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INTERNATIONAL POLITICS

Volume II: Political Process

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INTERNATIONAL POLITICS

Volume I: Global political system
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Introduction

Considerations about international politics represent a discussion beyond personal experience for most people as well as a bit of an exclusive topic for chosen ones. Even the mediated contact can be illusive: watching war on TV resembles a movie, a purchase of imported goods looks like a purchase of domestic products, customs officers follow regulations and the same is done by policemen in native towns; however this means something different. Pompous summits or banquets of diplomats do not explain a puzzling dissimilarity, which exists. International politics is specific due to something else; it is a special functioning of power in the world political system.

The understanding of international politics in this study is not out of line of its traditional concept. First of all, this statement means that it is not a policy of nations, but mainly the policy of countries in the world policy system. However, today, this does not only relate to the policy among countries, though this part of international politics with the help of which sovereign governments try to ensure their security and to fulfil many and sometimes conflicting objectives, is the most important. If the collocation "policy among countries" is too narrow on one hand, – the term "international affairs" is too wide for this study on the other hand – as the book is focused on those parts of international affairs that are of natural political character, whereby economic, social, cultural, and ecological relations are put aside. According to this meaning, it neither means "inter-national" politics, nor international affairs, but world politics. However, the term "world politics" is often understood in the Czech surrounding as the policy in the world, e.g. the interior policy of another country, the policy related to the world as a whole, etc. Therefore we use a traditional, though semantically inaccurate, but in general understandable term – international politics.

Prague, July 2006

C. Foreign politics

11/ NATIONAL INTEREST

Foreign policy of the state is an activity of the most important actor of world political system – therefore, it is logic that it catches the full attention and it serves as an example for the evaluation of other actor's behaviour. Such a focus on foreign policy transfers the interest of theory from international policy as "the policy in international or interstate surroundings", from the relation between two or more states and from the nature of the world political system: the attention is directly focused on the process of the formation of foreign policy, to the way of decision making on concrete intentions of the state and on concrete acts of statesmen.

The world political system is the most important surrounding part, by which a specific state realizes its foreign policy. In order that foreign policy might be successful, it must respect the objective character of its surroundings, the fact that milieu, by its existence and form, does not only depend on the foreign policy of one concrete state. The politician that makes decisions, must – of course under the conditions that he act rationally – know the surrounding, respect it, and if necessary, use principles of its functioning. With regard to the fact that in the anarchic surrounding, the first task of the state is to ensure its own existence, the state is obliged to determine this minimum interest. As the surroundings requires the reliance on own strengths according to conditions, the states must define its fundamental state interest specifically as an additional power to ensure its existence.

Interest represents the connection of objective reality in the form of international surroundings with the subject of foreign policy – a state or statesmen. The relevant complex of state goals is perceived objectively on regular basis as a state foreign policy interest, whereby objectivity is given, on one hand, by material characteristics of the state as population, economy, army, etc., and on the other hand, by exterior surroundings of the state – the system of world policy, the principles of the balance of power, the interests of other states, etc.

However, experience proves that there are various concepts of a state's foreign policy – and very often these concepts are ensured in such a manner that they represent an expression of the state or national interest. The ambiguities result from the idea that needs and interests differ. The need is regularly perceived as an objective, material necessity, a condition to fulfil a specific goal absolutely or relatively inevitable for the state to survive or to develop. Contrary to the above mentioned, the interest is understood as subjective – as a reflection of this need in men´s consciousness. If the national interest is perceived according to this sense, than many differences or contradictions in the concept of concrete state national interest understood by various elites are possible. However, the interest is also such a category of human consciousness that reflects objective needs – it is not a contingency, an arbitrary act of free intellect, fantasy, imagination. It is a subject-object term. It is the maximum rationality that is available for man, as a wise human being, to determine his needs. However, this maximum is not ideal, because the needs are reflect in consciousness complicatedly.

The above mentioned peculiarities of interest in international policy allows the use of historic experience to determine the interest of specific states. According to American political scientist and journalist Walter Lippmann, *behaviour of nations during a long period of time is the most reliable sign, but not the only one, of their national interest… there is no mystery, why this is like this: geographical facts are not changeable, history goes over heads of mankind and the Lord resolves slowly; then the future generations face almost the same problems and respond to them in a very similar manner.*[1]

Hans Morgenthau, the American political scientist who was the most significant theorist of international relations after the II. World War states in his book, Politics among Nations, that the interest is *the main indicator of direction that helps… to find the way across the landscape of international politics*, whereby it is a concept *defined according to the terms of power. This concept represents the link between the reason trying to understand international politics and the facts that should be understood... The interest defined as a power is an objective category that is universally valid.*[2] In the sphere of international relations, the term "national interest" as a rational definition of interest according to the terms of power, is widely used. It is like this thanks to Morgenthau – and thus apart from the problem of conceptual determination of interest, a terminological problem has been added.

Nature of idea

The idea of national interest is deducible from Machiavelli´s concept of ruler interest – just replace the term of sovereign. The present concept of national interest originated concurrently with the idea of the balance of power with regard to the world political system. In reality, we can find some vision of national interest in the works of any modern researcher that is interested in the balance of power.

Sometimes, Charles Beard is considered to be an author of the term, "national interest". At the beginning of the thirtieth of the 20th century, he published the book about this topic. He tried to define the state interest with the help of the development of state idea and thus he opened the way to differentiate three concepts or phases of state interest:

- DYNASTIC INTEREST. The state interest is considered to be a wish of the monarch to keep or to extend his manor, i.e. the control over territory and people. The Grotios works only mentions the behaviour of rulers, but Emerich de Vattel looks for the rules of state behaviour;
- *RAISON D'ÊTAT*. The above mentioned cardinal Richelieu rejected the idea that foreign policy should have been based on the dynastic, sentimental interest or wish of the ruler –

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[1] LIPPMANN, Walter: *Zahraniční politika a válečné cíle Spojených států.* Praha: Družstevní práce, 1946, p. 94–95.
[2] MORGENTHAU, Hans J.: *Politics among Nationp. The Struggle for Power and Peace.* Revised by K. W. Thompson. New York: A. A. Knopf, 1985, p. 5 and 10.

state interests are superior to the interests of kingdom or country, ruler or people. The art of governing depends on the differentiation of these interests, of course regardless ethical or religious requirements. The national-state pride, glory was considered to be a state interest. However, in France during the reign of Luis XIV., when this concept appeared first, it started to be obvious that glory and profit do not always match;

- NATIONAL INTEREST. The state assumes responsibilities on behalf of inhabitants and reports to the inhabitants. The inhabitants of states live and work in uncertain and threatening surroundings – therefore, it has little other option than to supersede its interests to other states interests. Thus the interests of states become the synonym of national egoism.[1]

There are many definitions of national interest in general terms or more concrete ones for individual states. In principle, mostly they are variations of the thesis that the national interest is a complex of the state various requirements resulting from its geographical location, historic experience, and current relations with other power centres. However, the national interest is a very differentiated phenomenon intrinsically. It is a special category that comprises several parts – in some sense, it is a complex of the goals that cannot only be divided, but also sequenced variously in theory and in practice.

The parts of "the most general requirements of states" are divided, classified, and rearranged – mostly in some hierarchical scale – according to various criteria, Thomas Robinson, who shifts from the analysis of Hans Morgenthau´s work, is of the opinion that *only three adjectives are necessary to characterize a national interest. For example, the interest can be classified as primary, permanent and specific, or secondary, changeable and general*. From this point of view, it is possible to use several basic criteria for internal division of national interests of states:

- VITAL INTERESTS are specified by their requirement of preserving the physical, political, cultural identity of the state with regard to external surroundings. Vital interests do not like compromise or exchanges. All states have this type of interest and they must defend it to survive regardless the price they must pay.
- SECONDARY INTERESTS are the interests that do not belong to vital interests, but they contribute to their fulfilment.
- PERMANENT INTERESTS are relatively constant interests and their change during time is very slow.
- CHANGEABLE INTERESTS result from all clashing political streams, i.e. interests and opinions of individuals, public opinion, group interests, political and moral traditions of nation, etc. It is that part of national interests that a specific state chooses in their concrete form as its national interests – they can be primary and permanent interests.
- GENERAL INTERESTS are the interests that a state determines in a large geographical area or with regard to many other states or in some specific sphere as economy, trade, diplomatic trend, or international law. Such an interest was represented by the British interest to keep the balance of power during the European concert.
- SPECIFIC INTERESTS are the interests that do not belong to general interests and are determined for a limited period or space.

According to Robinson, it is possible to determine three types of "international" interests, the types of groups of some state national interests; these groups of interests are variable:

- IDENTICAL INTERESTS are the common interests of some states.
- COMPLEMENTARY INTERESTS are the interests that are not common for several states, but they can mutually complement and they do not exclude or allow the agreement in some questions.

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[1] See SONDERMANN, F. A.: *The Concept of the National Interest.* In: *The Theory and Practice of International Relationp.* Edited by W. C. Olson, D. P. McLellan and F. A. Sondermann. – Sixth edition. – Englewood Cliffs: Prentice–Hall, 1983.

- CONFLICTING INTERESTS are the interests of state that are neither identical nor complementary.[1]

Critique

The idea of national interest as a compass of state's foreign policy behaviour is in the grip of conflict in two fronts. On one hand, it is a theoretical polemic with the idea of universal human moral imperative or law that is supposed to manage the political behaviour of the state. This polemic is ethically and objectively justified: the idea of national interest was formed into its present context with the help of the concept of Enlightenment egoism. The national interest is defined based on rational evaluation of one state's need and on the knowledge of its controversies and conflicts with the needs of other states. The primary external interest of the state is to protect the power elite, ownership rights, and personal security of their citizens against the citizens and the institutions of other states. The state is a "conflicting group" – the states, together in the world battlefield, compete for power, they look for ways to ensure their existence, either by keeping their position under general competition of national interests or by improving this position. Therefore, the national interest is not identical with mankind interest; it is an interest of mankind's specific group or institution and apart from others, it is also an expression of group selfishness.

The national interest is not only doubted as a philosophical standpoint, but also as a suitable intellectual base for ethical and legitimate policies. The idea of national interest in its clear concept of group egoism is in discrepancy to some practical expressions of the civilization process. This mainly relates to three developmental trends:

- The origination of the technical possibility of mankind's self-destruction due to nuclear catastrophe points out that the national interest cannot be only backed by a state power egoism. Real Enlightenment sobriety is necessary, and as such it be understood that mankind's interest in surviving is a component of the national "selfish" vital interest.
- The increase in the importance of supranational institutions – political, legal, economic, etc. – defines a term of sovereign in a new way. The states start to consult their political decisions and behaviour with other states or supranational institutions or they act in accordance with the decisions of these institutions or even through them. The above mentioned process of classical sovereignty does not relate to all states equally and not to all aspects of state policy – however, this phenomenon is more frequent than it used to be earlier. This trend of interstate policy change need not mean a loss of national identity.
- At the same time, the modern concept of human rights that becomes an active part of human culture, abandons the concept of state or nation as a base of international policy and this function of interest and motives of political behaviour source is seen in a man as an individual or a citizen. The importance of world public opinion, non-governmental organizations in international sphere, and mass media has been increasing – though the idea of human rights is too often a propaganda tool of the state classical power policy.

The idea of national interest is also rejected as a tool or a rational base of the determination of state´s foreign policy goals. The reasons of such a standpoint can be classified in main three groups:

- The national interest is too wide, inexact, vague, and general. It is so indefinite that it does not allow the useful analysis of state tasks. The typical example of this vagueness is the period of the Vietnam War, when many American intellectuals and politicians criticized the American government, because the intervention in Indo-China did not correspond with

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[1] ROBINSON, T. W.: *National Interest.* In: *International Politics and Foreign Policy. A Reader in Research and Theory.* – Revised edition. – Edited by J. N. Rosenau. New York, Free Press and Collier–Macmillan Ltd., London 1969, p. 184–185.

the national interests of the United States – and government and its allies alluded to national interests when defending their actions.

- The problem of the national interest category is a question of means and goals differentiation. Is the national interest just a complex of goals, the awareness of needs, or is it also able to select suitable means? If it is in the interest of the U.S.A. to prevent communism in Asia, should this happen with the help of intervention or purposive economic assistance?

- Furthermore, there is also the question of medieval conflict between nominalism and realism: whose interest is a "national interest"? How is it defined and by whom? Is not the "national interest" just an interest of the group of statesmen, privileged classes, or state bureaucracy?

None of these theses challenging the existence or the importance of national interest is fully contradictory with the idea of national interest as a compass in the power surroundings of the world political system; they are only contradictory to the vision of the world policy as "meeting of billiard balls". The national interest need not to be understood, in every situation, as the source or the manifestation of conflict. There can exist vital interests of the state that are complementary or even identical for several states – so objective are the interests in solving global problems. It is a classical political interest, not a moral norm: the interest to solve global problems is a self-defence, an interest of the security of state, its elites and citizens. There is only a question, whether the state according to the Westphalian concept is the institution that is able to fulfil this objectively existing own interest.

<p align="center">*   *   *</p>

The national interest is a category that helps to lay the objective foundations of the state foreign policy. When defining it, many doubts challenge it due to the fact that some defenders of the national interest idea perceive it only as a question of security and they understand power as a goal, not a tool. This results in a narrow concept of power as a military force. However, it is the national interest of the United States, Russia, and China to avoid nuclear world war. The humanistic concept of national interest neither excludes the connection of a state's security interests with the requirement of sustainable development and the associated idea of the high quality of life. According to Our Common Future, that was adopted by the World Commission on Environment in the year 1987, sustainable development is defined as *the development that fulfills current needs and not threatens the ability of future generations to fulfill their needs*[1]. This approach does not exclude the connection of national and human interests. There is also a vision to secure the state's interests that are beyond the limit of military force: e.g. Barry Buzan, one of the most important representatives of the Copenhagen School of International Relations, states five factors of security that can be understood as a base for the modern concept of international interest:

1. Military security relates to the offensive and defensive abilities of states, including the perception of other states intentions;
2. Political security relates to the states organization stability, systems of governments, and ideology that legitimize them;
3. Economic security relates to the access to resources, finances, and markets inevitable for keeping an acceptable standard of living and state power;
4. Societary security relates to the preservation – of course, under the acceptable conditions of evolution – the traditional models of language, culture, religion, national identity, and customs;

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[1] According to JEHLIČKA, P.: *Mezinárodní politika životního prostředí: konflikt mezi integrálním ekosystémem a fragmentárním systémem států?* In: *Stát, prostor, politika*. Ed. P. Jedlička, J. Tomeš a P. Daněk. Praha: Univerzita Karlova, Přírodovědná fakulta, 2000, p. 87.

5. Ecological security relates to the preservation of local and planetary biosphere as a basic supporting system, on which any human acting depends.[1]

The concept of national interest is confrontational as well as operational if the security of the state is understood so wide. Though, the national interest is understood as a group selfishness, it does not exclude cooperation – conflict can damage the selfish interest, cooperation can contribute to its fulfilment. However, this presupposes not seeing the differences of national interests just as a zero sum game.

12/ DOCTRINES, STRATEGIES AND TECHNIQUES

The determination of national interest is the way of defining the most general goals and tools of foreign policy. Therefore, the analysis of national interest is a starting point to stipulate the foreign policy course of the state. In fact, the national interest is an expression of the general ideas of individuals and groups about the needs of doctrines. Doctrines and strategies are different phenomena compared to the national interest. If the category of national interest, apart from the illusion of objectivity, includes a certain flavour of abstract theory, then the doctrines and the strategies are practical concepts: the doctrine as well as the strategy are manuals for acting.

With regard to the needs of international political studies, the doctrine is a conceptualized framework of the foreign policy. The doctrine of the foreign policy is a doctrine comprising the relatively systematized and formally approved complex of ideas and slogans that specify the priorities of political goals as well as methods of how to achieve them. Some journalists, specifically Americana journalists, also speak about so called great strategy with regard to the above mentioned. The doctrine is an official concept of the use of power by a state in the international field.

As an ideal case, the doctrine represents a base for approving special concepts to use the individual aspects of power and for work of individual departments – the strategies of diplomatic activities, the strategies of economic activities abroad (e.g. in the form of economic assistance), the propagandistic strategies, and of course the military-political strategies. These two concepts are often mixed up, because the doctrine as well as the strategy are the political concepts that originate based on three linked activities: the analysis of situation, the choice of general goals, and the choice of tools.

Under the conditions of the world political system, controlled by the principles of the balance of power, the power elite can choose among four general courses of foreign policy while defining the doctrine:

- The policy of self-preservation, in its ideal form, is of defence policy status quo character, but it need not have this form in practice. This relates to a complex catalogue of national interests focused on the defence of independence and sovereignty, from preventive war up to the creation of security zones and the sphere of influence after reconciliation, etc.
- The policy of self-enlargement, in its ideal form, is of an imperialistic policy character. This course is focused on extending governance over other people – to extend the way of life (religion, freedom, socialism, etc.), and enlarge the territory. However, the policy of self-enlargement can also be motivated by the requirement of returning a lost territory,

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[1] According to The European Security Order Recast: Scenarios for the Post–Cold War Era, London: Pinter, 1990, p. 9.

to emancipate it from foreign control. In general, the policy of self-enlargement has takes form of one from general goals:

a) The acquiring of territory with the purpose of achieving an economic advantage or to ensure security interests, prestige, or other interests. Until the industrial revolution at the end of the 18th century, the international division of territory was synonymous with power and wealth distribution;

b) The increase in control or impact upon the world economy, the international division of labour. The flow of resources as capital, technologies, commodities, or the impact of the determination of the monetary system nature, belong to the topics of today´s state power policy;

c) The increase in the impact upon elites and the public in other states. This policy can be motivated either by the wish to increase mutual understanding or by neo-colonial goals.

- The policy of self-renunciation which has "higher" – mostly human – goals than national interests. This policy can prefer international solidarity, humanitarian principles, law, (e.g. in the form of following treaties to the detriment of its own advantage) – or it can prefer questions of peace over questions of security;

- The policy of prestige that looks for a tool of self-expression, self-definition, or even a state or regime legitimization in foreign policy. This policy can have a different motivation as well:

d) The policy of prestige was typical for dynastic regimes and it is still characteristic for aristocratic approaches to foreign policy. It is a policy of the world of vague formalities, ceremonies, additional personal profit, elite atavism (Hans Morgenthau). This power policy understands power as a goal itself;

e) The policy of prestige has its place in today´s international relations. This policy, very often having unrealistic goals, can be seen in the states of the third world that originated based on decolonization and have not any old foreign policy traditions, but also in the post-socialistic countries that try to manifest that they belong to the west. The state values are not enrooted in these countries in the social, cultural, and political identity of a nation, which results in an absence of one from the principles of traditional foreign policy.

If the history of international politics knows many doctrines, strategies, and tactical moves in the foreign policy of the states, the system itself limits many general procedures or the methods of state's foreign policy behaviour. In general, we can distinguish five of the most important methods, the tools of diplomacy and war that have been used and that are focused on the solution of the state's security policy under the competitive conditions of the world political system:

- METHOD OF INTERVENTION focused on the elimination of competitive interests, states, or regimes. The well known form is represented by a direct intervention into the interior issues of other states in the form of territorial expansion – e.g. colonization or occupation.

- METHOD OF "DIVIDE AND RULE"; using this method, the states try to increase their own power based on crushing an opponent power, dividing enemies, or preventing potential opponents to ally.

- METHOD OF MUTUAL COMPENSATION; using this method, state A increases its power based on a compromise agreement with state B in order to divide the power of state C.

- METHOD OF ARMAMENT; using this method, the states improves its position in a possible or current war conflict, because it increases its power potential, either for the defence of the status quo or for a possible imperial policy. The armaments also represent a factor

for discouraging an opponent, i.e. it is an indirect power tool. Furthermore, the armament as a method of power policy can deplete material resources excessively and corrode the moral unity of the inhabitants of hostile states by forcing the armament race.

- METHOD OF ALLIANCE; using this method, the state increases its power ensuring its own security by its direct connecting with the power of other sovereignties.

Militarism

Power is an arbiter in surroundings where everyone is a judge in their own disputes. The above mentioned methods and techniques of foreign policy either come from strength or they respect strength. Therefore, doctrinal thinking and strategy must focus the state on armaments and potential use of forces. At the same time, it is applicable that the doctrine and the strategy should look for such goals and such tools that would not deplete all power potential of the state. The purpose of rational doctrine is not only to assist in effective power executing, but also in ensuring power reserves for the future and other tasks. This ideal cannot be fully realized under the condition of endangered state vital interests, because their defence requires maximum use of power. However, the rational economy of power is a permanent ideal that results from two of the most general dimensions of foreign policy.

With regard to the significance of war in international politics and the army for the determination of state power, the question of economy can be modelled as the problem of transferring resources into power; i.e. a well-known symbolic dilemma, whether to decide for "guns or butter". This dichotomy is not absolute. Under the conditions of capitalistic anarchy, either in the world political system or in the domestic market, the sufficiency of "guns" to ensure the state security can represent an inevitable condition of the sufficiency of "butter" and vice versa. However, this does not only mean a necessity to provide for the conditions for the economic development of society or the immediate profit of elites resulting from colonization and wars. Economists point out that there are also positive economic consequences of society militarization:

- Relatively excessive capital is taken out from the reproduction process, because arms are realized apart from productive and personal consumption;
- The arm systems will be surely exercised, because the advantageous purchaser is the state. Manufacturing is very often in the form of ordered manufacture for a monopsonist, a monopoly customer;
- The principles of the balance of power result in the permanent need to innovate and to invest, which results in the backing up by the state, backing up of production, using free capacities, and in the state support of military science and research;
- The fruits of science and research can be transferred from the sphere of armament into civil sectors;
- Conditions for better employment, and for including labour reserves into the manufacturing process;
- The production of arms operates as the permanent factor of the market, it calms the level of uncertain demand by permanently high prices, and permanent needs and planning to a large extent. With regard to so-called boom cooling, militarization can be have stimulating and calming effects.

However, the above mentioned do not alter the fact that militarism is a parasitic phenomenon with contradictory economic and dangerous social, political, and ideological consequences. Various people warned about these facts, e.g. German radical social democrat Rosa Luxemburg, and the American president and general Dwight Eisenhower. When leaving his presidency, he warned of the danger of "military-industrial complex" for the American society, because he considered its overall impact – economic, political, and even ideological –

to be apparent in every city, in every authority of state administration, in every ministry of federal government, and he warned of possible catastrophic increases in its power.

Military-political strategy

The foreign policy doctrine represents a general framework of the state's all main external activities – democracy, military, intelligence, propaganda, trade, etc. The doctrine provides these activities with the conceptual base that allows the coordination of foreign policy individual components. Thus, in this way, it defines the general strategy of the above mentioned components. As the military-political strategy deals with the state's main security issues, it creates a natural core of foreign policy doctrines in the world of power anarchy, where self-help is a priority principle of foreign policy.

The military-political strategy determines fundamental principles for building up military forces and methods to use military forces in international relations; according to the French general and military theoretician André Beaufre, the military strategy is "the art to focus *power* on achieving political goals".[1] Every period has had its general strategic principles resulting from acquired levels of military technique, its current or possible scheduled supplied volume, the building up and the training of its army, and also its own dominant ideologies. Strategic weapons, their destructive power, elite ownership, emergency preparedness, and an impossibility of their supplies in the case of total war, has become a base for the formation of current military-political thinking. In principal, these technological changes of military destruction ability were responded to by doctrinal thinking in different conditions identically. The ideologies of the both superpowers and their allies worked with a similar idea of antagonistic conflict, a zero sum game: parties in the bipolar cold world war conflict were divided into two parts, the urge for victory and gains of one party are only possible to the detriment of the other. The solution should have been either a world proletarian revolution, peaceful coexistence, or a crusade against communism. Within this framework, there occurred two developmental stages of strategic thinking that reflected changes of force ratio. The academic expression of this change comes from the United States, where this issue was discussed in public, and there were political applications from the both sides.

A. STRATEGY OF MASS RETALIATION

This concept was exclusively focused on strategic weapons. With regard to the political sphere, it presupposed, specifically in regards to the U.S.A. side, that any change in the world resulted from the activity of a polar enemy. It was deduced that any conflict anywhere in the world should be responded to by a strategic strike against the power centres of the other superpower. In the United States, this orientation was associated with the presidency of Dwight Eisenhower. The presentation of the Secretary of State, John Foster Dulles was very significant for the determination of a mass retaliation strategy. New policies should have been based more on nuclear weapons and less on conventional and local forces. Its sense should have been *great ability to realize an immediate retaliatory strike by means and at the place according to own choice*.[2] The strategy itself was worked out, but also re-defined not only by John Foster Dulles, but also by many other government representatives; they gave reasons for its "economizing" and "humanity" and for the fact that it provided a possibility of avoiding further Korean wars. At the same time, it was declared that "mass retaliation need not only be used against an attacker and directly at the place of attack – but also against the sources of attack, e.g. against the territory of the Soviet Union or the People's Republic of China".[3] In a certain sense, it was an ideal type, a model that neither corresponded with the strength

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[1] BEAUFRE, André: *Úvod do strategie.* Praha, Naše vojsko, 1967, p. 26.
[2] According to *Sovremennaja vněšňaja politika SŠA.* Moskva: Nauka, 1984, p. 294–295.
[3] SCHWARZ, Urs: *Strategie včera, dnes a zítra.* Praha: Naše vojsko, 1968, p. 117.

of military forces, nor worked in military policies – e.g. the defeat of France in Indo-China and the Korean War.

The world was linked with the network of military alliances, binding the destinies of all regions with the interests of superpowers. In association with the strategy of mass retaliation, it meant either peace or thermonuclear world war. The "balancing over the edge of war" was a policy of power that got rid of the possibility of using power rationally. This "both side recipe for suicide" in the form of orientation to a total war, died in the battlefields of the Korean War earlier than it became a military-political reality. The beginning of the overcoming of nuclear rockets stalemate was represented by the solution of the Cuban crisis in the year 1962 and then the culmination was represented by Nixon´s declaration on the necessity of parity, which was followed by the singing of the SALT and START treaties.

B. STRATEGY OF FLEXIBLE RESPONSE

This concept presupposes that the strength of the state will be used during confrontation at that level that corresponds with the concrete nature of every individual conflict, i.e. the significance of values that are bet on a specific conflict. According to the message of Congress that was sent by the American president, John F. Kennedy in March 1961, "no longer can diplomacy and defence be used as two alternatives if one of them fails, both of them must complement". With regard to the above mentioned, he determined the following as the main principles of the military-political doctrine: (a) the chief goal is to prevent war, to assist diplomatic solutions of conflicts, and to prepare arguments with the help of which it might be possible to restrict armaments, (b) strategic weapons and defence against them must be at such a level that they discourage an enemy of realizing a nuclear attack against the U.S.A. as well as against its allies, (c) military forces of the United States and their allies should be so huge in order that they might discourage and prevent nuclear wars, limited wars, diversionist activities, and military activities of armed bands if nuclear attack is not suitable or justified, and (d) all weapons must be finally subordinated to civil power.[1] These principles were included in the Field Order of the United States Army which has been valid since February 1960, according to which the tasks of the U.S.A. military forces are: a) to prepare for a world nuclear war, to be able to strike the Soviet Union and its allies unexpectedly, b) to make local wars with conventional arms or with the limited use of nuclear weapons, c) to make cold war (i.e. to deal with the situation when there is no open conflict between armed forces; to make special unconventional partisan wars, to realize instructing activities) etc.[2]

The strategy of flexible response did not represent an absolute rejection of the mass retaliation strategy – it also included important aspects of this concept. The transfer to the strategy of flexible response was not associated with the rejection of strategic forces, but with their completion within the whole so-called triad scale – nuclear submarines with missiles, intercontinental ballistic missiles, and strategic air forces. The discouraging presupposes and the ability to make either total war or limited war. The orientation to the strategy of flexible response is related to a significant increase in expenses for armament.

In the year 2006, Keir Lieber and Daryl Press published the article named The Origination of the U.S.A. Nuclear Superiority. The basic idea of this article is the thesis that the possibility of mutual destruction between the U.S.A. and Russia, which lasted 50 years, has disappeared and no longer is it applicable that in case of a surprising attack on Russia, the United States will be threatened by retaliation. "Since the Cold War's end, the U.S. nuclear arsenal has significantly improved" and in all its characteristics. Contrary to this, the Russian arsenal was declining. The quoted article emphasises that the modernization of the U.S.A. nuclear forces was not focused on blackguard states or terrorists. And "it will probably soon be possible for the United States to destroy the long-range nuclear arsenals of Russia or China with

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[1] Ibid., p. 184–185.

[2] See *Marxismus–leninismus o válce a armádě*. Praha: Naše vojsko, 1971, p. 196–197.

a first strike." The authors say that according to their calculations it is possible to destroy Russian and Chinese arsenals with a surprising American attack and the rest of the arsenal can be detected by antimissile defence.[1]

<p style="text-align:center">*   *   *</p>

If the core of every doctrine is a military-political strategy, then the core of every strategy of current superpowers is the question of the use of nuclear weapons. In this sense, the doctrinal and strategic thinking at the beginning of the 21st century is a direct descendant of the logic that resulted in the acceptance of the strategy of flexible response in the sixties of the previous century. The theorists, as well as the politicians, that emphasize the limited character of current post-modern war conflicts, when thinking about strategy and army building up, must think within the range of global nuclear war to subversion activities. This is also applicable in the new Alliances´ Strategic Concept from April 1999. This does not only include a vision of conventional missions in EuroAtlantic space. According to this strategy, NATO nuclear forces should fulfil their tasks in such a manner that they will "ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression"[2] – with this is a formulation that includes the Alliance´s determination to use nuclear weapons first. Consecutively, this principle was explained more understandably by the Military Doctrine of Russian Federation that was announced based on the presidential decree in April 2000. According to this "the wide-ranging war can result from the escalation of armed conflict, local or regional wars, if many states from various regions of the world will be involved in it". Article 8, Chapter I of this strategy states that Russia reserves the right to use nuclear weapons as a response if "nuclear or other mass destruction weapons" are used against it or its allies, as well as a "response to the wide-.ranging aggression with the use of conventional weapons".[3] Thus from factual or potential superpowers, only China has a strategy that is exclusively formulated defensively. The concept of Chinese National Defence 2004 says that China holds the idea of nuclear weapon ban or destruction. It states that China "has always emphasized the policy of the nuclear weapons non-use as first and China binds itself not to use the threat of nuclear weapons use against non-nuclear states or non-nuclear zones."[4] However, these differences are only the differences in the texts of documents – weapons of mass destruction have their own destroying logic that in case of a conflict need not correspond with rational ideas of the authors of doctrines and strategies.

13/ INSTITUTIONS

In general, foreign policy is considered to be a privilege of executive power. Until the period of the republican division of power, the decision making about foreign policy issues was only done at the level of monarchs and their advisory boards. Gradually, following the centralization of power and the improving of state administration, specialized ministries originated as well. However, dealings with the complex political world through complicated bureaucratic organizations have beginnings in Confucian China. Ancient Rome established specialized administrative departments to deal with foreign relations – in the Senate during the

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[1] LIEBER, K. A., PRESS, D. G.: *The Rise of U. P. Nuclear Primacy*. In: Foreign Affairs, 2006/2, p. 42-54
[2] *Washingtonský summit NATO*. Praha: Česká atlantická komise, 1999, p. 54.
[3] *Vojennaja doktrina Rossijskoj Federaciii* – http://www.scrf.gov.ru/Documents/Decree/2000/706-1.html.
[4] *China's National Defense in 2004* – http://english.gov.cn/official/2005-07/28/content_18078.htm

period of the republic, and in the emperor´s office during the period of the Roman Empire. The Byzantine emperors established special governmental departments that dealt with foreign affairs and furthermore, it also trained professional emperor ambassadors for courts abroad; in the 9th century, the Venetians established state archives, where they archived classified orders for ambassadors and their official dispatches. In modern times, foreign policy has been an exclusive domain of the state head or executive power and the ministries of foreign affairs.

The first modern "ministry of foreign affairs" is considered to be the ministry that was established by Cardinal Richelieu in the year 1626 in France. In the fiftieth year of the 15th century, main Italian states had functioning central offices for ambassadors, and offices that required and archived written documents from diplomats. However, the origination and the development of the Ministries of Foreign Affairs represented "unplanned and more accidental processes, whose speed and nature was very different in various parts of Europe". The duties of the Pope´s Secretaria Apostolica were determined by the pope Inocent VIII in the year 1487.[1]

The Ministry of Foreign Affairs itself has developed into a complex office. It is headed by a member of government, usually a minister or traditionally a state secretary. The Ministries of Foreign Affairs are structured by departments according to territorial and functional principles. The British Ministry of Foreign Affairs has had the territorial structure since the thirties year of the 19th century. The individual departments deal with foreign policy in large geographical territories and the departments are divided into smaller divisions – whereby at the end of this structure there is an official who is in charge of specific state problems. This official is a career diplomat specializing in various issues related to the country that he is in charge of. On one hand he receives instructions from Ministry superiors, and on the other hand, he receives news from Embassies.

The functional divisions of the Ministry of Foreign Affairs are established to observe various issues of state foreign policy: trade, international organizations, propaganda, international law, protocol, intelligence and secret codes, passports and visas, etc. The Ministry of Foreign Affairs has, as any other state central institution, its own administration division that provides for its operation and separately from others, also budgeting, personnel matters including education, logistics of foreign service operation, etc. Of course, the agenda of small state Ministry of Foreign Affairs differs from the agenda of big states and superpowers. Consular and commercial divisions were established in the 19th century.

The diplomatic staff also respond to armament revolution: in the 19th century, military and nautical attaches appeared. The first indication of this development was apparent during the period of Napoleon I – from the year 1805, there was a special division at the French Ministry of Foreign Affairs gathering information about foreign armies and navies. In the year 1830, Prussia sent its first officer to the Embassy in Paris.

Since the end of World War II, the increase in foreign contacts of states and companies resulted in the fact that foreign policy has been retaining a new agenda. Besides so-called "great policy" related to traditional security issues that are the domain of the Ministry of Foreign Affairs, and "power ministries" which are the ministries of defence and interior, a new agenda of state foreign policy was added, so-called "small policy" related to the issues of prosperity, wealth, and social security. Problems having features of foreign policy activities have become a part of other ministries activities. Traditionally, the Ministry of Defence has relatively independent foreign policy links and it solves questions of foreign military aid, the training of foreign experts, trade with arms, etc.; the Ministry of Interior and intelligence services provide for alternative sources of information; the Ministry of Foreign Trade deals with undertakings abroad and problems of foreign companies at home. At the same time, the Ministries

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[1] See ANDERSON, Matthew S.: *The Rise of Modern Diplomacy 1450 –1919.* London and New York, Longman, 1993, p. 73–77.

of Finance, Transport, and Agriculture also deal with world trade issues, economic and food assistance, negotiations related to economic and monetary questions, etc.; separate from others, the Ministry of Education deals with the issues of students exchanges and students mobility, etc. Many similar tasks are also dealt with by other governmental agencies, commissions, councils, etc. Furthermore, foreign policy relations have become the agenda of officials at various levels and not only ministers. In liberal democratic regimes, some aspects of foreign policy – for example, the declaration of war, the approval of ministers, diplomats, international treaties, etc. – have become the agenda of legislative bodies. There are more people involved in the process of foreign policy decision making than those who are responsible for foreign policy constitutionally.

Many of these activities do not naturally relate to the problems of national interests, but some of them are very close to it or they can acquire security characteristics under some specific circumstances. The result is the fact that the problem of foreign relations coordination in the interest of providing for the state foreign policy line, has risen. This fact was first responded to by the United States, who established the National Security Council in the year 1947 at the administration of the president, whereby it coordinated foreign policy and domestic policy activities that were closely related to classical issues of state foreign policy. A similar security council was also established by the Russian Federation. Thus the core of foreign policy returned to the highest representative of the state, specifically to the competence of executive power's highest representative.

Domestic policy and foreign policy

It is obvious that despite all differences between world and domestic policies, the impact of domestic factors on the foreign policy of the state cannot be omitted. It is typical for the nature of state sovereignty that it chooses its leaders without any external influence. However, in the event that the fulfilment of state's foreign functions is taken into account within this choice – which is not always the case – as a rule, this aspect is less significant than considering competence and eligibility for the fulfilment of domestic policy tasks. The abilities of executing foreign policies by statesmen and the power elite are created, in a large sense, by values acquired when brought-up, education, and by acquired experiences; whereby, the most important is the experience acquired during political careers, due to pressure of the structure of domestic and foreign policies system as well as society values.

The surroundings of the decision making process in the sphere of foreign policy, is not open very much to research. The protection of state secrets, the complexity of decision making and the fact that the personality of statesmen is a well-guarded, mass media construct in post-modern times – those are the barriers that prevent not only a systematic research, but also the research regarding the comparison of decision making among various states. This results in the fact that today, theory works alongside many hypotheses in regards to statesmen behaviour during decision making processes, whereby these hypotheses are formulated as a reflection of decision making under various conditions and in various countries. Therefore, it is necessary to consider some surveys of professionals, regarding the change of statesman abilities and behaviour under the conditions of crisis, to be just a set of hypotheses with various degrees of probability – which is also applicable to the set of hypotheses worked out according to the studies of Richard C. Snyder and Glenn D. Paige, Sidney Verba, Irving Janis, Diana Zinnes, Robert C. North and Howard E. Koch, Jr.:[1]

- The more critical or urgent a situation is, the less people are included in the defining of the situation, the choice of response, and the selections of goals;

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[1] See HOLSTI, Kalevi J.: *International Politicp. A Framework for Analysip.* – Seventh edition. – Englewood Cliffs: Prentice – Hall International, Inc., 1995, p. 282–283.

- The less people make such decisions, the more probable it is that their acts will reflect personal inclinations, attitudes, values, and personal political needs;
- The more people are included in defining the situation, formulating goals, and choosing alternatives, the more decisions will reflect group and organization values, needs, and traditions, and the less apparent will be attitudes, values, or images of individuals;
- The more danger is perceived by a decision making group during a crisis, the more apparent will be the inclination towards conformity and group consensus;
- The structure of the world political system will probably more significantly limit the choices of goals or activities if it is (a) polarized, (b) the expression of public opinion or national sentiment is weak, (c) a state has small capacities and it perceives the common threat together with the leader of a bloc, and (d) in general, if the situation is not critical;
- Contrary to the above mentioned, governmental foreign policy goals will be less influenced by the structure of the world political system, if (a) the international system has a diffusive structure, (b) the situation is defined by one person that effectively controls domestic resources and public opinion, including attitudes of the public, (c) personal values, personal needs or political needs can be fulfilled through foreign policy, (d) the state is neither a leader nor a member of alliance or coalition, and (e) the situation seems to be critical;
- Domestic needs will be a hidden aspect of the situation definition if (a) the state depends on external sources of food and raw material, (b) the creators of policy are accountable to the public opinion, and (c) the state territory is seen as vulnerable to attack from abroad;
- Capacities create limits of goals for all states, regardless of their internal or external conditions;
- Capacities are of less importance for the governments that profess long-term or revolutionary goals;
- During the period of crisis, the availability of capacities can be a less important component of the situation definition;
- Doctrines and ideologies are more important for defining the situation in the states and governments if (a) one official ideology is accepted, (b) leaders are not accountable to the public opinion or domestic needs, (c) during revolution, and (d) during a non-critical period. Under critical conditions, such as an external attack or threat, the decision on foreign policy response is rarely deduced from ideology as well as not very often associated to it;
- The impact of bureaucracy will be an important element of the situation definition (a) in stabile and long existing states, (b) in uncritical situations, and (c) if leaders change the direction of their attention with regard to controversial topics, or they are not focused on them to a large extent.

Public opinion

The sphere of foreign policy is very often perceived as a sphere of democratic decision making or a sphere where democratization is necessary. According to theses visions, it is suitable or necessary to perceive the public opinion as an independent institution deciding or co-deciding the course of state foreign policy. However, the research and experience regarding foreign policy institution's operation point out different problems comprising a paradox element: foreign policy relates to the fate of large groups of people, but is an issue of decision making by individuals and small groups with minimum democratic control. This results from two factors:

- The aristocratic tradition emphasises diplomatic and military professions specificity, special education and experience of particular social group in these two spheres of state activity;

- The specific surroundings in which foreign policy is realized. The world political system is not arranged in such a manner that it allows respect of opinions of most of one's states inhabitants – or the Earth inhabitants.

The effective performance of foreign policy can easily be contradictory to the ideas of most citizens and also with respects to the extraordinary risky questions of state security. This problems is closely related to the different functions of information secrecy with respects to domestic policy and foreign policy: the power elite keeps information back to govern the conditions of decisions for people that should choose them in accordance with geographical principle; keeping secrets in foreign policy is very often focused not only on citizens of a state, but it also influences the decision of competitive states power elites. The aristocratism of foreign policy is not only the issue of feudal regimes: for example during the Cuba crisis, the American president, John F. Kennedy, expressed the opinion that a correct decision would be more probable if decision makers were immune against pressures from the public. However, the transfer of foreign policy into the sphere of prerogative and to the hands of executive power elite, does not guarantee any success while securing national interests.

The United States, as a society with highly developed liberal democracy as well as the birthplace of this topic research, represents a good terrain to study the impact of public opinion upon foreign policy: the research of public opinion has been realized in the United States since the thirties. The largest attention is given to the research of public opinion regarding the Korean War and the Vietnam War that considers the behaviour of the public towards the governmental line in the conditions of foreign policy crisis.

The research shows that during a period of crisis, at the first moment, the "phenomenon of uniting around the flag" works with the American public, with a resolution to support the American president regardless his decision, – in the beginning of a crisis, the president receives a ten percent bonus popularity increase. This 10% president "price increase" must, according to John Mueller, relate to the event that is *(1) international and (2) relates to the United States and specifically to the president directly, and (3) must be specifically dramatic and sharply concentrated*.[1]

After such a start of the Korean and Vietnam Wars, when most of the U.S.A. public supported American intervention, a turn occurred: according to the Gallup Poll, in the event of the Korean War, it happened in December 1950, when the number of war supporters decreased to 39% and the number of opponents increased to 49% (in August of the same year, it was 66% of supporters and 19 % of opponents); with regard to the Vietnam War, the turning point occurred in February 1968, when the number of opponents first exceeded the number of supporters, with the ratio 46 : 41%, the second turning point was in August of the same year, when the number of opponents exceeded 50% of respondents.

 The reasons for this change are apparent at first sight: with regard to the Korean War, beginning in October 1950 the American public was informed about the entry of Chinese volunteers to the battlefield; on the contrary, the Vietnam War followed the Tet offensive of the National Front for the Liberation of South Vietnam in January 1968, during which they occupied approximately 70% of provincial centres and almost succeeded in seizing the US Embassy in Saigon. Both events have something in common: at the moment it was obvious that American intervention would not be short – i.e. not cheap, neither with regards to loss of lives, nor with regard to material expenses.

The response of the American public to the change of U.S.A. involvement in these two wars was fast, but not immediate. The character of internal political conflicts inside the United States during the Korean War and the Indochina War points out that the reversal of public opinion occurred after the discord in the attitudes of U.S.A. political elite attitudes –

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[1] MUELLER, John E.: *War, Presidents and Public Opinion.* Lanham etc.: University Press of America, 1985, p. 209.

i.e. after some members of Congress, some leaders of the Democratic Party, the Republican Party, and some important mass media started to express their opinions openly in public. At the same time, the disapproval of interventions themselves was internally inconsistent and did not mean the transfer of most of the public to the position of war opponents. Ralph Lavering points out that what the Americans wanted was *in autumn 1952, an anticommunist president who could make peace.* The same is applicable to the Vietnam War: in those days, the American public *combined the desire for peace with the unwillingness to accept the American defeat... or the support of the president during the war was associated with disbelief in his trustworthiness.*[1]

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In general, it is applicable that governments succeed in controlling public attitudes to foreign policy questions and not only in authoritative or totalitarian regimes, but also in democratic countries. Even during such a deep crisis as was represented by the Korean War and the Vietnam War, in general, the disagreement of the American public opinion was based on a liberal-conservative ideology that represents the core of what could be called the ideology of establishment. It was only the cleavage of the political elite that involved the public into discussions about foreign policy, increased its interest in foreign policy issues, and resulted in public differentiation. This differentiation was linked with the identification of various political leaders, who again mostly recruited from the power elite. In association with the above mentioned, it is obvious that the American president gets "bonus points" in the event of short and successful operations. It can be concluded that in present liberal-democratic hedonistically focused societies, a long lasting consent with military activities of the state cannot be expected.

14/ RATIONAL FOREIGN POLICY

The determination of national interest is often considered to be the undistorted picture of actors and the principles of the world political system. This is then only transferred into the language of the definition of goals and tools of foreign policy. The foreign policy doctrine and military policy strategy have also so many own, logically-linked, parts of procedures and naturally joined stages of formation, that it is possible to speak noticeability and explicitness of their determination. In fact, the definition of national interests is a theoretical and intuitive process − i.e. the specific inwardness of state objective needs. This transfer of reality into awareness is the very inconsistent act that is realized differently with different individuals and groups. Therefore, the determination of national interest mixes the objective and subjective elements of knowledge and decision making − and this is rightfully, due to prestige and significance of this category, the subject of disputes. Thus the analysis of state interests is only the spiritual starting element of defining a foreign policy course, it is the general expression of the ideas of individuals and groups about the needs of a doctrine.

Rationality of policy
Traditional rationalism is specifically known from economic thinking, i.e. it is based on the fact that values create decision variants, whereby the one who decides will choose the most

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[1] LEVERING, Ralph B.: *The Public and American Foreign Policy. 1918–1978.* New York: W. Morow and Co., 1978, p. 128.

suitable variant with the help of hedonistic criteria. According to these concepts, the decision maker knows goals, objective situations, he can decide correctly without external and internal interferences to determine an action plan and select its means. According to this, every decision maker has enough information about possible actions and their consequences, each of the variants have given firm values, whereby the decision making is realized as a choice of the maximum possible amount of values. According to this approach, a human being participates in collective activities if a group arranges an approach to some sources and advantages that he needs as an individual. It is then, that freedom changes to the right to choice.

In the event of foreign policy decision making, it means the recognition and analysis of problems, the choice of goals and methods, tools, decisions, and corrections. Such a concept of making political decisions are a result of the idea of traditional rationalism, i.e. the depoliticized and deideologized statesman:

- acts based on a correct evaluation of the situation with the help of precise calculations at a minimum expense, maximum profit, and in favour of the state or nation;
- is intellectually and morally able to proceed like this;
- has enough information for such acting;
- has freedom of choice without dependence on domestic surroundings;
- has enough time for such acting.

The statesman, or the group of decision makers, enter policy bursting with various filters that prevent them from understanding the political surrounding fully, but also their own (and national) interests. This fact cannot even be prevented by high social intelligence.

Apart from some ideological concepts as liberal political economy, traditional rationalism is not typical for current humanitarian sciences. The traditional rationalism looses its dominant position, whereby the concept of limited rationalism is more typical of current political psychology. It works with the vision of limited or procedural rationality. This concept does not declare that the rational acting of man does not exist. This is mostly understood as purposeful acting that primarily is regulated by rational operations, whereby other psychic activities, such as emotional actualization, do not influence the effects of such acting and behaviour to a large extent. Contrary to rationalism in a philosophical sense, rationality in a psychological concept is always relative. In general, psychology considers the rational acting to be the acting when the stimuli of psychological activity are controlled by "reason", i.e. the organized system of knowledge, the process of thinking and decision making. However, psychology knows that brain operations are never autonomous and isolated – unconscious and emotional factors as well as other psyche components that are activated by motivation, always participate in thought processes in their integrity.

The concept of limited rationality predicates man´s objective and subjective limits. According to this concept, the limits of rationality are given by the internal potential of statesmen or the group of decision makers as well as by external political surroundings: The obstacles of rational choice in international politics can be divided into several types:

- HUMAN. The statesmen and groups of decision makers are not perfect, they also have shortcomings in intelligence, fantasy, education, experience, determination, organizational and other competences, moral and secondary interests of those who create the state foreign policy. Sometimes, a decision maker is overcome by uncritical emotional elements of motivation – men include emotional involvement in political evaluations. Sometimes, the political rationality can also be an inherited or an otherwise assumed habit, group norm, or individual prejudice, and not a result of own though process. Robert Jervis points out that such an inadequate thinking may result in the fact that *the observers, that believe in different theories and different ideas of the state, will deduce different conclusions from its behaviour. The same signals and symptoms will be differently considered by the observers that*

have different projections about the actor.[1] The second consequence is that the incongruity of political surroundings and political conflict is strengthened.

- ORGANIZATIONAL. The problems of group decision making relate to pluralism, bureaucracy, and "group thinking". The problems of political decision making are a result of contradictory needs and political goals, the complexity of relations between individual and group interests that must be harmonized, balanced, "deceived" or suppressed.
- INFORMATIONAL. The problems related to the shortage of information about the concrete or planned activity of an opponent, but also about own possibilities. The other problem is too much information that similarly to shortcomings, worsen the understanding as a whole. Incorrect or intentionally misguided information are a common part of the decision making process;
- TIME. The problems related to the different time requirements of the decision making process and to the time sequence of crisis.

Table 7 shows the basic differences of rational decision making and the decision making known from foreign policy practice.[2]

Table No. 5: RATIONALITY IN FOREIGN POLICY

IDEAL RATIONAL PROCESS	COMMON PRACTICE
exact, understandable information, clear determination of national interests and goals	misinterpreted, incomplete information, personal motivation and interest, organizations influencing national goals
comprehensive analysis of all possibilities	limited knowledge of possibilities, none of them analyzed perfectly
choice of optimal action course, the most suitable for achieving the required goal	choice of actions based on bargaining and compromise policy
effective declaration of decision and its explanation to acquire domestic support	confused and conflicting declarations of decisions, very often adapted for mass media
careful monitoring of obstacles for decisions by officials	neglecting of boring tasks, finding obstacles by officials
immediate evaluation of consequences, followed by mistakes correction	superficial evaluation, unclear responsibility, unfinished assignments, postponed correction

Game theory

Knowledge of the principles of decision making and behaviour in politics is not comprehensive if we just describe the general principles of the balance of power in the world political system and psychology. The game theory is one of the most interesting theories of medium impact that is used to analyse decision making processes. Its significance is also demonstrated by the fact that the game theory represents one of many ways to unify the objective principles with a personal choice: it shows the limits between which decisions are adopted and the principles of achieved results.

The bipolar system has become a welcomed object for studying decision making with the help of game theory tools, because it is just in the bipolar system that we can see clearly and indicate easily how states balance between strategies of conflict and cooperation. The idea of world policy, as a game with zero total that when in the united world without any neutrals none of the parties can achieve anything without the other party loosing something, has been a rewarding metaphor for analysts and journalists. The studies that analyses decision making processes, as a choice of alternative behaviour according to specific objective rules, are con-

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[1] JERVIS, Robert: *Signaling and Perception: Drawing Inferences and Projecting Imaged.* In: *Political Psychology.* Edited by K. R. Monroe. Mahwah and London: Lawrence Erlbaum Associates, 2002, p. 306.
[2] KEGLEY, Charles W., Jr., WITTKOPF, Eugene R.: *World Politics. Trends and Transformation.* New York: St. Martin's Press, 1993, p. 49.

sidered to be classical today. From many worked out models of behaviour, two are most frequently mentioned: Prisoner´s Dilemma and Game of Chicken.

- PRISONER´S DILEMMA. It is a model of two player's behaviour under the conditions of a zero sum game and with absolute lack of information. The name is deduced from a conflicting position of the prisoner who does not know how his accomplice will testify. It is used as a tool to analyse foreign policy behaviour under the conditions of security dilemma.

The prisoner´s dilemma works with two concepts of rationality. The individual rationality attributes to any player – either a state, statesman, or prisoner – such courses of action that are most advantageous for it/him depending on circumstances. If both states act based on the collective rationality and they accept the cooperative strategy to control or regulate armament, or even disarmament, the result is better than as if each of them acted based on the individual rationality. However, there is one question that has not been answered, how and why trust the other state – the trust is not a category from the sphere of rationality. If one of states, unilaterally accepts the non-cooperative strategy and it starts to arm extensively, it acquires an advantage. The cooperation is only possible if a statesman believes that his opponent is willing to keep the agreement. However, in human society in general and in the sphere of policy specifically, the treaties relate to contradictory interests – and therefore, they are only binding if they are enforceable by internal or external tools punishing the breach of agreement. If the treaties are enforceable, then it can be presupposed that the rational statesmen will play a cooperative game in which he will act in accordance with the agreement. However, the surroundings of the world political system are surroundings without any power superiority for states, without any power enforcing the validity of treaties. In other words, the quadrant I which comprises an agreement, is not the real quadrant of stability. The only point of security and stability is spontaneous balance, because any change of strategy for any of the states directs to a worsening of its position – which is an irrational acting.

The game theory indicates that the rational acting need not necessarily correspond with the idea of rational agreement or moral. The international policy is realized in surroundings that cannot be controlled by an individual reason, and therefore it is "irrational" from this point of view. The rational or logical acting in one sphere of human activity seems to be irrational or illogical with regard to the other activity or the other goals. The armament means to threaten human lives, to waste labour and raw material – which is irrational with regard to abstract humanism; however, not to arm can, under certain circumstances, threaten the state, lives, individual and common wealth, or it can result in weakness that can be misused – and it can be rational from the point of view of the actual needs of the society and state. With regard to similar situations, John Harsanyi says, *if the players reach an uncooperative solution, it does not mean that their acting is irrational: it can only mean that they do not trust each other and they can have a good reason for that based on a previous experience*.[1] In other words, *if the players are independent, the rational private interest cannot prove the best result for them*.[2]

- GAME OF CHICKEN, also known as the Hawk-Dove game. It is a game played by American teenagers – drivers, well-known from Hollywood films. The drivers drive with the gas pedal absolutely down, opposite each other, and who gets out first is a "chicken". Actually, the game of chicken is a "calculation with non-reason". (Herman Kahn).

Contrary to the prisoner´s dilemma, the game of chicken is a game with comprehensive information. It was introduced into the theory of international relations by Steven Brams who

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[1] HARSANYI, J. C.: *Game Theory and the Analysis of International Conflict.* In: *International Politics and Foreign Policy. A Reader in Research and Theory.* – Revised edition. – Edited by J. N. Rosenau. New York, Free Press and Collier–Macmillan Ltd., London 1969, p. 376.

[2] SIEBE, W.: *Game Theory. In: International Negotiation. Analysis, Approaches, Issuep.* Edited by V. A. Kremenyuk. San Francisco, Oxford: Jossey–Bass Publishers, 1991, p. 181.

used it as a tool to analyse the Cuban missile crisis in the year 1962 and Herman Kahn in his analyses of thermonuclear war risks. If it is perceived as a conflict of superpowers – either a direct war confrontation or an armament – it only offers three possible results:

- States A and B are "chickens", they will yield, they will stop to fight or to arm;
- State A is a "chicken", it will yield, it will stop to fight and to arm and state B is a winner – or vice versa;
- None of states will yield and both players/states will perish.

It is apparent that the Game of Chicken advises us about something. However, the problem is that a change into "chicken" can mean a loss of sovereignty. Of course, the value of sovereignty is not comparable to the prestige of a young driver. There again appears the question of "irrational rationality",a conflict behaviour to defend something, which seems to be less valuable from a different point of view – and the defence itself as irrational. According to some authors, the Game of Chicken is played by vagabonds and nations. Herman Kahn says that one of the best ways of playing the Game of Chicken is *to sit in a car drunk, take dark glasses and throw the wheel out of window as soon as the car starts to speed.*[1] This is blackmailing with a tendency of suicidal behaviour. If the Soviet Union and the United States chose the variant (1) as the solution of the Cuban missile crises – according to some historians and politicians, it was the variant (2), the concession of the U.S.S.R. – then it was a irrationality of a higher rank than that one with which the logic of conflict was linked. The value of the "Game of Chicken" is more in warning than in a manual for behaviour.

The "Prisoner´s Dilemma" and the "Game of Chicken" are the most quoted models of acting that should assist us in understanding decision making in foreign policy. However, it is possible to find many authors among theorists of games who doubt the cognitive value of these models. Their criticism is based on the idea that cooperation is paid the most, the more rounds the game comprises and the more players participate in it. It seems that the games excluding cooperative acting may not only simplify the situation very much and deprive states of advantages, but they can also be ideological justification of aggressiveness or suicidal acting. Furthermore, the comparison of policy to game is misleading.

<p style="text-align:center">*   *   *</p>

The reality of decision making in the sphere of foreign policy does not correspond with the ideal of rationality. The accent on irrational elements of political decision making does not mean that the problems of foreign policy and international policy are not understandable by the human brain. While explaining the political phenomena, it is only necessary to look for a different type of rationality than that one, which in the sense of the Enlightenment tradition, presupposes the rational behaviour of people – or even politicians. The scientific recognition of international political problems should take into account three limits that were not recognized by the Enlightenment perception of rationality: (a) in policy, man follows personal and group interests as a rule, and not a vision of social welfare, (b) the recognition of social welfare is relative, it is the process that relates to the increase in cognitive abilities as well as to the change of society itself, and (c) a politician is not a scientist seeking knowledge, his profession is to enforce interests.

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[1] KAHN, Herman: *Přemýšlení o nemyslitelném.* Praha: Naše vojsko, 1966, p. 181.

D. Cooperation

15/ DIPLOMACY

Before, if two groups of people – nomads, tribes, nations – encountered each other, it only could have resulted in two possible consequences – negotiation or a violent conflict. Only much later, in the 20th century, new possibilities of settling some conflicts at court, as well as international conflicts, have been added. The negotiating emissary was probably one of the first specialized positions. The means of communication during such negotiations are called diplomacy. Adam Watson sees an essence of diplomacy in a "dialogue between independent states", whereby its tools are the component part of the dialogue – *machinery, by means of which governments realized the dialogue as well as the network of obligations, agreement, institutions and procedures that result from these dialogues*.[1] Thus the mission of diplomacy is considered to be the management of relations among states with the help of negotiations, which is a very significant activity, because negotiations about problematic issues have remained a main alternative of armed conflicts. The negotiation is a non-violent form of conflict settlement, under the conditions where no higher judge or arbiter exists, that might resolve the rightfulness of the claims of one party to the dispute.

The classical concept of diplomatic obligations comprises three terms: to negotiate, to protect, and to observe. Today, the tasks of diplomacy are defined according to Article 3, Paragraph 1 of the Vienna Convention on Diplomatic Relations from the year 1961, that also represents the base of practice as well as international law in this sphere of international politics. According to it, the fundamental functions of a diplomatic mission are as follows:

(a) Representing the sending State in the receiving State;

(b) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

(c) Negotiating with the Government of the receiving State;

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[1] WATSON, Adam: *Diplomacy.* Philadelphia: Institute for the Study of Human Issues, 1983, p. 14.

(d) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;

(e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

Historic beginnings

Almost all main principles and institutions of diplomacy have their beginnings in ancient times. Reports about treaties between the states of Mesopotamia, dated from 2850 B.C., have been preserved ; in the 3rd millennium B.C., Egyptian rulers sent emissaries to the land of Punes that was situated in the south shore of Red Sea. The oldest treaty, whose full wording is preserved, is approximately dated 1273 B.C. (according to other authors, between 1271 up to 1296 B.C.) and it was between the Egyptian pharaoh Ramesses II and the Hittite King Hattusili III. According to preamble, it was the "grand treaty on peace and brotherhood between the empires of Hittite and Egypt that will bring peace and alliance for ever". The diplomatic history of the Far East was also very rich as well.

Antique diplomacy laid the foundations for present diplomacy – though not directly. In the beginning, there was proxenia – hospitality provided by the inhabitants of towns (proxen) to emissaries (but also to private persons) from other towns. Emissaries were obliged to protect the interest of foreign towns and had a moral obligation to act as an intermediary between it and his home town; in fact, it was the germ of consular service. The foreign emissaries were protected by gods. However, in Mahabharata, the Hinduistic epos that originated between the 5th and the 2nd centuries B.C., there it is stated that "the king that will kill the emissary, will go to hell together with his ministries".[1] Well-known are peace obligations of Greek city states during the period of Olympic Games from the year 776 B.C. The diplomatic practice between city states emphasized the significance of oral persuasion, it transferred the significance to the rhetorical art of diplomats. During the period of wars, the emissaries – and also the emissaries of barbarians – had diplomatic immunity in the Greek city states. Amfiktyonia became a classical international institution. They originated as religious leagues around significant sanctuaries in the 7th century B.C. In the 6th century B.C., the Delphi – Thermopylae amfiktyonia represented the interstate unity of twelve tribes that sent their representatives to assemblies, whereby each state had two votes and a permanent secretariat and the right to exterioriality, etc. – i.e. it was the international organization. Thus the treaty between states with the specific principles of collective security was being created; at the same time, amfiktyonia could not interfere with internal issues of allied states.

Ancient diplomacy experienced its first boom in the 4th century B.C. when the power of the Persian Empire decreased and the most important Greek city states tried to decrease the possibility of conflicts among themselves as well as with the Persians. In those days, a situation occurred that allowed a call of international diplomatic conferences, during which the representatives of Greek city states and the Persian ruler tried not only to settle disputes, but also to formulate the mutual norms of acting – there were eight such international congresses held during one quarter of a century, which represented the real European birth of a multilateral diplomacy system. The diplomatic practice of the Greeks used arbitration and mediation, two procedures using a third party as a mediator in order that a conflict might be settled. The Greeks knew apparatus to prepare instructions for emissaries and correspond with foreign rulers, diplomatic archives, agreements and treaties of allies, treaties on non-aggression, ratification of treaties, principles of war declaration and peacemaking, they also knew truce, neutrality, alliances, mediation, the right to asylum, the extraditing of persons, they created the fundamentals of international laws, protocols, the institutes of a person's immunity as well as

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[1] Ibid., p. 195.

the inviolability of diplomatic correspondence and diplomats´ property, they laid the foundations of diplomatic terminology, etc.

The Hellenic heritage was taken up by Roman diplomacy. During the period of the republic, the Senate established the department of external relations, the emperor transferred foreign policy to himself or, from the period of Claudius, to the emperor's office. The perfect archive services were created for foreign contacts. The Roman ambassadors were given instructions in writing. The ambassadors were respected, awarded with immunity, everything was governed by protocol; but there was a difference between ambassadors from friendly countries and those coming from hostile countries. There was also something very specific in the Roman Empire, so called internal diplomacy – the relations between the centre of the empire and its individual parts.

The Byzantine Empire became the heir of ancient tradition. The Byzantine emperors established a special department in their courts. It not only dealt with internal affairs, but also trained emperor´s professional ambassadors to foreign courts; the Byzantine Empire is a place where European professional diplomats were born. The office for foreign affairs managed by the prime minister worked with many officers. During the period of the Byzantine empire's greatest florescence in the 6th century, during the reign of the emperor, Justinian I, diplomatic relations were established from China and India to the Atlantic ocean, from the shores of the Black Sea prairies to interior Africa. The Byzantine diplomacy as a "doctrine for controlling barbarians" worked on their neighbours with carefully collected information about moral, military force, economy, interior policy, influential people, corruption, etc. The organizational, ceremonial, diplomatic practice of the Byzantine Empire – these all became a model for the modern west's European diplomacy.

From the 6th century to the middle of the 8th century, the Roman popes held their permanent residents – so called apokrisiarie – in the emperor´s court in Constantinople. These apokrisiarie are just who are considered to be the first example of permanent representation in the other state. At the same time, the patriarchs of Alexandria, Antiocheia, and Jerusalem had their permanent representatives in Constantinople. It is probable that in the 15th century, when the practice of permanent diplomatic representation was renewed, nobody remembered that practice.

Modern diplomacy as a process of institutionalized communication among sovereign political actors has its beginnings in the 15th century, when this system started to be emphasized among Italian city states. It was Venice, that thanks to its geographical position, had a great opportunity to learn from the Byzantine diplomatic experience: the Venetian practice came from this – unknown in west diplomacy in those days and according to sources, it was practiced in Venice from the 13th century – the ambassadors were given instructions in writing, the systematic archive of foreign correspondence was created (its oldest documents are dated in 883), diplomatic contacts were extended extensively, reports were made, etc. The Venetian diplomatic service also introduced, after the return from service, the handling of personal presents over, that were received during service by the ambassador of the state, the diplomats were forbidden to claim any degrees, titles, or appointments to the countries in which they had property, they had to keep state secrets, they could not take women with them, and they had to submit statements on expenses. The codes were used by Italian diplomacy from the middle of the 13th century, but they were only systematically implemented by the Vatican in the 14th century. Probably, the beginnings of currier service, as a method of diplomatic correspondence protection, come from Mantua from the 15th century. Latin was a language of the west's European diplomacy in those days.

However, the change that has influenced the development of diplomacy the most, relates to the origin of permanent diplomatic missions. In general, until the 15th century, there was only *ad hoc* diplomacy, i.e. the representatives of ruler were just sent for concrete and time re-

stricted purposes. The first information about a permanent diplomatic representation is dated from May 1425 to July 1432 and it relates to Milan's ambassadors to the emperor Sigismund; it is possible that the mission started earlier and ended later. In general, it can be said that modern diplomacy is a child of Italian Renaissance, specifically from Milan, Venice, and Florence. According to Garrett Mattingly, *before the end of the 15th century, the residential ambassadors, unknown in other parts of Europe, were common in Italy. They were a main tool with the help of which the state's power was observing and adjusting an instable balance of power in the peninsula… The residential ambassadors started to be used as a tool of struggle for power by other states of Europe approximately in the 1500's.*[1]

Renaissance diplomacy is considered to be very insidious and immoral. But, it is rightly considered to be a turning point in the development of modern diplomacy, because:

- It implemented the system of permanent embassies that represent interests, ascertain information, submit reports, negotiate, protect, and represent;
- It worked out the principles of ambassador's reports in writing, assignments and sending of instructions in writing, and the keeping of regular information;
- It worked out and made up the protocol, the privileges of diplomats immunity – ambassadors and their suite were guaranteed the freedom of acting, transit, and departure whenever. The local law was not used for punishment of foreign ambassadors, though they could be detained if they participated in crimes, e.g. murder;
- It worked out the concept of exteritoriality, according to which an embassy is on the land of the sending state, not the receiving state – it is considered to be the land of the sending state – and everybody and everything inside the embassy is the subject of the sending state's legislation.

During its existence, diplomacy worked out its own codex of norms and privileges. It is remarkable that the roots of modern diplomatic principles were, apart from sovereign states, also laid by the above mentioned pope practices and church norms – which were contributing to the alienation of ideas about Christian unity in this way. Thus until the end of the 17th century, all main institutions of diplomacy were stabilized – permanent diplomatic missions, professional diplomats, diplomatic immunity, but also the network of their mutual relations in every capital, that corps diplomatique that on one hand helps to understand their standpoints and the interests of individual missions and on the other hand it protects the status and the privileges of diplomats. The term of diplomatic corps appeared in the 18th century; furthermore, it was typical for this century that ministries of foreign affairs were established.
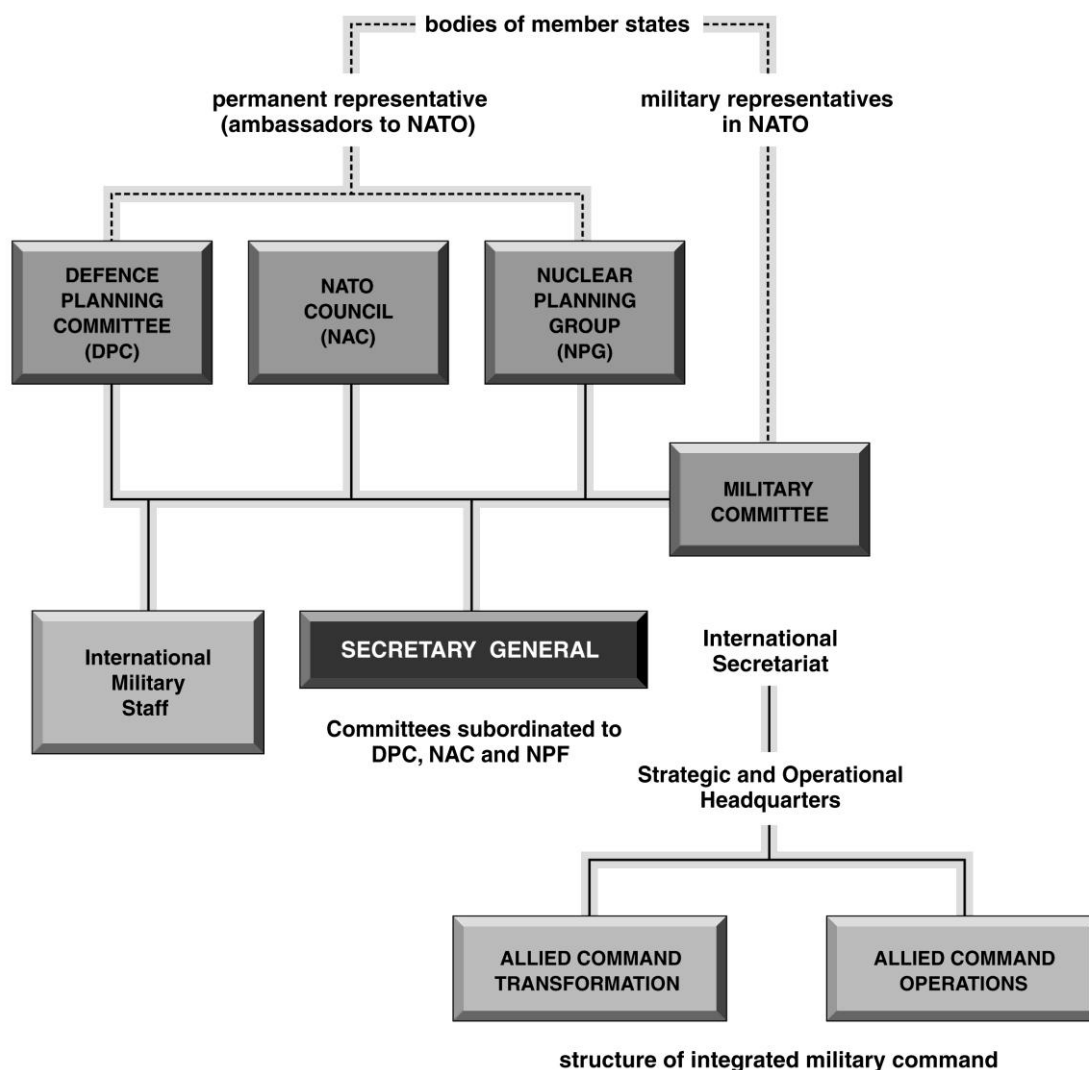
Alliance

If "power diplomacy" means to support acting by a state power, then the power of the state also uses diplomatic tools naturally. This is neither an ability to use the power and strength of the state for own acting, nor the increase in power through the art of diplomacy. If war uses violence to enforce its own will and diplomacy uses acting, then there are also tools between these two poles: the pressure for change or the keeping of the given course of acting without the direct violation of sovereignty with physical force. Diplomacy can use many diplomatic methods to strengthen the state or to realize its interests; two methods of them are the most known and the most effective: alliance and economic tools – economic aid or embargo. The creation of advantageous conditions for war or acting, represent the specific features of these techniques, whereby both these measures are neither a general cooperative acting, nor a conflict acting interfering state sovereignty in its classical natural form: the alliance is a group operation that is, to a certain extent, a voluntary restriction of the sovereignty of all or some block members, but is not the violation of opponent rights; embargo means the violation of

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[1] MATTINGLY, Garrett: *Renaissance Diplomacy*. New York: Dover Publications, Inc., 1988, p. 55.

free trade principle that is more a problem of mutual vulnerability than a violation of the sovereign rights of sanction object.

If unilateralism represents a political line that pursuing foreign policy goals only leans on own for resources and tools, then alliance is a formal treaty on the coordination of state's behaviour in the sphere of the specified military – diplomatic and military activities. The alliance originates from the shortage of state security in the world political system as well as due to the unpredictability of its future development. The alliance is a formal association of states for the use or the non-use of military power. The purpose of alliances are not to eliminate war, but to increase security of its members. It is a very old and effective diplomatic tool to increase the power of states. The above mentioned treaty between the pharaoh Ramesses II and the Hittite King Hattusili III, had the form of an alliance and it was indirectly aimed against the increasing power of Assyria.

Chart No. 10: CIVIL AND MILITARY STRUCTURE OF NATO

Alliances can originate if there is an identity of basic security interests among some actors; specifically, if there is a mutual enemy that can be exactly identified. Alliance is also possible if it is focused on the narrow sphere of security interests and other interests remain non-

identical, parallel, or even contradictory.[1] The coherence of an alliance is also supported if the actors have common or similar ideology or official religion. However, this principle is subordinated to security principles – as it can be proved by the history of diplomacy, e.g. the treaty concluded between the French Catholic king and the Muslim Turkish sultan form the year 1535 against Catholic Austria or the alliance of liberal democracies with the Soviet Union against fascist Germany. Alliances differ from the ideals of collective security, because they are focused on a concrete opponent, i.e. not against any or the general violator of the status quo. Alliances also differ from a non-aggression pact: a non-aggression pact is the agreement of two or more actors about not beginning hostile actions against each other; an alliance is the agreement of joined actions. Furthermore, an alliance is joined with the building-up of specific international institutions for planning, building-up, and managing military forces – Chart No. 10 shows an example of the civil and military structure of the NATO alliance:

Under the conditions of anarchy in the world political system, the use of alliances as a tool to balance the threat of potential aggressors is a component part of self-help; therefore such authors as Hans Morgenthau, Georg Liska or Albert Wolfers, consider it to be a suitable tool to increase the power of a state. However, it does not mean that any alliance is useful in any period – the flexible change of alliances or the policy of so-called free riders can also be a tool of the balance of power policy. The critics of alliance policy warn that an alliance does not always mean the increase in a state's security:

- An alliance brings the multiplication of power, which is perceived by an enemy or a potential enemy as a threat or a provocation. It results in efforts to multiple own power by armament and by establishing a contra-alliance;

- Alliances can be established against a former enemy and according to schemes of the previous stage of the world political system development. Robert Jervis writes, *if generals are prepared to lead a previous war, diplomats can be prepared to avoid the previous war*[2];

- If treaties of alliances are assigned a significant task to stabilize the basic structure of a system, then at the same time it is applicable that it takes flexibility of this system away to a certain extent: the coalition cohesiveness forces actors to respect the common security interest in such a way that they must subordinate their further diplomatic activities to this general interest. This leads to an insensitive approach to other contradictory interests, which does not decrease but increases tension;

- As a rule, the general interest of an alliance is an interest of the strongest state;

- The more the size of an alliance increases, the more the profitability of members decreases. The more members there are, the more narrow is the common denominator of common interests, the more demanding are the techniques of policy harmonization and as a rule, expenses increase;

- The above mentioned problems of alliances intensify during time: international politics is an "inconstant substance" (George Kennan), in which strength, interests, and goals of actors change. Today, the assumption of alliance obligations can help to ensure security interest, but it can be contradictory to them tomorrow. An alliance closes a foreign policy's possibility of choice, it restricts the conditions of the state to adjust to changing conditions, it narrows the possibility of a new partner's choice;

- An alliance corrodes some advantages of negotiations, it provokes a response, it gets states into arguments with alliance enemies, it obstructs negotiations on disputes related to

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[1] See VESELÝ, Zdeněk: *Smlouvy, pakty, dohody. Slovník mezinárodněpolitických a diplomatických aktů*. Praha: Epochy, 2006.

[2] JERVIS, Robert: *Hypotheses on Misperception*. In*: International Politics and Foreign Policy. A Reader in Research and Theory.* – Revised edition. – Edited by J. N. Rosenau. New York, Free Press and Collier–Macmillan Ltd., London 1969, p. 250.

alliance enemies, and it stimulates envy and resistance of friends that are out of the alliance and have no advantages of alliance;

- Alliances are established not only to defend the status quo, but – as it was shown by the alliances before World War I and II – to change the status quo as well. In other words, they are not established just for the purpose of peace defence, but also for the purpose of preparation for aggressive war.
- In alliance policy, any neutrality changes coalition opponents or even enemies.

Map No. 2 shows how NATO has been enlarged so far. From the point of view of geography and space, it is obvious that the expansion is directed to the east, i.e. Russia. On the other hand, NATO is a military-political organization: the transformation of its goals should not allow confrontation, but cooperation with Russia. This corresponds with the establishment of NATO-Russia Council in the year 2002 that brought about a new form of cooperation after the crash of previous institutional relations due to the bombing of Yugoslavia. However, at the same time, the efforts of the former Soviet Union states – specifically the parts of Ukraine political elites and the government of Georgia or Azerbaijan – to enter NATO in the year 2008, but also the ideas of NATO to enter the area of the Pacific, again question the direction of the Alliance transformation.

Map No. 2: NATO ENLARGEMENT
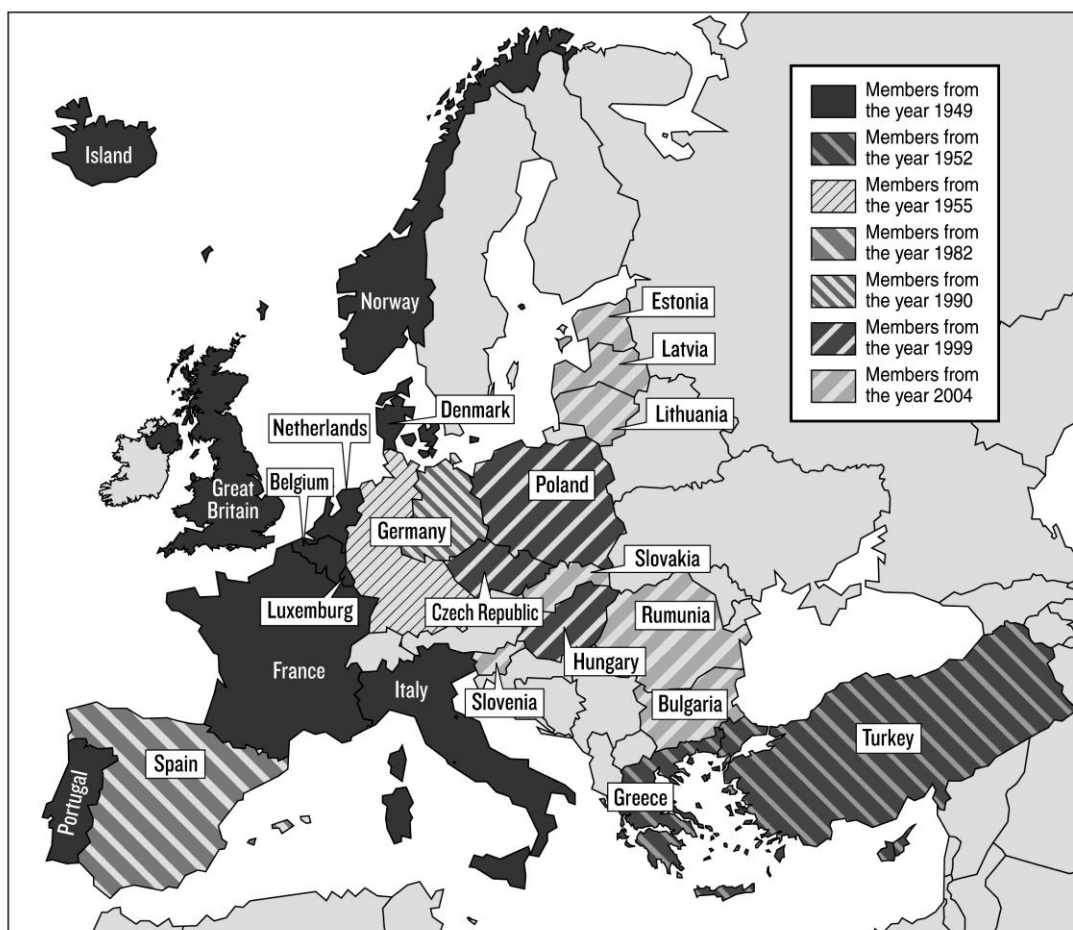
Rigid coalition policy also allows a different approach of states known as "free riders". These quasi-neutrals use the advantages of situation stabilization, either due to power balance between coalitions or hegemonic arrangements, they gain something from it, but they do not participate in its creation. During the stability of the Cold War, Japan benefited from it in this

way, France in some instances in the NATO and Rumania from Warsaw Pact. At first sight, such immoral policy can be justified with arguments that stability exists anyway, their central creators – superpowers or a hegemonic leader – benefit from it more than other contributors and they mainly give it the form and the direction that need not be that direction for the "free riders" that they wish most.

Economic constraint

In international policy, the coercive measure is the power action of a state or states into the interest sphere of the other state(s), whereby the sense of this measure is to enforce the change of political course. Coercive measures can be of military or non-military character. In specific cases, economic pressure can also be accompanied by the use of military force – in this event, it is a military blockade as a rule. The blockade is a military act directed to isolate, close, or besiege part of the state territory or the whole state. The overall blockade is technically easy realized during such military operations such as the conquering of a town or fort. During periods of big national state's existence, the overall blockade is exceptional – for example with regard to island states, in the event of the surrounding of the whole state territory by alliance or during conquering the rest of the state. However, the blockade of a part of a territory is also possible, specifically naval blockades of shores and ports. According to Article 42, the UN Security Council has the right to declare the blockade.

The economic sanction determined for an individual or group's punishment in some states, can have the form of various degrees of restrictions, the end or the interruption of mutual trade; in this case we can speak about embargo. There are many techniques of economic constraints: customs tariffs, which was a frequent American tool to differentiate socialistic countries during the Cold War; goods quotas, in the U.S.A., for example often for sugar and products made from sugar from Cuba and other states, or textile from China; the boycott of goods organized by government – (e.g. after seizing Manchuria by the Japanese army in the year 1931, the Chinese government invited the domestic population to boycott any Japanese goods); the embargo for export or import of goods or for both – which is a classical embargo; the restrictions of loans and manipulation of currency; the black list of companies violating embargo – (e.g. this technique is embodied in the American Helms-Burton Act related to some companies investing in Cuba, against which the representative of the European Union, Canada, and Mexico expressed objections, or the similar D'Amate Act from the year 1996 that declared sanctions against foreign companies with massive investments in crude oil and gas in Iran or Libya); the restricting of licences and the embargo of advanced technological export – which was a technique used by the member states of the Coordinating Committee for Multilateral Export Controls (COCOM) against socialist countries during the period of the Cold War; the stopping of aid – (e.g. by the Soviet Union to the People´s Republic of China in the sixties, nationalization, etc).

Economic sanctions represent a tool of foreign policy largely used by individual states, alliances, or international institutions. In order so that economic sanctions are successfully used as tools to force governments to change their policies, the following prerequisites are necessary:

- Large asymmetry between a target state and a state or states declaring embargo;
- Embargo must be universal and it cannot allow alternative suppliers or customers to mitigate or remove required effects or the embargo declaring state must not have a special position in the market of the target state;
- The target state cannot be able to ensure compensation from internal resources – i.e. a relative abundance of raw material for economy and goods for inhabitants;

- Inhabitants should not perceive sanctions as a hostile act, but just as a punishment for the government – to avoid the fact that the inhabitants will support its power elite due to sanctions;
- Government should not be totalitarian to such an extent that it will be able to survive for a long time without any support from abroad and from domestic inhabitants.

The defeat of the Soviet Union in the Cold War intensified the significance of so-called soft power – the non-force elements of the state power. However, exhaustion due to armament, own strength overestimation with build-up imperia, represent the classical problem of empires that cannot be associated with the possibilities of embargo in the period of complex dependence. There always were two main reasons for the fall of the state or empire: defeat in war or economic bankruptcy. Nobody has never succeeded in destroying any superpower through economic blockade – and superpowers provide the world political system with characteristic features. Estimates from the beginning of the year 2001 point out that the economic embargo of Libya, since 1992, resulted in the loss of approximately 30 milliard dollars – but the regime of Muammar al-Gaddafi has not been overthrown yet.

The success of the Soviet Union's pressure of Finland at the end of the fifties was not only due to an economic embargo, but due to a complex power pressure including large diplomatic pressure – it was a classical example of the power policy, when relations are coercive and the threat of sanctions overcomes resistance. The fall of racist white government in Rhodesia and the establishment of Zimbabwe directly points out that an economic embargo can be effective not as an exclusive tool, but only as a component of the whole scale of political activities – in this case, the partisan fights of native inhabitants and the diplomatic pressure combine many techniques starting from embargo up to mediation. Economic sanctions are one foreign policy force tool, the tool that is too far from perfect with regard to effectiveness.

Future of diplomacy

The end of Cold War created new conditions for the use of diplomatic tools to solve conflicts in international relations. Though many authors consider these new conditions to be more advantageous compared to those provided with the bipolarity of previous period, the discussions about crisis or even euthanasia of diplomacy go on. The reasons for this approach are apparent:
- Hegemonic arrangement of the world political system beforehand, provides just one negotiating party with advantages that in general cannot be removed with reasons of diplomats;
- Revolution in communication allows direct contacts among the heads of states, ministries, and ministerial officials of various states in real time in any place in the planet, which restricts the role of representative missions in individual states and narrows the space for their independent acting;
- The level of transport increased the number of summits – (e.g. from June up to July 1990, the heads of governments and states of western Europe met three times) – at the meetings of the European Union, NATO and G-7. Thus the importance of representative missions is decreasing;
- With regard to the revolution in communication, the change of world policy under the pressure of state plurality, and the increasing role of supranational organization, the role of the government has been extended. The amount of interstate contacts has increased so much that it exceeds the possibilities of diplomatic missions;
- Global mutual dependence suppressed the role of security factors in interstate contacts, which decreases the importance of diplomacy;
- Democratization represents another element of traditional diplomacy erosion. More information about diplomatic negotiations as well as mass education results in the decrease in diplomatic professional prestige. The profession of a diplomat is not an aristocratic

privilege any more. At the same time, important private persons and non-governmental organizations enter diplomatic negotiations;

- The acceleration of changes in international policy exceeds the boundary of possibilities that are available for diplomacy, and which can be coped with by average diplomats;
- Sometimes, a reason of diplomacy restricted role is considered to be a more significant role of multilateral diplomacy, i.e. the restriction of the importance of bilateral diplomacy.

However, everyday diplomatic practice points out that the development of communication transforms more than liquidates diplomacy, it provides it with new forms, but is also preserves a classical residential bilateral diplomacy. The hegemonic arrangement of structure does not mean that the leading great power itself has enough power to ensure the functioning of the world political system: it also needs the tools of diplomacy to provide for negotiations with allies, opponents, or neutrals. The decreasing role of the security factors in negotiations among states and the appearance of the new topics of interstate relations does not liquidate diplomacy – it only ads to it new tasks and changes old ones. The amount of information and tasks together with the dynamics of changes, of course exceeds the abilities of some diplomats, but it was always like this and no suitable replacement of this insufficient ability of diplomacy exists. The increase in the use of multilateral diplomacy just confirms the need of diplomacy – though it is also the subject of rapid development. Public diplomacy is just an aspect of international relations that cannot replace diplomacy itself until the time when the system of sovereign states exists.

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In the conditions of the anarchistic arrangement of the world political system, diplomatic negotiations remain a tool of states as power centres. To be the tool under such conditions means that diplomacy is not an alternative for power and strength, but it is linked with them legitimately. Diplomacy means seeking solutions for states contradicting interests through negotiations in the situation without any arbiter, judge, or force majeure that could decide on the rightfulness of some of these contradicting interests or on the form of compromise independently. Therefore, academic negotiations should not only be understood as academic disputes full of arguments and competitions in the art of speech. The initial arguments brought by diplomats are not reasons for claiming disputable values, but the power tools with the help of which they support their claims. Frederick II says that diplomacy without any power is as an orchestra without a score. Diplomacy is not an absolute alternative of force, but it is a specific ally.

16/ INTERNATIONAL LAW

International law represents the other form of non-violent, or specifically peaceful, solution of disputes and conflicts that differ from diplomacy – instead of free bargaining and negotiating, it offers a list of norms that offer solutions after their application. International law is a political tool, through which states – and today also international organizations – codify rules to regulate the behaviour of international actors. It is a relatively complex set of rules – principles and norms – that regulate the relations of the actors of international relations, specifically states. According to a larger concept of international law, in this case it relates to the international public law. This is also affiliated with the international private law that regulates

civil-legal relations with an international aspect – if the jurisdictions of various states overlap – and it is a component part of interstate law.

It is natural for a law that its norms are formed and guaranteed by the state. This is what differs from the moral, traditional, and customary rules that are enforced by public opinion. Thus law takes the form of acts issued by the state and linked with power tools to enforce behaviour in accordance with norms. These principles can easily be fulfilled in interstate political surroundings, where power and lawmaking monopoly exists. However, neither it is possible to ensure an exclusive monopoly to form law, nor to concentrate enough strengths to enforce behaviour according to legal norms in the anarchically arranged world political system: for the sphere of international law, there exists a decentralized formation of law, i.e. lawmaking power as well as a decentralized form of law application. Therefore, international law represents quasi-authoritative communication (William Coplin), and the consensus of state's commonwealth that does not cover any possible activities of the world policy actors. With regard to public international law, states act as legal entities and law itself represents a set of rules, principles, customs, and agreements that are accepted by these states as having the strength of law in their relations.

The state acts as an absolute institutionalized value in the world political system and the state´s security is unchangeable and imperative for state actions – i.e. also for creating and respecting law. Of course, many institutions of international policy can be considered to be an analogy of the interstate's ensuring of creation and enforcement of law: however, the UN General Assembly, that constitutes a quorum as the law making bodies of democracies, accept resolutions that are not legally binding for states; the decisions of the Security Council are influenced and blocked by the veto right of its permanent members; the International Court of Justice can only decide on such cases that are agreed upon by both parties; it has no power to enforce its judgement, etc. Nevertheless, international law exists, specifically in the sphere of aggression, conflict, and war control.

Development and sources

The beginnings of international law can be traced to ancient custom norms and treaties. What is today presented as the oldest papers of international law, mention customs and diplomacy. Mutually advantageous agreements as "we will not kill prisoners if you do not kill prisoners" can be considered to be a minimum of law. Such reciprocity is not a topic of justice, but a question of found balance in interests, concession balancing, and reciprocity of benefits. In all ancient civilizations, there existed norms supported by customs and religious imperatives that, in some manner, not only regulated relations amongst sovereign political formations, the principles of keeping treaties, and business relations, but also methods of making war: international law understood as the rules binding sovereign political formations, begin in the 4th. On the other hand, as Kalevi Holsti mentions, there is evidence about the shortage of legal and religious norms *regulating relations between political units of two different civilizations or cultures*[1].

Current international law is primarily a set of norms agreed upon based on agreements that were formed at the end of the 19th century and mainly in the second half of the 20th century; they codify, replace, develop, complement, and specify customs. In a sense, the general efforts of the contracted codification of customary law can be considered to be the revolution of international law. This stormy process is realized in specific power conditions – and until the middle of the 20th century, with regard to hierarchic structure, Euro-American powers were at the top of it. However, it does not mean that there did not exist own norms in other parts of

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[1] HOLSTI, Kalevi J.: *International Politicp. A Framework for Analysip.* – Seventh edition. – Englewood Cliffs: Prentice – Hall International, Inc., 1995, p. 290.

the world. With regard to this, we can speak about several centres, in which international law was born. The decentralized development of law is also expressed by the fact that at present times, international law results from a complex, and not always homogeneity-leading integration, of different legal orders. It also results from contradictory political-ideological concepts about justice in general and about the future of international law specifically. With regard to this complicated development, sometimes the important contextual and time-turning points are pointed out: the difference between classical law and international law:

- The norms and principles resulting from the Peace of Westphalia (i.e. European sources), are considered to be classical international law. The Peace of Westphalia formulated the basic premises of international law – sovereignty, territorial integrity, the legal equality of states, and non-interference in internal matters. It was based on the customary law and contract law of those days and followed the tradition of Roman law. These principle's origin were based on the mutual recognition of sovereignty and search for mutual advantages. Torbjørn Knutsen mentions that Westphalia's treaty means "a fundamental shift from international law *over states* to law *among* states".[1]

- New international law should be universal, or at least representative, in a transcultural sense – it should not be eurocentristic. Eurocentrism was mainly rejected by the states that originated during the last decolonization wave, which criticized international custom's law, in the origination and consequent formation in which they themselves participated. At the same time, the idea of new law is associated with the increasing significance of international organizations and the formation of the international policy regime.

Modern legal practice and theory has its beginnings in the relations of Italian city states. The first legal documents devoted to this sphere of international policy came from Italian lawyers from the 14th century. With the start of the colonial era, the development of international law was transferred to Spain and Holland. The dual, and today classical, interpretation of international law context and role was formed gradually: the concept of natural law and the concept of positive law.

Concurrently with legal theory, modern international law was born. It was given its name in the year 1780 by Jeremy Bentham. Almost all legal aspects of international politics were strengthened during the years 1648 to 1914, and law became the reflection and co-creator of a new interstate system. In general, theorists of law speak about three sources of international law:

- formal sources of law that are understood as the forms in which international legal rules manifest themselves – e.g. custom, agreement, the binding resolutions of international organizations;

- remedial sources of law that are understood as the sources of rules recognition – e.g. the texts of treaties, the resolutions of international organizations, the judgements and the decisions of courts, the published opinions of scientific associations or significant legal authorities, interstates acts, etc.;

- material sources of law that are understood as the general conditions of international life, under which the rules of international law originate.

Similarly, Article 38 of the Statute of the International Court of Justice, identifies four sources of international law for the needs of this court (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; (b) international custom, as evidence of a general practice accepted as law; (c) the general principles of law recognized by civilized nations; (d) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law. As far as the context of the term "international law" is concerned, accord-

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[1] KNUTSEN, Torbjørn L.: *Dějiny teorie mezinárodních vztahů*. Brno: Centrum strategických studií, 2005, p. 106.

ing to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, accepted by the General Assembly in the year 1970, "fundamental principles of international law" comprise seven principles of this Declaration.

In general, the international treaty is an arrangement or an agreement concluded among states or international organizations that determines, amends, or cancels the mutual rights and obligations in accordance with international law. With regard to the treaty, very often terms are used which mean agreement, and they are similar to the treaty generically: protocol, arrangement, agreement, act, general act, declaration, charter, etc. Sometimes, specific agreements are differentiated; as a rule, they are the bilateral agreements about concrete questions and the agreements creating law – i.e. multilateral conventions focused on agreements on generally acceptable codices of international behaviour. After the second World War, the multilateral treaties are considered to be the most important mechanism of international law development. The element of consensus that is included in them, makes generally accepted norms from them at the moment of their signing.

The birth of contract law was always associated with the search for someone that could inspect the fulfilment of these treaties under the conditions of the world political system anarchy. The oldest known international treaty concluded between the pharaoh Ramesses II and the Hittite King Hattusili III in the 13th. appeals to sanction from force majeure in the end– the Gods. The Gods of both states are witnesses of the treaty and it is mentioned in the text that the one who will not follow the words of the treaty "the thousands of Gods from the Hittite country and the thousands of Gods from the Egyptian country will destroy his house, his country, and his subjects". Contrary to this, that one who will follow the treaty, "the thousands of Gods from the Hittite country and the thousands of Gods from the Egyptian country will ensure that he will live and will be healthy together with his house, with his country, and his subjects". The treaty between Čchin and Čhu, probably from the year 578 B.C. says "if somebody breaches this treaty, then the Gods will destroy him in such a way that his soldiers will be defeated and his government in his state will end very fast". However, there were also realists. The above mentioned ancient Indian politician and theorist Kautilya relied more on the terrestrial ensuring of a treaty than on Gods: he writes that "the word of man or oath – it is not a strong treaty. The guarantor or the hostage – it is a strong treaty".[1]

Current international law formulated the idea of contractual obligations. It means that apart from objective issues they formulate other rights and obligations that should indemnify the party that is damaged due to a non-fulfilment of the treaty. It is possible to execute a guarantee agreement for this purpose. The other guarantee can be represented by the third party that enters the contractual relation and sanctions the treaty. However, these modern approaches can only ensure the fulfilment of some treaties. Today, the legal concept of treaties is related to the Vienna Convention on the Law of Treaties that was accepted in the year 1969 and which became effective in the year 1980. This is complemented by The Vienna Convention on the Law of Treaties between States and International Organizations from the year 1986.

Valid international law takes into account the fact that conditions leading to a treaty can be changed. The change of conditions can result in a partial change or an overall revision of the treaty – or its cancellation. The cancellation of a treaty generally relates to the treaty as a whole, though well known are the cases of suspensions of just some of its parts. The treaty can not only expire due to the expiration of its duration, due to the fulfilment of treaty content, based on the agreement of the both parties, the fulfilment of so called condition subsequent, but also based on agreed upon new conditions, the agreement of a new treaty, the decrease in the number of the parties to the treaty below the agreed upon number, based on the

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[1] According to PAUL, Vladimír: *Nejstarší památky mezinárodního práva*. Praha: Academia, 1996, p. 26–27, 229 and 193.

substantial breach of the treaty by one of the parties, based on the impossibility of fulfillment, the conclusion of the treaty resulting in the discrepancy between valid or new rules, or because the treaty is not realized permanently – or the withdrawal from the treaty can be the reason for treaty dissolution. All these are realized in the background of two fundamental principles that are prerequisites of international law viability:

- The principle of pacta sunt servanda represents not only the base of law, but it is probably the oldest general principle of international law: it determines that the treaties are binding for the parties and they are to be fulfilled in good faith. According to the Vienna Convention on the Law of Treaties, any binding effect of treaty fulfilment in good faith changes it into a norm, whereby any provision of interstate law cannot be the reason for the non-fulfilment of international treaty.

- However, from the beginning of international law existence, the provision rebus sic stantibus was also applicable, which associates the validity of treaties with the preservation of conditions relevant at the time the treaty was concluded. In other words this, the most controversial provision given to a party for the purpose of an unilateral annulling of its obligation, results from the supposition that if there are substantial changes of the conditions that existed during the period when the treaty became effective, the treaty need not to be kept. Furthermore, the treaty can be interpreted by anyone to whom the treaty relates. However, it is presupposed that the authentic interpretation is the common issue of the parties. This principle was confirmed by the Vienna Convention on the Law of Treaties, but it also determines that the treaty must be interpreted in good faith, in accordance with the usual meaning of the terms used in the treaty, in accordance with context and the subject and the purpose of treaty must be taken into account. The application of the principle rebus sic stantibus is restricted to cases if the change is substantial, it will result in a radical change of obligations and situations, whereby the stability of original conditions represented the base for acceding to the treaty by a party. "However, the annexes on the change of conditions cannot be applied by the party that caused the change of conditions, because the party breached the treaty or did not keep the obligations resulting from it." [1]

According to the Vienna Convention on the Law of Treaties, a treaty is "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation". The definite approval of a treaty can have various forms – signature, the exchange of documents comprising the treaty, ratification, acceptation, acceding to the treaty, etc. It depends on the will of parties what conditions will be determined in order that the treaty might be effective. These conditions are usually stipulated in the treaty itself. The effectiveness of bilateral treaties is conditioned by the approval of the other party, the multilateral treaties are conditioned by the specific number of states signing or ratifying it. In order that the treaty can follow international law, according Article 102 of the UN Charter, first of all, it must be registered at the UN Secretariat and published by it – otherwise it can neither be claimed at any of the UN bodies, i.e. the International Court of Justice as well. The UN Secretariat publishes international treaties in a collection of treaties, named the United Nations Treaty Collection, where treaties are published in original wordings as well as in English and French (if English or French are not the original languages of treaties). It can be said that contrary to old times, today the keeping of treaties is guarded by special agreements and not by Gods.

Custom, as a source of international law, represents a stable custom, a way of acting, and morals. It comprises the binding rules of behaviours that are preserved and used for a relatively long period of time. As a legally binding norm of the state's behaviour, custom was

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[1] POTOČNÝ, Miroslav: *Mezinárodní právo veřejné. Zvláštní část*. Praha: C. H. Beck, 1996, p. 183.

formed during a long lasting use and due to the state's opinion of its necessity. This opinion, that a custom is binding, is a condition of its validity. In general, it is the rule that thanks to a long lasting use by most states, has become legally binding – which means that it has become recognized as law. Contrary to custom, traditions are not considered to be legally binding. The principles of states sovereignty, recognition, agreement, good will, freedom at sea, responsibility towards international system, and self-defence are considered to be the fundamental rules of customary international law. The general principles of law recognized by civilized nations are of similar nature, but they are often understood as natural law or sovereignty, etc. Most customs and general principles were codified in the form of international treaties after World War II. Logical discernment attributes the role of a law source to prestigious experts. The authoritative decisions acquiring the character of a law source can only be done by an international institutions that is authorized to do so.

The above mentioned eurocentrism of international law creation means that valid norms, in the first place, reflect the values and interest of the west (i.e. West European and North American) civilization. This is a fact that, with regard to all pluralism of international law creation, is so obvious that many countries of the third world and related theorists, after the completion of decolonization, started to emphasize the thesis that the resolutions of the General Assembly formally anchored a new law. However, this idea was not accepted by the superpowers; they still see the way of creating international law, through the process of the resolution of the UN General Assembly, to a legal norm, through conferences of treaty provisions.

Use of force

The most important sphere of international law has been the regulation of the use of force in international policy. In fact, in a way, any legal norm regulation or binding policy relates to this topic. Therefore, the rudiments of this law field can be found in customs resulting from the first negotiations and treaties regarding the solutions of conflicts among the political units of ancient times. However, the dominant principle was "power creates law" which can be traced to the Melian dialogue of Thucydides´s History of the Peloponnesian War.

Though early Christianity opposed this principle by its radical pacifism, it was just Christianity in European conditions that worked out controversial ideas of justified war during the first four centuries: in connection with Plato, Aristotle, and Cicero who perceived war as justified or necessary if its aim was peace; Saint Augustine and Saint Thomas approached the prevailing Christian religion to traditions of Roman peace at that time. The beginning of current ideas regarding the justification of war can be found in the Christian ethics of the 4th century, when a shift from pacifism to the faith of law, or the duty to fight for a right thing, occurred at the official church level. In those days, the concept of justified war required:

- Justified reason – to acquire back, what was taken away unfairly, or to punish evil or warfare as a defence against an attack, either factual or potential;
- The right intention in the form of making peace or punishing culprits;
- That warfare not contradict the Ten Commandments;
- That war be led by a legitimate ruler ;
- That war only be made after trying all possibilities to settle disputes;
- That war be used if there is an adequate belief in success.

Thus the problem of war in the Christian doctrine has changed from the issue of non-violence embodied in the New Testament, to the topic of justice. This shift is a movement from unconditional pacifism to philosophical disputes about contents of the justice issue, which are then solved at battlefields: a "saint war" can be perceived as justified, the killing of non-believers, the establishment of Pax Ecclesiastica. Such were the beginnings of one form of two basic lines of war law, jus ad bellum – the concept of a rightful or justified war.

The Westphalian system continued with traditional religious concepts; it emphasized the rightfulness of a sovereign ruler to decide on the use of force. According to the "Westphalia consensus" (Bjørn Møller), only states are entitled to make war. "War is the use of international law in action", was written by R. Phillipmore in his commentaries on international law in the year 1854.[1] However, the idea of justified war was also questioned during the classical period, because the ethical problem of efforts to define a justified war according to strict legal norms was also perceived. The pragmatic base for the concept of justified war was formed and its definition was not considered to be a domain of theology and ethics until that time. There was an apparent cognition that war between Christians could not be justified for both parties and furthermore, there was a possibility of the change of justified war into unjustified war.

In the 19th century, the problem of self-evaluation with regard to the states´ right to decide on the use of force independently, was pointed out, because any war was perceived by both parties as justified. It was just in the 19th century, when limits of the concept of "justified war" were born, that the first internationally codified rules of neutrality appeared (however, the rules were well-known by ancient Mesopotamia and India), despite the fact that warfare, the occupation of new territories, the use of the sea, and the fight for power among states, was still understood as normal, necessary, and legal. The radical requirements for banning the use of force were expressed in many legal statements. During the negotiations in Hague Conference in the year 1899, they resulted in the Convention for the Pacific Settlement of International Disputes (modified in the year 1907). After World War I, these radical requirements could be heard in the League of Nations and were given legal expression in such treaties as Briand-Kellogg Pact (1928) or Pan-American Pact (1936). The condemnation of aggressive force belongs to the message of the Nuremberg judgment on German-fascist war criminals that characterized war as "the biggest international crime".

Today, the use of war as a justified tool has been narrowed to retaliation – in this case, it is a legal act by which an inhuman act will be punished. According to valid international law, there are only two justified reasons for war:

- if it relates to coercive sanctions approved by the UN Security Council. The regional military organizations can be used for these actions, but only after the approval of Security Council.
- if it relates to self-defence, either individual or collective;

According to some authors and states, international law also accepts a national liberation fight, by military means, as justified – which can be understood, in its larger sense, as the right to self-defence.

Modern international law is based on the principle of the ban of use of force or threat of force in international relations. The use of military force in international relations is regulated by the United Nations Charter, specifically in Articles 2, 39, 42, and 51. According to these principles, all members states of the UN must settle their disputes by peaceful means in such a manner that neither international peace and security, nor justice might be threatened. They should avoid threat by force or the use of force either against the territorial unity, the political independence of any state, or the use of any other manner that is not compatible with the goals of the United Nations. In accordance with its Charter, the UN will ensure that the states that are not members of this organization will follow these principles if it is necessary to keep international peace and security. Only the UN Security Council is entitled to decide whether peace was threatened, disturbed, or if it was an act of aggression. Similarly, only the UN Security Council can decide on actions with air, naval, or ground forces if the UN considers it to be necessary to keep or renew international peace and security. Such actions can include:

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[1] According to COULOUMBIS, Theodore A., WOLFE, James H.: *Introduction to International Relationp. Power and Justice.* – Fourth edition. – Englewood Cliffs: Prentice – Hall, 1990, p. 180.

demonstrations, blockade and other operations with air forces, naval, or ground forces of United Nations members.

These principles of the Charter of the United Nations deny sovereign states the freedom to decide on legitimate uses of force in international relations. All of this is applicable with a traditional exemption. The right to self-defence, as always, at a minimum presently legalizes the use of force. The right to self-defence is some legal sub-kind of a more general political principle of self-help necessity in the conditions of the world anarchy. According to Article 51 "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security".

One uncertain problem results from the generally understandable principles of the right to self-defence: to what extent does self-defence also include preventive measures. As the Security Council is only rarely able to response to the dangers of war conflicts, quite a large space for the activities of states is created. Sometimes, own attack can be the most effective defence against inevitable attack, and the best is to advance. Preventive war is based on the idea that the state will start its military operations based on a decision that is influenced in principle by two facts:

(a) by anticipating of what the other states intends to do;
(b) by perception of its temporary advantage.

Preventive war is linked to the offensive cult to a large extent, i.e. with a distrust of defence. It reflects the pessimistic situation analysis that considers war to be inevitable. There is an apparent tendency to consider the first attack to be decisive. With regard to the justice concept in accordance with the Charter of the United Nations that emphasizes individual as well as collective self-defence, it is a very disputable fact because this is a very wide and mainly subjective interpretation of defence.

The other side of the legal definition of justified war is the definition of aggression that determines unjustified war, or the illegal use of force, in international policy. For example, the idea of collective security embodied in the pact of the United Nations is based on the belief that aggression can be easily identified and the rest of the "non-aggressive" parts of the international community will oppose a perpetrator.

The difficult task of determining aggression was recognized by the authors of the Charter of the United Nations that assigned the task, whether aggression was evident or not, to the Security Council. Based on the Soviet Union initiatives in the fifties, this topic was dealt with by the General Assembly on a regular basis; then in the sixties, the Special Committee of the United Nations was established for the issues of aggression definition. It worked out the proposal that was discussed and approved in December 1974 at XXIX Meeting of General Assembly as resolution No. 3314. According to Article 1 of this resolution, aggression is the use of armed forces by the state or the group of states against the sovereignty or the territorial unity of another state. If a state uses armed forces first, contrary to the Charter of the United Nations, it is considered to be a direct evidence of aggression. According to Article 3, regardless of whether war is declared or not, an aggressive act will be:

a) an invasion or attack of the armed forces of one state on the territory of another state or military occupation, though temporary;
b) the bombing of other state's territory or the use of any weapons against the territory of another state;
c) the blockade of ports or shores of other states with military forces;
d) the attack of the armed forces of one state with the ground, naval, or air forces of another state;

e) the use of armed forces of one state that are situated on the territory of the other state with its approval, in contradiction with the conditions stipulated in the agreement, or any prolongation of the term for their staying after the agreements expires;
f) the actions of one state which allows another state to use its territory to attack a third state;
g) the sending of armed groups, bands, or mercenaries, that will use armed forces to such an extent of relevance as the above mentioned, by a state or in the name of it.

These acts do not include all aggressive acts according to the resolution itself and therefore the Security Council can decide, within its authority, which acts can be considered to be aggressive according to the Charter of the United Nations. At the same time, the resolution emphasizes that aggression cannot be justified by any political, economic, military, or any other reasons.

With regard to the bombing of Yugoslavia by NATO planes in the year 1999, the question of humanitarian intervention has been in the centre of attention. Theorists and politicians are divided into two groups:

- According to one group, the massive and fundamental violation of human rights entitles the international community to military intervention in internal affairs.
- According to the other group, the respect of state sovereignty represents the base of international law, whereby intervention is not possible based on the decision of the abstract international community, but only based on the UN Security Council.

It seems that it cannot be estimated in advance whether all superpowers will consider the same acts to be a massive and fundamental breach of human rights. In the event they arbitrarily decide what is and what is not a violation such as this, it will result in the loss of an imperfect, but valid, consensus of what is international law. It is symptomatic that at the time of the NATO attack on Yugoslavia, more than two thousand people were killed in Kosovo. However, during the genocide of Rwanda in the year 1994, 800,000 and up to one million people were killed; the estimates from mid-2006 point out that during the conflict in Algeria after non-acknowledging the election results of the Islamic Salvation Front in the year 1991, 150,000 people died; from 1983, during the civil war in Sri Lanka, 65,000 people died; from the year 2003, during the uprising in Sudan, 200,000 people died, etc.. There is a question of whether the international community should interfere in these or any other similar conflicts.

Justified level of violence

The second line of law of war is jus in bello – justice in war or the question of the rightfulness and adequacy of the use of force in fights. According to V. Paul, based on preserved documents in ancient times "*the dealing with enemies was not regulated, apart from some exceptions in India and China*".[1] This question appeared to the Christians during the Middle Ages as a problem of continuous conflict between the Christians. The first attempt at war violence regulation is represented by the meeting of synod in Charroux around the year 990 and, in fact, this meeting was the first peace council. Religious acts, so called Peace of God", protected some people (priests, women, children, peasants, and traders) as well as some assets (churches, cemeteries, etc.). The Cluny movement, named according to the abbot Odilo from Cluny, who in the year 1041 was the first one who demanded a ban on military forces on specific days, and who gradually implemented time restrictions for war violence – thus the principles of the Peace of God originated. The Catholic church also declared the ban of some weapons (e.g. cross-bow was banned in 1139 by the Second Lateran Council), which of course was not applicable to fights against Muslims or other Christians. However, the church principles of violence regulation during fights were not very successful; some historians con-

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[1] PAUL, Vladimír: *Nejstarší památky mezinárodního práva*. Praha: Academia, 1996, p. 265.

sider the Thirty Years War between the Catholics and the Protestants to be the most brutal historical war.

The principles of warfare regulating the mutual relations of fighting parties and their relations with neutral states, significantly shifted during two previous centuries. Thus, two lines of international war law started to be mentioned – to simplify the issue: "Geneva law", focused on the protection of persons and, "Hague law", formulating the rules of warfare.

Geneva law is a set of norms that mainly relate to the protection of those that do not participate in fights. The Geneva agreements represent the whole set of treaties that have originated since the 19th century: in the year 1864, the Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field was accepted and revised in the year 1907; in the year 1929, the Convention for the Amelioration of the Condition of the Wounded and Sick together with the norms Relative to the Treatment of Prisoners of War and the new convention for the Amelioration of the Condition of the Wounded and Sick. In August 1949, based on experiences from World War II, the Geneva Convention for Protection of Victims of International Armed Conflicts – which sometimes is called the Geneva Treaty for Protection of Victims of International Armed Conflicts – recapitulates, in four agreements, the fundamental principles from this sphere of war regulation and supersedes older treaties. Thus, the Geneva Convention tries to make specific general principles such as:

(a) war should only be made against armed forces and not against civilians;

(b) the aim of war is only to break down the resistance of an enemy, which apart from others means than the purpose of captivity, is nothing more than to prevent the members of enemy armed forces in getting involve in fights again.

Four agreements, that have been effective since the year 1950, are the components of this convention: the Convention for the Amelioration of the Condition of the Wounded and Sick, the Convention for the Amelioration of the Conditions of the Wounded and Sick and Shipwrecked Members of Armed Forces at Sea, the Geneva Convention relative to the Treatment of Prisoners of War (which regulated older Geneva conventions), and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (which amended and supplemented the Hague agreements on acts and customs of ground war from the years 1899 and 1907 based on the experience from the World War II). The Geneva convention regulates the use of force between states as well as armed conflicts not having international characters – it also protects the participants of organized resistance movements if they are headed by a person responsible for the acts of subordinates, they are marked with a sign recognizable from a distance, they wear arms publicly, and they themselves follow rules and customs of war. The minimum number of rules mainly require the human dealing of persons that do not participate in fights directly, surrender, or cannot fight due to illness or any other cause, whereby neither race, religion, sex, nor any other differentiating feature can result in discrimination. Apart from this, attacks on persons that are killed, disabled, as well as inhumanly treated, tortured, taken hostage, humiliated, and judged and executed without a previous judgment of proper court, are banned. In the year 1977, two additional protocols on more extensive non-fight protection and on problems resulting from civil wars, were adopted. These protocols declare that armed actions of nations against colonial domination, and foreign occupation against racist regimes, to be international armed actions in the sense of the convention; partisans and other armed members are granted the status of prisoners of war – but mercenaries are explicitly excluded from this status.

The Convention on the Prevention and Punishment of the Crime of Genocide, from December 1948, can be also considered to be the component part of Geneva. The term "genocide" was first used by Raphaël Lemkin in 1944 in the study about the occupation of Europe by the Axis states and it was applied in the accusatory files in Nuremberg. According to this convention, genocide is the act committed with the intention to destroy some national, ethni-

cal, racial, or religious group totally or partially. Such acts can be the death, the serious injuries, or the mental diseases caused to the members of the group, as well as the creation of living conditions that would result in the destruction or measures that would prevent this group from giving birth to children, or the violent transfer of children from one group to the another group. According to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity adopted in the year 1968, the crime of genocide cannot be barred by the statute of limitation.

The Hague law is a set of norms regulating the rights and obligations of belligerents. It follows the Hague peace conferences that were focused on looking out for and executing the rules for the restriction of armaments, the occurrences of wars, and behaviours during them. The first International Peace Conference (1899) adopted several treaties focused on the codification of war law: the Convention regarding the laws and customs of war on land, the Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of 22 of August 1864 and, specifically, the Declaration to prohibit the launching of projectiles and explosives from balloons or by other similar new methods, the Declaration to prohibit the use of projectiles (the only object of which is the diffusion of asphyxiating or deleterious gases), and the Declaration to prohibit "dum-dum" bullets. The second Hague international conference on disarmament (1907) adopted many agreements on international law during wars. The Hague Convention on Protection of Cultural Property in the Event of Armed Conflict was adopted in the year 1954. All multilateral and bilateral agreements on the restriction of armament and disarmament could be included in the sphere of Hague law.

The Hague conventions on acts and customs during wars from the years 1899 and 1907, incorporated customs and war traditions that were respected to some extend – (i.e. valid customs and war traditions). The conventions resulted from the prerequisite of war's aim as nothing else, but just to break down the military resistance of an enemy and therefore the right of war parties to damage an enemy has its limits. They restricted the use of military violence only to soldiers and military objects, they banned attacks on civilians, they banned the use of perfidious methods of warfare and such means that result in unnecessary or excessive suffering and damage and which are not necessary to achieve a military aim. As this related to the codification of valid customs and traditions, the content of conventions is considered to be binding also for the states that formally were not the parties to these conventions – this was also the standpoint of the Nuremberg tribunal with regard to its judgement.

The convention related to respecting the acts and customs of war on the ground, and aside from this, banned "the attack or bombing, by any means, the towns, villages, dwellings, or buildings that are not defended"; as well as it obliged the signatories to protect as much as possible "the buildings determined for religious, artistic, scientific or charitable purposes, historical sights, hospitals and the places where the ill and the injured are gathered". The conventions related to bombing by naval forces banned attacks on undefended ports and cities – however, this conventions did not relate to the states where railways stations, factories, and shops can be used for the needs of war. The Hague rules of air war adopted in the year 1932 were understood similarly: they legitimized the bombing if it was directed to military targets – whereby the targets are "military forces, military factories, military equipment, railway stations, plants, and known centres used for arm production, ammunition, or important military deliveries; the lines of communications or transport used for military goals" – and it is explicitly allowed the attack of civilian centres if it was reasonably presupposed that "military concentration is sufficiently important to justify such bombing". How freely "military necessity" could be interpreted was shown during World War II and during the fights in Indo-China and Afghanistan.

The principles of neutrality have been the components of customs law for a long time. They were implemented into customs law during the 17th and the 18th centuries. The rights

and obligations of neutral states were codified by the Hague Conference in the year 1907. The territories of neutral states and neutral territories are inviolable, neutral states must not participate in war made by other states and they must not help fighting parties. The declaration of neutrality can be an unilateral declaration as it was done by the United States in the year 1793, or can be based on multilateral agreements – e.g. in the year 1815, the neutrality of Switzerland was confirmed by Vienna Congress and then by Versailles treaty in 1919 ad by the United Nations in 1933; in the year 1930, the neutrality of Belgium was proclaimed in the London Conference; in the year 1955, a peace treaty was signed with Austria codifying the eternal neutrality of the country. The uninhabited territory dividing two states is considered to be neutral territory, neutral zones are sanitary or security zones proclaimed during a war to protect civilians. The principle "there are free goods on free ships" also belongs amongst the principles of neutrality.

War crimes

The trial against German and Japanese representatives that were sentenced for the crimes against peace after World War II is considered to be a turning point of the use of war law in international relations. Deciding on "war criminals" is a traditional right of the winner – the individual members of hostile forces are tried for the breach of international war law. This relates to the customs law that was improved during the 20th century: the Versailles treaty included the provision on the lawsuit against the German emperor and the individual members of the German armed forces command, but it was not fulfilled. In this sense, the Nuremberg trials represent a turning point for the application of international law: codified international norms prevailed municipal German and Japanese norms with regard to the evaluation of individuals acts – and their superiority was proclaimed ex post facto; both these principles have been the subject of disputes up until to now. "To concoct, prepare, incite or to make an offensive war or the war breaching international treaties" was proclaimed to be crimes, and "murder, genocide, enslaving, deportation, or any other cruelties committed against civilians before a war or during the war or political, racial, religious prosecution during the commitment of any crime under the authority of tribunal or with regard to such a crime, regardless of whether local law, where the crimes were committed, was violated or not", were considered to be crimes against humanity. For some theorists – but not for all of them – the Nuremberg trails with their principles of personal responsibility, are the expression of the new law that does not consider war to be a fight between two sovereign opponents, which can only be regulated to the extend of the use of force, but firstly as a crime against nations that must be prevented.

Since the ninetieth year of the 20th century, the so-called Nuremberg law has been tried to be applied by two courts that were established by the UN Security Council to punish war criminals from Rwanda and due to the fights in the territory of former Yugoslavia:

- In the year 1993, the International Criminal Tribunal for former Yugoslavia was established with the seat in Hague; it deals with crimes against humanity as well as war crimes committed from the beginning of the year 1991.
- In the year 1994, the International Criminal Tribunal for Rwanda was established with the seat in Hague that specifically deals with crimes of genocide.

These are ad hoc courts only dealing with crimes committed on chosen territories and during war conflicts during the specified period of war time. At the same time, for the first time in history, mankind has tried to establish an universal tribunal that would punish the most serious crimes against humanity within the framework of the world community as a whole – the International Criminal Court with the seat in Hague. The prerequisite for its establishment was the acceptance of the Rome Statute of International Criminal Court at the diplomatic conference of the United Nations in July 1998, in which 159 states participated. Representatives

of the U.S.A., China, Iraq, and Israel voted against it due to various reasons. The Statute determined crimes that the tribunal would punish. Genocide is understood as acts committed with the intention to destroy, as a whole or a part, the national, ethnical, racial, or religious group. Crimes against humanity are understood as crimes that are part of an extensive and systematic attack on civilians with an awareness that it is an attack such as this. War crimes are understood as: (a) the serious breach of the Geneva Convention for Protection of Victims of International Armed Conflicts from the year 1949, (b) other serious breaches of law and customs applied in an international conflict, and (c) in the event of the armed conflict that is not of interstate nature, acts that violate the Geneva Convention for Protection of Victims of International Armed Conflicts from the year 1949. At the same time, the Statute proclaims that the limitation of time is not applicable to the following crimes, e.g. war crimes, crimes against humanity, crimes of apartheid, racism, and trade with slaves, women, or children, etc. The list of crimes that can be prosecuted by the International Criminal Court does not include terrorism or trade with drugs. All the citizens of the Statute signatory states can be subject to criminal prosecution, regardless of whether they are members of constitutional bodies or simple citizens.[1]

The International Criminal Court has been working since July 2002 (crimes committed until that time are not of its competence). At the beginning of 2006, the Statute was ratified by one hundred states, an only by France and Great Britain from the members of the UN Security Council; the ratification was also done in Slovakia, but not in the Czech Republic. It consists of eighteen judges elected for the period of nine years, at least by two thirds of the Statute signatories. Only the citizen of signatory states can become judges, whereby only one judge can be from one state. At least ten judges must be specialists in criminal law and criminal procedure and five judges in international law. At the same time, the prosecutors of the International Criminal Court are elected as well as their deputies for nine years. They can start an investigation to submit a notice on crimes by the UN Security Council, by the signatory states of the Statute, or based on their own decision. By participating in the work of International Criminal Court the United States would have to acknowledge that this Court has the right to prosecute citizens of the U.S.A., which is a problem with regard to the involvement of this state in the world – president G. Bush, after taking over the presidency in 2001, even cancelled the signature of the U.S.A. on the Statute.

Thus three and a half thousand years of efforts to ensure "justified wars and justice in wars" result in strange outcomes, the codex that summarizes such principles as: not to attack unarmed enemies; not to used banned weapons; not to fire on undefined localities without a military importance; not to use important building unsuitably; not to poison watercourses and wells; not to loot, not to kill or injure soldiers that are besieged or not able to fight either due to injury or illness; not to attempt on somebody´s life and not to hire assassins; not to treat unwell the prisoners of war; not to force the enemies of occupied territories to provide information about military forces of their country or its tools of defence; not to bomb from air and not to attack on civilians; not to attack on the enemy´s ships that surrender by dipping flag; not to destroy civil cultural sights and the places of prayers. These principles ensure that "warfare recedes barbarism".[2]

The lines of the Geneva and Hague laws as a road to so-called war humanization, is a typical example of restricted possibilities of morals in policies. The relativization of moral norms in policy also forces the biggest humanists not to look for the absolute good in international policy, but the lesser of two evils. In any case, the legal regulations of war can be considered

[1] See NOVOTNÝ, Adolf: *Slovník medzinárodných vzťahov – vojensko-politické aspekty*. Bratislava: Magnet Press, 2004, p. 58–59.
[2] KEGLEY, Charles W., Jr., WITTKOPF, Eugene R.: *World Politics. Trends and Transformation.* New York: St. Martin's Press, 1993, p. 510.

to be not only a success, but also a cynical concept of humanity – nevertheless, the above mentioned norms represent the instructions for killing. This success is also relative because in some cases, it is not an invention from the last two or three centuries, but only the codification of the principles known in some cultures from ancient times.

Human rights

The idea that human rights will become a norm of international relations changes the nature of international law in politics because international public law regulates the relations of states and international organizations and not individuals. At the same time, it turns back to the dispute between the representatives of natural law and positivists: what is a source of law – nature, God, or law? Can human rights exist as claims towards a state without any support of the state legislation? According to the positivist concept, law is identical with the set of norms declared by the state, i.e. with acts. It may happen, as a dangerous consequence of this concept, that the philosophy of law will change into apologetics of acts and current social relations. If there is no other law than the law supported by the strength of the state, then also fascist Germany can be understood as a legal state that followed monstrous racial Nuremberg acts against the Jews. If human rights are understood as present in the state, it means depriving ourselves of any possibility of considering their objectiveness.

According to the idea of natural law – but also the civilizational-humanistic concept – law is a justified right of man. Thus law changes into the term that on one hand relates to acts and on the other hand to justice. In this sense, some acts can appear to be unjustified, e.g. if they are apparently in contradictions with the elementary ideas of justice or if their context lags behind the development of society. Then, the fair act is that one that flexibly absorbs the real possibilities of the state to guarantee the fulfilment of human rights – e.i. the act that represents the concretization of law. At the same time, the moral court that is included in the idea of justice, need not necessarily be bound by the real conditions of its fulfilment at present. Thus the question according to which criteria can be a specific claim evaluated as justified is a key problem of this concept of law.

The humanistic challenge included in the idea of human rights results from the fact that the idea of freedom is based on the idea of equality: it claims the same right for all individuals, it attacks any privileges, and unjustified advantages. This fact comprises a powerful appeal and the practical strength of the idea of human rights. The civilization concept of human rights associates individualistic and collective elements. The reality of the autonomy of man endowed with human rights is inseparable from the reality of social origin and the existence of the same man. As they are the rights of all individuals, it is necessary to perceive human right as the relation that is linked with an obligation reciprocally. Man can have rights of human beings only is he/she acts as the human being – i.e. a social human being. This fact is responded to by the declarations on human rights, by looking for the rights of individuals, or by determining the line of contact for the rights of individual. As was already said, during the Great French Revolution, the rights of one man ended where the rights of another man started. The only cultural boundary of this touch in the political dimension of man's life can be determined by an act, but it itself must respect law. In this sense, law is objective with regard to law, independent on the will of legislators. The act embodying law must defend and develop social justice and must be improving continuously following the development of society. Therefore, human rights should be perceived as the rights of an individual that depends on society and with regard to several dimensions:

- Human rights are an inter-human, social relation. The human right is something different than the right to a thing – it is a rule according to which the behaviour among people should be regulated, including the behaviour between a man and an institution.

- Human rights are universal in the sense that they are an attribute of every human being. They are not the right of an individual, but the right of all individuals. They exist as a justified claim of an individual under the condition that the same right is acknowledged for other individuals. This means that it is a social relation among individuals with the same value of feedback.

- The universality of human rights cannot be understood as their constancy. It is the right of human beings to change the concept of human rights. As the possibility of human rights fulfilment increases, during the civilization process, so the ability of the human spirit develops to specify their concept more specifically and newly: the list of human rights has been extending since the 17th century.

- There is no other guarantee of human rights fulfilment than society. The fulfilment of human rights cannot be guaranteed by any legislation, state, or power, but only by society as a whole with its economic, political, cultural, and moral potentials.

- The social character of human being means that he/she is not only a reflection of the current social relations, but also the summary of previous and future social relations. Therefore, human rights necessarily exceed the dimension of acts, they predicate the humanistic potential of history of men and mankind as a whole.

Gladstone's critique of British policy in the second half of the 1870s is considered to be the beginning of discussions about the position of human rights in international politics. This liberal facing the Turkish massacre of the Bulgarians declared that Great Britain should had follow "the goals of mankind itself" in international politics. He was of the opinion that Great Britain should not have put first its selfish state interest, which was a tolerant attitude towards the Ottoman empire as a natural ally of Great Britain against Russia. However, after William Gladstone became the prime minister, he followed the imperial ideas of state interest in international politics. Thus, the tradition was formed, according to which the topic of human rights degenerated into the form of propagandistic proclamations. Many proclamations on the keeping of human rights are of similar nature; those accompanying the agreement between the United States and the Soviet Union regarding the fact that the U.S.A. will not raise the question of Afghanistan in the United Nation Commission on Human Rights and the Soviet Union will reciprocally give up the accusation of violating human rights in Chile. Similarly, in the year 1982, when Turkey was accused of violating human rights substantially, these accusations were withdrawn after an agreement according to which Turkey obliged itself to release some political prisoners: the strategic interests of NATO and the economic interest of Europe seemed to be more important that the question of human rights.

The most familiar and useful document about human rights is the Universal Declaration of Human Rights adopted by the United Nations General Assembly in December 1948. According to Article 1 of the Universal Declaration of Human Rights "all human beings are born free and equal in dignity and rights". Article 3 states as the fundamental rights the rights to "life, liberty, and security of person". The similarity of these formulations to Lock´s determination in the book Two Treaties of Government, is apparent. There is also the apparent influence of the first Declaration of the Rights of Man and Citizen from the Great French Revolution in the year 1789. However, it should be said that this consonance is more related to the basic determination of fundamental rights than in the text itself and the overall philosophy. The first difference is quantitative – the Universal Declaration lists approximately eighty rights to which any man is entitled regardless his/her race, skin colour, sex, language, religion, political or other way of thinking, nationality or social origin, property, family line, or any other status. These rights are formulated at the various level of generalization, sometimes positively, sometimes as bans.

The concept of ownership is vague in the Universal Declaration. However, this is a serious question that belonged among the catalysts of Enlightenment doctrine fission to the direction of liberalism on one hand, and on the other hand to radical democracy and Marxism. The basic thesis of Lock´s theory of human rights is the statement that man is "seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties and estates, which I call by the general name, property".[1] According to John Lock, ownership belongs amongst the natural fundamental rights. Similarly, according to the first Declaration of the Rights of Man and Citizen from the Great French Revolution "the aim of all political association is the preservation of the natural and unalienable rights of man. These rights are liberty, property, security, and resistance to oppression."[2] Contrary to this, Jefferson´s concept of human rights from the well-known Declaration of Independence from the year 1776, does not consider ownership to be a natural right; in the list of fundamental rights, it is replaced by "the pursuit of happiness". Literally: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness".[3] As a radical enlightener, Thomas Jefferson did not consider ownership to be a natural fundamental right, but a positive right.

The most general characteristics of human rights in the Universal Declaration, Article 3, does not state ownership, but Article 17 emphasizes that everybody has the right to own property, either independently or together with others, and nobody can be deprived of this property wilfully. Thus, the question, what is ownership right, returns. Does it give the individual the possibility to own clothes as well as another man? The Universal Declaration, Article 4, prohibits slavery and thraldom specifically. However, private ownership of production instruments, that after all preceded individual work, can have the form of ownership of other people's lives conditions. Is in this situation the communization of such property an arbitrary violation of human rights?

In the text of the Universal Declaration, no place was found for the explicit right to revolution, but it can be found in John Lock, in the Declaration of Independence as well as in the first two wordings of the Declaration of the Rights of Man and Citizen from the Great French Revolution (the third wording, the Thermidor from the Declaration of the Rights and Obligations of Men and the Citizens, does not acknowledge the right to revolution). Perhaps, only in the Preamble of the Universal Declaration, there is a notice that the human right should be protected by law "if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression", which relates to revolution. In the preamble, there we can also find the reference to the belief in human rights expressed in the Charter of the United Nations that can be interpreted as the transfer of human rights protection from the people of a concrete country to an international community. The expression of the right to self-determination is not included at all in the Universal Declaration.

Despite these problems, the Universal Declaration keeps one important primacy over the determination of human rights: it is the first international document of this type that acknowledges the existence of man's social rights. Articles 23 up to 27 state the various social rights, including the statement that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment ". The rights to fair remuneration, medical care, education, children protection, and maternity, the right to participate in products of art, scientific progress and its yields, have also not been forgotten.

Despite all its internal controversies and period shortcomings, the Universal Declaration of Human Rights acquired worldwide authority. It seems that the international protection of hu-

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[1] LOCKE, John: *Druhé pojednání o vládě.* Praha: Svoboda, 1992, p. 78.
[2] *Konstitucii i zakonadatelnyje akty buržuaznych gosudarstv XVII–XIX v.v.,* GIJL, Moskva 1957, p. 250.
[3] *The Political Writings of Thomas Jefferson. Representative Selectionp.* New York: The Liberal Arts Press, 1955, p. 2–4.

man rights can be the important tool of humanization changes under certain conditions. However, it should be understood that this role cannot be fulfilled by international declarations always and everywhere. The Universal Declaration itself has not a character of a binding international document. It is the resolution of the UN General Assembly and therefore it is only a recommendation. Voting on behalf of it does not mean that the voting state is legally obliged to follow its context or will be subordinated to the decrees of supranational bodies as e.g. the UN Commission on Human Rights. There are three inter-phases between the Universal declaration of Human Rights and the real fulfilment of human rights:

- It is necessary to give the Declaration the form of international legal binding norm. This step has been done by adopting and ratifying the International Pact on Civil and Political Rights and the International Pact on Economic, Social, and Cultural Rights.

- The implementation of international treaties into municipal law is a serious problem. It lasted approximately ten years while the above mentioned pacts were ratified by a sufficient number of countries and thus, they could become effective, whereby with regard to the International Pact on Economic, Social, and Cultural Rights, it was the U.S.A. that had problems doing so. Similar problems are related to many other international treaties. Very frequent are the cases when the states vote on behalf of the convention on human rights during the meeting of General Assembly, but they have not ratified them – e.g. the U.S.A. voted on behalf of many conventions, but ratified just one of them (Convention on Genocide).

- The most demanding step of human rights fulfilment, determined by international declarations or a state legislation, is represented by the real existence of conditions for their ensuring. Legal norm has a restricted socially creative strength. The realization of the Universal Declaration of Human Rights is conditioned by the fact that its principles should influence the lives of all individuals – it presupposes to create not only legal, but also political, economic, social-psychological, and moral conditions in society.

- According to some authors, the Nuremberg Trials are considered to be the beginning of the realization of human rights policy. However, many people started to be aware of this, as well as this policy started to be practised by individual states after Jimmy Carter took over the presidency after the election in the year 1976. His arrival was linked with two critiques of Kissinger's foreign policy: the liberal critique that considered the so-called "realpolik" to be cynical and the conservative policy that perceived this policy too soft towards the Soviet Union. This represented the revision of the undesirable deideologization of the U.S.A. policy towards the socialist countries of those days. It followed the Enlightenment terminology taken over from liberalism, whereby the good start for the overall campaign was a period interpretation of the U.S.A.'s Declaration of Independence, whose two hundred year anniversary was remembered in the United States just in the year of the presidential election. The Final Act of the Conference on Security and Cooperation in Europe, from the year 1975, can be considered to be the culmination of the political use of the human rights question, whereby its III. basket related to the cooperation in humanitarian and other spheres and was used against the practice of bureaucratic socialism. On the other hand, the campaign to protect human rights early had many critics from both liberal and conservative camps.

- Most analysis points out that the least norms related to human rights and institutions for their enforcing can be found in Asia, Africa, and in the Middle East. This problem does not only relate to the degree of economic-social development, but is also reflects one disputable topic that accompanies the development of the whole international law: Eurocentrism.

- According to Hans Morgenthau, the application of human rights principle in politics is a moralism, whereby it cannot be forgotten that *necessarily there exists a certain relativ-*

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ism with regard to the relation between the moral principles and foreign policy: some principles are usable in one historical period, others in a different period; some principles are accepted by one "political civilization", other principles by another country. Therefore, *the protection of human rights cannot be properly applied in foreign policy, because it conflicts with the other interests that can be more important in specific directions.*[1] The historian and the political scientist, Arthur Schlesinger Jr. pointed out that though moral values were of significant importance for international policy, their role *is not in providing abstract and universal principles for foreign policy decision making… They would rather enlighten and control the concepts of national interest.*[2] The neoconservative, Irving Kristol, when criticizing the policy of human rights, distinguishes authoritative and totalitarian regimes to allow to apply the different value standard, that orients the policy of the U.S.A., against them. The fact that the activists and promoters of the movement for the protection of human rights reject the differentiation of authoritative and totalitarian regimes, is not according Kristol by chance: their goal is *the moral disarmament of bourgeois capitalist west.* The requirement of Congress according to which the Ministry of Foreign Affairs should report on the keeping of human rights in the world annually, considers it to be *the idiotic political arithmetic.*[3]

- After the first generation of human rights, related to civil and political rights, and after the second generation, related to economic and social rights, today we can speak about the third generation of rights. These are focused on the question of environment, the rights of native inhabitants, and social development, but these have not been included into the international list of human rights fully, though the negotiations with regard to this topic have already started. It is obvious that it cannot be possible to ensure the rights to surviving, and economic rights, without clear air, healthy water, and uncontaminated soil; the universal validity of political rights cannot be ensured without social rights. The third generation of human rights neither can be fulfilled by the strength of an individual or group, nor by the possibilities of the state – it is the claim of man towards the world community.

- Full attention to environmental problems started to be devoted during the period of the Cold War at international levels. The second world conference of the United Nations on environment and development in Rio de Janeiro in July 1992, followed the ideas of the above mentioned documents and conferences. The conference adopted the Agenda 21, the Rio Declaration on Environment and Development that present the action plan of states on five hundred pages in the Convention on Climate Change, the Convention on Biological Diversity, and the Statement of Principles on Forests. Protocol from the other world conference on environment in Kyoto in the year 1997, comprises the concrete obligations of individual states to decrease harmful emissions. The fact that the United States withdrew from The Kyoto Protocol in the year 2001 points out that the enforcing of third generation human rights will be complicated. The Kyoto Protocol itself has been effective since the year 2005 (at the beginning of the year 2006, it was ratified by 161 states that in total produce 61 % of harmful emissions). It is apparent that environmental protection and the enforcing of sustainable development principles will be among the big issues of the 21st century international law.

If history is to be a real civilization process, then it is moving in the direction of more wider determination of human rights and their ensuring. During such a civilization process, the idea of human rights unifies moral and legal norms with humanistic philosophy and to-

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[1] MORGENTHAU, Hans J.: *Politics among Nationp. The Struggle for Power and Peace.* Revised by K. W. Thompson. New York: A. A. Knopf, 1985, 275 and 277.
[2] SCHLESINGER, Arthur M., Jr.: *The Cycles of American History.* Boston: Houghton Mifflin Co., 1986, p. 33 and 59.
[3] KRISTOL, Irving: *"Human Rights" : The Hidden Agenda.* The National Interest, winter 1986/1987, p. 7–8.

gether with the material possibilities of society, it forms the framework of man cultural existence. The discussion about the problems of human rights reflects the real social discrepancies that express themselves as an everlasting topic in social philosophy and political philosophy. These discussions about everlasting topics are not won in theory, but by concrete acts: however, they only close partial aspects of problems and at the same time open new ones. If under the pressure of the civilization process, the unified planetary civilization has been really formed, then the strengthening of the regime of human rights is also necessary. In order that it might happen without significant international conflicts, at the beginning of this process it is necessary take into account that the idea of human rights need not always fulfil the integrative function in the world policy. Should the idea of human rights assist to enforce the humanistic relations in the world political system, the policy of individual states need not put the emphasizes on the differences among individual cultural concepts of human rights. The using of increasing interests in human rights in favour of democratization of the international community requires first of all knowing how to support politics with the common general humanistic ideas that are included in all codices of human rights. However, such an approach is not applied automatically.

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For the present, it does not seem that international law or regime will replace the balance of power as the basic rule inside the world political system. The second half of 20th century and the beginning of this century points out that legal argumentation is often used as
- additional legitimization of diplomatic position;
- as a tool to acquire the diplomatic and public support of own position.

The change of nature and the role of law in international politics is not an issue of the moral or intellectual maturity of the world community that would cancel the role of the state as a central actor in the world political system. In all its forms, the change of nature and the role of law is only the reflection of the balance of power changes and the changes of power nature – i.e. revolution in the military. At the same time, there endures the possibility of violating law, first of all by the states or superpowers. Besides, the states or their alliances still are the main actors of law enforcement, specifically the hegemony holder, i.e. the United States specifically. Beyond controversy, the last 150 years represent progress in legal regulation of use of force use international policy – however, "justified wars" have brought death to hundred millions of people.

17/ MORALITY

The idea that the governance of policy according to moral values would mean the elimination of conflicts from international policy belongs among the most frequent and the most optimistic visions of human society. But the worlds of morality and policy are not only different – the fact that these worlds can be replaceable is more significant. Morality can be perceived as a tool of policy cultivation, because morality is a set of the norms that evaluates motives, aims, and acts according to the scale "good – evil". It is highly disputable whether it is possible to understand the moral policy and the immoral policy as two alternatives for the same problems.

The inconsistence of the relation between morality and policy can be proved by the fact that moral goals and acts can also be achieved based on "immoral motivation" as a desire for

prestige or personal power. For example, when a politician has understood that he can acquire most of the glory and power by enforcing human rights. Similarly, it can be said that the absolute rejection of moral acts – i.e. absolutely unjustified policy – is so unsocial that it will result in the doom of politician´s prestige and sometimes also in the loss of his power position. With regard to the long-term point of view, such an unsocial policy is not effective and not sustainable; but it is also exceptional, because the most monstrous regimes can be suitable for a specific group.

From this point of view, what is moral can seem to be identical with what is rational. It is like this, but with limitations: first of all, rationality should be understood in its "self-reflection" – in the knowledge that the human mind, and specifically the individual mind of a concrete politician, cannot comprehend reality in its complexness. The epistemological optimism stating that the world is recognizable, corresponds with the social time – the recognition is an unclosed process of the whole mankind, not of an individual here and now. The truth is a collective asset, whereby the collectiveness in this case includes the whole society with its past and future. At the same time, it should be emphasized that cognition is only a part of the motivation of a politician´s behaviour and the public behaviour – apart from cognition (specifically insufficient cognition), there are also interests, emotions and values, including the moral values that influence the decision making process less significantly, and sometimes more significantly.

The "rationalization" of policy as self-apologizing on a regular basis, refers to universal values. However, this is not a process of analyses or moral evaluation, but the creation of political ideology through the use of moral categories. According to Werner Levi, *moral norms are the evaluator and not the initiator or the aim of behaviour*. The definition of interest is regularly preceded by the choice of behaviour, which is followed by realization, and in the end ex post facto*; there is research into morality: interest obviously prevails morality. National interest is more powerful than morality. Norms support institutions more than they form them.*[1] Based on this cognition, it is possible to deduce two requirements – revolutionary call for more morality with regard to the definition of national interest, and the cynical adaptation to analyses and to seeing self superiority in the most consistent power application.

The concept of international morality is comprised of the idea that international relations should lean upon mutually shared ethical values. This resulting statement forms the proposal about ethical imperatives comprising transnational embodied values, e.g. in such documents as the Universal Declaration of Human Rights. The optical illusion about the presence of similar general moral values in all people, evokes the idea of a universal human community. However, this community is too general of an intellectual abstraction: it has not been institutionalized properly so far – specifically, it has been institutionalized through the world policy and the world economy, aside from this, in anarchically arranged states and in conflicts of different moral values. The results is what is called "universal human morality", i.e. the colourful mosaic of various and contradicting codices; this mix of codices is not structured and if there are any mutual values, any mutual denominator, they are not related politically to the most significant values. Hans Morgenthau said that "the fount of universal ethics was empty".

According to Hans Morgenthau, there are four different attempts in theory to disengage from the ambivalence of morality and policy:

- Scientism believes that it is necessary to find one cause, the right formula, or to use a correct mechanical tool – and the political dominance of man over another man, and the violent fight of human communities, will disappear as a temporary deviation from the order

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[1] LEVI, W.: *The Relative Irrelevance of Moral Norms in International Politicp.* In: *International Politics and Foreign Policy. A Reader in Research and Theory.* – Revised edition. – Edited by J. N. Rosenau. New York, Free Press and Collier–Macmillan Ltd., London 1969, p. 194 and 197.

of cooperation and reason. According to Hans Morgenthau, Marxism represents a typical expression of this belief.

- The concept of two morals arise from the idea of the existence of two moral standards – one is used for politicians and policy, and the other one for the sphere of private life and the rest of mankind.
- Perfectionalism can perceive the reality of political life, but it believes that political evil and the desire for power can be hanged by the will of individuals – either by the means of social reforms, education, or moral enlightenment. These ideas correspond with the political philosophy of Woodrow Wilson.
- Totalitarism offers the solution to the problem of dividing morality from policy – it identifies the moral ideal with the facts of political life – it accepts the desire for power, glorifies it as the source of material and moral values. According to Hans Morgenthau, such a vision, well known (e.g. from fascism), is the most dangerous.[1]

Fanatism

Keen and uncritical emphasizing of moral value in policy is apparently the expression of fanatism. Such fanatism is related to the refusal of permanent analysis of a situation and mainly to misunderstanding of self insufficiency, including the imperfectness of one's own moral criteria. However, morality is as imperfect as cognition – it is nothing else than the expression of an imperfect understanding of what is good and evil. Following an abstract value up to ideologies and doctrines while choosing foreign policy, represents the way we can go from the vision of religious or ideological solidarity, to sectarianism: from "universal human values" to political fragmentation, to the division "Us and Them".

The statesmen that unambiguously knows how Good and Evil looks like, returns their country into the Medieval Period. The announcers of mythical visions, the contention between Good and Evil, they herald a practical possibility of fulfilling the absolute Good by own strengths. They become the fundamentalist leaders of one part of a nation against another part of a nation, one state against another state. There were many politicians during history who were of the opinion that they were just the people who understood Good and Evil. Though they sinned in several forms at the same time. Their policy considered the practical realization of power to be moral and that this could never be suited to everybody. They considered to be moral "to give to take, or to do to somebody what the other does not like". These politicians declared their own self-defence to be the voice of force majeure. In accordance with their vision, they divided mankind into Us and Them, whereby it was possible to do whatever against Them in the name of Good. Without any humility and based on the private vision of universal human interests, they condemned groups of people to a position without any rights. It is punishment that is the most popular political topic of these experts in absolute ethical values.

Responsible policy is the weighing of interests, the creation of the hierarchy of justified claims from which not everything can be fulfilled immediately, – and also cheating with unjustified, but strong interests. Therefore, humanistic policy looks for the least evil; it knows that policy very often does not offer the choice between Good and Evil, but the choice between a bigger or smaller evil. A lot was said by the announcers of absolute Christian morality in policy, generally about yesterday's guilt and the obligation to pray for forgiveness. This idea of a better world than the human world does not understand that humanism – and democracy – does not start with Good cognition. Real humanism – and democracy – starts with doubting our own opinion.

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[1] MORGENTHAU, Hans J.: *Politics in the Twentieth Century.* Vol. I: *The Decline of Democratic Politicp.* Chicago and London: The University of Chicago Press, 1969, p. 314–317.

Fanatic statesman-moralist can be devoted to any value, ideology, or religion – e.g. human rights. It is even possible to announce the general separation of power from the use of force and thus to cause suffering. However, politicized religions represent a very good topic for the analyses of such fanatic moralistic immorality, specifically crusades of Christian fanatics fighting for the revealed Good, which is described by historians well. Kenneth Thompson blames politicians, who declare that they follow religious values, for five sins:

- These people declare that religion is hypocrisy because politicians look for the moral excuse for practical and selfish acts in it;
- Religion in politics result in self-excuse and crusades;
- Religious people see the world divided into "Us and Them", the Christians and the barbarians, the blessed and the unblessed – but the policy is the formation of coalitions and temporary coalitions in the world;
- The religion perceives the knowledge of absolute truth and untruth as a practical possibility; there exists the Ten Commandments, the ethical codex, credo, and doctrine. Policy proceeds based on the choice of less evil, it finds a way from gloomy spheres, it realizes momentary choices with the small certainty of results;
- Religions, specifically classical ones, originated during the period of a simple life, but today´s life is fast and joggled with value crises, divided by the conflicts of generations and cultures. Religions still addresses lonely individuals, but policy must organize and control large aggregates and groups.[1]

Economic assistance

Probably the most significant application of morality in international policy is represented by the economic assistance of one state to another state. "The economists usually define foreign assistance as any flow of capital or public finance in the form of loans or grants to other countries that fulfil two criteria: 1. This capital has no commercial determination from the point of view of the donor 2. The loans are the capital provided under more advantageous (concession) conditions; this means that the interest rate and maturity of the loans should be more advantageous than common conditions." Various analyses monitoring the history of foreign assistance for developing countries, from its beginning at the end of World War II, show that this assistance exceeded a billion of dollars.[2]

The assistance can be of various forms. Single assistance, in the event of natural disasters, in the form of donations and loans for economic, social, or military spheres, but also for education assistance, etc. This type of assistance has been known since the 18th century, as a regular and purposive activity, though the first integral policy of foreign economic assistance is of British origin and relates to the development program from the 1930s. The assistance can be provided through international institutions as the World Bank; it can have the form of bilateral agreements – despite the significant increase in assistance through multilateral institutions, the assistance based on bilateral agreements comprises more than 75 % of all assistance.

The United States is definitely the country that has done the most in the sphere of foreign assistance. The amount of assistance has been changing since the Marshall Plan (total amount spent for this program was more than USD 13 milliard); at the end of the Cold War in the year 1989, the American program of economic and military assistance was almost in the amount of USD 13.9 milliard. Total for U.S.A. assistance abroad during the Cold War exceeded USD 212 milliard. Though the United States is the most plentiful source of this assis-

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[1] THOMPSON, Kenneth W.: *Ethics, Functionalism, and Power in International Politicp. The Crisis in Valuep.* Baton Rouge and London: Louisiana State University Press, 1979, p. 10.
[2] HALAXA, P.: *Zahraniční pomoc ve vztazích vyspělých a rozvojových zemí* In: *Stát, prostor, politika*. Ed. P. Jedlička, J. Tomeš a P. Daněk. Praha: Univerzita Karlova, Přírodovědná fakulta, 2000, p. 105 and 106.

tance, states with a different ideological orientation have also been doing the same – e.g. the former Soviet Union was providing Cuba and other developing countries with long lasting and significant economic assistance. Saudi Arabia provides economic assistance to Muslim countries, the Scandinavian countries are also very active in the sphere of international assistance (specifically Norway and Sweden), and also Japan. The same is applicable to the countries that are recipients of assistance in other respects – e.g. India helps Bhutan and Nepal, the Russian Federation spends more to help other countries of the Commonwealth of Independent States than it itself gets from abroad within the framework of assistance.

Table No. 6: OFFICIAL DEVELOPMENT ASSISTANCE OF OECD COUNTRIES (2004)
(in USD millions)

	AMOUNT	% OF GNP	CHANGE OF PERCENTAGE COMPARED TO 2003	
Norway	2 199	0.87	-3.0	
Denmark	2 037	0.85	4.1	
Luxemburg	236	0.83	8.2	
Sweden	2 722	0.78	2.1	
Netherlands	4 204	0.73	-4.5	
			_____	**Objective of the UN 0.7 % GNP**
Portugal	1 031	0.63	188.3	
France	8 473	0.41	4.3	
Switzerland	1 545	0.41	8.7	
Belgium	1 463	0.41	-29.8	
Ireland	607	0.39	6.0	
Great Britain	7 883	0.36	9.5	
Finland	655	0.35	5.9	
Germany	7 534	0.28	0.1	
Canada	2 599	0.27	14.9	
Australia	1 460	0.25	2.0	
Spain	2 437	0.24	9.6	
Austria	678	0.23	19.6	
Greece	465	0.23	13.3	
New Zealand	212	0.23	9.1	
Japan	8 906	0.19	-4.3	
U.S.A.	19 705	0.17	18.3	
Italy	2 462	0.15	-10.5	
DAC total	79 512	0.26	5.9	
States average		0.42		
EU	42 886	0.35	2.9	
G7	57 561	0.22	7.1	

According to the recommendation of the United Nations, rich countries should give to poor countries approx. 0.7 % from their gross national product (GNI): this amount is exceeded the most by the Scandinavian countries. Table 6 shoes the amount of contributions in the year 2004 for so called official foreign assistance of those OECD countries that are associated in the Development Assistance Committee (DAC). The Official Development Assistance (ODA) was defined by this Committee as "the set of transfers to the developing countries and the multilateral institutions that are provided by official places as the governments of states or

local governments or their executive bodies. Each of the transactions must comply with the following criteria:

a) It is provided with the purpose of supporting the economic development and welfare in developing countries.
b) It is of concession character (it is not commercial) and it comprises of the grant, a minimum of 25 %.

ODA also includes administrative expenses related to the providing of transfers." Chart 8 shows that the absolute largest amount of expenses come from the U.S.A. However, the United States traditionally provides a small percentage share from GNP.

Developing countries are often criticized that they do not use the assistance from rich countries effectively. Many times, it is true, whereby low effectiveness is often accompanied by high corruption. On the other hand, there are also unused possibilities of assistance that are very effective, because they are directly orientated to strengthen production in developing countries. In one of the analyses of the American institution, Center for Global Development, from mid-2006, it is mentioned that "the governmental support of production in all rich countries (through grants and tariffs) has almost four times value compared to the global development assistance. If the rich countries fully opened their markets for production from poor countries, the value of increased income would be twice bigger than the development assistance." This can be seen in Graph No. 2, which the authors of the quoted analyses took from the study of OECD.[1]

Graph No. 2: TRIUMPH OF TRADE OVER DEVELOPMENT ASSISTANCE
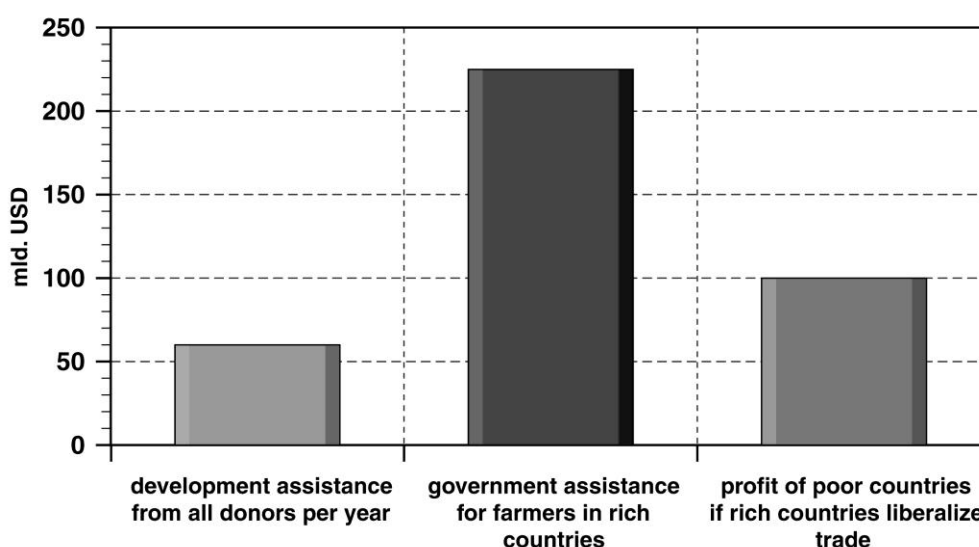
The geographical structure of U.S. foreign assistance shows that most assistance is for countries that are of strategic importance for the U.S.A.; only 1/5 of foreign assistance has the character of bilateral assistance for development in the form of grants to the poorest developing countries. The Marshall Plan was also focused on many goals: it helped American allies after the World War II in economic reconstruction and thus it created a favourable social climate to fight domestic communist parties, it was part of the global economic development support, it helped develop business, it assisted in fulfilling American diplomatic and military objectives without dispute, and it was also advantageous for the American domestic economy. This type of assistance is not unusual: The Soviet Union mostly supported Cuba, Vietnam, Afghanistan and Ethiopia, countries of OPEC, Arabic countries, and they also supported

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[1] *Global Trade and Development:* Global Trade, the United States, and Developing Countriep. Washington: The Center for Global Development, 2006 – http://www.cgdev.org/

Asian and African countries where there is a high percentage of Muslims; France and Great Britain mostly support their former colonies.

Economic assistance has always been a humanitarian issue – the activities of American Peace Corps or Cuban medical assistance are well-known all over the world. However, economic assistance is very often a political tool to achieve various political, military, and economic objectives. "The dollar diplomacy" belongs amongst the peaceful tools of power use; the assistance of such donors as Sweden, Norway, Holland, and Canada has the least politically conditioned assistance – these are countries that do not have a status of a great power.

<p style="text-align:center">*   *   *</p>

„The relativization" of morals in policy is not necessarily the immorality of policy – it can be and very often is the expression of the internal incongruity of a moral codex or discrepancies among different moral codices. The American protestant theologian and political scientist Reinhold Niebuhr, who with regard to this also mentions David Hume, says that morality looks for a way towards policy, the political moral *must be morally ambiguous, because in the interest of the bearable harmony of the whole, it must not just simply refuse the selfish interest, but it must deflect it, to trick it, to entreat and to use. As the principles of political morality are more relative than the principles of pure morality, they cannot be defined without the implementation of relative and accidental factors.*[1]

The main problem of international politics is not the immorality of politicians, but the nature of the world political system. International politics is not the sphere of immorality, but the tragedy of human beings. This tragedy could be much less significant if politicians were aware of it; however, this is just an unreasonable wish, because most politicians neither have enough intellect, education, nor morality and humanistic perception at their disposal. If there is any hope in the civilization process of fulfilling moral norms more significantly (e.g. in the form of human rights – which has not been proved yet), then it is the result of historical development, including the increasing influence of the public, and not the increase in moral and intellectual level of politicians. The radical change of morals in international policy would require a change of the world political system nature, in order to remove anarchy and to establish justice.

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[1] NIEBUHR, Reinhold: *Synové světla a synové tmy.* Praha: J. Laichter, 1947, p. 89.

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