is the policy of the United States “not to use lethal force when it is feasible to capture a terrorist suspect, because capturing a terrorist offers the best opportunity to gather meaningful intelligence and to mitigate and disrupt terrorist plots.” This policy furthers the high standard placed on the drone program as it indicates that drone strikes are not the first option on the table and the ability to capture terrorists will be examined before drones or other lethal methods are considered. In addition, the document explains that force will only be used against “a target that poses a continuing, imminent threat to U.S. persons.” The document makes this requirement even more stringent by immediately qualifying that being a terrorist does not by definition mean that one is necessarily posing a continuing and immediate threat and that only those who are can have lethal force used against them. The fact sheet also goes on to address concerns of international law and sovereignty claiming that the United States respects both and that its policy adheres to both.

In short, this document answers nearly every criticism of U.S. drone policy. As such, if the United States adheres to its presented policy, then there is little argument that can be made against the administration’s use of drones. Nevertheless, to determine if the government is adhering to its policy, one must analyze the decisions made and the actions taken on individual drone strikes. Unfortunately, except in extreme cases such as the aforementioned drone strike which killed Western hostages, the U.S. government does not release information about the circumstances of individual strikes. Perhaps the most telling evidence of the zealousness of the administration’s protection of any information relating to the drone program comes from an interview with Obama’s first press secretary, Robert Gibbs. In the interview, Gibbs states that “one of the first things they told me was, you’re not even to acknowledge the drone program. You’re not even to discuss that it exists.” While this narrative has become slightly more open

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10 Ibid.
12 Ibid.
13 Ibid.
14 Ibid.
(the Obama administration is now willing to acknowledge the program’s existence) little else has substantively changed.\textsuperscript{17}

A more recent example of the administration’s desire to maintain an aura of secrecy around the drone program comes from a lawsuit between the American Civil Liberties Union (ACLU) and the Central Intelligence Agency (CIA). In 2010, ACLU filed a Freedom of Information Act (FOIA) request to the Departments of State, Defense and Justice, as well as to the CIA. According to the ACLU, the request sought documents pertaining to “when, where, and against whom drone strikes can be authorized, and how the United States ensures compliance with international laws relating to extrajudicial killings.”\textsuperscript{18} While the three departments agreed to furnish some, but not all information, the CIA denied the request outright.\textsuperscript{19} The CIA issued, and a D.C. District Court originally upheld, what is known as a “Glomar response,” wherein it refused to either confirm or deny even the existence of any documents acknowledging the drone program.\textsuperscript{20} This response was given with the justification that “whether such [documents] even exist is a properly classified fact.”\textsuperscript{21}

The ACLU filed suit against the CIA, disputing the “Glomar response.” Recently, a D.C. Circuit Court ruled that even though the government had not admitted to the existence of the CIA drone program in an official capacity, the overwhelming acknowledgement of the program by “anonymous” government officials meant that the program itself could not reasonably be considered classified.\textsuperscript{22} The Circuit court therefore ruled that the CIA’s original response was inadequate and required the agency to begin the FOIA process anew.\textsuperscript{23} As a result, the CIA “searched for and acknowledged the existence of twelve legal memoranda and thousands of classified intelligence products.”\textsuperscript{24} The agency then released a redacted white paper from the Department of Justice, but withheld the other 11 memoranda and all of the intelligence reports.\textsuperscript{25} This slight victory for the ACLU was short-lived. In June of 2015, the same D.C. District Court that upheld the CIA’s original Glomar response ruled that because of potentially sensitive national security information contained in the CIA’s documents, the agency was not mandated to furnish any documents, even redacted ones, to the ACLU, effectively ending the FOIA request.\textsuperscript{26} While national security concerns are undeniably legitimate, applying such a broad ruling to all CIA documents containing information on drone strikes ensures that scholars, journalists, and the public at large will remain woefully uninformed of the government’s official decisions made and actions taken on drone strikes.

With the government’s unwillingness to divulge information on the drone program, the only way to adequately analyze whether the realities of the U.S. drone program are adhering to government standards is to rely on the facts gathered after the strikes by third party

\textsuperscript{17} Sterio, “The Covert Use of Drones,” 134.
\textsuperscript{19} Ibid.
\textsuperscript{21} Ibid.
\textsuperscript{22} Ibid., 2.
\textsuperscript{24} Ibid.
\textsuperscript{25} Ibid., 1-2.
\textsuperscript{26} Ibid., 34.
organizations. Several organizations have collected data on drone strikes and their consequences, but three of them, the Long War Journal, the New America Foundation, and the UK-based Bureau of Investigative Journalism, stand out as having the most reliable information.27 Several journalists as well as academics use the data from one or all of these organizations when conducting research on drone strikes.28 Highlighting their authority on drone strikes, the Human Rights Clinic at Columbia Law School chose to audit these three organizations because they were deemed to be the most influential organizations devoted to tracking drone strikes.29 Unfortunately, the facts on the ground gathered by these groups often tell of frequent civilian deaths, signature strikes, and American targets. Such realities cannot logically align with an adherence to the lofty policies laid out by the Obama administration.

The Realities of the Drone Program

Civilian Deaths

Having laid the backdrop of the stringent U.S. policy on drone strikes, it is now appropriate to examine the data available on the realities of the program itself. One of the most strident arguments against the U.S. drone policy is that civilians, including women and children, are inevitably killed by drone strikes. Scholars have used this claim to make moral, practical, and international legal arguments for why the drone program should be reevaluated. The civilian casualties surrounding drone strikes are therefore one of the most important metrics by which to evaluate the drone policy and determine if it is adhering to the strict guidelines purportedly adopted by the government.

The U.S. government has not publicly released an official tally of the number of civilian deaths caused by its drone program. Occasionally, the administration will acknowledge civilian deaths that result from high-profile strikes, but these instances are rare.30 Demonstrating the administration’s unwillingness to acknowledge civilian deaths is the fact that in June of 2011, Obama’s top counterterrorism advisor, John O. Brennan, claimed that U.S. drones had not killed a single civilian since August 23, 2010.31 This estimation was contradicted by “even the most conservative nongovernmental civilian casualty estimates”32 Because the government’s scarce acknowledgements are so widely recognized as inaccurate, it has fallen to independent organizations to attempt to tally civilian casualties. The Long War Journal estimates that 150 civilians had been killed in drone strikes between 2006 and 2012; the New America Foundation estimates that 305 had been killed in that time; and, the Bureau of Investigative Journalism

27 Saletan, “In Defense of Drones.”
estimates that between 2004 and today there have been between 423 and 962 civilian deaths attributable to drones.33 Because of its extensive and well-documented use of credible sources and its propensity to send its own independent researchers to the areas where drone strikes have occurred, the Bureau of Investigative Journalism provides what appears to be the most accurate numbers on civilian casualties from drone strikes.34 Indeed, the aforementioned audit of the three organizations found the Bureau to have a “more methodologically sound count of civilian casualties” than the other two.35

It is doubtful, based on the sheer volume of civilian deaths, that the government is going to great lengths to have “near certainty” that no civilians will be harmed in the individual strikes that it carries out. It must be made clear, of course, that civilian casualties will inevitably occur in any counterterrorism strategy and drones are no different. The battlefield where civilians cannot be harmed has not been shown to exist in the modern era. It is true that drones offer the best, or, as one scholar put it, the “least worst” counterterrorism strategy in terms of civilian casualties.36 The ratios of civilian casualties associated with conventional air strikes and ground troops are much higher than that of drone strikes.37 Even so, the simple fact that drones kill fewer civilians than other counterterrorism strategies does not necessarily mean that the methods in which they are used cannot or should not be improved upon. A scalpel is a far better tool for conducting surgery than is a hatchet. To ensure its effectiveness, however, one must ensure that the scalpel is sharp and is being wielded by someone with the proper intelligence and skill set. The same is true of drones. If the administration purports that it adheres to the “highest standard” of mitigating civilian casualties, then the drone program must be evaluated by those standards. Presently, the relatively high number of civilian casualties belies the government’s position.

Moreover, it is likely that the government’s numbers for civilian casualties are so low because the government rarely investigates whom it actually kills. There are, of course, some practical reasons for this as some individuals are burned or dismembered beyond recognition and the areas where these strikes are conducted are hard to access.38 Nevertheless, researchers at New York University (NYU) and Stanford claim that there is “little evidence that US authorities have engaged in any effort to visit drone strike sites or to investigate the backgrounds of those killed. Indeed, there is little to suggest that the US regularly takes steps even to identify all of those killed or wounded.”39 This raises distinct questions of how the administration can make definitive claims about the accuracy of drone strikes and the low risk of civilian casualties. Even if the government did conduct internal investigations into those killed by drone strikes, as some unofficial government sources have claimed,40 it is unlikely that the results of such investigations would be released for public scrutiny. As such, it becomes nearly impossible to

34 The Bureau of Investigative Journalism, “Get the Data: Drone Wars.”
36 Saletan, “In Defense of Drones.”
37 Ibid.; Obama, “Remarks by the President.”
39 Ibid.
independently confirm that the U.S. is adhering to the standard that for a strike to occur there must be near certain intelligence indicating that civilians will not be harmed.

*Signature Strikes*

Another reality of the U.S. drone program that contradicts the narrative of rigorous standards put forth by the administration is the use of so-called “signature strikes.” Scholars define signature strikes as “a drone strike on suspected terrorists or militiants whose identities are not known, but whose ‘pattern of life activity’ would seem to indicate that they are involved in some militant/terrorist activity.”41 These strikes bear a stark contrast to “personality strikes,” which identify and target specific terrorists who are high-ranking members of Al Qaeda or other dangerous terrorist organizations.42 The January 2015 strike which killed the American and Italian hostages reportedly did not target a specific individual, but rather the Al Qaeda compound itself, therefore classifiable as a signature strike.43 Beyond the general definition of signature strikes, the government provides scant information on these strikes. More importantly, the government provides no indication as to the criteria that must be met before a signature strike can be launched.44

Signature strikes, by their definition, contradict the stated policy of the United States. The aforementioned fact sheet demands that for lethal force to be used, it must target an individual or individuals who pose a continuous and imminent threat. It is certainly arguable that anyone who associates with Al Qaeda or any other such terrorist groups is an enemy of the United States. It is significantly less certain, though, that anyone who associates with those groups necessarily poses an “imminent threat,” a term that also remains publicly undefined by the U.S. government. It is unreasonable to think that the government could make such a definitive claim about the threat an individual poses without knowing the identity of that individual. The argument could of course be levied that the United States should be able to conduct signature strikes. This argument is advanced on the basis that it is likely that the people associating themselves with terrorist organizations would like to harm the U.S. and its interests.45 While this argument has merit, if the U.S. asserts highly stringent standards in its official policy, then the drone policy must be evaluated on those standards. A logical examination of the definition of signature strikes yields the conclusion that they do not adhere to the idealized policies laid out in the White House fact sheet. This evaluation is likely to remain in place unless the administration releases further information on the specifics of how intelligence is analyzed and what criteria must be met before an individual can be determined to pose an imminent threat.

*Targeting Americans*

While signature strikes raise important concerns about using force when the United States does not have a specific, identified target, there are also concerns when the U.S. targets an American citizen. Targeting an American raises questions about the U.S. Constitution and the right to due process, questions that are simply not raised when terrorists without American citizenship are killed. As such, this topic must be addressed in any analysis that seeks to evaluate

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41 Sterio, “The Covert Use of Drones,” 163.
43 Diamond, “U.S. Drone Strike Accidentally Killed 2 Hostages.”
the standards of the U.S. drone policy. The most well-known case of drones targeting an American is the strike that targeted and killed Anwar Al-Awlaki, a leader of Al Qaeda in the Arabian Peninsula who, allegedly, was involved in the plotting of the attempted Christmas Day underwear bombing. President Obama maintained in his speech to the National Defense University that it was completely legal under domestic law to target and kill Awlaki and that because Awlaki was actively plotting to attack the U.S., his citizenship did not shield him from lethal action.46

To further justify his point, Obama also made the analogy that a SWAT team would not be questioned if it used lethal force against an American sniper firing into a crowd of innocents. Obama’s implication was clear that the same lethal force could be justified against an American terrorist.47 This very analogy was echoed recently by Tom Donilon, former national security advisor to President Obama, on Meet the Press.48 This logic fails when considering the fact that the sniper would be presenting a clear and present danger when firing into a crowd; in this instance, lethal force is undeniably justified. It would not be justified, however, if a SWAT team came to the would-be sniper’s home the day before his planned attack and shot him. While analogies are generally meant only to be illustrative, the fact that both the president and his senior advisors rely on this logic and do not see the flaws within it is disconcerting. Obama’s remarks are bolstered by a Department of Justice memo, which describes in detail the legal justification for targeting and killing Awlaki. The memo discusses several possible statutes that justify the use of force against terrorists, even with U.S. citizenship. The document also examines statutes that could potentially prohibit the CIA or Department of Defense (DoD) from carrying out such an attack and then proceeds to explain why those prohibitions do not apply to the Awlaki case.49

While the justification of Awlaki’s death is relatively straightforward from the administration’s perspective, several scholars and analysts disagree.50 One of the most potent critiques comes from constitutional law expert Steve Vladeck, who articulates that, regardless of the memo’s explanation of due process, it does not, and cannot, satisfy other important constitutional questions. For instance, he argues that the memo is very specific to the circumstances surrounding Awlaki at the time that the memo was written.51 At that time, it was concluded by intelligence analysis that Awlaki posed a continuing and imminent threat, and that his capture would be unfeasible.52 This justification notwithstanding, Awlaki was killed 14 months after the writing of the memo and, while the memo does allow for the CIA and DoD to “monitor whether changed circumstances” would permit the capture of Awlaki, it is not clear

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46 Obama, “Remarks By the President.”
47 Ibid.
that those reevaluations ever took place.\textsuperscript{53} Furthermore, Vladeck raises the point that the memo only provides an executive review of due process, not a judicial one. Vladeck succinctly articulates the problem with a purely executive review as he notes that “[t]he Supreme Court has never identified a situation in which whether the government provided due process can be confirmed without at least some judicial assessment, at some point, of the government’s conduct” (author’s emphasis).\textsuperscript{54} Therefore, the memo, because it is a wholly executive document, cannot adequately confirm the constitutionality of Awlaki’s killing.

Moreover, other scholars point out that the memo spends the majority of its time justifying lethal action for the DoD and comparatively little time discussing the legality of the CIA, a civilian agency, taking lethal action against an American citizen.\textsuperscript{55} Ultimately, it was the CIA that conducted the drone strike that killed Awlaki and therefore the legal justification has fewer legs to stand on than if the DoD had taken the action. In addition, the circumstance of the Awlaki case that is by far the most concerning is that the memo was drafted on July 16, 2010, but the first known U.S. attempt to kill Anwar Al-Awlaki was on December 24, 2009, over six months prior to the official justification from the Department of Justice.\textsuperscript{56} Though a traditional aircraft, not a drone, conducted this first strike, it bears extreme significance to this case. Had the strike been successful, the U.S. would have targeted and killed a U.S. citizen overseas without official Department of Justice justification.

The above analysis indicates that neither the position of the government nor that of the critics is wholly unassailable. Therefore, the legality of the CIA’s targeting and killing of Anwar Al-Awlaki is at best questionable. The memo also raises further concerns about how closely the United States adheres to the policies laid out by the administration. While the memo uses the language of the fact sheet in claiming that Awlaki presented an imminent threat and his capture was unfeasible, it still leaves vague terms such “imminent” woefully undefined and presumably up to the sole interpretation of officials in the executive branch.\textsuperscript{57} Moreover, because the memo is so specific to Awlaki’s case, it cannot be generalized to legally justify the killing of future American citizens who join terrorist organizations overseas.\textsuperscript{58}

\textbf{Moving Forward: Improvements to the Drone Program}

Why Improvements are Needed

It is imperative to emphasize that the criticisms laid out above should not be taken as a call to end the drone program altogether. Such an argument would be shortsighted and ignore the myriad advantages that drones have over other mechanisms of war. Compared to other counterterrorism strategies, drones kill a fewer percentage of civilians.\textsuperscript{59} Likewise, drones significantly, if not completely, reduce the risk to American servicemen and women by removing a human presence from the battlefield. Furthermore, drones display the United States’ military

\textsuperscript{53} Ibid.; Vladeck, “The Constitutional Question”
\textsuperscript{54} Ibid.
\textsuperscript{55} Ross, “Legal Experts Dissect.”
\textsuperscript{57} Office of the Assistant Attorney General, “Memorandum for the Attorney General.”
\textsuperscript{58} Vladeck, “The Constitutional Question.”
\textsuperscript{59} Saletan, “In Defense of Drones.”
and technological prowess to the enemy. In this way, drones are not unlike the Great White Fleet sent on tour by Theodore Roosevelt to remind the world that America had the military might necessary to achieve its foreign policy goals. However, these strategic advantages can only be maximized if drones are made more effective by further reducing the number of civilian deaths and allowing more public scrutiny of the program, such as that advocated by the ACLU. These recommended measures ensure that the United States is following the legal and moral imperatives that the administration insists that it is.

Before delving into the specific policy changes that the U.S. should adopt to add transparency and accuracy to its drone program, it is important to understand the factors demanding these policy changes and why such factors matter. There are several practical reasons for why the United States should bring its drone program up to the rigid standards that it has set for itself. These practical reasons extend far beyond the naïve normative argument that a government should be honest with its citizens. One such factor is that, by adhering to the strict standard of “near certainty” that no civilians will be harmed, the U.S. will reduce the potential for civilian casualties even further. In so doing, the United States will mitigate the risk of blowback, or creating more radicalization by killing civilians. Blowback has been referred to by scholars as “the most prominent critique” of the drone program because, if it exists, it has the potential to undermine the effectiveness of the entire program. By killing fewer civilians, terrorists will have less potent propaganda from which to draw upon to radicalize the general population.

Another factor that should lead the United States to improve the transparency and accuracy of the drone program is the fact that the current use of drones is eroding the U.S.’s international credibility and alienating its allies. The most venerable international institution, the United Nations, has on multiple occasions called for the U.S. to be more judicious and transparent in its use of drones. For example, in 2010, Philip Alston, the UN Special Rapporteur on Extrajudicial Executions, issued a report on drone strikes, particularly those used by the United States. In his report, Alston claimed that the “strongly asserted but ill-defined license to kill without accountability is not an entitlement which the United States or any other states can have without doing grave damage to the rules designed to protect the right to life and prevent extrajudicial executions.” Alston goes on throughout the report to call into question the international legal premises on which the United States has built its policy on targeted killings through drone strikes. This report from the UN indicates the international unease relating to the U.S.’s liberal use of drone strikes to conduct targeting killings.

What is more, the Alston report was not an isolated occurrence but rather was one in a string of other such reports. A more recent report by Benjamin Emmerson, the UN Special

Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, similarly calls into question the lack of transparency in the United States’ drone program. In his report, Emmerson calls on the U.S. to release detailed information on 30 cases where drone strikes have allegedly killed a significant number of civilians, especially children. The significance of these reports is unlikely to be lost on the Obama administration. Throughout his presidency, Barack Obama has tried, where it has been realistic, to rebuild relations between the U.S. and the UN. In 2009 for example, the U.S. ran for and was elected to serve on the Human Rights Council. While the use of drones is far from the only policy that calls the United States’ human rights record into question, these reports by the UN Special Rapporteurs undoubtedly add to the negative light in which other countries view the United States.

Arguably more important than UN criticisms are the criticisms of the drone program made by key U.S. allies. While the drone program has relatively widespread support domestically, with nearly two-thirds of Americans approving of killing terrorists overseas with drones, the international opinion of the program is starkly different. The international community, removed from the idealized rhetoric advanced by the Obama administration, is, by majority, opposed to the U.S. drone program. This is evidenced by a Pew Research poll which indicates that majorities in many of our regional allies and even our strongest Western European allies are opposed to drone strikes. This is true in the Middle East where 90% of Jordanians oppose U.S. drone strikes along with 83% of Turks. Opposition extends to Western Europe where 72% of French citizens and 59% of UK citizens oppose the United States’ zealous use of drone strikes. Most importantly, over two-thirds of German citizens oppose U.S. drone strikes. This is incredibly important because German airbases play an essential role in the U.S. drone program. Though Germany prefers to downplay the relationship between German airbases and the U.S. drone program, recent evidence has surfaced alleging that drones rely on the Ramstein airbase in Germany to launch lethal attacks. The negative German public opinion of U.S. drone strikes is embodied by a recent protest against the base. In order to ensure that Germany continues to allow its airbases to be a hub for U.S. drone activity, the U.S. must assuage the German public’s discontent. The United States should therefore increase the transparency of its drone program and maintain the high standards it has set for itself.

Improving the Drone Program

To achieve the Obama administration’s high standards of “near certainty” that civilians will not be harmed in a strike and that targets will pose an “imminent threat” to the United States, the U.S. must improve its mechanisms for gathering intelligence, particularly human intelligence (HUMINT). The Al Qaeda compound that was targeted in the drone strike that killed

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65 Emmerson, “A/HRC/25/59”
69 Ibid.
70 Ibid.
the 2 hostages was under “constant surveillance” in the days leading up to the drone strike, and indeed the intelligence was able to correctly identify the building as an Al Qaeda compound. Despite its success, the surveillance obviously and unfortunately failed to determine the presence of the hostages. While there is no guarantee that HUMINT would have discovered the hostages, it would have provided a better opportunity to make that discovery than an aerial, top-down view of the compound.

Beyond this hypothetical, there are scholars who agree that, despite the technical advances of the 21st century, the value of human intelligence cannot be overstated. The geospatial intelligence (GEOINT) provided by drones and satellites is highly important but it fails to capture the nuances that can be captured by HUMINT. For example, Gabriel Margolis notes that the increased emphasis on the technical side of intelligence gathering, including geospatial and signals intelligence, has left HUMINT either lacking, absent, or susceptible to counterintelligence. As a result, Margolis argues, some of the worst intelligence failures in recent memory can be attributed to a lack of adequate HUMINT. Furthermore, the more autonomous drones become, the more removed from human “ethical thinking, adaptability, and critical reasoning,” they become. It is undoubtedly necessary to keep and to expand this link between human thought processes and drones to better ensure that strikes are targeting legitimate targets and that risk to civilians is minimized to the greatest extent possible.

One of the best ways to achieve increased human intelligence, and with it more accurate targeting information for drones, is to combine drone strategy with a more conventional strategy of ground troops. Though the term “boots on the ground” has become politically toxic following the quagmires of Iraq and Afghanistan, it is important to note that the deployment of ground troops does not necessarily mean a full scale invasion or occupying force, but rather can include strategically implanted elite teams such as the Navy SEALs. In 2004, the United States implemented an effective policy of using SEALs and other Special Forces for gathering human intelligence. These elite units proved “highly adept” at gathering intelligence. Furthermore, there are reports that the army developed and maintained effective intelligence networks while deployed in Iraq and Afghanistan.

HUMINT provides another more nuanced and complete layer of intelligence which would allow the United States to make more informed decisions regarding the immediacy of the threat posed by certain targets and the likelihood of civilian casualties. Moreover, having boots on the ground would allow for more opportunities to conduct capture missions rather than use lethal force, which would achieve the dual purposes of eliminating the terrorist threat as well as

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73 Diamond, “U.S. Drone Strike Accidentally Killed 2 Hostages.”
75 Ibid., 50.
79 Ibid.
potentially gleaning more intelligence through interrogation.\textsuperscript{80} If no boots are on the ground, capture will rarely if ever be a feasible option.

While it is true that America’s war weariness may have made the option of boots on the ground inviable, there is increasing evidence to suggest that deploying U.S. troops may not remain a politically toxic counterterrorism strategy for long. In a Quinnipiac University poll, for example, nearly two thirds of American voters support sending ground troops to Iraq and Syria to combat the Islamic State of Iraq and Syria (ISIS).\textsuperscript{81} Across all categories, including party identification, gender, and age, there are majorities that support sending in ground troops.\textsuperscript{82} Further bolstering the suggestion that Americans are moving beyond the hesitancy imposed by the Iraq war is the finding that only 39\% of voters are concerned that the U.S. will get too involved militarily against ISIS, while 53\% are concerned that the U.S. will not go far enough.\textsuperscript{83} Of course, one poll does not and should not signal a sea change in American foreign policy, but it does indicate that as the threat of terrorism continues to rise and as time continues to put distance between the public and the wars, Americans may be more willing to support ground troops as a viable counterterrorism strategy.

Further corroborating the poll data is the fact that several high-ranking U.S. Generals and military strategy experts have recently stated that ground troops may be necessary to achieve our counterterrorism goals, particularly with regard to ISIS. President Obama has repeatedly stated that his goal is “degrade and destroy [ISIS].”\textsuperscript{84} While these terms are alliterative and attention grabbing, Marine General James Mattis argues that in terms of substance, they would require two different strategies. To “destroy” ISIS would require more than airstrikes and advisors.\textsuperscript{85} Mattis does not advocate for a full-scale invasion akin to Iraq or Afghanistan, but he notes that sending a limited number of U.S. combat troops might spur our regional allies to do the same.\textsuperscript{86}

Mattis’s criticism of Obama’s flat out rejection of ground troops does not occur in isolation. Others, such as General Lloyd Austin, “the top commander of U.S. forces in the Middle East,” have also advocated for the insertion of a limited number of Special Forces to more effectively combat ISIS.\textsuperscript{87} Arguments such as these have led Martin Dempsey, the Chairman of the Joint Chiefs of Staff and by extension Obama’s top general, to state that he would not rule out the eventual return of ground troops to the Middle East.\textsuperscript{88} While president Obama must account for the political consequences of deploying ground troops when making his

\textsuperscript{80} The White House, “Fact Sheet.”
\textsuperscript{82} Ibid.
\textsuperscript{83} Ibid.
\textsuperscript{86} Ibid.
\textsuperscript{88} Szoldra, “Legendary Marine General.”
decisions, these generals are able to make recommendations based on their strategic assessment of the situation, adding significantly to the weight of their recommendations.

Conclusion

The United States government has provided disturbingly little substantive information on the drone program to its citizens. Of course, some of this secrecy is legitimated by the need to protect national security, sources and methods. Nevertheless, this analysis has shown that the government has undoubtedly been overzealous in its lack of transparency. Compounding this problem is the fact that the idealized rhetoric on drone policy that the Obama administration has released has contradicted the realities of the program that exist on the ground. If the drone program actually adhered to the strict standards laid out by the administration, there could be almost no logical challenge to the program both in terms of moral standards as well as international and domestic legal standards. As such, the U.S. has a strong incentive to improve its drone program to bring it within the standards that the administration itself has placed.

While tragic, the deaths of the American and Italian hostages referenced throughout this work have provided the United States with an important impetus to become more transparent and peel back the veil of its drone program. This opportunity for the government to take stock of its drone program should not be squandered. It is also imperative that this review does not become lost in the bureaucracy of the Executive Branch. The government must be more willing to release information to the public on the U.S. drone program, provided that it does not hinder national security. This will allow for scholars and experts not caught in the bureaucratic inertia of Washington to objectively analyze the drone program that is quickly becoming our most prominent counterterrorism strategy. Analysis is needed not only on the criteria that are actually being used to determine the legitimacy of lethal force, but also on the intelligence itself, to ensure that it is the most complete and accurate possible.

The United States counterterrorism strategy cannot afford to be one-dimensional. The terrorist threats that face the U.S. require a multi-pronged approach. While drones are an effective means of countering the terrorist threat, they will become infinitely more effective if they are paired with other counterterrorism strategies such as ground troops. The decision to deploy Americans to a theater of war must always be made with prudence and caution. It must also be made, however, on the basis of strategic assessments rather than solely on political expediency. For the United States to have an effective and comprehensive counterterrorism strategy, drones must work in tandem with other strategies. The drone program must also be bolstered by more effective intelligence to ensure that it can meet the worthy ideal that the Obama administration has set.
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