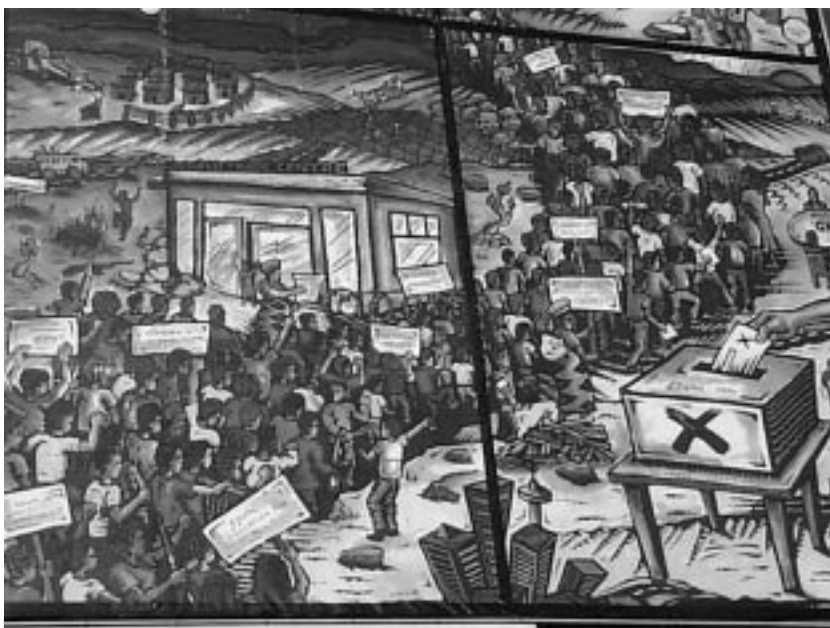


Seminar in Lithuania

Civic Society



**Border Games in the
Caspian Sea**



**Elections in
South Africa**

IFLRY

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about LIBEL

LIBEL is a publication of the International Federation of Liberal and Radical Youth. LIBEL is published with the help of the European Youth Foundation and the Council of Europe. It is sent to all IFLRY member organisations as well as to international politicians, political parties, governmental and non-governmental organisations and institutions and to young liberals all over the world.

Opinions expressed in LIBEL are - except if otherwise stated - the personal opinions of the authors, which are not necessarily the same as those of IFLRY or the IFLRY Bureau.

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Editors are the IFLRY Bureau with Jonas Renz as responsible Editor.
Layout and type-setting by Georg Hammerer.

Dear fellow readers:

Democracy is one of the most important values of a liberal society. It is the expression of freedom of choice, of self-governance, of participation, of responsibility etc.

In early June this year the Republic of South Africa faced the second free elections after the apartheid regime. Since the first elections five years ago the liberal forces gained influence and IFLRY found two partner organisations that since some years participate and contribute at IFLRY events on a regular basis. Meanwhile both organisations became candidate members of IFLRY: the South African Liberal Students' Association (Salsa) and the Democratic Party Youth (DPY) and are aiming to the full membership status.

Thanks to a good and constant liberal work over the last years of all liberal forces in the country the Democratic Party (DP) with their Leader Tony Leon managed to become the official opposition party after this year's elections against the overwhelming majority of the ANC. In the province of Western Cape now the DP even forms part of a coalition government with the New National Party and the African Democratic Party.

All this was reason enough for IFLRY to participate with a delegation at the last days of the election campaign in Johannesburg and to witness the elections directly in the surroundings of Cape Town. Our delegation was hosted and supported by the Friedrich-Naumann-Foundation and our South African member organisations.



More details about South Africa, the elections, the results and our delegation can be read in this issue of your Libel magazine.

Furthermore this issue of Libel also reports from our last seminar on 'Means to deal with and combat unemployment' hosted by our member organisation in Lithuania, LLJ, in early May this year, from the situation and activities in Latin America and the conflicts around the Caspian Sea.

I wish you an entertaining time with this issue of Libel.

Yours liberally,

Jonas Renz
IFLRY President

Elections in South Africa and Election Monitoring

by Edgar Hütte

The end of the Cold War caused a real democratisation wave. Countries in Africa, Latin-America, Asia and especially Middle and Eastern-Europe took a step in the direction of a new form of government in which the principles of the parliamentary democracy were guaranteed. General and free elections are considered to be the most fundamental principle in such a democracy. They are also the most recognisable element of democratisation in this transition-process. Who can't remember the very long queues in front of the voting-stations at the time of the 1994 elections in South-Africa?

During the last ten years there have been a number of discussions about the democratic standard of such elections. And justly so, because it happened very often that voting boxes 'just' disappeared or that more votes were cast than there were names in the voting register. Besides that it sometimes happened that voters were intimidated while voting. The international community, mostly united in the United Nations, the European Union or the Organisation for Security and Cooperation in Europe tries to help and support these countries by monitoring their elections. In many countries this even is a main pillar in the 'development aid' policy.

At the end of May this year, a delegation of five Germans, a Norwegian and myself went to South-Africa for the elections on the second of June. The days before we were offered a program about the political situation by the Friedrich Naumann Foundation. We spoke with members of IFLRY's Member Organisations Salsa and the DP Youth. We also attended the Final Rally of the Democratic Party. This final election activity had many similarities with American presidential campaigns. The summit was without a doubt the speech of party leader Tony Leon. He spoke about the crisis in South-African politics and that voters must 'Have the guts to fight

back' against the ANC, and against corruption, criminality and unemployment.

The second part of the program took place in Capetown, one of the most beautiful cities in the world. This also was our location during the election day. Four persons of the group were international guests of the Democratic Party at the Provincial Headquarters of the Independent Electoral Commission (IEC), from where the elections were organised and coordinated for the West Cape.

Early in the morning we were able to speak a long time with the chair of the IEC. He explained us more about the improvements the IEC had made since the first democratic elections in 1994. Also the UN Long-Term Observer for the West Cape confirmed that it was much better organised than before.

At these Headquarters, press-conferences and statements were given by the IEC and the political parties. Also complaints from all over the Cape came in at this place and were dealt with by the IEC. During the afternoon we visited two voting stations and talked with all present persons, like the chairman of the station, representatives of the political parties and of course the voters themselves. There were no major problems, only one voting box was broken.

At sunset, which starts at about five due to the fact that we were on the southern hemisphere, we heard on the radio that some stations in Capetown couldn't get through all the voters before nine o'clock in the evening. Small riots were expected, especially as these stations were situated in the townships... The IEC's task now was to inform all the persons that wouldn't be able to cast their vote before closing time that they were able to do so if they were in line before that time. We of course wanted to be there at closing time, so we took our car and

drove to one of the poorest neighbourhoods. We found a line of at least 500 persons, which meant that it would take at least till one o'clock in the morning for the last person in line to vote. In contrast with our expectations people were extremely calm and disciplined and we were received very well. The population did really appreciate our attendance as international observers.

Although not all the voting stations were closed when we came back at the Headquarters in town, the first result was already published. The Democratic Party only got one vote out of seventy-four! Fortunately this result was from Robben Island, which was not a good forecast for the final result, because DP gained almost ten percent (1,7% in 1994) and became the official opposition party in parliament. As you know the ANC almost got a two-third majority, but cooperation with the Minority Front was enough to have this majority after all.

The elections elapsed relatively calm compared to the first free elections in South Africa in 1994. The IEC did, to my opinion of the present day, fairly a good job and to me it's clear that South-Africa doesn't need international support any more to organise national elections. I even think that the international community shouldn't send any short-term observers next time, because the electoral process can be observed and checked from South-African institutions and parties itself without a problem; South-Africa obviously has become a electoral democracy. However, only fair elections is not enough. The international community should still send long-term observers to observe the pre- and post election period.

Unfortunately there aren't many scientific studies about election monitoring. A general accepted definition does not even exist. The International Institute for Democracy and Electoral Assistance (International IDEA) defines it as follows: 'The purposeful gathering of information regarding an electoral process, and the making of informed judgements on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorised to intervene in the process, and

whose involvement in mediation or technical assistance activities (is unofficial and) should not be such as to jeopardise their main observation responsibilities'.

To my opinion it is alarming that the academic world doesn't study this subject for three reasons. Firstly, these missions cost a lot of money. Therefor they actually have to contribute to democratic elections. 'Political tourism' must be prevented at all times.

Secondly, the objective final judgement 'free and fair' is afterwards not that self-evident, but it does only serve another goal. A Chilean observer stated during the 1988 elections: "If the government's candidate wins, everyone will say it was fraud. If he loses, everyone will say it was a fair election. So it is more in our interests than anyone else's to be able to show it was an absolutely fair election." Also the international community realises the importance of declaring elections 'free and fair'. Quite rightly indeed. Just imagine the disappointment of many South-Africans if the 1994 elections wouldn't get this predicate. Nevertheless is it a threat to the status of monitoring missions if it is already more or less clear before the elections that they are 'free and fair'. It even can be a threat to democracy. Just imagine the reaction of a opposition member if he observed major fraud while elections are declared fair.

Thirdly, observing missions are to much associated with observing the elections itself only. As stated above, democracy is more than fair elections. It is the duty of (political) scientists to link elections with democratisation processes in general. This way a clear picture of the democracy level in those countries can be developed.

The observing missions in South-Africa evoked more questions than answers, but that is what made it very interesting. I had a wonderful experience and met very nice people. I'm sure that South-Africa is going in the right direction, although there are still major obstacles on the way to a stabile liberal democracy. Hopefully the Democratic Party, under the leadership of Tony Leon, is strong enough to jump over these hurdles and win the next race in 2004!

Edgar Hütte is International Officer of JOVD

The Making of a Nation: South Africa's second democratic elections

by Ken Morrison

1989

The South Africa of 1989 was profoundly different to present day. The African National Congress was banned. Their leader, Nelson Mandela, had just spent his 26th year in prison. But the year that saw the fall of the Iron Curtain in Europe, and the Tiennamien Square massacre in China, also saw what was to be the last whites only election in South Africa. The *Konservatiewe Party*, buoyed by the unpopularity of the Reformist F. W. de Klerk's scrapping of the Mixed Marriages Act, the Pass system (that treated black South Africans as foreigners in their own land), and proposed scrapping of the Group Areas Act (that made it an offence for a person of another race to live in the same area as a person from another race), had made significant inroads into the traditional National Party support base among working class white South Africans.

The South Africa of 1989 was a country in the grip of near civil war. There was talk of extending compulsory military service for young white boys from the present two, to three or four years. Not that one had to defend *die Vaderland* against the *Rooi Gevaar*, the *Joodse Gevaar*, the *Roomse Gevaar* or the *Engelse Gevaar* any longer. The most "evil" danger of all, to the average white South African, was the *Swaart Gevaar*. Those barely five years older than me were to be Apartheid's foot soldiers: fighting someone else's war in Angola and South West Africa (Namibia). My black countrymen were engaging in open rebellion against the Apartheid State. Economic sanctions imposed by the Western world were taking its toll on our economy. The bombing of the Wimpy diner in Benoni, the bombing of Khotso House, the assassination of Wits University academic Da-

vid Webster, the killing fields of KwaZulu Natal claiming hundreds of lives every year. By December 1989 it had become clear that the Afrikaner *volk* had a choice to make: full scale civil war, or, negotiate with the Devil.

Growing up in the largely working class town of Boksburg, about 40 kilometres east of Johannesburg, meant that I never mixed with black Africans. Black Africans were not allowed to attend the same school I did, ride on the same buses I did, or play in the same park I did. The South Africa that I knew did not allow for social mixing of black and white. The only black person I knew was the charlady who occasionally cleaned and ironed for my parents. Even then, who knows what happened to Hilda when she went home to Daveyton at night? Did her son want to grow up to become an advocate, as I did? Was her daughter really content to leave school without graduating? Who knew? The one thing I knew was that I should thank my lucky stars that I was not born an Afrikaner. Those people, the *verkrampies*, ruled my country and my town. They were to be ridiculed for their poor command of English, derided for their unenlightened ideas of race relations. Rock spiders. Clutch plates. Dutchmen.

I, in turn, was a *blerrie rooinek*, a *soutpiel*. One leg in Africa, one in England and my member dangling in the Atlantic Ocean. Yet my family had arrived in Africa 180 years ago. My great-great-great grandfather, the Irishman, had fought with the *boers* against the local black tribesmen in the Kaffir Wars. My great-great grandfather, the Scottish labourer, fought against the *boers* in the Anglo Boer War. Not black. Not Afrikaans. White. English speaking. South African. Although I went to an English speaking school, my teachers (almost all were

Afrikaners) taught us *rooinekke* that only the Afrikaners had a sense of culture (hence we only sang Afrikaans songs) and that to really be a man you had to serve your country and join The Force. Afrikaners, we were told, were like the Israelites of old, a nation with a special relationship with God. They brought, with a gun in one hand and a bible in the other, the light of civilization to Africa. The deal struck by Andries Pretorius at Bloedrivier was that, in return for performing this crusade of enlightenment, they could live off the land as a modern-day Adam in the Garden of Eden. So we were told.



1999

Fast forward ten years. I am about to graduate, well on my way to becoming the Advocate that I knew I had, ten years ago, wanted to be. Hilda's son and daughter are dead. So is Apartheid. Or so they say.

I spent June 2nd 1999, the day of our second democratic elections, in the rural former Transkei, an impoverished former homeland set up by the Apartheid government as an "independent" Republic for Xhosa speaking South Africans. There were similar "Republics" for Tswanas, Zulus, Ndebeles, Vendas, Griquas, and so on. And, of course, 87% of South Africa for Afrikaners. The Xhosas who I met and spoke with stood patiently in queues that all, like in Butterworth, wound out of the town hall, around the block and down the main road.

People, they told me, had been standing in queues to vote for over eight hours. The elderly, pregnant women, and the crippled were ushered to the front of the queue. True, the bureaucracy was mind-boggling. Voter's identity documents were checked and rechecked no less than eight times before citizens were allowed to cast their ballot. Those who were illiterate (and there were a large number of them too) did not enjoy the privilege of secrecy in casting their ballots. At one stage I counted almost a dozen people in an election booth at one time. National Party, Pan Africanist Congress, Democratic Party, and African National Congress observers plus two non-partisan observers and the presiding officer crowded behind the cardboard wall that separated the ballot caster from the queues. Eleven people in one booth all at once! Yet, in a province (now renamed the Eastern Cape) that is both seen as an ANC stronghold and home of one of the newest political movements: the United Democratic Movement, its rural impoverished citizens were exercising the same right to vote I had done in cosmopolitan Johannesburg the day before. The rural shepherd and the soon-to-be lawyer entering into the same social contract as equals.

Without getting into the tedious ins and outs of South African politics, there exists, so we are so often told, only two truly African political parties in South Africa: the African National Congress, and the Inkatha Freedom Party. These two parties have been in government together since the first democratically elected elections in 1994. The political spectrum is fractured by race. If a white boy supports the ANC he is a sell-out; if a black boy supports the Democratic Party [the liberals] he is a coconut (black on the outside but white on the inside). That is what we are told.

The 1999 general elections produced few surprises. The Democratic Party, long the true voice of the opposition in parliament – despite their small number [7 members of parliament in the 1994 legislature out of 400 seats] – have become the Official Opposition. Their number of MPs has swelled to 34, increasing their

support base ten-fold. The African National Congress, even without the Madiba Magic (President Nelson Mandela) of 1994, have increased their majority in parliament and, with the help of a wily Indian politician from Durban, reached the feared 66% mark that allows them virtually untrammled power over policy and polity in South Africa for the next five years.

What, though, does the second democratic elections in South Africa mean for average South Africans? There is most certainly far more transparency of governance than in the past, and some newspapers are far more rigorous in their critique of governmental policies than before. Ordinary citizens no longer slip on bars of soap in police cells (causing their untimely death), and, importantly, life goes on.

The Struggle sentiment that provided the driving force behind election campaigns in the 1994 election has given way to concerns about the rising rate of crime and poverty. The rate of social transformation versus the potential damage to our economy was also one of this election's burning issues. The normalization of our political landscape is, perhaps, one of the most significant changes that the second democratic parliamentary sitting has and will produce. The novelty of voting might not have worn off yet, but it is unthinkable that anyone should suggest that certain eligible citizens should be denied the chance to cast their ballot. There are, of course, complaints from certain quarters that the youth of South Africa are no longer politicized. Our university campuses are no longer the focal point of mass student riots against an illegitimate government. In fact, at Wits, arguably South Africa's most politicized university, a mere 2.8% of students bothered to vote in the student elections.

Idutyshwa, Butterworth, Komga, Pofadder and other dusty South African towns stand witness to the fact that the populace enjoys voting. They take their civic duty seriously. To foreign nations, particularly those powerful ones (who matter) in Europe and North America, we are just another boring democracy in the Southern Hemisphere. An African nation, the "Rainbow Nation", grappling with everyday problems of crime, unemployment, and poverty.

The Afrikaners may have had the right idea to create a myth of an African nation struggling to find its place in the sun. Their mistake was not to include John, Sipho, Mohammed or Faizel in their dream of *Volkshheid*. This is the significance of this election: South Africans committed to making South Africa work.



Democratic Party leader Tony Leon celebrating his party's success in the 1999 elections...

Glossary of Afrikaans terms used in this article:

Afrikaans is a very expressive language of uniquely African and European origin. Because of its politically loaded history, both as a struggle for its speakers to have it recognised as a language distinct from Dutch at the turn of this century and for the use to which it was put by the Apartheid regime, it has come to define

relationships between individual South Africans in a way that neither English nor any of the remaining nine official languages can. Therefore, although writing for a magazine with international distribution, I have elected to retain the use of some Afrikaans terms in my article. Below you will find a rough translation of the meaning of those words. Where possible I have tried to explain their emotive meaning rather than a mere clinical listing of their approximate English equivalents.



DP leader Tony Leon

Vaderland: Fatherland. The myth of an Afrikaner fatherland stretches back at least two centuries and signifies the desire on the part of the original white settlers to bond themselves to the African soil that has been their home since 1652. Interestingly, there are more "brown" Afrikaners today than there are white.

Konservatiewe Party: Conservative Party. This group of die hard Afrikaner nationalists refused to take part in the Multi-Party Negotiating Process that led up to the first democratic elections in 1994. They refused to take part in that election too. Today, there is, to my knowledge, only one public representative, who happens to be in my home town, left in the entire country. The KP, has moved from being the Official Opposition in the 1980s all white parliament, to

being relegated to the same fate that met the dinosaur: extinction.

Rooi Gevaar, Joodse Gevaar, Roomse Gevaar Engelse Gevaar, Swart Gevaar: Red Danger, Jewish Danger, Roman Catholic Danger, English Danger, Black Danger. The National Party always, at around election time, used to pull out these little gems to convince the white electorate to vote them back into office. This strategy worked: but only while the Apartheid system remained in place. This year's election saw the decimation of the National Party and its title as Official Opposition handed on to the liberals, despite its latest offering, the "Two Thirds Gevaar".

Volk: people. As my article has sought to convey, the South Africa of the Apartheid era sought to compartmentalize people into categories. There were no South Africans in the true sense of the word. You were either Xhosa, Zulu, Ndebele, Pedi, Afrikaans, English, etc. Volk, therefore, came to mean the white Afrikaner nation alone.

Verkramptes: Conservatives. These were the people who, by and large, supported the views of the KP. It was said of the KP's leader, Dr. Ferdi Hartzenberg, that he was "so verkramp jy kan met hom ploeg" (so rigid you can use him as a plow).

Rooinek: Red neck. This insult to white English speaking South Africans was reportedly coined at the turn of the century by Boer soldiers fighting against the English in the Anglo-Boer War. As the English settlers are a far more recent import it was said that their skin could not handle the hot African sun and so burnt and blistered, while the Afrikaners, whose land this purported was, were tough and hardy enough to withstand the African sun. In a political context this insult served to undermine the notion that the English settlers were just as South African as the Afrikaner himself.

Soutpiel: Salty Penis. This gem of an insult is explained in the main part of the article.

Boers: Farmers. This was the title that the settlers of Dutch origin gave to themselves in the last century.

Ken Morrison is the former Secretary General of SALSA

El desarrollo económico y la cultura de la honestidad

de Raúl Mendoza Cánepa

El capital humano

No es habitual en nuestras sociedades que se considere al capital social (o recurso humano) como una herramienta importante para el desarrollo económico. En cualquier caso, toda reflexión al respecto queda sujeta exclusivamente al marco de la formación técnica o de la educación.

Es común asumir que los cambios tecnológicos son los que afectan la productividad, la cual es una relación oportuna y eficiente entre los recursos disponibles y los resultados planeados. Pero, la capacidad inventiva y la iniciativa humana, que han sido uno de los soportes del capitalismo, no explican ni pueden sustentar por sí mismos las expectativas de desarrollo económico.

La educación ha sido planteada con una visión sesgada, en cuyo programa, la formación de valores sociales productivos ha sido un elemento ajeno. Estuvo presente en el discurso, pero la realidad cultural estuvo, por lo menos en las sociedades latinoamericanas, siempre marcada por otros conceptos.

Lo que pretendo es señalar que existe una interrelación entre los valores, la economía y el Derecho, y que esa conjunción bien atendida es la que hace posible el desarrollo económico, *ceteris paribus*.

La confianza y las relaciones jurídicas

Parto de una premisa: la economía no es una ciencia exacta. El factor humano involucra un índice de impredecibilidad del comportamiento. Tampoco es razonable afirmar que todas las conductas tienen un sustrato económico. La psicología y la ética tienen un papel predominante en este juego de intereses, por lo que las pautas para el estudio no pueden depender únicamente de la condición de

escasez.

Francis Fukuyama afirma que los modelos de sociedad basados en la familia tienden a generar menor grado de confianza que aquellos en los que los vínculos interindividuales extrafamiliares son más fuertes. Según su teoría, fuera del núcleo familiar no se ha formado un nivel suficiente de confianza. Es por ello, que el Estado en sociedades latinas, tiene un patrón de actividad mayor. El intervencionismo no es otra cosa que una reacción del Estado frente a una sociedad donde la confianza ha sido excluida como pauta fundamental de las relaciones sociales.

La tesis esgrimida por Fukuyama no es necesariamente acertada en sus ejemplos mas sí en su base ideológica. El capital social - el elemento humano - es un factor importante del desarrollo económico allí donde predomina la confianza, es decir, donde la verdad es un valor respetable y donde los individuos interactúan como leales agentes económicos. En el entorno, ello supone un cúmulo de acciones individuales honestas y cooperativas, y la poca incidencia de la mentira como medio para obtener resultados.

La tradición moral tiene estrechas conexiones con los funcionamientos eficientes de los mercados. Las contrataciones prescinden, entonces, de un marco regulatorio previo. La anomia social - en el mundo de los contratos - es la falta de efectividad de las normas, simplemente las normas acordadas en los compromisos no se cumplen. En otros ámbitos, la palabra empeñada carece de fuerza, y el engaño o el disimulo corroe la institucionalidad (familia, poderes del Estado, instituciones democráticas, relaciones privadas).

Es entonces que el Estado interviene con su aparato normativo y su coerción. Se fijan las reglas a la que habrán de someterse las partes, considerando el carácter oportunista de las

mismas. Al mismo tiempo, los costos de contratar aumentan en razón de la incertidumbre que proporciona el comportamiento impredecible de los agentes. Todo ello redundaría en que las opciones o libertades de los individuos sea mediatizada por un ordenamiento que escapa a lo que las partes efectivamente quieren cuando se juntan para celebrar un acuerdo.

La fuerza descomunal de la cultura y su influencia sobre la economía y el Derecho no pueden ser despreciadas, no si aquella constituye una de las variables, generalmente ocultas, del desarrollo.

En una sociedad anómica y de débiles componentes morales, los incentivos para tomar acuerdos son minimizados por lo que el rol del Estado debe sobredimensionarse adquiriendo imperativos de intervención que la sociedad admite en preservación de sus intereses frente a los demás actores del intercambio.

Douglas North sostiene que las instituciones definen el marco de acción dentro del cual habrán de desarrollarse las relaciones socio jurídicas. Esas instituciones proveen de normas formales (Estado) o informales (acuerdos). En una sociedad con un nivel alto de confianza y correlativamente guiada por valores (lealtad, buena fe o verdad) no será el Estado el que se vea precisado a establecer el marco regulatorio de las relaciones privadas sino los mismos agentes a través de las reglas acordadas. Las funciones efectivas del Estado tienden a reducirse por que la sociedad civil ha adquirido un alto grado de suficiencia. El mercado se expande y consecuentemente, con él, las posibilidades de empleo y riqueza dentro de las sociedades.

Entre la mentira y el estancamiento

Existe una relación inversamente proporcional entre la confianza de las relaciones interindividuales en una sociedad y el grado de intervención del Estado, y en consecuencia, la acumulación de poder de los gobernantes. Usando otros términos, podríamos argumentar: a menos soporte moral, menos confianza en las relaciones y por ende en los acuerdos. A

menos confianza en las relaciones, mayor intervención del Estado en todos los niveles. El exceso de regulación y de intervención apareja una mayor magnitud del poder político y probablemente un mayor índice de corrupción política.

Por ello, interconectar temas tan disímiles como Educación, Cultura, Derecho y Economía, y plantear programas de desarrollo a partir de un enfoque interdisciplinario es una exigencia que no puede ser desechada.

La influencia que detectamos entre los patrones culturales (morales, psicológicos, etc.) de las sociedades y el desenvolvimiento económico de las mismas, así como las consecuencias de esta relación en el sistema jurídico es un fenómeno usualmente poco percibido y que no podemos pasar por alto.

Una ética previa define y sustenta el comportamiento en el mercado: uno de los componentes valorativos es el culto a la verdad, del que se desprende como efecto inmediato la confianza. Esta determinará nuestra predisposición al riesgo y lo que estemos dispuestos a arriesgar en un contrato.

Un país sin seguridad jurídica ni moral no tiene los resortes necesarios para el ascenso. Si la verdad y la honestidad están ausentes de la práctica del poder político y de las vidas privadas o si el pensamiento de Maquiavello (raíz del pragmatismo) invade todas las esferas, haciendo de la verdad un valor relativo y móvil según la inmediatez de la necesidad, entonces careceremos de los pilares para el desarrollo económico sostenible.

Ruskin decía que la verdad no puede reducirse con matices, la verdad o es o no es (así a secas). La confianza es el efecto de ella y el desarrollo de los pueblos, probablemente, sea una de sus promesas.

Raúl Mendoza Cánepa es miembro del „Movimiento de Liberación“ en Peru y un abogado que trabaja con la ONG "Comisión de Juristas Andinos", la cual promueve y defiende los derechos humanos en todos los países de la Comunidad Andina.

Means to deal with and combat Unemployment

by Georg Hammerer

From May 3rd to May 8th 1999 the IFLRY seminar "Means to deal with and combat unemployment" took place in Vilnius, Lithuania. The seminar was hosted by the Lithuanian Liberal Youth.

IFLRY chose an issue that is a very important – if not the most important – issue in the current political debate worldwide as topic for the seminar: unemployment. In the past decades two major changes in employment have occurred: The first is the ongoing globalisation of economy and thus of employment. Therefore unemployment is no longer a problem linked only to a specific national economy, but it has become a truly global problem which needs to be resolved on a global level.

The second change is a change in the nature of work itself: more and more wealth is created while the level of employment roughly stays the same in the industrialised countries. But as the overall workforce is growing, this process leads to a rise in unemployment, summing up to about 35 million unemployed in the industrialised countries and uncounted millions in the developing countries.

mentioned the most frequently were the amelioration of the education system and the reduction of the taxes on labour. The education system has to be more efficient and career-guided, but it still has to remain affordable for everyone. The tax burden on labour has to be reduced, as in some (European) countries an employer has to pay the same amount of money to the state as he pays to the employee – who himself has to pay a large part of his salary to the state.

IFLRY has laid special emphasis on the situation of groups often marginalised by society, like women, youth and immigrants, who are often touched the most by unemployment and by the problems arising with it, as social exclusion, drug abuse or prostitution.



Ken, two Lithuanian hosts, Kristian, Dan and Stefan

The seminar participants have tried to analyse the causes for unemployment and the problems related to it specific to different regions as well as to derive possible solutions. The points

As the seminar has taken place in Lithuania, IFLRY has also tried to cover the problems specific to the transition economies in Eastern Europe and the chances and risks of the-



IFLRY Vice President Meaghan Conroy at some later hour

enlargement process of the European Union regarding the employment situation. There are still problems in the structure of the economies in some Eastern European countries, these structures have to be developed with Western help to create an economic and legal background to attract foreign investments and loans as well as to promote entrepreneurs' initiatives and small- and medium sized businesses.

All in all, the seminar was an interesting forum for the exchange of experiences and the presentation of the unemployment situation in different countries and different cultures.

But of course we were not only occupied with unemployment problems: besides of enjoying the "natural beauties" of Lithuania we also learned some important facts for life. Zlatko Blazevski from the Macedonian liberals for

example taught us the secrets of family planning: having two children is according to him only simple reproduction, a family needs to have five children – mass production! Well, sure, Macedonia needs more people...

But there are alternatives for people who are not into family mass production: In Lithuania you can buy sex in the supermarket. Really. A strangely luminating red liquid in tiny bottles. Zivile! (=cheers)

All in all, it was a fun experience, we had a great time and enjoyed Lithuania a lot. A big "thank you" to our hosts, the Lithuanian Liberal Youth, who made this seminar possible and who greatly contributed in making it an interesting and fun event.



LYMEC President Jan Burdinski seemingly enjoying the Lithuanian beer

Thanks to Alison Clement for the photos!

Thoughts on the Civic Society

by Christopher Gohl

"The dogmas of the quiet past are inadequate to the chances present. As our case is new, we must think anew and act anew."

Abraham Lincoln

The last ten years have seen amazing changes of our economies, our culture, and even our political systems. Since 1989, globalization and fragmentation ("glocalization"), the end of the industrial working societies, people growing ever older, the increasing information-networking, urbanization, and the growing cultural, political and social pluralism have changed the way people relate to one another. Old models of the nation state, a national economy, and relative ethnic homogeneity turn out to be fictions of the past.

At a time when even political science is only slowly coming to terms with the new reality - save such hot-shots like Anthony Giddens, Martin Albrow and Ulrich Beck - one liberal party has anticipated many of the changes, and has integrated most of them into a comprehensive and positive vision of the future. The German F.D.P.'s "Wiesbaden Principles for a Liberal Civic Society", adopted as early as 1997, is an amazing piece of programmatic foresight. No other party programme in Germany equals the liberal platform in its comprehensive blend of un-ideological realism and positive vision. (The trouble is, most F.D.P.-members have no idea how good their principles really are.)

What is "Civic Society", and what does it have to do with Europe? A "European Civic Society" is the vision that comprehends all those developments cited in the first paragraph, and turns them into an opportunity to establish a more humane way of relating to one another. The vision is based on the insight that we can answer the challenges of today and tomorrow only *with* and *through* all citizens, never *for* or *without* them.

Several conclusions can be drawn from that insight: a) acceptance of the fact of constant change means an opportunity for paradigmatic

change in the relations of individuals as citizens, with their government and their society, b) the role of government changes, c) civic society is an opportunity for sustainable development, d) civic society is a reflective, learning society, and e) liberalism assumes a new role as the "grammar" of a civil society, assuring a "practice of freedom".

The paradigmatic change: The modern nation-state has been a "container state", with a more or less homogenous society at the bottom and government hovering above it. Modern politics mostly meant social engineering, preferably centralized. In any case politics was the exclusive domain of government, a bridge between government above and society below being the political parties. Well, that's a matter of the past with postmodern civic society. It means the end of ideologies, of central planning and steering, and the end of politics without the people. Civic society is a pluralistic, cooperative as well as competing, self-organized, networked and participative society. Politics now is a matter of participating. Tony Blair and the F.D.P. both call it the "stakeholder-society".

The role of government changes. Civic societies are active societies, because people increasingly have the opportunities and resources to organize themselves (just think of information networking and its decentralizing, empowering force). Government now becomes a partner in citizens self-determined and free self-organization - not the people's master, and not only their protector. Government becomes a moderator of pluralism, an activator of self-determination rather than a decision-maker, a provider of opportunities rather than the re-distributor of the social-democratic central planning state. "Government" needs demystification. Governmental policy, with John Rawls, has no goal of realizing any one particular (national, social democratic, religious...) conception of justice. It remains largely neutral. It serves society, instead of trying to be the master of societal engineering. That's a paradigmatic change

from modern centralized governments postmodern, decentralized government. That is why Civic Society can realize sustainable economic, ecological and political development much better. In the face of all global challenges such as environmental problems some call for a more authoritarian style of governing, either a “dictatorship of good-will”, or at least a more centralized form of government. But nothing would be more counterproductive than an imperial, centralized world-government. Civic society embodies a liberal lesson now primarily known to economists: For the common good, we should never ignore the ideas, the initiative, the will of citizens to work, in this case for a better future. No political system should pretend that bureaucrats and other so-called experts, as an elite, can answer the many future challenges alone. Instead, we have the chance to face global challenges locally, and much more comprehensively and thoroughly there.

Civic Society is hence a reflexive, reflective, and learning society . If more and more people are participating on many different levels, a culture of participation, a “practice of freedom” will develop. Its core values are responsibility, pluralism, solidarity. Civilization is understood to be a common, and daily effort, not governments business. Thus, more and more people engage in the practice of reflecting public matters. Liberal values of freedom and self-determination are the pillars of such an enterprise.

Liberalism, indeed, becomes the grammar of Civic Society. Liberalism concerns the way we do business, not the goal we should reach. It means a style of doing politics in reciprocal respect. Liberalism provides principles, not answers. Preserving the question before the answers, insisting on self-reflection, insisting on active self-determined people, it puts an end to planning and distributive bureaucracies. Liberalism does not pretend to know how the end of history ought to look like - it is not as presumptuous as, say, the communist regimes that citizens in Eastern Europe brought down. Clearly, the idea of Civic Society owes much to Eastern European ideas of Civil Society that were so instrumental in bringing down totalitar-

ian governments. Note the difference between “Civic” and “Civil Society”: Civic Society means the paradigmatic (postmodern) change in our thinking of politics and the role of government, and encompasses the sphere of Civil Society. Roughly said, civil society has always meant “family plus non-political associations”, and Eastern Europeans were right in demanding respect for expressions of civil society. They rediscovered “the citizen”, the “citoyen” again - something we in the West had often forgotten. We had turned into consumers or customers of government. Eastern Europeans such as Adam Michnik, Vaclav Havel and others injected new meaning into what a noble idea it is to be a self-determined citizen.

We are now in a constant state of flux, and we have to find ways to guarantee change. As societies grow more and more heterogeneous, new forms of societal self-organization are already emerging on local, regional and European levels. “Nations” and their national states can no longer remain the dominant organizing politics and international actors. Societal actors emerge and become more important. That is precisely the chance for a liberal civic society that guarantees and welcomes changes.

There is one critical issue, though. It is the question of identity. Everywhere, we are now witnessing how change prompts people to seek refuge in parochial, often radical identities - think of rising religious fundamentalism, growing ethnic pride. Liberalism has traditionally been somewhat indifferent to questions of identity. Liberal ideas are universal, they transcend particular ideas of oneself.

But a Civic Society respects the need of people to feel at home somewhere. Indeed, it is one of the fundamental aims of liberalism to guarantee people’s free choice of a “home”. The communitarian challenge is answered: human beings are autonomous, rational actors only for the sake of creating neutral political (public) and economical spheres. We could call these spheres the “horizon”. Constitutions secure the “horizon”, the open and pluralistic society, the stage where we meet and conduct business with one another. Civic Society, then, becomes

that historic space where “home and horizon” are balanced. “Home” is what “vlast” means in Czech, as President Vaclav Havel has explained it in a famous speech to the German Bundestag. It is what secures people a basis to exist, to depart from and to return to. There can be no home without horizon, and no horizon without home.

In conclusion, a European Civic Society could be a society built upon the principles of self-determination, subsidiarity, federal integration, pluralism, comprehensive participation in political, economic and cultural matters, and new solidarity.

It rests on the acceptance of change and pluralism. Only liberalism has the historic strength to sustain that kind of acceptance. All other political ideologies are too narrow-minded. Then let us work together toward a more humane civic society. On our progress depends the progress of all others!

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Border Games in the Caspian Sea: Newly Independent States vs. Russia and Iran

by Imke Roebken

After the dissolution of the USSR many unresolved issues became a source of conflict or potential conflict between the newly independent states in the region.

One of such problems is the question of the legal status of the Caspian Sea. In 1881, after Russia accomplished the occupation of all territories surrounding the Caspian Sea, except Iran, it concluded an agreement with Iran on the delimitation of borders. This Russian-Iranian agreement divided the Caspian Sea between the two countries according to the Astara-Hasangulu line. After the Bolshevik revolution the Soviet-Iranian treaties of February, 1921 and March, 1940 confirmed the previous agreements between Russia and Iran on the Caspian Sea. The agreements divided the Caspian sea into Russian and Iranian sectors and Iran had no right to keep a military fleet in the Caspian. Even though Iran repeatedly called the division of the Caspian unfair, these agreements formed the constitution of the Caspian Sea until the collapse of the USSR. In 1924, 1927, 1957, 1963, 1972, 1980 additio-

nal agreements and treaties were signed between the USSR and Iran. These agreements covered the spheres of trade, navigation and Caspian cooperation. Within the USSR the Caspian was divided between the Caspian Soviet Republics (Russian Federation, Azerbaijan, Kazakhstan, Turkmenistan) and each Republic was responsible for its own sector.

After the collapse of the USSR, Russia took the role of the USSR while three more Caspian states (Azerbaijan, Kazakhstan and Turkmenistan) emerged altering the previous situation with the Caspian Sea. On the surface there was an easy solution: To legalize the new status quo by confirming the previous Sea borders of the former republics amongst the newly independent states, just as they did with their land borders. However, the problem was complicated by political struggles over the new situation.

First Stage: Struggle Against Common Ownership in the Caspian Politically the Caspian states were divided into three parties:

- the Newly Independent States (NIS), Azerbaijan, Kazakhstan, Turkmenistan, which wanted to gain full control over their Sea borders and to govern the natural resources of their national sectors;

- Russia, trying to keep the common ownership over the Caspian Sea and its natural resources and by that means controlling its own national sector as well as the national sectors of the Newly Independent States.. The main goal here was to buy out Western companies from penetrating into the Caspian Region, thus preventing the spread of the Western influence in Caucasus and the Central Asia;

states. So, all parties started looking for a legal status of the Caspian Sea. According to the norms of international law the Caspian can be either a lake or sea. Geographically the Caspian Sea a lake (no access to the World Ocean), but because of its size it can be regarded as a Sea. The Soviet Iranian treaties had regarded the Caspian as a lake and divided it according to the principle of MEDIUM LINE.(principle of division of lakes)

In 1992, the position of Azerbaijan under the president Elchibay was that the Caspian was a lake and its division according to the principle of the Medium Line should be continued. The

division of the Caspian according to this principle had already been accomplished among the Soviet Republics during the Soviet times, so Azerbaijan was proposing that the states just confirmed the existing borders. Russia opposed this principle and took the position that the Caspian was a sea and the Caspian states could have their territorial waters and the remaining middle area of the Caspian should be a common property of



- Iran, which on the one hand was expressing solidarity with Russia in its struggle against the possible spread of Western influence in the region and on the other hand was maneuvering between the contradicting parties, trying to improve its own status as a Caspian State.

In a legal frame the same problems were reflected in the claims of Russia and Iran that no Caspian state could exploit the natural resources of the Caspian Sea, until the full clarification of its legal status and that until that time the natural resources of the sea had to be regarded as a common property of all Caspian

all Caspian states. However, soon Russia understood that this position was mistaken as it did not coincide with its interests. The reasons: If to declare the Caspian a sea the norms of International Sea Law enter into force. So far, there are two main conventions on the Sea Law: Geneva Convention on Territorial Waters and the Subsequent Zone (1958) and the UN Convention on the Sea Law (1982). According to these conventions the coastal states have rights to have internal waters (waters of bays up to the line not exceeding 24 sea miles)+ territorial waters (12 miles) + subsequent to the

territorial waters zone (24 miles) + continental shelf (the continuation of the land territories of the coastal state up to 250 meters depth in the Sea)+ Economic zone (200 miles). As the Caspian Sea is shallow in general, the right of coastal states to a continental shelf alone would wipe out any possibility of a common zone in the middle of the Caspian for Russia. And taking into account that it is impossible to provide all the mentioned zones to the coastal zones, because the Caspian is not that big, according to international sea law the Caspian would all the same be divided following the principle of MEDIUM LINE. Thus, even if declared to be a Sea the Caspian would be divided in the same way as if the Caspian was declared to be a lake.. However, unlike the lake option the sea option had one serious disadvantage for Russia: If the Caspian was

declared a sea it would automatically have a status of a CLOSED SEA according to the International Sea law. And that status would give the VOLGA-DON channel of Russia an international status, since it was the only exit of the coastal states to the Black Sea and the World Oceans. In this case Russia would be obliged of to provide a free passage to all coastal states through the channel, just as Turkey has to do that in the straits in Bosphorus and Dardanelles. Russia therefore revised its position already by 1993. During the meeting of prime ministers of the Caspian Region in October 1993 the Russian premier, Chernomirdin stated: „What is the difference whether it is lake or sea? The main thing is that we are now having here discussions and whatever status we shall decide upon, that will be the Status of the Caspian. The main thing is joint work and cooperation of the Caspian countries.“ Since this time, Russia held the position that the Caspian is a „specific Closed Water Reservoir.“ The trick of that formulation is that all the norms and the principles of all Sea conventions can be applied „if the parties did not agree upon

something else.“ That means Russia can construct any legal system for the Caspian by avoiding the complexities of the international norms and laws, if it can get the other coastal countries to give their consent. The main aim of the whole game was to prevent the coastal states from having their own national Sectors of the Caspian.



Russia could apply its pressures to the degree that its sphere of influence would reach in the Caspian countries. The first country to openly oppose the Russian position was Azerbaijan. On September 20, 1994 Azerbaijan signed the Contract of the Century with Western oil companies and unilaterally started the exploitation of the oil reserves of the Caspian. The second state to hold the same position was Kazakhstan, which also invited Western oil Companies, like Chevron, Exxon etc. and started the oil work in its sector. Turkmenistan which had nearly no cooperation with Western companies was totally under the influence of the Russian position and fully supported the Russian and Iranian position in the conferences.

In 1996 and 1998 the diplomatic confrontations escalated. In September 1996, this started with an official visit of the president of Kazakhstan, Nursultan Nazarbayev to Baku. There he, for the first time openly spoke against common ownership in the Caspian. The joint statement of Azerbaijan and Kazakhstan during that visit underlined two positions:

1. The Caspian should be divided to national sectors and each coastal country should be free to administer its natural resources in its national sectors;
2. The Caspian should be demilitarized.

The second point was aimed against possible Russian threats. In October of 1996 Azerbaijan refused to participate in Tashkent conference of the Caspian Countries. In another conference in November of the same year in Ashgabad, Azerbaijan participated. Russia made its last attempt during this conference. It proposed 45 miles of territorial waters for the coastal countries and that everything left in the middle of the Sea would be under common ownership (previously Russia proposed only 12 mile zone for the coastal



countries). Russia suggested that the coastal countries would have sovereignty over the seabed in the 45 mile zones, but that the surface of the sea and the bio-resources in these zones would be administered in a joint cooperation. Azerbaijan rejected the Russian proposals while Kazakhstan held an indefinite position. Right after the conference Ambassador James Collins from the US State Department visited Azerbaijan and expressed the support of the US for the position of Azerbaijan. It was obvious that the position of Russia and Iran had become weaker and weaker.

On July 6, 1998, Russia finally signed Moscow agreement with Kazakhstan, according to which Russia recognized the division of the Seabed, while keeping the surface of the Caspian undivided. Russia had delayed the signing of the agreement since April for reasons the Russian Foreign ministry called „technical ones,“ but finally saw no other way to solving the contradictions.

On July 8 Iran made a joint statement with Turkmenistan. They declared that „the most optimal variant, serving the interests of all Caspian states, was the principle of keeping certain national zones, while having the middle sector of the Sea as a common sector“ and with this again

returned to the old formula. Interesting is that by then Russia had given up this radical position which now was taken by Iran and Turkmenistan, who initially had just supported the Russian position.

On July 17, 1998 Russia and Iran concluded in a joint statement: „The decisions on the Caspian sea could be made only by the Caspian states, and no country except them had any right to influence the determination of its fate or act as an arbiter.“ The statement also mentioned that no oil pipeline could be constructed under the Caspian Sea. This part of the statement was directed against the strategic TRANS-CASPIAN plans of the Western oil companies, Azerbaijan and Kazakhstan to

built an oil pipeline, which would directly unite the Caucasus with the Central Asia avoiding communications passing through Iran or Russia. The statement also confirmed the principle of demilitarization of the Caspian Sea (in reality both parties making the statement would soon threaten to violate this principle by carrying out military training in the Caspian or building a Caspian military fleet etc.). The joint statement mentioned three options as having been considered: complete common ownership in the Caspian; complete division of the Caspian into national sectors; division of the seabed and keeping the waters under common ownership.

The statement was in effect a resignation to the fact that the Caspian was already divided into national sectors. In December 1998 the Iranian newspaper „Tehran Times“ stated with regrets that „the Caspian was divided into national sectors by Azerbaijan and Kazakhstan and Russia supported the idea.“

...continued in LIBEL 3/99

Imke Roebken in former IFLRY President and currently working in the office of MEP Jules Maaten in the European Parliament

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