

# **The UBC Journal of Political Studies**

March 2010

An annual publication of the  
UBC Political Science Students' Association

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## EDITOR'S INTRODUCTION

Our generation has grown up with information at our fingertips – between our Blackberries, laptops and iPods we are constantly connected. Never before have we been so privileged to have access to so much information, so much instant knowledge. We are always on the go, bouncing from one subject to the next, trying to disseminate the copious amounts of information being thrown at us from different angles. The authors featured in the 12<sup>th</sup> edition of the UBC Journal of Political Studies have one integral thing in common – whether they are debating environmental politics in Canada, foreign policy in Iraq or terrorism in Latin America – they all present intellectually stimulating material that stops us in our tracks, makes us pause, for at least a moment, and contemplate the complexities of the topic at hand.

The past year alone has witnessed numerous political events and struggles that have shaped the world around us: the global economic recession, the Copenhagen climate change conference, debates on arctic sovereignty, the proroguing of Canadian parliament and the continuing fight against terrorism. In the classroom students have actively tried to make sense of all these events; they have listened, they have debated in great length, they have researched and they have written a plethora of outstanding papers on a multitude of important topics. On this note, I am pleased to present some of the top papers written by UBC 's exceptional political science students over the past year.

So many people have dedicated a lot of time and effort to making this year's journal a success, and it would not have been possible without each and every one of them. First of all, I would like to thank the editorial board for pouring their heart and soul into reading and editing the plethora of submissions that we received. They dedicated hours of their time, despite their busy schedules, to ensuring that each and every submission was given careful consideration. I would also like to thank them for their wonderful work, in conjunction with the authors, in developing the essays to their full potential.

I would like to thank our faculty advisor, Dr. Benjamin Nyblade, for his guidance and support throughout the entire process. His advice and commitment to the Journal has been invaluable throughout the past six months. Additionally, I would like to thank the Department of Political Science for their financial assistance, without which none of this would have been possible.

The support of the Political Science faculty is an important part of maintaining the journal's excellence – for their expertise and dedication to this project we would like to thank Shane Barter, Kaija Belfry, Dr. Michael Byers, Dr. Maxwell Cameron, Dr. Katharina Coleman, Dr. Fred Cutler, Dr. Laura Janara, Dr. Brian Job, Dr. Raul Pacheco-Vega, Dr. Richard Price, Dr. Samuel LaSelva, Dr. Allen Sens and Dr. Allan Tupper.

Additionally, I would like to thank the Political Science Students Association (PSSA), for their unwavering support of the journal since its inception. In particular I would like to thank the PSSA Presidents, Judith Cheng and Setareh Khasha, for being such an invaluable liaison throughout this entire process.

Last, but certainly not least, I would like to extend my gratitude to all those authors who submitted papers. The selection of papers this year was outstanding, bringing testament to the quality of work produced by students at UBC. I would further like to thank the authors published in this year's journal for all the hard work they have put into to developing their writing. I am extremely pleased with the quality of the writing exhibited in this year's publication.

I am thrilled to have had the opportunity, again this year, to be involved in the Journal's production. I am constantly amazed by the breadth and expertise of the work produced by students at UBC. It was truly a pleasure to read and review each and every essay that was submitted this year, and I hope you will find as much enjoyment and inspiration within the words of these pages as I have.

Best Wishes,

Alesha Porisky  
Editor-in-Chief

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## **EDITORIAL BOARD**

### **Alesha Porisky, Editor-in-Chief**

Alesha Porisky is a fifth year Political Science and Economics double major, whose academic interests lie in economic development and poverty alleviation. When not at school, or working on the journal, she can be found working with Networks for Change, attempting to find fresh powder at Whistler or reading classic literature over a cup of free-trade coffee. Alesha has a passion for writing and photography, which she hopes to turn into a career as an international correspondent or in development work. Next year she plans to travel to as many countries as possible, before pursuing a masters degree.

### **Genevieve Barrons, Assistant Editor-in-Chief**

Genevieve Barrons is a third year student majoring in International Relations and English Honours. She is interested in international law, security studies and human rights. After UBC she plans on attending law school.

### **Denise Alba**

Denise is a Political Science major with a personal interest and academic focus on environmental politics and public policy. She has written for Earthsave Canada, and has recently begun volunteering with local NGO, EcoTrek Tours. Denise loves animals of all kinds, has two dogs - Titus and Stella, and has an especially soft spot for elephants. She will be volunteering at an elephant sanctuary in Thailand in the summer. Denise lists greasy, cheese pizza as her favorite food, and snowboarding, shopping, and trying new restaurants as her favorite activities.

### **Carmen Alvarez**

Carmen Alvarez is a fourth year student pursuing a Bachelor of Arts degree in Political Science and English Literature. She has been actively involved on campus throughout her university career by participating in REC leagues, attending Political Science Students' Association events, volunteering with MSF UBC, raising money for Ronald McDonald House and holding numerous positions in her

sorority, Alpha Delta Pi. After taking a year to do a few extra classes, earn a little bit of money and, hopefully, travel, Carmen plans to attend law school and is writing the LSAT this coming summer.

**Victoria Biernacik**

Victoria Biernacik is a fifth year Political Science student with a focus on security studies and conflict management. Outside of school, she is a literacy tutor for elementary school children, and contributes to the Ubyyssey. Victoria also interned at Green Collar Association as a writer this past term, focusing on climate issues and COP15. In her spare time, Victoria enjoys the outdoors, specifically the water, traveling, live music, cooking and eating, and keeping on top of international news. Despite having set herself up for a career in journalism, she is also thinking about pursuing education.

**Martina Feher**

Martina Feher is a fourth-year International Relations major, specializing in international development and diplomacy and a with a special interest in East European and Middle Eastern affairs. She hopes to go onto graduate school in the near future, where she can study the interaction of politics, diplomacy and development in her areas of interest. In addition, traveling widely and learning a few more languages would be on top of her agenda. Martina greatly enjoys summertime in Vancouver, watching obscure foreign films and drinking and eating copious amounts of coffee and chocolate!

**Jasleen Hundal**

Jasleen is a Political Science Honours student. She has a strong interest in ethnic conflict, forced displacement, postcolonial feminism, judicial activism and human rights enforcement. Jasleen enjoys Urdu & Persian poetry, Romanticism, music, yoga, swimming, reading, philosophizing and more. She has found serving as an Editor for the UBC Journal of Political Studies to be an intellectually stimulating learning experience.

**Alyssa Koehn**

Alyssa Koehn is a third year Political Science and Geography double major with an interest in urban studies, gender politics, and the impacts of globalization. She is infatuated with UBC and stays connected to her



campus through her role as a Residence Advisor. Alyssa thinks that every student should come out of their undergraduate degree well rounded and thus enhances her studies with adventures into photography, volunteering with UBC Rec, brief forays into the world of campus media, and watching the Rachel Maddow show.

### **Shannon Mckimmin**

Shannon Mckimmin is a political science and international relations major in his final year of studies at UBC. His primary interests lie in political theory and comparative politics, with regional focuses on the European Union and Southeast Asia. Arriving from The Hague five years ago, he is looking forward to moving back home or on to Indonesia upon graduation. These days Shannon spends most of his free time with Shaikha, Nietzsche, and his acolytes. His plan is to learn from artists and become a poet.

### **Sarah Song**

Sarah is a 3rd year International Relations major who loves security issues, strategic culture studies, and all things to do with war. In her free time, Sarah indulges herself in long walks along Vancouver's serene beaches, copious amounts of music, and people-watching in cafes on weekends. Involved in various campus activities, Sarah has directed the World Bank for UBCMUN 2010, panel moderated for the Arts Career Expo 2010, and photographed for various clubs and societies. Aiming for a career in social justice or strategic planning, her post-graduation plans include plenty of working holidays around the world.

### **Kavan Yao**

Kavan Yao is a fourth year student at University of British Columbia doing a double major in Political Science and English Literature. He has long been a part of the editing process, and has always had a principal interest in foreign relations and comparative politics. This journal is an opportunity to combine both of these to give his like-minded peers to voice themselves in a publication dedicated to the spreading interest in politics. He would like to thank all contributors, organizers, and fellow organizers for their hard work and making this opportunity a reality.

## CONTRIBUTORS

### **Kate Addison**

Kate is a fifth year student in the honours political science program. After stints at McGill and Sciences Po in Paris, she is finally graduating in May 2010. She is completing her thesis which attempts to explain why the Canadian Conservative party has been Canada's "natural party of opposition" for more than a century. She will be attending law school beginning in fall 2010.

### **Nicholas D. Anderson**

Nick is a fourth-year student majoring in Political Science with International Relations. Largely as a result of having lived in Tokyo and Seoul, his academic/research interests include Northeast Asian politics and security, with particular interest in North Korea. Nick will be going on to pursue graduate studies in international relations, and hopes to some day work in the foreign policy field. For Nick, an ideal day-off includes a morning of fly-fishing on a Whistler-area lake and an afternoon on the couch with a good book.

### **Kyla Brophy**

Kyla is a graduating Political Science Honours student at UBC. Growing up in South Africa sparked an early interest in social justice, and Kyla has focused her studies on the role of identity politics in bringing about social change. Her extra-curricular projects have included two summers working on a curriculum development project in Tanzania, moving to Ottawa to work on a Canadian Human Rights Tribunal for First Nations child welfare services, and a year-long internship with the foreign policy dialogue group, Canada's World. Her Honours thesis analyzes the applications of critical pedagogy in addressing Aboriginal inequality in Canada. Outside of academia, Kyla is a lifeguard and Red Cross swim instructor, and plays in the UBC Concert Wind Ensemble.

### **Cory Kleinschmidt**

Cory Kleinschmidt is a fourth year student at University of British Columbia, Vancouver. He will be graduating with a degree in International Relations and intends to continue his studies in that field. Subjects of focus in his work are numerous and varied, but include: social and cultural theory, history, Latin American studies, and international relations theory.

### **James Kruk**

James Kruk is currently a first-year Arts student at the University of British Columbia. Originally from Toronto, James plans on Majoring in International Relations, with an emphasis on East Asian affairs. James is a news junkie, science-fiction fan and proud editor of Wikipedia.

### **Lyudmila Rodina**

Lyudmila is a graduating student of International Relations at UBC. Coming from a bi-cultural Russo-Bulgarian background, Lyudmila is interested in a range of fields, including identity formation, cultural discourses, and intercultural relations. Lyudmila is also dedicated to post-structuralist studies of knowledge and power in various discursive formations. Her future aspirations involve an international development project in Nepal scheduled for May 2010. She is in the early process of planning a research project around this initiative but, most importantly, she's very much looking forward to a travel adventure.

### **Pavandeep Pamela Toor**

Pavandeep Pamela Toor is a graduating fifth year student in Honours Sociology & International Relations. Throughout her years at UBC she has developed a special research interest in the areas of community development and immigration policy. Combining her love of Sociology and International Relations she is currently completing her honour thesis on the post-secondary experiences of second-generation South Asians. After graduation, she plans on travelling before pursuing graduate studies in Public Policy & Administration.

**Hillson Tse**

Hillson is a 4<sup>th</sup> year student completing his B.A. in Political Science and Economics. His primary interests in the field of political science are international security and defence management. His plans after graduation include travelling to the Middle East and either pursuing attaining a law or graduate degree. He looks forward to never having to wake up at 5 AM to start term papers due on the same day.

**Vanessa van den Boogaard**

Vanessa is a graduating International Relations major, whose primary academic interests include conflict analysis and resolution, post-conflict peacebuilding and development studies. In the fall of 2010 she will pursue a graduate degree from Carleton University's Norman Paterson School of International Affairs, where she plans to spend two years trying to adjust to the climate of the nation's capital.

## ENVIRONMENTAL POLICY IN BC AND ALBERTA: TWO APPROACHES

Kate Addison

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*British Columbian and Albertan governments were both characterized by policies prioritizing the extraction of resources and a strong economy over environmental concerns. Each province has since developed a distinctive, forerunning environmental approach that reflects its values and political culture. In BC, the carbon tax and WCI's "cap and trade" system reflects the willingness of British Columbians to have government programs that force them to make sacrifices to protect the environment. On the other hand, Alberta's intensity targets indicate that the province continues to focus economic gains ahead of pollution reduction, and its reliance on the development of new technologies to lower emissions.*

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### Introduction

Both British Columbia and Alberta, in the period from 1945 until about 1970, were provinces isolated on the west coast of Canada, with Social Credit governments and resource-based economies. In the early 1970s, the two provinces diverged as Alberta continued on its economy-first path, while BC slowly developed its reputation as the most environmentally focused jurisdiction in Canada. This paper will argue that while British Columbia's early focus on environmental concerns has led to its reputation today as a forerunner in the environmental movement based on the attitude that the polluter should pay and citizens should change their lifestyles, its place is being challenged by Alberta. After years of ignoring the environment, Alberta has begun to create an alternative to BC's approach. Instead, Alberta's environmental movement relies strongly on the market to develop technology to counteract pollution. BC has put the environment before the economy, while Alberta has begun to develop a "made in Canada" approach that will allow it to balance environmental and economic concerns. This paper will begin by describing the shift in values that occurred first in BC, and later in Alberta, and how this coincided with the rise of environmentalism in each province. It will then discuss the British Columbian government's approach in recent

years. Next, it will examine Alberta's current environmental policies. Finally, it will compare these two models, particularly in the context of the current economic crisis.

### **The Rise of Environmentalism in British Columbia**

As Jean Barman describes, "[h]istorically, provincial governments have been little concerned with a broader vision of what BC might become, were they to venture beyond the immediate demands of a resource-based economy."<sup>1</sup> The forests, particularly, are an essential part of the heritage and identity of British Columbians, and central to the province's economy and politics. From Confederation until World War II, the prevailing assumption was that the forests were endless, so ordinary British Columbians did little to assert their rights over the crown land as governments gave leases to their friends to exploit the land. As Bernard Sinclair put it, "[l]ogging in BC [was] an orgy of waste. They [were] skimming the cream off the forest, spilling half of it."<sup>2</sup> This attitude continued from 1945 until 1970, as economic development remained the key value to British Columbians and their mostly right-wing governments. British Columbians saw development as linked to their history as a "God-fearing pioneer people, dedicated to progress."<sup>3</sup> Even the left-wing opposition did not offer an environmental or preservationist view; instead they sought a more equitable distribution of the province's resource wealth.<sup>4</sup>

By the late 1960s, Vancouver began to develop into a "countercultural Mecca"<sup>5</sup> with a strong leaning towards post-material values. This reflected the broader trend described by Ronald Inglehart, that rising prosperity led to an intergenerational shift in focus from material values (economic and physical security) to post-material values that emphasize autonomy and self-expression.<sup>6</sup> Many young Canadians and Americans moved to Vancouver as they became increasingly disillusioned with nuclear testing, pollution, and corporate lies.<sup>7</sup> This led to increasing environmental activism, while the mainstream remained traditional and pro-development. Although concerns about the environmental effects of development were raised, the government continued to put development before the environment. It was not until the 1980s when several large forest companies collapsed and an annual report of the Ministry of Forests was released saying that only one-third of lands logged were being reforested, that British Columbians realized that unlimited logging was no longer viable.<sup>8</sup> This coincided with the early 1980s' world-wide sensitivity to reducing development's impact on the environment. It was only then that radical environmental activism blended with a general societal

concern about using resources in an environmentally sustainable way, rather than only exploiting them for economic wealth. Eventually, BC became known as an “ecotopia” where environmentalist organizations like Greenpeace arose, and “sustainability” and “sustainable development” entered popular discourse.<sup>9</sup>

The Social Credit government in the 1980s had an economic focus, but by the end of the decade it introduced a number of environmental reforms because of public and international pressure. For instance, in 1989 the Social Credit government announced regulation of dioxin discharges from pulp and paper mills. However, these reforms included many concessions to industry. The NDP adopted environmentalism in opposition to try to capture the votes of frustrated environmentalists. It created an uneasy alliance between what Inglehart describes as the “old left” (labour) with the “new left” (environmentalists), which almost crumbled before the 1991 election.<sup>10</sup> During the election the Social Credit party dismissed the NDP’s platform, which was one-third environmental, as “pie in the sky” ideas of “environmental terrorists” that ignored economic reality.<sup>11</sup> They continued to focus on economic concerns, and went from forty-one seats to seven, a loss from which the party never recovered. From 1991 onwards, BC governments have been forced to look beyond resources to satisfy the prominent environmental movement.

### **Environmental Policy in British Columbia - A New Approach**

In the first half of the 1990s, the environmental values and relationship with government that British Columbians today take for granted, were shaped. Once the NDP came to power, those who elected them had high expectations for their promised environmental policies. However, despite their environmental campaign, ambitious throne speech, and five-year action plan, the party found it hard, once in government, to please both the “old left,” whose jobs were at stake, and the “new left’s” environmental concerns.<sup>12</sup> The NDP worked within the existing law using administrative discretion, resulting in few legislative reforms, but many considerable procedural reforms.<sup>13</sup> They made significant steps in the forest industry, with their 1994 Forest Renewal Plan and new Forestry Practices Code, which focused on sustainability, increased regulation and created higher fees for logging companies, with the money going towards environmental rehabilitation and restoration.<sup>14</sup> Essentially, the NDP’s policies created a new way of doing business in BC’s forest industry, by forcing industry to accept restrictions on output and adhere to environmental standards.

Using the populist tradition in BC, the NDP created a norm of citizen involvement in the environmental decision-making process. It began when the NDP created the Commission on Resources and Environment in 1992 to work with local interest groups to develop and implement sustainable land-use plans.<sup>15</sup> Prior to this, British Columbian government policies were developed by bureaucrats in consultation with interests, and legislated by cabinets which represented the different interests. Although environmental activists had appeared in policy disputes since the 1960s, by 1991 they were still not part of the core policy network, which was dominated by bargaining between forest companies and provincial ministries.<sup>16</sup> There were many high-profile disputes over preservation, and public indignation was aroused whenever first-growth forests were threatened. The most prominent dispute occurred in 1993 with the government decision to allow logging in Clayoquot Sound. This was seen as a betrayal by the NDP of their environmentalist supporters. Activism led to the arrest of over 800 protestors, and high levels of international pressure in opposition to logging.<sup>17</sup> In response, the NDP created consultation processes to seek consensus among all stakeholders, including environmentalists, business, labour, First Nations and community representatives. This gave environmentalists a means to channel their efforts that would otherwise be turned to civil disobedience and protests. It transformed politics in BC, creating a norm of citizen involvement and consultation in environmental and other policy areas. The NDP also responded by setting up a scientific panel, whose recommendations it accepted in 1995, ending conventional clearcuts, and, most significantly, gave priority to Clayoquot Sound's ecology over immediate economic advantage.<sup>18</sup>

Out of the NDP's policies in the 1990s came the idea of using taxpayers' money to fund environmental policies. In trying to satisfy labour and the "green caucus," and to some extent business, the NDP began to redistribute taxpayers' dollars to those adversely affected by environmental conservation policies. For instance, it redistributed money to workers to soften the effects of the Forest Renewal Plan.<sup>19</sup> The 1995 BC Greenhouse Gas Action Plan outlined two beliefs important to the way British Columbians view the environmental cause. These are the "polluter pays" principle, the idea that citizens are at fault for harming the environment and are responsible for paying, and the acknowledgement that voluntary action is not enough to ensure the necessary reduction of greenhouse gas emissions; the government must ensure that these citizens and companies are forced to pay for their actions that harm the environment.<sup>20</sup> The assumption in BC is that



people have caused harm to the environment, and must pay and change their lifestyles to fix the problem they have created.

### **British Columbians' Environmental Values**

Beginning slowly as a fringe movement in the 1970s, spreading to the mainstream in the 1980s, and culminating in government policy in the 1990s, environmentalism has become an ingrained part of BC's political culture. The use of environmental phrases like "zero discharge" and "polluter pays principle" became part of every-day discourse. Barman captures this idea in a witty but accurate way:

A consequence has been a distinctive life style, premised not just on a less reverent attitude toward traditional faiths than elsewhere in Canada but also on a non-conformity sometimes verging on a new conformity. Outdoor activities and recreation are to be preferred, year around, whatever the weather. Wearing apparel tends to be informal, but with a twist. There is an environmentally friendly mode of dress, that differs only in its particulars depending on location: in Tofino on the rainy west coast of Vancouver Island it's a yellow slicker and rubber boots; in laid-back Lasqueti Island or in the Kootenays natural fibres, loosely fitting designs, and visibly sturdy footwear; in the Lower Mainland jackets made of Gore-tex or fleece depending on the weather. Douglas Coupland caught this strand of the British Columbian ethos in his observation about outfitter Mountain Equipment Co-op that the 'store is seemingly staffed and shopped in exclusively by people in ferocious health,' so that 'you must take a solemn oath before purchasing these garments that you will use them only to aid the Forces of Good.'<sup>21</sup>

Meanwhile, some academics explain the state of the lower levels of organized religion in BC by saying it has been replaced by a secular faith of environmentalism and the out-of doors.<sup>22</sup> Regardless of whether people actually act environmentally, the idea of environmentalism is part of the British Columbian political culture.

### **Where is BC now?**

Traditional political parties are economically-based in labour and business, not the "new social movements" like the environment. This is reflected by the fact that environmental politics is not

inextricably linked to one political party. Although many environmental policies were founded by the NDP, today the right-wing party, the Liberals, embodies the environmental movement. These developments show that environmentalism has become an ingrained part of the political culture in BC, and citizens expect whatever party is in power to have an environmental platform, just as it would have one for healthcare or education. In the 2009 BC provincial election campaign, the major issue was the Liberals' carbon tax. Environmentalists, who have traditionally been aligned with the NDP, have been speaking out against the NDP's plans to "axe the tax" if elected. Tzeporah Berman, a prominent environmentalist and long-time NDP supporter says that environmentalists have been "deeply betrayed" by the NDP, which has "put politicking before the planet in the most hypocritical fashion."<sup>23</sup>

There is further evidence of the salience of environmental values in BC from the 2009 election. The BC Green Party was the only viable potential third party, capturing eight percent of the popular vote but no seats. This demonstrates that environmentalism had developed into a coherent belief system, outside of the traditional left-right, labour-business dichotomy. As long ago as 1997, fifty-eight percent of British Columbians strongly agreed that people must live in harmony with nature, and forty-eight percent strongly agreed that people need to adapt to the environment because they cannot remake it to suit their needs.<sup>24</sup> These attitudes reflect the Columbian belief that environmental protection takes precedence over man's land-use rights.

Donald Blake, Neil Guppy, and Peter Urmetzer found that Inglehart's theory about the fundamental shift in public values away from basic questions of survival and economic well-being towards post-material values plays an important role in explaining individual environmental activity in BC.<sup>25</sup> British Columbians feel that individuals are responsible for changing the environment. In a survey done in 1995, half of British Columbians believe that individuals, not governments, have the primary responsibility for protecting the environment.<sup>26</sup> This attitude still exists today, and the environment has become such an important part of British Columbians' values that they are willing to make a significant effort to protect it. Seventy-five percent of British Columbians say they are prepared to significantly alter their behaviour to fight global warming, and seventy-three percent say more government regulation is necessary to help them do that.<sup>27</sup>

This attitude is reflected in the BC government's policies, particularly the carbon tax implemented by the BC Liberals on July 1, 2008. The tax is added to virtually all fossil fuels, and adds 2.4 cents

per litre to gasoline at the pump, rising to 7.2 cents per litre in 2012.<sup>28</sup> The idea behind the carbon tax is that it acts as a government-enforced incentive to British Columbian citizens and businesses to act more environmentally, by punishing those who pollute through taxes, and returning the taxes to everyone through tax cuts and credits, so that those who do not pollute stand to gain. BC has also implemented a “cap and trade” system, which is the backbone of the Western Climate initiative (WCI), an agreement the BC government has signed with Manitoba, Quebec, Ontario, and seven American states to cut carbon emissions by fifteen percent below 2005 levels by 2020.<sup>29</sup> The BC government has enacted a bill called the “Greenhouse Gas Reduction (Cap and Trade) Act to set up this cap and trade system by 2012.<sup>30</sup> Among other programs, the government also has a Climate Change Charter, a non-binding agreement between over 100 municipalities and the BC government, which will give fifteen million dollars to local governments over four years to help them be carbon neutral by 2012.<sup>31</sup> If the municipalities succeed, they will get back all of the carbon tax they pay.<sup>32</sup>

Today, British Columbia’s government calls itself a leader in the environmental movement. Its carbon tax is one of the world’s most comprehensive, and the first in North America to target changing the decisions made by both businesses and consumers.<sup>33</sup> As Finance Minister Colin Hansen said, “BC is being recognized not only across Canada, but North America-wide as a leader in its actions to address climate change, and that [is] an important part of the program.”<sup>34</sup> However, it appears that the British Columbian government may have exceeded the environmental demands of its citizens. Eight-two percent of British Columbians believe that the government should target major industrial producers such as the gas, oil, and aluminum industries instead of imposing a carbon tax that targets individual emissions.<sup>35</sup> Over half of British Columbians believe that putting a carbon tax on greenhouse gases was a good idea, and are willing to pay higher taxes on fossil fuels.<sup>36</sup> However, those with at least one university degree (sixty percent) and those with a household income above 100,000 dollars annually (seventy-two percent) are more likely than the average British Columbian (fifty-three percent) to support solutions to environmental problems that involve higher taxes, and are more likely to believe that individuals, not industry, should be responsible for paying (see “Chart 1: Carbon Tax”, p. 17).<sup>37</sup> This reflects doubts about the effectiveness and equity of the tax as it hits rural and low-income British Columbians unfairly hard.

The main concern raised in BC about the carbon tax and the WCI's cap and trade system is that it is detrimental to the economy. Since 2001, the BC Liberals have attracted business and workers to the province with lower taxes and regulations, and BC is among the top provinces in job creation, economic growth, and business investment. However, the shift of focus to environmental policies threatens BC's investment climate.<sup>38</sup> It will likely mean lower reinvestment of earnings, which leads to decreased investment and new technologies, and stalled productivity in the short term, and eventual movement of investment elsewhere. Alberta and Saskatchewan are not part of the WCI, and as the Prince George Citizen describes, business historically "moves next door... when the business environment gets uncomfortable in [BC and] Alberta is just going to make that all too easy."<sup>39</sup>

### **The Rise of Environmentalism in Alberta - One step forward, two steps back**

Like BC, Alberta governments historically have never looked beyond resource-based development. Alberta and BC were both initially characterized by a "frontier ethic," the idea that the land is there to be used by people, and positive progress and civilization is evidenced by expanding the human imprint on the land. Yet another similarity between the provinces was the idea that in Alberta there was "lots of land, and lots of natural beauty to go around."<sup>40</sup> Until the end of World War II, the Albertan economy was based on agriculture. Oil was struck in 1947, and Alberta's place as an oil and natural gas province was cemented after OPEC was formed and the oil crisis hit in the early 1970s. As Guston Dacks put it, a "major commodity, initially agriculture and then oil and gas, has provided the bread and butter for a large proportion of the population throughout the province's history. Consequently, it has become customary to identify the general interest of the population with the interests of that dominant commodity."<sup>41</sup> It is evident that Albertans, or at least their governments, assume that whatever is good for the oil and gas industry is good for Alberta.

While the fringe environmental movement was developing in BC and the mainstream and government continued to focus on resource extraction, the Albertan government made a series of promising environmental moves, virtually of all which turned out to be little more than token actions.

Alberta showed promise in the early 1970s with the creation of the Environment Conservation Authority (ECA), Energy Resources Conservation Board (ERCB) out of another agency, and Canada's first provincial Department of Environment. The Department of

Environment oversaw pollution control and had limited forms of public input into environmental assessments of proposed energy projects. The ECA was a public-interest advocate, as its duties were to hold public inquiries and issue reports on environmental matters. However, the ECA soon became little more than an advisory body, and the government moved to curb the little power it had because of its pro-environment stance and unfavourable inquiries into the government's energy developments.<sup>42</sup> In addition, the Department of Environment, despite its mechanisms for public input, actually had very little input because it left it to the discretion of the minister to undertake "any acts he consider[ed] necessary to promote the improvement of the environment."<sup>43</sup> This ultimately meant that very little was done to protect the environment, and the Department's primary focus was approving energy projects and issuing development and emissions permits. In the ten years after it was created, tens of thousands of energy projects passed through it, with only eighty-two environmental reviews.<sup>44</sup> There was also regulatory confusion between the Department of Environment and ERCB as to mandates.

Starting in the early 1980s, Alberta faced the same international pressures as BC. Environmental and peace groups from other countries, as well as other provinces like BC, began to emerge in Alberta.<sup>45</sup> Unlike in BC, these movements did not originate in-province, but rather developed externally and moved to Alberta. Albertans were not open to an environmental agenda right away, however. While sixty percent of Albertans in 1981 believed that environmental regulations were not strict enough<sup>46</sup>, they were still unwilling to disregard economic concerns for environmental ones. Nick Taylor, the leader of the provincial Liberals in the 1970s and 1980s, campaigned on the development of "high tech" industries rather than energy megaprojects in the 1982 election. The Liberals only got two percent of the vote.<sup>47</sup> However, by the 1987 election, the Liberals campaigned again on a platform of environmentalism, small business, education, and fiscal responsibility, and got twenty-nine percent of the popular vote, demonstrating that environmental ideas were beginning to take hold in Alberta.<sup>48</sup>

In the mid-1990s the Alberta government passed legislation that reasserted the compact between industry and government. It undermined the norms of public input processes that had developed in the previous decade.<sup>49</sup> Once the ECA lost its ability to influence government, the ERCB became the arena for the public to voice its opinions even though its purpose was to regulate the oil and gas industry, not involve citizens. Its processes remained technical and

legalistic, so that ordinary citizens were at a disadvantage and there was little place for their subjective concerns.<sup>50</sup> The hearings were also about specific projects, not general environmental regulations or standards. By 1985 positive steps were taken. The ERCB became a mediator between different stakeholders, including citizens, and the public was included in creating environmental standards through long-term consultation and cooperation.<sup>51</sup> Deregulation and fiscal restraint led to a 1994 policy in which the ERCB and Public Utilities Board merged into the Alberta Energy and Utilities Board with a much smaller operating budget and capacity to fulfill its functions, indicating the Klein government's shift towards industry and self-regulation.<sup>52</sup> This meant that at the same time as there was increasing scientific evidence of pollution and a rapidly strengthening environmental movement and citizen involvement in BC, public confidence in regulators was undermined and citizen input was reduced in Alberta.

The Getty government's environmental policies in the mid-1990s followed strategies that had been successful in the past, but ignored changes like the environmental movement that had grown since the 1970s. One example is its forestry policy. Unlike in BC, where the 90s saw the rise of the norm of consultation and citizen involvement, the provincial government in Alberta designed a forestry development plan that originated in the bureaucracy as a way to diversify the ailing economy by announcing a megaproject and new development. Not only was this plan crafted by the Getty government, it was also administered and guided by them. The government undertook substantial financial and infrastructural commitments and aggressively pursued investors.<sup>53</sup> The project was driven by the Department of Energy and Natural Resources, to develop forests with little regard for environmental impacts or citizen consultation. The government proceeded shakily with opposition from newly organized environmental groups and increased public awareness about the environmental impacts of new pulp mills.<sup>54</sup>

Little else in the 1990s demonstrated an environmental bent to politics in Alberta. At a meeting of provincial officials and representatives from several Alberta ENGOs, one environmentalist called land management in Alberta an "all-you-can-eat buffet."<sup>55</sup> During this decade, environmental regulation and citizen participation began to fall even more to the wayside in the midst of deregulation and government cutbacks. Even as recently as 2003 to 2004, spending on the environment was less than one percent of the budget, smaller than housing expenditures.<sup>56</sup> Meanwhile, in the same fiscal year, the largest source of revenue for the provincial government was investment

income from the oil and gas industry (thirty-six percent) while the next highest source, personal income taxes, was only eighteen percent of revenues.<sup>57</sup> However, these revenues have been criticized for being far too low, especially compared to places like Alaska.<sup>58</sup>

### **Alberta's Environmental Values and Assumptions**

Since 1970 Alberta has defined itself, and been defined by others, in terms of the oil and gas industry. To Albertans this is positive, speaking to wealth, entrepreneurship, and industrial development, while to a growing number of countries, this industry is seen as an affront to environmentalism.<sup>59</sup> Some Albertans cling to the idea that because of persistent affluence from oil, they have a certain "birthright" to social programs, low taxes, and economic development at any cost has stalled the environmental movement.<sup>60</sup> These attitudes can be attributed to what Wiseman describes as Alberta's formative event, which is Americans flowing into Alberta, bringing a radical, populist liberalism that stressed the individual rather than community or state.<sup>61</sup> According to these attitudes, Albertans strive to be individualists who work hard for the wealth they possessed, and are self-reliant, entrepreneurial, and innovative. This is why governments like that of Premier Lougheed (from 1971 to 1985) proudly claim that Alberta is the "last bastion of free enterprise in the country"<sup>62</sup> and promote its economic interests above environmental ones.

Despite the fact that Alberta has an increasingly urban population to whom experiences of working relationships with the land are remote, these attitudes are still evident today. Albertans are sceptical of climate change. A survey of "experts" in Alberta found that twenty-seven percent believe that natural causes trigger global warming, while forty-five percent believe it is a combination of these natural influences and human activity.<sup>63</sup> Meanwhile, Albertan governments continue to demonstrate a concern for economic impacts at the expense of environmental ones. The government promises investors Albertan labourers with a strong work ethic, labour stability, cheap and abundant energy, and long-term tenures over forests. They offered loan guarantees, debentures and improved infrastructure to attract investment.<sup>64</sup> Environmental policies like these clearly demonstrate the continued emphasis placed on traditional Albertan values like individualism, entrepreneurship, wealth, and the right to exploit the land.

To the extent that environmental issues have historically been addressed, Alberta has relied on the development of technology by the free market. The Getty government never issued a concrete policy

regarding timber policy, and instead assumed that “the technological and scientific advances, championed by the pulp producers, were effective and that industry’s rapid expansion was thus compatible with environmental protection.”<sup>65</sup> In 1999 a non-profit corporation called Climate Change Central was created in partnership by various economic interests, government and academics to develop “technological advances that will lead to improved competitiveness and lower environmental impacts.”<sup>66</sup> It focused on clean energy production and carbon sequestration technologies, rather than reduction or taxation. Unlike in BC, where it is assumed that citizens are responsible for destroying the environment and must pay or change their lifestyles to make up for it, the attitude in Alberta is that the land and resources are an uncomplicated source of commodities, and developing technologies that will protect the environment is simply a stage that is unnecessary but good as long as it does not interfere with economic gains.

### **Where is Alberta now?**

Environmental values have slowly diffused from the global environmental movement to Albertan citizens. In 2002 Ipsos-Reid surveyed Albertans in an attempt to capture their environmental values. They found that Albertans were willing to pay a small amount by investing in technology such as a programmable thermostat, high-efficiency windows, or improving insulation, but very few were willing to change their lifestyles by taking public transit or paying more for household energy costs or gasoline.<sup>67</sup> Despite changes in citizen attitudes, when Kyoto was ratified by the Canadian government in December, 2002, the Albertan provincial government remained strongly opposed. Dr. David Swann, a medical officer of health for the Palliser Health Authority publically joined a campaign to urge the federal ratification of Kyoto, and was fired.<sup>68</sup> Kyoto was viewed by provincial business leaders and politicians as a new National Energy Policy, or the second attempt to plunder Alberta’s wealth for the benefit of Eastern Canada.<sup>69</sup> Premier Ralph Klein likened signing Kyoto to “signing a mortgage for a property you have never seen and for a price that you have never discussed,” and called it “the goofiest, most devastating thing.”<sup>70</sup>

This resistance to environmental protection at the expense of industry is demonstrated today in Alberta’s alternative approach, the “made-in-Alberta” climate change policy. Like the Bush administration’s policy, it advocates the reduction of carbon intensity, or reducing emissions as a ratio of economic growth. By this measure,



Alberta's emissions actually declined thirteen percent in the 1990s.<sup>71</sup> Using real emissions, however, Alberta's grew forty-eight percent from 1990 to 2004.<sup>72</sup> Klein's Environment Minister Taylor said that intensity targets allow Alberta "to balance the environmental and economic goals of Albertans while putting us on the path to substantial and permanent reductions."<sup>73</sup>

Regardless of the environmental values of Albertans, Premier Ed Stelmach's plans continue to rely on technology and putting the economy before the environment. His June 2008 plan to counteract emissions from the oil sands involved 1.5 billion dollars to develop technology to capture and store carbon, with the intention of capturing five million tons of carbon by 2015, and bringing carbon targets in line with the United States' targets.<sup>74</sup> Late last year, the government designated two billion dollars of oil and gas revenue to a program meant to develop and construct the first large-scale carbon capture system.<sup>75</sup> The government has undertaken a series of public-private partnerships to develop carbon capture and storage technology, including the Heartland Area Redwater Project, which is collaborating with the Alberta Research Council on a 1.8 million dollar project.<sup>76</sup> Seventy-eight percent of Albertans prefer that government subsidies for energy technology development go to renewable and clean energy options, compared to only eleven percent who want the subsidies to go towards the oil and gas industry, yet these policies show that the Alberta government continues to rely on programs in the oil and gas industry.<sup>77</sup> Since July, 2007 the government also began a program that requires industrial facilities that generate a certain amount of greenhouse gas emissions to reduce their emissions intensity by twelve percent annually, or be forced to buy carbon offsets from other Alberta companies who have reduced emissions or pay into a government fund for every ton of carbon in excess of the cap under the Climate Change and Emissions Management Amendment Act.<sup>78</sup>

Meanwhile, Premier Stelmach refuses to slow down the oil sands boom, due to economic concerns. His government cites the favourable situation of Alberta, where jobs are in abundance, to Newfoundland and Nova Scotia, whose labourers are fleeing to Alberta to work, and the oil and gas revenues which make up about one-third of provincial revenues.<sup>79</sup> Furthermore, the provincial government has yet to turn down any application to develop oil, for environmental or any other reason.<sup>80</sup> The premier says he is operating on his belief that "when government attempts to manipulate the free market, bad things happen," and ensuring Albertans that "the free market system will solve this [environmental damage]."<sup>81</sup> Both environmentalists and

academics point out the flaws to this approach. As National Geographic writer Robert Kunzig points out, “the free market does not consider the effects of mines on the river... unless it is forced to. Nor, left to itself, will it consider the effects of the oil sands on climate change.”<sup>82</sup> Norah MacKendrick and Debra Davidson, meanwhile, point out that even if technological and scientific solutions exist to environmental problems, without the state playing a key role in environmental reform to provide sufficient power and incentive to implement improvement measures, the availability of these technologies will not make them effective.<sup>83</sup>

These critics of the Alberta government’s approach may be overzealous in their attacks. Alberta’s market-based environmental policies are actually progressive compared to most other provinces, and in some cases are more proactive than BC’s. Alberta’s Climate Change and Emissions Management Amendment Act means that regulated facilities must reduce their emission intensity by twelve percent annually until the end of 2014, based on an emissions intensity target.<sup>84</sup> Rather than BC’s approach of forcing individual polluters to pay based on buying gasoline at the pump, Alberta has put the onus directly on oil sector, which is arguable the only industrial sector that matters in Alberta. Companies are given a choice of installing new technology, paying fifteen dollars per tonne of carbon emissions into a technology fund that goes towards developing environmental technology, or purchasing carbon offset credits from other companies or the agriculture or forestry industries.<sup>85</sup> Thus, while BC’s carbon tax would appear to be more stringent, BC will not put the price on petroleum producers until the WCI (Western Climate Initiative) is implemented in 2015.

### **BC and Alberta Today**

Both Alberta and BC have emerged as climate change policy leaders, each championing a very different approach, and claiming to be a leader in the field. Alberta has primarily played the role of the spoiler by attempting to block the ratification and implementation of Kyoto, but has become a dominant provincial voice on climate policy, and took an early lead in pushing for action. As early as 1999, Alberta founded a non-profit corporation to create partnerships among various economic sectors, government, and academics that, according to the legislation, would develop “technological advances that will lead to improved competitiveness and lower environmental impacts” to ensure a course of action that manages for the risks of climate change and enhances economic competitiveness.<sup>86</sup> Premier Ed Stelmach is a

staunch proponent of the idea that Albertans have a right to exploit their resources, and that the market will develop technologies to repair the environment. Over the last few years, Gordon Campbell's BC Liberals have changed focus from attracting development, labour, and economic growth to BC, to becoming the first Canadian province, and second jurisdiction in North America, to put a carbon tax in place, while developing a "cap and trade" system with the WCI.

Alberta is the province which stands to lose the most from the passing of strict climate change legislation like Kyoto, while BC stands to gain the most. Alberta generates about thirty percent of the total Canadian emissions, and its emissions grew forty-eight percent from 1990 to 2004.<sup>87</sup> The cost of Kyoto could be anywhere from fifty cents to seven dollars per barrel of oil from oil sands, which would destroy companies' profit margins.<sup>88</sup> BC, on the other hand, stands to gain as it is rich in forests that can be used as "carbon sinks." The development of the "cap and trade system" and the WCI turns BC's "old growth [forests into] a goldmine for burgeoning worldwide offset markets."<sup>89</sup> One example of this is the Great Bear Rainforest, which can be logged according to a special plan that ensures 108 million tons of carbon dioxide will remain stored in the trees, which could be bought under the cap and trade system as credits by another subnational government as part of the WCI.<sup>90</sup>

While Albertan governments continue to operate under the belief that technology developed by the free market will make up for the damage to Alberta's environment, British Columbian citizens have operated under the belief that government must intervene to help citizens by legislating carbon taxes and punishing polluters. As Kunzig points out in *National Geographic*, "In northern Alberta the question of how to strike that balance [between industry and environment] has been left to the free market, and its answer has been to forget about tomorrow. Tomorrow is not its job."<sup>91</sup> While Albertans call for stricter government intervention and regulations on environmental policy, British Columbians have qualms about the extent to which their government has gone. The redistribution and use of carbon tax money needs to be better organized, so that lower income and rural citizens are not disadvantaged. BC also needs to take a page out of Alberta's book and use the tax money to develop and install new environmental technologies that will help those who could not otherwise afford it to reduce emissions.

Albertan climate change policy has been created with the intent to mitigate any harmful impact on the economy. This is why the "made-in-Alberta" approach is based on intensity targets, with a goal of

reducing emissions (using technology and an in-province carbon market) relative to economic growth. Meanwhile, BC has focused on “polluter pay” principles, enforced by government, that threaten economic growth in the province. While a 1997 survey found that fully sixty percent of British Columbians believed that protecting the environment was more important than protecting some jobs that may be lost, the economic crisis has affected this view.<sup>92</sup> In a study done in early March, Ipsos-Reid found that thirty-nine percent of British Columbians, forty-three percent of Canadians, and fifty-seven percent of Albertans believe that serious action on climate change should wait until the recession is behind them.<sup>93</sup> British Columbians voted not to “axe the tax” by electing the NDP on March 12, an indication of the province’s unwillingness to move towards an Alberta-style environmental policy. As Roger Gibbins put it:

British Columbia nicely illustrates the complexity of the climate change debate. Opposition to a green shift is particularly evident in the interior of the province where the carbon tax is seen as the creation of cappuccino-sipping urbanites who can walk to work from their downtown Vancouver lofts and condos.... Now, however, even the urban core in BC is entertaining second thoughts about aggressive climate change policies. In short, British Columbian voters are starting to resemble the core constituency of the federal Conservative party, the Tim Hortons-sipping suburbanites who are increasingly concerned about the state of the economy, who believe in greater environmental protection, but not at any price.<sup>94</sup>

### **Conclusion**

British Columbian and Albertan governments post-World War II were both characterized by policies that prioritized the extraction of resources and a strong economy over any environmental concerns. Since then, each province has developed a distinctive environmental policy that reflects the values and political culture of the province. In BC, the carbon tax and WCI’s “cap and trade” system reflects the willingness of British Columbians to have government programs that force them to pay or make other sacrifices to protect the environment. On the other hand, Alberta’s intensity targets indicate that the province continues to focus economic gains ahead of pollution reduction, and its reliance on the development of new technologies to lower emissions. The rise of two very different, but forerunning approaches to environmental policy in the two resource-based economies of Alberta

and BC shows that, “hardy plants sometimes spring forth from barren soils, and soils are sometimes less infertile than they seem.”<sup>95</sup>

### Chart 1 - Carbon Tax

From BC Residents Want Price on Carbon Emissions, But Question Effectiveness. Angus Reid Strategies. BC Carbon Tax, June, 2008.

Carbon Tax											
From what you have seen, heard or read about the carbon tax in British Columbia, do you agree or disagree with each of the following statements? – Putting a price on greenhouse gas emissions is a good idea.											
	Gender		Age			Income			Education		
	Male	Female	18-34	35-54	55+	HS or less	College / Tech School	Univ+	<\$50K	\$50-99K	\$100K+
Agree	54%	53%	56%	48%	57%	57%	50%	60%	46%	52%	72%
Disagree	45%	37%	36%	46%	39%	39%	44%	36%	47%	41%	26%
Not sure	2%	10%	8%	6%	4%	4%	6%	4%	6%	7%	2%

<sup>1</sup> Jean Barman, *The West Beyond the West: A History of BC* (Toronto, ON: University of Toronto Press Incorporated, 2007), 405.

<sup>2</sup> Ibid, 357.

<sup>3</sup> Graeme Wynn, “On the Environment: ‘Shall we linger along ambitionless?’” *BC Studies* 142/143 (Summer/Autumn 2004): 17.

<sup>4</sup> Frank Zelko, “Making Greenpeace: The Development of Direct Action Environmentalism in BC,” *BC Studies* 142/143 (Summer/Autumn 2004), 197.

<sup>5</sup> Ibid, 216.

<sup>6</sup> Ronald Inglehart, *The Silent Revolution: Changing Values and Political Styles among Western Publics*. (Princeton New Jersey: Princeton University Press, 1977).

<sup>7</sup> Wynn, “On the Environment,” 20.

<sup>8</sup> Barman, *The West Beyond the West*, 357.

<sup>9</sup> Wynn, “On the Environment,” 20.

<sup>10</sup> Kathryn Harrison, “Environmental Protection in British Columbia: Post Material Values, Organized Interests, and Party Politics,” In *Politics, Policy, and Government in BC*, edited by R.K. Carty, 290-309 (Vancouver, BC: UBC Press, 1996), 293-294.

<sup>11</sup> Ibid, 292.

<sup>12</sup> Ibid, 296.

<sup>13</sup> Ibid, 307.

<sup>14</sup> Barman, *The West Beyond the West*, 358.

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# EVALUATION OF UNAMA: THE CHALLENGES OF A CONFLICTUAL PEACE

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*The United Nations Assistance Mission in Afghanistan faces strategic and structural challenges that put at peril the future stability, prosperity and security of the nation and broader geopolitical region. Examining the origins of the mission and the nature of the conflict on the ground, this paper will evaluate the implementation of UNAMA's given mandate, assessing challenges in each development and security policy sector. This analysis will then be used to formulate sectoral recommendations for the mission as it moves forward, emphasizing the fundamental insecurity that undermines progress in all areas as a result of the "conflictual peace" that arose in Bonn.*

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## INTRODUCTION

This paper is presented to provide an independent and in-depth analysis and evaluation of the United Nations Assistance Mission in Afghanistan (UNAMA) at what is a critical moment in the future stability, prosperity and security of the nation and broader geopolitical region. The salience of candid evaluation of project sectors and analyzing potential areas for reform cannot be understated, particularly given the widespread recognition of a deteriorating security situation that has undermined the UN's recent efforts and raised major questions about the international community's future in the region. This report is delivered with a fundamental sense of urgency, recognizing the need for the UN to realistically evaluate the progress and setbacks of the current integrated mission and to re-examine the future roles of UNAMA staff and UN agencies.

This report is presented in three sections. First, the report will describe the origins of the mission, the missions' mandate and the nature of the conflict surrounding the mission. In the second section, the challenges facing the mission will be examined, and the successes and failures will be analyzed. Finally, specific policy recommendations for improving the mission will be presented in the final section of the report. Overall, it will be argued that the UNAMA mission in

Afghanistan has failed to achieve the objectives of its mandate due to the deteriorating security situation that has negatively affected its activities in all sectors.

## **I. BACKGROUND AND MISSION MANDATE**

### **Origins of the Mission**

The UN has had an active presence in Afghanistan since the Geneva Peace Accords and the withdrawal of the Soviet Union in 1988. Throughout the 1990s and the volatile civil war between factional warlords, the UN led several failed attempts at peace agreements primarily through Operation Salam and the UN Special Mission to Afghanistan. During this time, the UN focused on coordinating humanitarian and relief aid, as conditions were not conducive to long-term development and reconstruction initiatives.

Following the 2001 US-led Operation Enduring Freedom (OEF) and the subsequent fall of the Taliban, the Bonn Agreement of 5 December 2001 established an interim government and prepared the nation for future state-building efforts. Within this context, UNSCR 1386 (2001) authorized the NATO-led International Security Assistance Force (ISAF) under a Chapter VIII peace enforcement mandate to provide military support in and around Kabul for the Afghan Interim Authority and subsequent democratic government under Hamid Karzai.<sup>1</sup> In 2003, the UNSC authorized the expansion of the ISAF mission throughout Afghanistan.<sup>2</sup>

On 28 March 2002, UNSCR 1401 authorized the 12-month renewable mandate of UNAMA. The mission was established as a political integrated mission under the administration of the UN Department of Peacekeeping Operations (DPKO) to serve as the primary coordinator of development and reconstruction efforts; to manage all UN humanitarian, relief, recovery and reconstruction activities; and to facilitate the implementation of the Bonn agreement.<sup>3</sup> From the beginning, UNAMA was mandated to play a “central and impartial role” in promoting peace and stability within the war-torn country.<sup>4</sup>

### **The Mission Mandate**

The framework for cooperation between the Government of Afghanistan, the UN and the international community has been outlined in a number of key documents and conferences;<sup>5</sup> furthermore, UNSCR 1806 (2008) is also a significant accord as it considerably expanded UNAMA’s mandate and authority within these coordination

efforts.<sup>6</sup> The current mission operates under the authorization of UNSCR 1868 (2009), which reflects this increased mandate, as well as an expanded budget, which has increased by 91.5% since 2008 and is expected to increase another 70% for 2010 calendar year.<sup>7</sup> This expansion illustrates the extent to which the mission has become an increasingly important issue on the agenda of the UNSC.

Under its mandate, UNAMA is responsible for coordinating all the activities of the UN system within Afghanistan, which includes the participation of 18 UN agencies and several other organizations that together form the UN Country Team (UNCT).<sup>8</sup> Its operational mandate is based upon two main pillars: political affairs, and relief, recovery and reconstruction (RRR) efforts.<sup>9</sup> Priorities and operational tasks under the first pillar include, but are not limited to: supporting the Afghan Independent Electoral Commission (IEC) in the recent elections; political outreach; conflict prevention and resolution; promotion of national reconciliation and dialogue; facilitation of disarmament, demobilization and reintegration (DDR) and security sector reform (SSR); reinforcement of efforts to improve governance and the rule of law; fortification of anti-corruption measures on all governmental levels; and promotion of regional cooperation.<sup>10</sup> Under the second pillar, priorities and operational tasks include: coordination of humanitarian assistance; promotion of aid effectiveness and good development practice; promotion of a more coherent support strategy to the Afghan government; coordination of civilian-military relations with ISAF; emphasis of government capacity building and development; and the monitoring of counter-narcotics initiatives.<sup>11</sup> Furthermore, the Security Council has recognized the critical importance of strengthening human rights and gender issues; a crosscutting human rights and gender equality emphasis is thus integrated into all aspects and operational tasks of the mission.<sup>12</sup>

### **Nature of the Conflict**

The current security situation is the most salient factor in determining the success or failure of the UN and the international community in their present mission. The context within which UNAMA is striving for progress is extremely challenging, as from many perspectives Afghanistan is considered a “failed state.” Of most notable concern is the high level of insecurity, which is the greatest challenge for reconstruction and development efforts within all sectors, and has increasingly overwhelmed the capacity of Afghan state institutions.<sup>13</sup> The insecurity is primarily a result of a politically driven

insurgency, but has been exploited by criminal groups, drug traffickers and others.<sup>14</sup>

The past two years have seen a distressing trend of a steady increase in security incidents and casualties. The first seven months of 2009 saw an approximate increase in security incidents by 33% from the same period in 2008, and the use of improvised explosive devices (IEDs) rose 60%.<sup>15</sup> As a result, approximately 90 of almost 400 districts are designated as areas of extreme risk; according to the government, 12 districts are completely beyond its control.<sup>16</sup> Overall, this seems to illustrate that the recent surge in troops by NATO and the US has failed to produce qualitative improvements in security, democracy and prosperity.<sup>17</sup> This insecurity has irrefutably impacted the role of the UN, as humanitarian access has been curtailed in the most insecure regions.

## **II. EVALUATING CHALLENGES, SUCCESSES & FAILURES: SECTORAL ANALYSIS**

The challenges facing the UN and the international community are overwhelming in scope and depth. In order to achieve clarity while sifting through the enormous task of evaluation, this report will evaluate the areas of UN involvement utilizing a sectoral framework.

### **Political Affairs and Elections**

The recent presidential elections and the ramifications of substantive electoral irregularities have dominated the UN's political sphere in the past few months. These elections, held in August, were the first run entirely by the IEC; prominent support and coordination was provided by UNAMA and the UNDP under the project entitled "Enhancing Legal and Electoral Capacity for Tomorrow."<sup>18</sup> Unfortunately, this experience has not set a solid precedent for future elections, and has seriously undermined local and international trust in the current political environment. The significance of recent events should not be understated; as noted in a U.S. Congressional Research Service report, "Elections are seen as a potential benchmark in the promotion of good governance and as an indicator of the confidence of the Afghan people in the consolidation of democracy in Afghanistan."<sup>19</sup>

Nonetheless, considering the nascent nature of Afghanistan's democratic institutions, some progress can be recognized. The extent to which the 41 presidential candidates focused on political agendas and were given the time to participate in televised public debates during the campaign period was a laudable sign of national dialogue, and the

engagement of the public in this process surpassed original expectations.<sup>20</sup>

Despite commitments from many actors, however, the campaign period and voting was unquestionably marred by irregularities and fraud.<sup>21</sup> Notably, a campaign of intimidation and terror by the Taliban suppressed public engagement, particularly in the south.<sup>22</sup> Intensification of insurgency operations and intimidation incidents increased dramatically in the week before elections; election day alone recorded 300 incidents – the highest level of security incidents since 2001.<sup>23</sup> On this day, 18 Afghan police were killed and 27 wounded, and at least 30 civilians were killed and 31 wounded.<sup>24</sup> Furthermore, many volatile districts were isolated from the polling process altogether, and international observers were limited in their monitoring task.<sup>25</sup>

Electoral irregularities have since generated significant political turbulence. The Electoral Complaints Commission (EEC) received 433 complaints during the campaign period, and 2842 complaints following voting, of which at least 25% had a material effect on the final results.<sup>26</sup> Irregularities reported included ballot box stuffing, premature closing of polling centres, opening of unauthorized centres, underage voting, multiple voting, proxy voting, campaigning by candidates inside polling centres, and inaccessibility of polling centres to mandated national and international observers.

By failing to sufficiently address the issue from the outset of allegations, and by subsequently dismissing DSRSG Peter Galbraith for voicing concerns over electoral fraud, the UN has lost considerable credibility, locally and internationally. The resignation of Abdullah Abdullah following the EEC's audit, recount and subsequent call for second run-off elections marred the process further and has put in to question the legitimacy of Hamid Karzai's presidency.

### **Institution Building and Governance**

The international community has made efforts since 2001 to strengthen the institutional foundations of Afghanistan. While recognizing and investing in institution building is in itself a positive development, international efforts have been insufficient and have frequently undermined each other.<sup>27</sup> Institution and national capacity building has been undermined by insufficiently trained and qualified Afghan officials, by a tolerance for patronage and corruption, and the domination of old rivalries over the needs of state-building. Such immense challenges illustrate that state-building requires much more than the external transplantation of institutions.<sup>28</sup> Significantly, a failure

to extend government authority into rural areas and provinces has limited the effectiveness of government capacity building.<sup>29</sup>

Facing such challenges, UNAMA has shown positive developments through its support of the Civil Service Commission in developing a standard training and policy development curriculum across civil service agencies.<sup>30</sup> While such a development will be valuable in ensuring a more coordinated approach to national capacity-building, the reach of the program has thus far been narrow, failing to be implemented nation-wide, particularly at lower levels of government.

Alongside the Civil Service Commission, the UN has taken positive steps in providing support for the Advisory Panel for Senior Appointments following the 2006 Afghanistan Compact; however, the Panel has produced few tangible results. At the national level it has been consulted infrequently and has proven consistently ineffective in serving its intended purpose of vetting reliable and proficient leadership.<sup>31</sup>

Underlying all efforts towards institution and capacity building and administrative reform is the issue of inordinate corruption at all levels of government.<sup>32</sup> In the 2009 Transparency International Corruption Perceptions Index, Afghanistan ranked 179<sup>th</sup> out of 180 countries – a marked decline from previous years.<sup>33</sup> Overall, the issue of corruption in Afghanistan parallels the effects of insecurity by undermining development and reconstruction efforts in all sectors and weakening local trust and confidence in the government, as well as in the international community's ability to influence the government or implement effective reform. Corruption seriously affects sustainable economic development by providing a significant disincentive for investment, by increasing transaction costs and making business unpredictable. Furthermore, the World Bank director in the country has declared that an estimated 35% to 40% of aid is being misdirected as a result of corrupt practices.<sup>34</sup> Addressing this fundamental challenge, the UN has successfully supported the development of anti-corruption action plans at the top level of government (affecting 27 ministries and government institutions); however, the implementation of these initiatives has lacked urgency and enforcement, and has not extended to lower levels of government.

### **Security Sector Reform and Disarmament, Demobilization and Reintegration**

Through SSR efforts, the UN and the government of Afghanistan have achieved relative success in the training and expansion of the

Afghan National Army (ANA), which continues to recruit and train troops faster than expected. Continuing along the current trajectory, reaching the target strength of 134 000 by December 2011 seems feasible.<sup>35</sup>

Less success has occurred with the Afghan National Police (ANP). There has been an overall “lack of clarity”<sup>36</sup> in long-term planning within the Ministry of the Interior, resulting in virtually non-existent border police and high casualty rates within the police force. As noted by the Secretary-General, “Since the Afghan National Police is the only security force that maintains a durable presence in communities across Afghanistan, its shortcomings have serious effects.”<sup>37</sup> Furthermore, future exit strategies of ISAF nations complicate the picture, as current estimates project that the Afghan government will be unable to independently sustain current salary levels and future staffing plans of both the ANA and ANP without quintupling its current GDP.<sup>38</sup>

DDR in Afghanistan has been hampered by what has been described as a “deeply conflictual peace building process,”<sup>39</sup> resulting from the fact that “the UN did not bring together warring parties to make peace” during the initial Bonn process.<sup>40</sup> The DDR process was initiated in 2002 under the Afghanistan’s New Beginnings Program (ANBP), a joint program between the UNDP and the government; however, this process was only partially applied to armed groups, excluded groups involved in OEF, and failed to prioritize reintegration.<sup>41</sup> Overall, a failure to comprehensively implement a coherent DDR strategy has contributed to the high levels of insecurity.

### **Counter-narcotic Initiatives**

Major challenges facing counter-narcotics initiatives include corruption, lawlessness, instability, and slow development of the licit economy. The UN plays a major coordinating role in counter-narcotics efforts, and has recently observed significant positive trends. For the second year in a row, opium cultivation, production, work force, prices, revenues, exports and share of GDP have decreased, while the number of poppy-free provinces and drug seizures has continued to rise.<sup>42</sup> In the first eight months of 2009, opium cultivation in Afghanistan decreased by 22%, and currently 20 of 34 provinces are poppy-free.<sup>43</sup>

Such progress has been a result of a more aggressive counter-narcotics offensive, terms of trade more favourable to legal crops, and the successful introduction of food zones to promote licit farming. Furthermore, there have been significant developments in regional cooperation through the UNODC-brokered Trilateral Platform between Afghanistan, Iran and Pakistan.

Despite recent progress, the narcotics industry remains a fundamental obstacle to sustainable economic development and stability. More than 90% of the world's heroin continues to be manufactured from opium produced in Afghanistan, and opium remains a deeply entrenched staple in Afghanistan's economy.<sup>44</sup> It continues to be the country's biggest export, with approximately one of seven Afghans involved in some aspect of the trade.<sup>45</sup> In absolute terms, therefore, much progress remains to be made in this sector.

#### **Aid Coordination and Effectiveness**

UNAMA has played an important role in developing the central platform for strategic aid coordination.<sup>46</sup> However, it has struggled in such coordination efforts as a result of donor inflexibility in working within government frameworks, weak mechanisms for pledging and mobilizing assistance, and inappropriate forms of donor aid conditionality.<sup>47</sup> As outlined in the Afghanistan National Development Strategy (ANDS), "wastage and duplication of aid, as well as the lack of strategic coherence between development and military activities, constitute significant obstacles to the success of the reconstruction and stabilization effort."<sup>48</sup>

Despite these challenges, there has been some progress in improving the visibility of development funding through the creation of a development assistance database, supported by UNAMA and the UNDP.<sup>49</sup> While aid visibility has increased, there remains an overall lack of measurement of the impact of aid projects. Furthermore, donor support of the Afghan Reconstruction Trust Fund – a basket fund financing core activities and serving as the primary government mechanism to ensure that its priorities are financed – has decreased by \$50 million from 2008.<sup>50</sup> Significantly, this results in less than 30% of international aid being channelled through the government, with only 40% of technical assistance coordinated with the administration in Kabul.<sup>51</sup> Consequently, Karzai has publicly accused the donor community of creating a "parallel government," undermining the government and its potential for development.<sup>52</sup>

#### **Humanitarian Relief and Human Rights**

The deteriorating security situation has seriously hampered humanitarian efforts, by limiting access to unstable regions. In fact, 40 to 50% of the country is inaccessible to UN aid activities;<sup>53</sup> concurrently, the flagship National Solidarity Programme (NSP), initiated in 2003 to foster participatory rural development, has had to suspend activities in over 1000 communities.<sup>54</sup>



Furthermore, security incidents targeting humanitarian activities have increased significantly in the past two years and civilian casualties have consistently escalated, undermining peacebuilding operations.<sup>55</sup> The adverse security situation has also had major impacts on refugees returning from neighbouring countries, and has resulted in increasing numbers of internally displaced persons (IDPs).<sup>56</sup> In addition to security challenges, the UN humanitarian effort must also address natural hazards, including spring floods, droughts and extreme seasonal conditions.

In positive humanitarian developments, UN-supported mine action activities have contributed to the removal of approximately 80 000 anti-personnel landmines in the past year, and has continued to provide mine risk education on a community level.<sup>57</sup> It is also important to remember, as noted by the 2008 International Conference in support of Afghanistan, that progress “must be seen in light of the economic and social devastation that the current Government inherited from the Taliban regime after more than two decades of conflict.”<sup>58</sup> Indeed, recognizing the context and starting point from which development efforts began in 2001, the UN has supported notable improvements in health, education, agricultural and resource management, infrastructure, and telecommunications. As an illustration of overall economic growth and progress, GDP per capita increased by over 70% within the period 2002 to 2008.<sup>59</sup>

The issues of human rights and gender equality, however, continue to be a tremendous challenge. Conditions in detention centres and prisons remain a serious issue of contention with human rights advocates, as has the slow implementation of judiciary reform. In terms of gender equality and discrimination, the Shi’a Personal Status law, originally signed in March 2009 and amended after severe international condemnation in July 2009, represented a striking setback. Despite the amendment, the law persists in legalizing certain forms of discrimination, illustrating that human rights will remain a major challenge in achieving UNAMA’s mandate.<sup>60</sup>

### **III. RECOMMENDATIONS FOR UNAMA**

#### **Political Affairs and Elections**

1. UNAMA must seriously address the electoral irregularities and fraud in order to restore its credibility in the realm of political development and electoral support. This should include comprehensive investigation processes. Significantly, the UN political affairs force must go through a thorough analysis of issues

and lessons learned in order to address shortcomings and prevent a reoccurrence in the upcoming 2010 parliamentary elections.

#### **Institution Building and Governance**

1. In order to address the challenges of national capacity building, the UN must recognize and forcefully address the factors driving qualified Afghans away from government service, where they are desperately need to strengthen national institution and capacity building. These factors include low pay relative to that offered by NGOs and international organizations, and the perpetuation of a patronage-based promotion system within governmental agencies.<sup>61</sup> Recognizing these factors, UNAMA should strive to support government reform by establishing a long-term trust fund offering partial subsidization of incomes for trained and qualified government officials while the critical stage of institution building finds its feet. Additionally, the UN should support, supervise and monitor a reform of the promotion process to one based on a meritocracy. Such a process should involve the assessment of current civil servants and should be accompanied by effective disciplinary, oversight and monitoring mechanisms.
2. Recognizing the commensurate importance of effective leadership within government ministries, agencies and lower levels of government, the UN should support a revision of the Advisory Panel for Senior Appointments. Consultation of the Panel should become mandatory for all leadership appointments in order to institutionalize a process of review that rewards competence and dependability. The Panel should be comprised of elected legislative members, Cabinet members and members of the judiciary. Furthermore, similar Panels should be established at regional and provincial levels in order to extend the reach of the review process without overstressing the capacity of a single centralized entity.
3. Critically, the issue of corruption needs to be forcefully addressed. It is not enough to have developed action plans at the highest levels of government; such initiatives are meaningless unless they are implemented effectively and immediately. Such action plans should include personal asset declaration of government official, and should end impunity by prosecuting and removing corrupt officials. Such efforts will require the building of effective anti-corruption guarantors in all ministries, with mentoring and support from international actors; new control systems; an incentive and performance assessment system; and a concurrent public information campaign.<sup>62</sup> Furthermore, it should focus on the

Ministry of Interior, which has the greatest impact on police reform, counter-narcotics efforts and border security.

4. Recognizing that its reach throughout the country should be expanded, the UN should focus on institution building at sub-national levels. Efforts have thus far been hindered by a general lack of capacity and resources at lower levels of government, as well as by a lack of clarity of sub-national officials of their roles and relationship to the central government.<sup>63</sup> Afghanistan has a long history of decentralized regional authority bases amongst disparate tribal and ethnic populations with little sense of nationalism or loyalty to a central sovereign;<sup>64</sup> focusing on expanding government reach is therefore of critical importance to gaining national legitimacy. The UN must recognize this and strengthen its connections on a local level, by working to expand its field operations and through an augmentation of the number of its regional and district offices.<sup>65</sup> This geographic expansion of UNAMA's field operations should support the expansion of the Civil Service Commission, in order to foster qualified nationals at all levels of government.

#### **Security Sector Reform**

1. The UN should increase its support for the training of the ANP through the International Police Coordination Board. Establishing a strong, effective and trustworthy police force plays a major role in stabilizing the country, combating crime, ensuring respect for the rule of law, and keeping vital trade and humanitarian routes safe and accessible. . Recently, mistrust has been brought to the forefront of training efforts as a result of an isolated incident involving the death of five British soldiers by the hands of an ANP trainee.<sup>66</sup> The UN will play a critical role in addressing and bridging this trust gap. Furthermore, concerning both the ANP and ANA, technical and advisory support for the National Directorate of Security, responsible for drafting the national security strategy, should be reinforced.
2. Recognizing the precariousness of the current security situation, the UN must work to establish an inclusive process of national reconciliation that involves substantial DDR for illegal armed groups. It should be recognized that if combatants “do not become involved in processes of democratization, political participation and socioeconomic policy changes, they may become frustrated, with the result that peace will not bring about deeper changes.”<sup>67</sup> Such efforts should include fostering real dialogue with Taliban leaders, should

regard armed actors as possible “agents of change,” and should recognize the embeddedness of armed actors within communities.<sup>68</sup> UNAMA will provide major support role for such holistic DDR efforts, operating as facilitator and providing good offices. Furthermore, the UN must work to ensure public support for the process through the application of a non-discriminatory system, to increase and institutionalize consultation with local communities and leaders, and to emphasize the importance of reintegration.<sup>69</sup>

#### **Counter-narcotic Initiatives**

1. A major factor in the recent decline in production and cultivation of opium has been a market correction that led to a fall in its nominal value relative to alternative crops, resulting from a global oversupply.<sup>70</sup> Significantly, such a correction is not easily externally influenced and can be reversed in the future. The UN must thus take significant measures, in the form of both sticks and carrots, to take this current opportunity to support the development of Afghanistan’s licit agricultural economy and to ensure that a reversal of progress to date is prevented. Such measures should include a strong focus on job and alternative livelihood creation and promoting the expansion of government-supported “food zones.” Emphasizing the importance of local leadership regarding these issues is also critical, along with supporting national and regional counter-narcotics offensives. Furthermore, the UN should significantly expand incentive programs to include the most vulnerable provinces and districts to ensure that the risks versus rewards balance for individual Afghans continues to tilt against the opium trade in coming years.
2. The UN should place greater emphasis on targeting major traffickers, rather than small farmers. More effort should be given to implementing UNSCR 1735 (2007), which called for major traffickers to be listed, their travels banned, and their assets seized.<sup>71</sup> Currently, no individuals have been named or brought to justice.<sup>72</sup> Furthermore, in the past year, the Karzai government has pardoned at least five convicted traffickers, sending the wrong signals down the opium supply chain. The UN should therefore exert impartial pressure on both the Criminal Justice Task Force and the Afghan government to uphold the rule of law and rebuild national trust of counter-narcotics initiatives.

#### **Aid Coordination and Effectiveness**

1. Exert pressure on international donors to direct aid through the Afghan Reconstruction Trust Fund in order to support government-

created policies for aid effectiveness and policy programmes. When official development assistance is channeled through trust funds or directly through the government, local economic impact is improved by roughly 65%.<sup>73</sup> While underlying issues of corruption need to be addressed before this quandary will be completely resolved, it must be recognized that the Afghan government will only be able to prove its commitment to its own development if it is given the capacity to do so.

2. UNAMA should increase its local procurement criterion of development projects from 10% to 15-20%, and should challenge the international community to reform in a similar fashion. According to the Peace Dividend Trust NGO, using Afghan goods and services to carry out development project provides the opportunity to “spend a development dollar twice,” by creating jobs, increasing incomes, generating revenue and developing the marketplace.<sup>74</sup> Furthermore, in supporting local procurement, UNAMA should research the potential for international support of infant industry subsidization to strengthen competitiveness and effectiveness of the local procurement policy, to ensure competitive bidding processes in aid projects, and to boost overall economic and industrial development. These efforts should reflect a stronger commitment to national ownership of peacebuilding and reconstruction efforts; as former UN Secretary-General Kofi Annan has expressed, it is the people of the country concerned “who will live with the consequences of the decisions taken...And it is they who must feel that peacebuilding is their achievement, if it is to have any hope of lasting.”<sup>75</sup>
3. In order to make qualitative reforms in aid effectiveness, the UN must measure the impact of aid, not just its quantity or distribution. Evaluation of development projects is a necessary and vital step in moving forward and producing more sustainable results. As reported by Gerry Helleiner, “Genuine partnership in development requires the monitoring, by independent assessors, of individual and collective donor performance.”<sup>76</sup> Working with the Afghan government and international community to develop comprehensive results-based benchmarks will be a critical component of evaluation efforts that will help UNAMA execute its mandate more efficiently.<sup>77</sup>
4. Pursuant with stabilization efforts, UNAMA should work towards expanding its field operations by establishing more regional and provincial offices. This will improve its connectedness and visibility amongst local communities, and will improve its ability to monitor

the impacts and effectiveness of aid projects. This geographic expansion will require the deployment of additional administrative and technical staff, and sufficient budgetary support.

5. The UN must coordinate with the ISAF-led provincial reconstruction teams (PRTs) in order to ensure that the short-term goal of the projects, namely to provide immediate stability, does not undermine the principles of aid effectiveness. As some foreign forces have PRTs “embedded” within their military operations, issues have arisen as a result of the dual roles played by military forces; additionally, these military forces are more likely to implement Quick Impact Projects (QIPs), which, rather than seriously aiding development, “are seen as little more than an attempt to buy favour.”<sup>78</sup> In this regard, the UN must seriously address the coordination between military and humanitarian operations in communities and take an unambiguous stance against the dual roles of PRTs and the militarization of humanitarian aid and reconstruction. The overall significance of PRTs has increased substantially, particularly in unstable areas; the local relationships created by such initiatives should be utilized to their full extent to work towards more reliable aid effectiveness practices. Coordination with the Independent Directorate for Local Governance, which is responsible for leading the PRTs, and ISAF should be strengthened in order to emphasize local approaches to securing communities and to promote stronger local governance within unstable regions.<sup>79</sup>

#### **Humanitarian Relief and Human Rights**

1. The UN must focus on longer-term reintegration issues of IDPs returning from neighbouring countries. In the first seven months of 2009, 53 713 individuals were assisted in returning to Afghanistan, yet faced uncertain conditions upon their repatriation.<sup>80</sup> A long-term solution needs to involve regional involvement and agreements.
2. The UN support preparations for the 2010 Humanitarian Action Plan (HAP), which will focus on the connection between humanitarian activities and long-term development of vulnerable populations. The credibility of this process needs to be improved by strengthening analysis, strategy and monitoring mechanisms; additionally HAP public awareness campaigns should be expanded geographically.<sup>81</sup>
3. The UN should mount increased pressure on the government of Afghanistan to review or reverse the Shi’a Personal Status law. While Karzai signed a law eliminating violence against women on 19 July 2009, the previously enacted law undermines and contradicts such efforts.

4. The UN needs to do more to utilize the participatory rural development framework of the NSP, supporting its successes and learning from its shortcomings. As NSP represents the first contact many rural Afghans have had with the new government, the potential importance of results cannot be overstated.<sup>82</sup> While the framework itself – the funding of development projects voted on by elected Community Development Councils (CDCs) – is positive, the UN should recognize the limitations of the program as it exists and work with the international community and NGOs to reverse negative trends. These limitations include inadequate participation, limited capacity building, non-existent monitoring or evaluation and uncertain long-term funding.<sup>83</sup> The UN should commit to long-term support of the NSP, by securing and sustaining funding, encouraging donors to pledge assistance on a multi-year basis through trust funds, and creating a system of timely performance-based payments.<sup>84</sup> The framework itself should be expanded geographically, as well as deepened where it already exists. An expansion of the program and the prolongation of commitments require the concurrent development of an open monitoring and evaluation system.

## CONCLUSION

This report finds that UNAMA has failed to achieve its mandate objectives on many levels and across sectors. However, it also finds that its failures are in large part a consequence of the deteriorating security situation and the multidimensional challenges it faces. By increasing coordination with ISAF and by implementing the specific sectoral policy recommendations suggested, there is an opportunity for significant progress in reconstruction and development initiatives. The salience of this independent evaluation and analysis must be recognized as an integral part of the planning process determining the UN's future roles and responsibilities within Afghanistan. The sense of urgency in this critical moment will determine the future stability, prosperity and security of the nation.

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<sup>11</sup> UNSCR 1386 (20 December 2001).

<sup>2</sup> UNSCR 1510 (13 October 2003).

<sup>3</sup> UNSCR 1401 (28 March 2002); Rhoda Margesson, "United Nations Assistance Mission in Afghanistan: Background and Policy Issues," Congressional Research Service (30 July 2009): 3.

<sup>4</sup> UNAMA, "Mission Mandate."

<sup>5</sup> *Of particular importance are the Afghan Compact of 2006 and the Afghan National Development Strategy (ANDS) developed at the Paris Conference of June 2008. The ANDS saw 80 delegations pledge a total of \$21.4 billion, focusing on three strategic pillars: security; governance, the rule of law and human rights; and economic and social development.* Ban Ki-moon, "The Situation in Afghanistan and its Implications for International Peace and Security: Report of the Secretary-General," United Nations (23 September 2008): 14.

<sup>6</sup> UNSCR 1806 (20 March 2008).

<sup>7</sup> Margesson, "United Nations Assistance Mission in Afghanistan," 4; Ban Ki-moon, "The Situation in Afghanistan and its Implications for International Peace and Security: Report of the Secretary-General," United Nations (22 September 2009): par. 64.

<sup>8</sup> Margesson, "United Nations Assistance Mission in Afghanistan: Background and Policy Issues," 4.

<sup>9</sup> *Since 29 March 2008, this mandate has been the responsibility of Special Representative to the Secretary-General, Kai Eide, a Norwegian national. In his mandate, Eide is supported by the DSRSG of Political Affairs, German Wolfgang Weisbrod-Weber, and the DSRSG of RRR, Canadian Robert Watkins.* Margesson, "United Nations Assistance Mission in Afghanistan," 3; UNAMA, "Mission Mandate."

<sup>10</sup> UNSCR 1806 (20 March 2008): 4-5.

<sup>11</sup> Ibid.

<sup>12</sup> UNSCR 1401 (28 March 2002).

<sup>13</sup> Margesson, "United Nations Assistance Mission in Afghanistan," 2; Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): 29 and 54; Afghanistan National Development Strategy. "International Conference in support of Afghanistan." (June 2008): 15.

<sup>14</sup> Margesson, "United Nations Assistance Mission in Afghanistan," 1; Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par. 29.

<sup>15</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par. 31.

<sup>16</sup> Ban, "The Situation in Afghanistan and its Implications," (23 September 2008): 6.

<sup>17</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par. 5 and 35.

<sup>18</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009);

Ban, "The Situation in Afghanistan and its Implications," (23 September 2008).

<sup>19</sup> Margesson, "United Nations Assistance Mission in Afghanistan: Background and Policy Issues," 9-10.

<sup>20</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par. 2 and 7.

<sup>21</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par 2; Alexander Nicoll and Jessica Delaney, eds., "A new approach to Afghanistan: Rigged vote sharpens strategic challenge," IISS Strategic Comments. (September 2009).

<sup>22</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par 2.

<sup>23</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par. 16, 17, 34; OCHA Afghanistan. "Monthly Humanitarian Update." United Nations Office for the Coordination of Humanitarian Affairs (September 2009).

<sup>24</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): par. 17.

<sup>25</sup> Ibid., par. 20.

<sup>26</sup> Ibid., par. 18.

<sup>27</sup> Ibid., par. 22.

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- <sup>30</sup> Ban, "The Situation in Afghanistan and its Implications," (22 September 2009): 24.
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- <sup>40</sup> Ibid.
- <sup>41</sup> Ibid., 248.
- <sup>42</sup> UNODC, "Afghanistan Opium Survey 2009: Summary Findings." (September 2009): 5.
- <sup>43</sup> Ibid.; UNODC, "Addiction, Crime and Insurgency: The transnational threat of Afghan opium" (October 2009): 77.
- <sup>44</sup> UNODC, "Addiction, Crime and Insurgency: The transnational threat of Afghan opium." (October 2009): 25 and 77.
- <sup>45</sup> Ibid., 77.
- <sup>46</sup> *It has done so largely through its role as co-chair of the Joint Coordination and Monitoring Board and Afghanistan National Development Strategy.*
- <sup>47</sup> Rubin, "Peace Building and State-Building in Afghanistan: Constructing Sovereignty for whose Security?" 182.; Stephen Baranyi and Kristiana Powell, "Conclusion" in *The Paradoxes of Peacebuilding Post-9/11*. Ed. Stephen Baranyi (Vancouver: UBC Press, 2008): 310.
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# TOWARDS A THEORY OF LIBERAL AUTOCRACY: CONSTITUTING AN IMPROBABLE UNION

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*Liberal autocracy is a counter-intuitive political theory, as even the name itself seems to be self-contradictory. This essay attempts to outline a theory of liberal autocracy, and in doing so, shows the tenets of liberalism which prove able to stand without some form of democratic government, and which must be discarded. The People's Republic of China's Hong Kong Special Administrative Region is then put forth as the world's sole practical example of a polity under liberal autocratic governance. The article shows how Hong Kong is a particularly interesting case study for those interested in political theory, comparative politics, and democratization.*

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## Introduction

The ties that bind democracy as a form of government and liberalism as a political ideology are well-known, have been widely theorized, and are easily discernable in the modern world. At the foundation of liberal theory lie basic tenets which, logically, should invariably give rise to some form of democratic governance. But it is evident that this isn't always the case, as liberalism and democracy don't always go hand-in-hand. In the international system, what can be widely seen are democratic governments, or pseudo-democratic governments, which are almost completely void of liberal principles. This regime type is generally referred to as "illiberal democracy."<sup>1</sup> But these have already been widely theorized upon, and therefore, are not of primary interest for the purpose of this study. What is of interest is a far less widespread political phenomenon that is precisely the opposite of illiberal democracy. This is a political theory which can be referred to as liberal autocracy. In this paper I will attempt to outline a theory of liberal autocracy, and in doing so, will show the tenets of liberalism which prove able to stand without some form of democratic government, and which must be discarded. I will then introduce

China's Special Administrative Region (SAR), Hong Kong, as a practical example of a liberal autocratic political regime.

### **A Theory of Liberal Autocracy**

Liberal autocracy is a counter-intuitive political theory. Even the name itself seems to, in the words of George Sabine, "contain propositions that are mutually contradictory."<sup>2</sup> The word liberal comes from the Latin *liberālis* which means "worthy of a free man,"<sup>3</sup> and the word autocracy is rooted in the Greek *autokrates*, meaning "absolute government, [or] supreme political power."<sup>4</sup> Yet this seemingly antithetical combination does exist, both in theory and in practice. A liberal autocracy is a political regime which allows its inhabitants relatively few political freedoms compared to their relatively abundant civil liberties. It might be what John Rawls referred to as a "well-ordered hierarchical society,"<sup>5</sup> Amy Gutmann as a "minimally decent society,"<sup>6</sup> or Guillermo O'Donnell as a "liberalized authoritarian regime (*dictablanda*)."<sup>7</sup> But can one possibly expect to call a regime liberal if it does not even allow its citizenry a say in governance or any sway on public policy? In order to make sense of this incongruence, we must first define what liberal means in the context of liberal autocracy.

Most discussions of the origins of liberalism lead back to the theory of seventeenth century political philosopher, John Locke. Locke states that "all Men are naturally in... a State of perfect Freedom... [and] A State also of Equality."<sup>8</sup> These two claims form the bedrock of liberalism; they show that it is a theory based on equality, and on individual liberty. While there are many differentiated accounts of what each term consists of, it is clear that any entity which carries the label "liberal" must adhere to these two criteria. Illuminating another basic tenet of liberalism, Locke claims that "The State of Nature has a Law of Nature to govern it,"<sup>9</sup> – that being human reason. These three fundamentals of liberalism – liberty, equality, and reason – led Locke, along with Thomas Hobbes and John-Jacques Rousseau, to form the social contract theory. The social contract theory rests on the belief that at the origins of human society is a collective agreement, tacit or expressed, to give up some of our natural rights in exchange for common security (Hobbes), collective prosperity (Locke), or the allowance of the freedom of equal political participation (Rousseau). How this translates to modern notions of liberalism is in the belief that political leadership is legitimized by the consent of the citizenry.

John Stuart Mill, writing some years later, greatly expanded on the idea of liberty and emphasized the importance of individuality. In *On Liberty*, Mill claims that "human beings become a noble and

beautiful object of contemplation”<sup>10</sup> when their individuality is not impinged upon. The autonomous individual as the fundamental unit of analysis or concern is yet another basic trait of liberal theory. Out of this respect of individuals and individuality arises a tolerance of the many ways in which individuals perceive the good, and endeavor to live the good life. Further, this tolerance should not be limited to the individuals who make up the society but rather, should extend upward into the leadership. In the context of leadership, liberalism’s tolerance comes in the form of what Rawls refers to as “state neutrality,”<sup>11</sup> where the state is sufficiently secular, so as to not appear to be promoting any particular conception of the good life. And finally, from equality, freedom, reason, individuality, and tolerance, emerges some form of recognition of inherent human rights. This is precisely what Michael Sandel refers to when he describes liberalism as placing “the right... prior to the good”<sup>12</sup>; that free, equal, rational individuals are afforded a basic set of rights that can not be justifiably infringed, not even for a perceived greater good.

So we have now delineated the foundational building blocks of liberalism: liberty; equality; reason; consent as the basis of political legitimacy; individuality; tolerance; state neutrality; and human rights. Of course, different strands of liberalism will emphasize different tenets, will include some but not all, or will incorporate other fundamental beliefs. It also must be mentioned that these basic principles are not exclusive to the theory of liberalism, as they can be seen in other political theories, religions, and organizational doctrines world-wide. What is important to note, however, is that the combination of the aforementioned concepts generally constitutes what it means to be liberal. So how do each of these basic tenets of liberalism fit into a theory of liberal autocracy? Is the infrastructure of liberal theory safe under the lash of an authoritarian regime? Let us individually examine the basic tenets to determine whether each is as antithetical as it may seem with authoritarian leadership.

Since at the heart of liberalism lies an inherent tension between its two most basic building blocks, liberty and equality, it is not at all surprising that these are the two most difficult concepts to fit into a theory of liberal autocracy. Central to the nature of a liberal autocratic regime is the fact that its citizens are not able to select their political leadership, rendering such a regime non-democratic. So if they are not free to select their leadership, what sort of freedoms can one expect to in a liberal autocracy? The answer is basically, everything else. A liberal autocratic state will allow its population the freedom to engage in a capitalist market economy, to form and participate in civic

associations, to worship as they see fit, and to assemble and express themselves without restraint, even when in opposition to the government. It is a type of near-complete liberty. The population is given the freedom to do nearly everything except to elect democratic representatives through free, fair, and competitive elections. They are actually allowed many freedoms which do not exist in a great number of electoral democracies.

What follows freedom is equality, and as above, the best that a liberal autocracy can do is to allow near-complete equality. Certainly, through a constitutional rule of law and independent courts, there is a semblance of equality among the population at large. The sticking point comes with the lack of democratic leadership. By barring the citizens from partaking in the selection of their executives, there is an implication that the appointing committee or the leaders themselves are somehow set apart from the masses. This can be called “abridged equality”, wherein equality is extended to most, but not all of the population.

Connected to equality is the above-mentioned belief in the inherent reason of human beings, and with reason, a liberal autocracy fares only slightly better than with liberty and equality. Certainly a liberalized market economy is a form of recognition of the reason individuals possess, and all of the civil liberties allowed by a liberal autocracy further show this recognition. Allowing individuals to choose their own mode of work, leisure, and associations are all ways in which a liberal autocratic state will show its commitment to a belief in inherent reason. But as above, the difficulty comes with the absence of democratic representation. If humans have reason enough to work, pray, travel, associate, reproduce, marry, divorce, or anything else, why aren't they reasoned enough to have a say in their leadership? Again, we see an incomplete belief, or at least a dubious display of the belief in human rationality.

Next is the issue of popular consent. Without an electoral process it is difficult to gauge how a population would give its consent to the leadership. But since a liberal autocracy allows its population the freedom of association, of speech, and of the press, the citizenship is at least allowed the ability to make a great deal of noise when there are political problems. Legitimacy is truly the cornerstone of the survival of any form of government, and without elections, liberal autocratic regimes must maintain their legitimacy through political and economic effectiveness. If they falter in either of these two for any sustained period of time, popular upheaval, and the possibility of having to resort to illiberal measures of repression would ensue, immediately causing



them to relinquish the “liberal” part of their regime typology. In his *Second Treatise of Government*, Locke states that “every Man, that hath any Possession, or Enjoyment of any part of the Dominions of any Government, doth thereby give his tacit Consent.”<sup>13</sup> This is precisely the type of consent that a liberal autocratic leadership will be able to obtain, though conditional on its performance.

Individuality and tolerance can be tackled simultaneously, as in many ways they are opposite sides of the very same coin. Individualism rests on the belief that the individual human being is “the central unit of ethical value,”<sup>14</sup> and commitment to this belief requires that we be tolerant of individuals, and of their various conceptions of the good life. In a liberal autocratic regime, the fact that freedom of religion, speech, and association are allowed, and that one can expect a robust and lively civil society means that major infractions on individuals are relatively uncommon, and that there is generally an embedded culture of tolerance in society. As we will see, liberal autocracies allow civil liberties on a level that rivals many of the most well-established, Western liberal democracies.

The final two tenets of liberalism, state neutrality and the protection of human rights, can also be relatively easily incorporated into a theory of liberal autocracy. Some may argue that any authoritarian regime, by its very nature, is promoting a certain view of the good, by dint of the fact that they disallow any political participation. But the abundance of civil liberties acquiesced to the populace, and their freedom to live as they choose neutralizes the severity of this tendency. Furthermore, some may argue that the ability to select one’s own leadership is a fundamental human right, and that a liberal autocracy ultimately fails in this respect. In the interest of time and space, all that will be said on this issue is that a liberal autocracy will defend all basic and widely-recognizable human rights, such as life, liberty, security, and equality before law, short of allowing a democratic transition. Now that we have arrived at a basic understanding of a theory of liberal autocracy, this begs the question: what will a liberal autocratic regime look like in actual practice? This brings us to the example of Hong Kong.

### **The Hong Kong SAR**

Being such an aberration in the international system, finding examples of liberal autocracy is no simple feat. Freedom House’s *Freedom in the World* survey is an index which annually measures civil liberties and political rights of all of the world’s states on a scale from 1 (most free) to 7 (least free). Of the 193 countries and 16 related and

disputed territories surveyed, a total of 54 (26%) states and territories have higher civil liberties than political rights, or put otherwise, are more liberal than democratic. These states range from the harshly repressive such as Cuba (Political rights: 7, Civil liberties: 6) and Syria (PR: 7, CL: 6), to established democracies such as Taiwan (PR: 2, CL: 1) and Latvia (PR: 2, CL: 1). But a difference of one point is hardly sufficient to safely categorize a state as a liberal autocracy, so of these 54 states and territories, a total 8 (15%) have a civil liberties rating that is two points higher than its political rights.<sup>15</sup> But most of these states are quite repressive in both respects, and only less so with regards to civil liberties, and so neither is it possible to call any of them liberal. But of all the 193 states and 16 territories, only one has a civil liberties score that is 3 points higher than its political rights, and that is Hong Kong.

According to the Freedom House survey, Hong Kong's political rights score is 5, and their civil liberties 2,<sup>16</sup> making it wholly unique in the world. This evaluation is backed up by the Economist Intelligence Unit's Democracy Index for 2008. The Democracy Index measures individual state's or territory's quality of democracy on a scale from 0 (lowest quality) to 10 (highest quality), through evaluation of: electoral process and pluralism; functioning of government; political participation; political culture; and civil liberties. According to the index, Hong Kong has political rights scores comparable to Jordan,<sup>17</sup> but has a civil liberties score that is even higher than the United States or United Kingdom.<sup>18</sup> If we can safely categorize both the United States and the United Kingdom as liberal democracies, it seems only fair that we refer to Hong Kong as a liberal autocracy.

Hong Kong is one of two (along with Macau SAR) of China's Special Administrative Regions, which follow the Dengist principle of "one country, two systems."<sup>19</sup> For 156 years, up until July of 1997, Hong Kong was ruled by the British through a series of appointed governor generals, and it is to this colonial legacy that Hong Kong owes credit for its highly liberal governing style. When the British were in power, they implemented not only a fair court system and the rule of law, but even set up independent agencies such as an anti-corruption commission, an auditor general, an ombudsman, and the like.<sup>20</sup> When the handover occurred in 1997, Beijing promised to have "Hong Kong ruled by Hong Kongese,"<sup>21</sup> and to a great degree, this is what has manifested. In its governance, Hong Kong has a great deal of autonomy from the People's Republic of China (PRC) leadership in Beijing.

Hong Kong's high degree of civil liberty is aptly described in the following passage:

Since the 1970s, Hong Kong has had a high level of freedom of speech and association and a vibrant civil society, largely free to organize itself and stage social protests. It also has had a sizeable middle class, well-respected civil liberties, independent courts, and Western-style rule of law.<sup>22</sup>

But the populace's liberty ends here. Hong Kong's chief executive is elected by an eight-hundred member Election Committee, which represents major business, professional, and social groups. The sway that Beijing holds over this committee is so great that all elected representatives are "de-facto appointed by Beijing."<sup>23</sup> The only universal suffrage that exists in Hong Kong is that half of the sixty member Legislative Council is elected by the population, the other half by functional constituencies which are highly attentive to Beijing's needs.<sup>24</sup> Further, Hong Kong's chief executive is constitutionally endowed with considerable power, and can't be held accountable, to any great degree, to the legislature of the citizens.<sup>25</sup> So what we have with the Hong Kong SAR is an authoritarian leadership which allows considerable amounts of civil freedom in its population: a liberal autocracy.

### **Conclusion**

So what explains the political anomaly of Hong Kong? With its highly developed economy, robust civil society, and high levels of individual affluence (GNI/Capita 31,420),<sup>26</sup> one might expect it to have democratized long ago. The modernization theory of democratization would certainly claim so. Yet, there are four basic factors which make Hong Kong a special case. For one, as noted above, it isn't a sovereign state, but a Special Administrative Region under the indirect control of the PRC. While Deng Xiaoping's claim may have been "one country, two systems," that second system was never intended to be a liberal democracy. Second, the flipside of the liberal legacy left behind by the British colonialists, is an embedded culture of comfort under an autocratic regime. The people of Hong Kong have become accustomed to having their leaders appointed from afar over the past century-and-a-half and this has stunted the growth of the democracy movement. Thirdly, many argue that the high level of civil liberty allowed by the leadership of Hong Kong acts as a steam valve for any popular dissent. Their partial freedoms "defuse opposition sentiment and weaken the impetus for regime change,"<sup>27</sup> for on a day-to-day basis, the people of Hong Kong don't feel overly oppressed. Lastly, Hong Kong has the

rare blessing of incredibly capable authoritarian leaders. Hong Kong's GNI/capita is over twelve times the regional average,<sup>28</sup> and four times the global average.<sup>29</sup> Its life expectancy (82.2) is second only to Japan (82.7)<sup>30</sup> and its UN Human Development Index rating ranks it comfortably among other highly developed states such as Germany, Singapore, and Greece.<sup>31</sup> "Hong Kong ruled by Hong Kongese" seems to be working out in their favour.

So what could the future possibly hold for the political structure of Hong Kong? In 2007, the PRC leadership in Beijing announced their intention to have universal suffrage in Hong Kong for the Chief Executive by 2017, and the entire Legislative Council by 2020.<sup>32</sup> If this turns out to be true, what we are witnessing in Hong Kong is not a natural and gradual transition to democracy, but a rigid, controlled process of democratization which is only too fitting for the PRC leadership. It is not at all possible to say that the example of Hong Kong refutes the modernization theory of democratization, but as we have seen, liberal autocracy certainly provides an interesting deviation from the norm.

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## MAKING A KILLING: PRIVATE MILITARY FIRMS AND THEIR IMPACT ON THE STATE

Hillson Tse

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*Private military contractors have become an increasingly common feature of modern conflict. Names such as Blackwater and Halliburton have entered the realm of public consciousness and their operations in Iraq and Afghanistan have been widely documented in the media. This paper examines the increasing use of such private military companies and their implications for the security and stability of states. The author then suggests that a comprehensive approach to regulating the industry is required in order for states to fully realize the potential benefits of private military contracting and mitigate potential state security concerns.*

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### Introduction

In a period where concerns over globalization and privatization are growing, the world is faced with yet another shadow; the ascent of an ancient industry that has fused its traditions of violence and aggression with the nuances of the corporate boardroom. Offering their services to the highest “legitimate” bidder, private military companies are a phenomenon that poses new questions about state and global security. Blackwater, Halliburton, Aegis Defense Services and DynCorp represent just a few of the firms that partake in the rapidly growing and lucrative private military security industry. Their heavy utilization in recent conflict areas such as Iraq, Afghanistan and New Orleans demonstrates increasing trends in the outsourcing and reduction of military capabilities by states. What consequences does this transfer of military responsibility from states to corporations have on the traditional roles and duties of the state? In this analysis, I will suggest that the prominence and growth of private military companies poses a significant threat to the traditional dominance of the state and that regulation of the industry is critical in order to maintain effective state sovereignty and security.

### Historical Development and Context

Private military companies (PMCs) have existed as one of the oldest industries in the world and arguably, predate the modern state, which has only been established in the past four hundred years.<sup>1</sup> Through the consolidation and aggregation of individual mercenaries, PMCs have been able to achieve a level of coordination and influence that would have been impossible had the mercenaries operated alone. Adaptation into a corporate framework has also resulted in PMCs realizing increased organization, marketability, cost effectiveness and efficiency.<sup>2</sup>

The past decades have been periods of phenomenal expansion and growth for PMCs. The collapse of the Soviet Union led to a sudden excess supply of military personnel and equipment on the world market due to Cold War militarization. Continuing trends of downsizing military forces and expenditures by developed states have also created ripe environments for PMC growth and recruitment. In the United States alone, the number of military personnel fell by more than 50% from 780,000 in 1991 to 320,000 today and this reduction has made available, a large pool of highly qualified and trained individuals for PMC recruitment.<sup>3</sup> This excess supply of military assets has also been met by an increase in market demand for military services in emerging ethnic and civil conflicts in developing states.<sup>4</sup> Furthermore, September 11<sup>th</sup> served as a catalyst for PMC growth, due to a heightened security response and the heavy use of PMCs in subsequent War on Terror in both Afghanistan and Iraq. Industry giants such as Blackwater and Aegis Defense Services were granted multi-million dollar security contracts in Iraq and were assigned tasks ranging from supply distribution to military training and body guarding.<sup>5</sup> Statistics provide even more evidence of PMC growth; the current ratio of private contractors to soldiers in Iraq is one to ten, while during the Gulf War it was one to one hundred.<sup>6</sup> Today, it is estimated that the PMC industry brings in over one hundred billion dollars in annual revenue and operates in over fifty different states.<sup>7</sup>

PMCs operate in a diverse and fluid industry. Each firm has its own mandate and area of expertise and can be categorized by its level of aggressive military involvement in its activities. The lowest level of aggression consists of military support firms that provide logistical support, communications and construction for the client, and do not actively engage in combat. At the moderate level, military consultants provide military training, leadership and combat strategy. At the highest level of aggression, military providers actively take part in combat operations or provide other high risk security activities such as



body guarding or armed escorts.<sup>8</sup> Examples of military providers include the now defunct Sandline International and Executive Outcomes, whereas military support firms include Raytheon, Halliburton and DynCorp.<sup>9</sup> These distinctions are by no means definitive as most firms can and will carry out activities from amongst the different levels.

### **PMCs and the Conception of the State**

Max Weber stated in *Politics as a Vocation* that, “a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”<sup>10</sup> Using Weber’s interpretation of the function of the state, PMCs characterize a significant cause of concern for state stability and legitimacy. Should a state lose their monopoly over the legitimate use of force, it would be deemed as a failed state under Weber’s criterion. I will begin my analysis by examine the challenges posed by PMCs to both the sending state and the hiring state and how such challenges marginalize state power by undermining domestic military capacity, increased risks to internal state security and international instability. It is worth recognizing that in many less developed countries where PMCs are routinely employed, there may not be a clear monopoly on the use of violence by any state nor non-state actor. In such a case, there would be no security challenges to the state per se given Weber’s definition but human security concerns remain through an escalation or continuation of violent conflict.

### **Challenges to the Sending State**

Since the seventeenth century, established states have held a monopoly over the legitimate use of violence to ensure the state’s internal order and security.<sup>11</sup> The appearance of PMCs has challenged this monopoly, and there is currently an increasing trend toward the privatization and outsourcing of military activities. The implications of this trend for state security are compounding. Many consider security and defense to be public goods and services which the state is exclusively responsible for maintaining. Transferring the provision of the public good to corporations undermines the state’s authority and responsibility to protect its citizens. While countries benefit from PMCs in terms of reduced military spending and combat effectiveness, a culture of dependence is being fostered in which a state’s own capabilities for defense in decline. This dependence on private firms to ensure security places states in a precarious position. Peter Singer identifies two consequences of overdependence on PMCs for state

security: the firm leaving the client in the lurch and the firm gaining dominance over its client.<sup>12</sup> A PMC is only contractually obligated to carry out assigned tasks and operations. In situations where there may be a conflict of interest or high losses for the PMC, there is no guarantee that the PMC will not abandon its client in order to maintain profitability. For example, in Sierra Leone, Gurkha Security Guards fled the country that hired them after their commander was killed and reportedly cannibalized.<sup>13</sup> In that particular case, the government was left without military capacities until they were able to rehire another security firm.<sup>14</sup> From past history, entrusting an important public good such as security solely into the hands of corporations does not appear to be a prudent act.

The increasing demand for PMCs due to an increase in ethnic and cultural conflicts in less developed countries (LDCs) has resulted in a corresponding trend of state military personnel migrating into the new private corporations. Working as a private security contractor for a PMC pays far more than working for the state military, and therefore, states are experiencing an increasing exodus of highly trained Special Forces and officers to PMCs.<sup>15</sup> This presents both operational and financial difficulties for states as they experience a decrease in military capacity and must increase pay levels in order to retain personnel. A cycle is created in which a reduction in military power and budgetary constraints forces states to outsource activities to PMC, which further increases dependence on PMCs for services.

Outsourcing also challenges the legitimacy of a state in its inability to preserve public safety and security. In the aftermath of Hurricane Katrina, Blackwater USA sent, under government contract, 150 heavily armed contractors to “keep the peace” and protect important facilities and areas.<sup>16</sup> Dressed in full combat gear and given immunity from US law, firsthand accounts suggest that there was an excessive use of force and aggression against New Orleans citizens by said contractors. Michael Ratner described the vigilantism as demonstrating the utter breakdown of the government.<sup>17</sup> Katrina represents the real possibility of a domestic security threat by PMCs and also the suspension of human rights and state protection in the wake of reduced governmental emergency response and defense capabilities.

### **Challenges to the Hiring State**

The structure of PMCs has evolved from an ad hoc, free lance system into a highly organized corporate hierarchy. The mercenaries of today are represented by well dressed sales representatives, and there is

an increasing emphasis on public relations and political lobbying in order to attract potential clients.<sup>18</sup> While the corporate philosophy demonstrates its benefits through efficiency, cost effectiveness and economies of scales, PMCs also introduce several problems for the hiring state.

First, the PMC industry is rife with conflicts of interest and hidden agendas. A look at the corporate web for Sandline International and Executive Outcomes reveals a highly interconnected network of security, mining, energy and capital consortiums.<sup>19</sup> These complex relationships pose security risks for the client state because the firm's motivations may differ from their clients; ultimately, the firm at the end of the day is concerned primarily with its own profit maximization.<sup>20</sup> Described as "imperialism by invitation", the current government of the day surrenders its natural resource rights to corporations affiliated with PMCs as collateral or payment for security services. One such example is in Angola, where the government surrendered mining concessions in return for a PMC's services.<sup>21</sup> These agreements sacrifice state autonomy and represent an exploitation of their vulnerability and desperation. As can be expected, this exploitive relationship between states and PMCs occurs primarily in developing countries with unstable rule, imbalanced power and undemocratically elected leaders.

Second, the corporate nature of PMCs leaves them vulnerable to the dangers of the corporate world. Hostile takeovers, bankruptcy, and domestic legislation can all jeopardize PMC operations in hiring states. Rather than defeat the PMC militarily, there could be a corporate attack in order to discontinue PMC involvement. While such a scenario has yet to have materialized, an attack on the corporate structure of the PMC via a hostile takeover or manipulation of share values could cripple or severely restrict the PMCs ability to fulfill contracts for the hiring state. Individual PMCs are also continually being unified under transnational corporations through corporate takeovers, mergers and business contracts.<sup>22</sup> The danger of these firm consolidations is that the resulting entities possess sophisticated military capability that can exceed the military power of states. A merger of the three different types of PMCs mentioned above will essentially create a complete and free standing private military force that has its own support, training and combat systems. As of 2007, Xe (previously known as Blackwater) had the capacity to launch a seventeen-hundred strong contractor army with optional helicopter gunships, armored vehicles, UAV's and ordnance carrying fast attack aircraft for clients that could afford such deployments.<sup>23</sup> To have a non-state force capable of directly

challenging state actors poses serious issues for state security and autonomy.

### **Illegitimate Actors and PMCs**

Up to this point, there has been an assumption that PMCs only service “legitimate” governments that are aligned with Western standards of democracy and rights. The reality, however, is that PMCs are ultimately free to choose whichever client they wish, whether it be a group of unsavory businessman looking for new areas of conquest, a brutal dictator, or a terrorist group. A prominent example of a firm entering into operations with questionable clients is during March 2004, in Equatorial Guinea when a firm was hired by a group of British businessman in order to topple the government of the day for pure profit.<sup>24</sup> PMCs can also enable regional insecurity as they make a high degree of military power and training available to weak non-state groups.<sup>25</sup> A terror cell or rebel group could hire a PMC in order to achieve their short-term objectives and overthrow a legitimate government. Thus, PMCs not only challenge the security of the state, but also the security of the entire international community.

### **State Benefits from PMCs**

Proponents of PMCs argue that the use of PMCs in several key conflicts have actually resulted in increased security in the region, and also permitted democracy and stability to occur. Examples of such “successful” interventions include conflicts in Sierra Leone, Papua New Guinea and Angola. In Sierra Leone, a group of contractors from Executive Outcomes hired by the government was able to force the rebels to sign a cease fire within one and a half years of fighting, which later resulted in a democratic election.<sup>26</sup> The flipside of this “success” however, is that the democratically elected government was overthrown shortly afterwards and the country was once again plunged into chaos.<sup>27</sup> While it can be argued that Executive Outcomes only produced the illusion of stability and peace in Sierra Leone, it does not discount the fact that their intervention was highly successful from a military standpoint. Referring back to Weber, the presence of PMCs in a failed state without a monopoly on violence can also in theory, create the monopoly on violence that is necessary for Weber’s qualification as a state.

Market forces also contribute to the credibility of military outsourcing to PMC. As domestic military forces become smaller and smaller, it becomes more cost effective to employ contractors for short missions rather than pay the upkeep for a large standing military force

during long periods of inactivity. The increasing dependence on highly technologically advanced military equipment among military personnel also contributes to the use of PMCs in production, training and maintenance processes. As a result of decreased economic burden, states can then redirect their extra funds from reduced military spending into other state programs.

Finally, PMCs can provide a means of defense or retaliation to legitimate actors that would not normally have adequate means for self-defense.<sup>28</sup> In cases where the United Nations or other international organizations refuse or are hesitant to offer military assistance to struggling legitimate actors, PMCs can fill the security void and protect the actor's interests. Given the UN's poor track record of preventing genocide or mass violence in areas such as Rwanda or Darfur, PMCs present the possibility of saving countless human lives. Alternatively, PMC can be used in a greater extent in UN peacekeeping missions as a substitute for nations who would rather provide funds instead of military support. While there would be several logistical and political problems that would have to be addressed should there be increased PMC involvement in the UN, there exists the option of utilizing contractors to fulfill security mandates in times of need.

#### **A Framework for PMC Regulation**

At present, PMCs are in a "Wild West" in which there is little domestic or international regulation or laws concerning their operation. For example, in Iraq the "Coalition Provisional Authority Order 17" states, "Contractors shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their Contracts."<sup>29</sup> There are only ten state signatories to the UN Convention Against the Recruitment, Use, Financing and Training of Mercenaries with the two biggest PMC suppliers, USA and Great Britain notably absent. In areas where there are laws and regulations, these restrictions are generally not enforced due to the fact that the areas where PMCs usually operate tend to be politically unstable.

Given the criticisms of and benefits of PMCs, we must examine the potential for effective control and regulation of the industry. A complete regulatory regime for PMCs should ensure the following: That PMC use is restricted to actors and uses deemed legitimate, are in accordance with international law, contain a method of holding PMCs accountable for their actions, increasing transparency and ensuring respect for state sovereignty<sup>30</sup> Thus, successful implementation of PMC regulation can only be had with a combination of enforceable domestic and international law.

Determining actor legitimacy would be a critical aspect of PMC regulation. The benefits of PMCs are eroded if illegitimate actors can also hire PMCs for the purposes of creating insecurity or terror. The definition of legitimacy would be an issue that would be best determined via the UN through mutual consensus and deliberation. While the resulting definition may be overly vague, it is reasonable to expect that blatantly illegal activities such as terrorism or drug protection will be deemed illegal PMC activities by states.

PMC regulations must hold firms and their employees accountable for illegal activities. International law regarding human rights and war crimes should be applied to private contractors and steps should be taken to bring PMCs under the supervision of the UN so that their activities in the world can be closely monitored and evaluated. Thus the UN will need to clearly define and ratify a formal legal and monitory framework for PMC activities. Given the difficulties associated with international law, there is no clear solution to this pillar of PMC regulation. It is possible to direct legal proceedings through the ICC or via domestic tribunals; the latter of which exists the possibility of weak enforcement and political interference.

Transparency is also critical to effective PMC monitoring. In order for hiring states to understand the incentives that drive PMC behavior and the risks of particular firms, the full network of monetary ties must be properly realized. Furthermore, sending states need to prevent over abundances of military build-up which can interfere with effective regulation and governance. More restrictive domestic legislation governing PMCs and increased monitoring of PMC activities through state intelligence networks can assist in achieving such a goal.

### **Conclusion**

While PMCs pose significant problems for security, there are several key benefits justifying regulation rather than abolition. If orchestrated correctly, regulation of PMCs can bring us the benefits of reduced military cost and increased efficiency, and at the same time decrease the negative effects on state sovereignty, state security and stability. Under Weber's definition of a state, the current unrestricted nature of the PMC industry has resulted in states facing a tradeoff between reductions in defense expenditure and increased efficiency or some loss over the monopoly of violence. More extensive regulation of the industry would make the terms of the tradeoff more favorable towards states and would also impose international law on contractors. While it would be ultimately ideal to have no need for PMCs in an era

of complete peace and prosperity, it cannot be denied that we currently live in a violent world in which PMC have found their niche within the profit margins of war.

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<sup>1</sup> Peter W. Singer, "Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security" *International Security*, Vol. 26, No. 3. (Winter, 2001-2002): 190

<sup>2</sup> *Ibid.*, 191

<sup>3</sup> Christopher Kinsey, *Corporate Soldiers and International Security* (New York: Routledge, 2006), 95

<sup>4</sup> Singer, "Corporate Warriors", 194

<sup>5</sup> Robert Young Pelton, *Licensed to Kill: Hired Guns in the War on Terror* (New York: Crown, 2006), 31

<sup>6</sup> Shadow Company, DVD. Directed by Nick Bicanic and Jason Bourque. (Purpose Build Film, 2006), 26min:41sec

<sup>7</sup> Shadow Company, 20min:07sec

<sup>8</sup> Stephen R. Barley. "Corporations, Democracy, and the Public Good." *Journal of Management Inquiry*, 16 no. 3 (September 2007): 212

<sup>9</sup> Kinsey, *Corporate Soldiers and International Security*, 22

<sup>10</sup> Max Weber, *Politics as a Vocation*, pp. 1

<sup>11</sup> Barley, "Corporations, Democracy, and the Public Good", 211

<sup>12</sup> Singer, "Corporate Warriors", 205

<sup>13</sup> *Ibid.*, 206

<sup>14</sup> *Ibid.*

<sup>15</sup> Robert Mandel, *Armies Without States: The Privatization of Security* (Colorado: Lynne Rienner, 2002), 11

<sup>16</sup> Jeremy Scahill, "Blackwater Down" *The Nation*; Oct 10, 2005, 2

<sup>17</sup> *Ibid.*

<sup>18</sup> Mandel, *Armies Without States*, 10

<sup>19</sup> Kayode J. Fayemi and Abdel-Fatau Musah, *Mercenaries: An African Security Dilemma* (London: Pluto Press, 2000), xvi

<sup>20</sup> Singer, "Corporate Warriors", 207

<sup>21</sup> *Ibid.*

<sup>22</sup> Singer, "Corporate Warriors", 300

<sup>23</sup> Pelton, *Licensed to Kill*, 4

<sup>24</sup> Shadow Company, 55min:38sec

<sup>25</sup> Singer, "Corporate Warriors", 212

<sup>26</sup> Fayemi, *Mercenaries*, 175

<sup>27</sup> *Ibid.*, 176

<sup>28</sup> Singer, "Corporate Warriors", 213

<sup>29</sup> CPA. "Coalition Provisional Authority Order Number 17 (Revised) Status of the Coalition Provisional Authority, MNF- Iraq, Certain Mission and Personnel in Iraq), June 27, 2004, pp. 5

<sup>30</sup> Kinsey, *Corporate Soldiers and International Security*, 135





## BURNS BOG: POWER RELATIONS IN THE SOCIAL PRODUCTION OF NATURE

Lyudmila Rodina

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*This paper explores an example of the discursive practices surrounding the struggle for the preservation of Burns Bog. A discourse analysis reveals Burns Bog as a socio-ecological space in which humans, non-human animals, and the entire biotic community are engaged in relationships that influence the life of the ecosystem. As a social space Burns Bog is invested with layers of cultural and political meanings, where relations of power produce the marginalization of Native Peoples and the silencing of the public voice. It becomes evident that the way we relate to nature is shaped by social discursive practices that empower certain agents and marginalize alternative voices.*

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*“Political struggle occurs in and through the concepts and images we use to describe the world.”*

- Bruce Braun, “Nature Culture and Power on Canada’s West Coast”

Burns Bog is an example of what Bruce Braun would call a cultural, epistemic, and political space, one that is a product of multiple historical processes of meaning production. In the context of the recently emerged environmental rhetoric Burns Bog has become a disputed space imbued with a range of cultural and political meanings embedded in contesting discourses.<sup>1</sup> This process of “creating” Burns Bog alludes to Bruce Braun’s definition of social nature and calls for a radical shift of the dominant paradigm towards a new and radicalized critical environmentalism. Nature is a social space that is continuously (re)made through both intentional and unconscious interactions between human and non-human agents. Traditionally, the notion of nature in Western thought has been associated with an external entity, one that is outside of society and culture and that is subjugated to the power of humans.<sup>2</sup> This perception is rooted in a fundamental dichotomy between humanity and its ecological surroundings, creating

the illusion of disconnectedness from nature. A discourse analysis of the political struggles for the preservation of Burns Bog, on the one hand, and the multi-billion dollar Gateway development project on the other, reveals Burns Bog as a socio-ecological space in which humans, non-human animals, and the entire biotic community are engaged in relationships that influence the life of the ecosystem.

As a social space Burns Bog is invested with layers of cultural and political meanings, where relations of power produce the marginalization of Native Peoples and the silencing of the public voice. The way we relate to nature is shaped by social discursive practices that empower certain agents and marginalize alternative voices. This is evident in the contesting perspectives regarding the future of Burns Bog which, despite being opposing in their rationale, are essentially based on the common notion of nature as an external entity. The “war” for Burns Bog demonstrates how nature becomes a product of different discursive strategies among which the state-centered, market-oriented discourse has hegemonic power. This perspective is rooted in the Western system of thought based on principles which can be traced back to the Enlightenment Project. To the contrary, the alternative, radical democratic ecological paradigm based in Braun’s notion of social nature is necessary in order to understand how natural spaces acquire cultural and political meaning. This paradigm also emphasizes the role of human thought in the construction of our social reality. Through adopting the ecological paradigm we will be able to see ourselves as intrinsically related to nature and thus more responsible for our actions.

The Gateway/Deltaport Project and the approved plan for construction of the South Fraser Perimeter Road (SFPR) in particular have initiated a discursive “war” for the preservation of Burns Bog. However, this “war” goes beyond the disputes about the impact of SFPR on the bog. It is a manifestation of the tension created by competing interests, foremost of which are those of the government/business sector, of a variety of environmental groups, and of the Native Peoples. This multitude of interests constitutes a multiplicity of discourses, some of which are more “heard” than others. Two of them are distinguishably powerful – the Gateway Project discourse, representing the government and the global market, and the local Burns Bog Conservation Society (BBCS), which is actively constructing an environmental conservation discourse. Both representations use a variety of discursive strategies through which nature is created and invested with socio-political meanings.

On one hand, the dominant agent in the decision-making process about the future of Burns Bog is the State, which authorized the Gateway project and encompasses the interests of the government and the corporate sector, represented by TSI Terminal Systems, Inc. This discourse utilizes the technocratic language of economics, stressing the need to increase the numerical indicators of handling capacities, transported goods, vessel productivity, exports, etc.<sup>3</sup> On the other hand, the BBCS embodies the language of environmental conservation, which uses scientific jargon to draw attention to the processes of carbon concentration in the bogs, their capacity to regulate the climate, and, most importantly, the impact of the construction of the SFPR on the ecological functioning of the bog—the release of carbon, the destruction of local animal habitats, and the like. Despite being opposing and conflictual in nature, these two discourses demonstrate a number of similar characteristics: they effectively utilize esoteric language in attempt to legitimize their authority to speak on behalf of Burns Bog and to take decisions about its future; technologies of extraction and displacement of meaning are used to centre on some aspects of the problem and “hide” others; the marginalization of alternative voices, such as Natives peoples and the public of Vancouver; and, ultimately, the notion of social nature is absent in both, thus sidestepping the social connections between humans and their surrounding natural environment.<sup>4</sup>

### **Gateway Program**

An outcome of these two discourses is the production of nature as socio-cultural and political space, one that acquires different meanings within each of the discourses. As mentioned above, language plays an important role in this process. In the case of the Gateway Program, the dominant language is embedded in a discourse of modernization and development, which effectively defines nature as a distinct and manageable domain.<sup>5</sup> The Province of British Columbia promotes the project as a “response to the impact of growing regional congestion which is to improve the movement of people, goods and transit throughout Metro Vancouver”.<sup>6</sup> The project website—the principal medium for informing the public—contains multiple technical reports (“community updates”) filled with technical information related to the progress of the construction work.<sup>7</sup> Nature is not absent from these reports; it is present in the statements about the protection of wildlife and fisheries and the notions of environmental enhancements, which include actions such as installing wildlife crossings, planting hedgerows to protect birds, etc.<sup>8</sup> These reports utilize the language of

the “disinterested scientist” founded in practical reasoning.<sup>9</sup> Reference to scientific practices based on precise measurement, the use of technology, and apparent objectivity allude to the expert knowledge that the Provincial Government claims on nature and what needs to be done to protect it.<sup>10</sup> As such, the government portrays itself as responsible, possessing sufficient knowledge of the environment, and technologically capable of inducing economic progress and protecting the environment at the same time.

This process of (re)constituting nature is accompanied by the abstraction and displacement of natural objects from their ecological surroundings.<sup>11</sup> Matters relating to agriculture and wildlife protection are managed separately without recognizing the relations between wildlife populations, land, and all other organic and non-organic elements sustained within the ecological system of the bog. Most importantly, there is an alarming absence of the human from the ecosystem. Thus, nature is not only divided into distinguishable elements and abstracted from the notion of an integrated ecosystem, but is externalized and distanced from human society. The map depicting the positioning of the proposed SFPR does not include any signs of natural objects besides the delimitations of water and land surfaces, betraying the belief that human social activity is disconnected from nature.<sup>12</sup> This discourse denies the social relations between human society and the multiplicity of interconnected ecosystems within which humans reside. Nature is situated on the margin of human civilization.

Another important characteristic of this dominant discourse is the marginalization of alternative social voices. Marginality is constituted on two levels: through the discourse of territorial governance, which posits landscapes under the rule of the state, and through the discourse of scientific expertise, which limits the legitimate power of the public to engage in decision-making about Burns Bog. The Provincial Government claims jurisdiction over all territories within British Columbia, denying any indigenous territoriality.<sup>13</sup> In Vancouver the Musqueam Indian Band functions as a First Nations government, having declared in 1976 its right to hold aboriginal title to the land defined between Coquitlam River, Brunette River and the South Bank of Fraser River.<sup>14</sup> As land-owners and as constituting a recognized local government, First Nations should also have a legitimate right to make claims regarding use of this land. However, they are effectively marginalized, even if not explicitly silenced. The government has officially conducted a public consultation regarding the environmental effects of the project that was intended to engage the public, including Native peoples.<sup>15</sup>

The Musqueam band has maintained that Burns Bog has a historical, cultural, and geographical value for their communities. In a submission to the Environmental Assessment Office, the aboriginal representatives have also vocalized their concerns regarding the use of the land. It is stated that “[it] is their belief that traditional use information, archaeological information and traditional knowledge about the Bog is central to an ecosystem review”.<sup>16</sup> The outcome of these consultations, however, have not influenced or challenged the dominant capitalist discourse. They have remained internal to it, contained, and rendered powerless. This marginalization is produced through the exclusion of notions of land use alternative to the interests of the State. Archeological and historical values, which are important in the way Natives Peoples think about the surrounding environment, are considered secondary or even insignificant. The dominant discourse is constituted in a way that excludes Native claims as irrelevant to economic and national interests. Similarly, discussions concerning the environmental impact of the Gateway project are contained within the domain of scientific discourse promulgated by the Environmental Assessment Office. The technical complexity and the scientific expertise required to challenge its conclusions exclude the general public from the decision-making process by rendering it incompetent.

#### **Environmental activists: Burns Bog Conservation Society**

In spite of this marginalization, the dominant discourse does not entirely silence or repress alternative perspectives. Local environmentalist groups, such as the Wilderness Committee and BBCS, have in fact been vocal and very active in their opposition to the Gateway Program. Nevertheless, their opposition is framed by specific discursive practices that also produce nature as a political space. These include the use of scientific language, abstraction and externalization of nature, and exclusion of alternative interests. The main political campaign of BBCS against the Gateway Program has been focused on producing a scientific argument to counter the original environmental assessment and alter the route of the SFPR in order to preserve a larger percentage of what is defined as the territory of the Bog.<sup>17</sup> These opponents to the SFPR stress the importance of peat lands as intricate ecosystems, unique in their chemical composition and bio-diversity. The primary objective of BBCS’s campaign is to educate the public about the function of bogs within urban areas and promote ecologically responsible governance.<sup>18</sup> Education and knowledge appear to be defining elements in this alternative discourse; in effect, the political

struggle for Burns Bog becomes a struggle to challenge and deconstruct the dominant discourse.

According to the environmental protectionist paradigm, as a natural space Burns Bog forms an essential part of the urban landscape of Vancouver due to its capacity to regulate the local climate.<sup>19</sup> Its overexploitation and degradation will have a negative impact on the local environment and the health of the population. Thus, the significance of the bog is expressed in its instrumental value, excluding other forms of use or value for this ecosystem. This discourse deprives the Bog from its relation to the culture and history of the Indigenous Peoples. The Bog is abstracted as a natural space, territorially defined within agreed upon boundaries, and perceived as threatened by the actions of the state. This rhetoric legitimizes the role of the environmentalists as custodians and protectors of the Bog. Assuming authority to speak on behalf of the bog is a form of exercising power over it and denouncing the legitimacy of claims made by other agents, such as Natives Peoples or the public of Vancouver. Even though this discourse emphasizes the negative impact that the exploitation of the bog will have on the human habitat, it nonetheless presents the bog as a “wild” space outside of human social reality.

### **Production of Nature**

In the preceding discussion of different discursive strategies adopted by competing interests, a number of commonalities become apparent: the utilization of scientific language in order to legitimize the power of humans over nature, the mere instrumentality of nature to humans, the marginalization of “other” voices, and the denial of the social relations that connect humans with nature. Both discourses maintain the epistemological principle of a culture/society-nature dichotomy. In my view this principle can be genealogically traced back to the Enlightenment which established man as the master of nature.<sup>20</sup> According to Horkheimer and Adorno, the Enlightenment program produced the disenchantment of nature accompanied by contempt for traditional beliefs.<sup>21</sup> Knowledge obtained through scientific inquiry enabled man to become the master of nature.<sup>22</sup> This process stripped nature of its qualities and reduced it to distinguishable elements whose composition and functioning is calculable, and therefore manageable. This principle is evident in the environmental protection programs run by the state and those proposed by the environmental groups. In the case of the Gateway Program a systematic calculation of potential damage to the environment and a series of technical solutions to mitigate any damage are in place. This paradigm establishes a

mechanism that enables the production of marginality by creating a power-knowledge discourse that rejects alternative forms of knowledge. Thus, Native People's traditional knowledge of land use is rendered powerless by the perception that Natives are outdated, undeveloped, and incompetent. In addition, this produces the marginalization of the people of Vancouver, who are also rendered voiceless by the dominant discourses.

### Conclusions

The foregoing analysis demonstrates examples of the discursive mechanisms through which nature is produced as a cultural space, imbued with political, ecological, economic, social, and historical interests. There exists a multiplicity of discourses that cannot be collapsed into one.<sup>23</sup> It has become evident that contestation and resistance between competing interests are not silenced or obscured. The marginalization of certain discourses is realized through their incorporation and containment within the dominant discourse. The hegemonic paradigm is founded in notions of state-hood, scientific knowledge, and the instrumental use of nature, all of which have been major determinants of Western thought since the Enlightenment. Within this ideological framework nature is produced as a realm external to humans and subjugated to the power of the State. The most troubling outcome of this subjection and externalization of nature is that humans have no concept of acting responsibly within nature in an ecologically sustainable and socially just way.<sup>24</sup>

Nature does not exist outside of society—it forms an integral part not only of the human habitat, but of human social life as well. This realization demands a shift towards a new paradigm that recognizes the sociality of nature as a cultural creation. This paradigm should also be capable of including and accepting alternative perspectives which can contribute to a greater capacity of cooperation between peoples. The relationship between humans and their natural environment is not instrumental and asymmetric but rather it is a mutually constitutive symbiosis. The world we inhabit is infested with cultural, technological, and ecological relations through which we shape our social reality. It is crucial to understand the positive power we could have in preserving our environment and promoting social well-being should we choose to act in a more responsible and mindful way.

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<sup>1</sup> This paper is based on a community service learning project through the University of British Columbia with the local Wilderness Committee. The following research is founded on a combination of academic research and personal engagement with the work of members of the local environmental community campaigning for the preservation of Burns Bog.

<sup>2</sup> Bruce Braun, *Intemperate Rain Forest: Nature, Culture, and Power on Canada's West Coast* (Minneapolis: University of Minnesota Press, 2002), 11& 12.

<sup>3</sup> TSI Terminal Systems Inc, "Global Business, Local Interests," September 2007, [PowerPoint slides]; available from <http://sba.management.dal.ca/Files/APTF2007/Strachan.pdf>; Internet, accessed October 2009.

<sup>4</sup> Here I endorse Bruce Braun's notion of nature as a social construction. Therefore, the relationship between humans and nature is a social one.

<sup>5</sup> Braun, *Intemperate Rain Forest: Nature, Culture, and Power on Canada's West Coast*, 47.

<sup>6</sup> Gateway Program, "Gateway Program Home", available from <http://www.th.gov.bc.ca/gateway/>; Internet; accessed October 2009.

<sup>7</sup> Gateway Program, "South Fraser Perimeter Road", available from [http://www.th.gov.bc.ca/gateway/SFPR/commnty\\_rltns.htm](http://www.th.gov.bc.ca/gateway/SFPR/commnty_rltns.htm); Internet; accessed October 2009.

<sup>8</sup> Gateway Program, "South Fraser Perimeter Road Community Update"; available from [http://www.th.gov.bc.ca/gateway/SFPR/docs/community\\_rels/SFPR\\_Community\\_Update\\_Oct\\_2009.pdf](http://www.th.gov.bc.ca/gateway/SFPR/docs/community_rels/SFPR_Community_Update_Oct_2009.pdf); Internet; accessed October 2009.

<sup>9</sup> Braun, *Intemperate Rain Forest: Nature, Culture, and Power on Canada's West Coast*, 39.

<sup>10</sup> Ibid., 38.

<sup>11</sup> Ibid., 35.

<sup>12</sup> Map can be seen at [http://www.th.gov.bc.ca/gateway/photo\\_pages/photos.asp?caption=SFPR%20Alignment&img=sfpr/large/SFPR\\_Alignment\\_700.jpg](http://www.th.gov.bc.ca/gateway/photo_pages/photos.asp?caption=SFPR%20Alignment&img=sfpr/large/SFPR_Alignment_700.jpg)

<sup>13</sup> Braun, *Intemperate Rain Forest: Nature, Culture, and Power on Canada's West Coast*, 27.

<sup>14</sup> Musqueam Declaration, 10 June 1976; available from <http://www.musqueam.bc.ca/Rights.html>; Internet; accessed October 2009.

<sup>15</sup> Burns Bog Ecosystem Review Outline, 1999, Appendix A; available from [http://a100.gov.bc.ca/appsdata/epic/documents/p60/d11998/1111532119992\\_ddb9dec9a41c455d9770937da0ae63c0.pdf](http://a100.gov.bc.ca/appsdata/epic/documents/p60/d11998/1111532119992_ddb9dec9a41c455d9770937da0ae63c0.pdf); Internet; accessed October 2009.

<sup>16</sup> Ibid.



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<sup>17</sup> Burns Bog – Discussion Paper, 6 August 2008; available from <http://www.imcg.net/>; Internet; accessed October 2009.

<sup>18</sup> BBCS, “Mission Statement”; available from <http://www.burnsbog.org/about/>; Internet; accessed October 2009.

<sup>19</sup> BBCS, “Resources”; available from <http://www.burnsbog.org/resources/>; Internet; accessed October 2009.

<sup>20</sup> Max Horkheimer and Teodor Adorno, “The Concept of Enlightenment,” *Dialectic of Enlightenment: Philosophical Fragments* (Stanford: Stanford UP, 2002), 1.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Braun, *Intemperate Rain Forest: Nature, Culture, and Power on Canada’s West Coast*, 24.

<sup>24</sup> Ibid., 10.



## A PERUVIAN RED TERROR: MAKING SENSE OF SENDERO LUMINOSO

Cory Kleinschmidt

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*This paper presents a historical, political, and cultural analysis of Sendero Luminoso (SL), a Peruvian revolutionary movement, from its inception, to its demise, and finally to its recent resurgence. It argues that the SL of the past was an anomaly, stemming from a variety of influences unique to time and place. The SL of the present, which already shows significant signs of change, cannot therefore be an organization of the same quality, and, most likely, of the same potential. Those concerned with Peruvian security can learn a great deal from the past, but should be wary that the future poses new and different problems as well.*

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### **Introduction – An Enigma?**

#### **Understanding Sendero Luminoso**

On October 9, 2008 a military convoy carrying civilians was returning to base in Huancavelica, a coca-growing region in the Andean countryside of Peru, when suddenly a bomb went off under one of the vehicles. In the cloud of confusion, a group of rebels stormed the survivors, engaging them in a two-hour firefight. Twelve soldiers and seven civilians, including women and children, were killed in the incident.<sup>1</sup> The attackers were identified by Peruvian authorities as members of Sendero Luminoso (SL), or Shining Path, the revolutionary Marxist organization that ravaged rural Peru with a Red Terror of its own in the 1980s and 90s. For those who remember that *manchay tiempo*, or “time of fear,” as it is referred to by locals, which took the lives of over 70,000 people,<sup>2</sup> the ambush in Huancavelica serves as an ominous indication that SL is not yet history. The group's campaign of terror may have been set back by the capture of its leader Abimael Guzmán Reynoso in 1992 and of his successor Oscar Ramírez Durán in 1999, but it appears that Sendero Luminoso has been regaining ground since it reinvented itself this century in the style of Colombia's FARC. SL's support of and involvement in Peru's widespread drug industry, as

well as its now relative distance from its disreputable past, may be rejuvenating it as a viable threat to the country's democratic government, placing "[o]ne of the most brutal and destructive terrorist groups worldwide"<sup>3</sup> on the road to recovery.

It is thus an extremely pertinent endeavor to examine Sendero Luminoso and its capabilities, past and present. Taken in the context of the recent resurgence of leftism across Latin America and the increasing fragmentation of the legal left in Peru, the lesson of SL's history is an alarming one.<sup>4</sup> The future is still uncertain, but it will undoubtedly depend on the capacity of the Peruvian government to learn from the past and to possess a proper understanding of their foe. The complexity of Sendero Luminoso does not make this an easy task. The movement has commonly been referred to by scholars as an enigma that defies logical explanation.<sup>5</sup> Giving the same weight to anthropological research on SL as I do to that of political scientists, I attempt in this analysis to bridge the gap between a cultural understanding and a political explanation of the organization.

In the 1980s, Sendero Luminoso brought about a Red Terror that was particularly Peruvian, influenced as much by global trends as by local ones. The harsh "Fourth world" conditions of Peru's indigenous population certainly contributed to the organization's growth. Like the emancipatory projects of Stalin and Mao, however, SL was a movement imposed top-down, not a bottom-up outgrowth of those conditions *per se*.<sup>6</sup> The numerous characterizations by scholars of the movement as an "indigenous uprising" or a "peasant rebellion" are thus either entirely incorrect or, at best, highly misleading.<sup>7</sup> The new SL that is on the rise today, however, has changed considerably since its first inception. It is my goal in this overview to clarify the uniqueness of the SL of the past in order to arrive at an accurate understanding of the evolution the organization has undergone. I will establish that, despite continuities, the early Sendero Luminoso was fundamentally different than that of the present. The strength of Guzmán's movement was rooted in a variety of unique factors that were all interdependent in many complex ways. The resurgent group, operating under a new set of influences, is a very different organization, and any counter-terror campaign at present must address these transformations.

Much has been written on Sendero Luminoso since 1980. So much so, in fact, that a rather large group of interested scholars even occupy an academic subfield somewhat flippantly titled 'Senderology'.<sup>8</sup> Despite such a great bulk of literature on the movement, a complete and coherent picture of SL is hard to come by. Much of the literature is

contradictory, especially in regards to the causes of the uprising and the role that ideology has played. I have attempted to wade through the cobweb of incoherency surrounding Sendero Luminoso in order to give a brief but illuminating examination. In doing so, I have benefited enormously from the work of anthropologists on the region, such as Orin Starn and Carlos Degregori, who understand the situation in the Andes immeasurably more than all but a select few social scientists of other credentials. Without the research of political scientists David Scott Palmer, Max Manwaring, and particularly James Ron, however, this paper would lack the theoretical structure that does so much of the explanatory work in regards to social and organizational dynamics.

Consistent with many of these authors, I lay much stress throughout the analysis on the role that ideology has played in SL's development as well as the importance of the organization's Latin American context. Otherwise, the overview here is presented in four sections in semi-historical fashion, with each part focusing on a different theme but expounding upon the previous ones until all is drawn together in a breakdown of the present situation. The first part discusses the early history of the group and the conception of its cult-like behavior. SL's tactical choices in the past, especially its shift to violence in 1980 and its escalation throughout that decade, are evaluated in the second part. The third section covers the structure of the organization, with emphasis on its violence toward the peasantry it purported to emancipate. This background will provide the foundation for a fourth section covering the demise and resurgence of Sendero Luminoso from 1992 to present, focusing on the Peruvian government's response, then and now.

## **A Revolution in the Making**

### **The Cult of Presidente Gonzalo**

Sendero Luminoso was primarily the work of one man, Abimael Guzmán Reynoso, a light-skinned, middle-class philosophy professor. He took a job fresh out of graduate school in 1963 at the rural, left-wing National University of San Cristóbal de Huamanga. There he led a group of revolutionary students and faculty members in the school's local branch of the Communist Party of Peru-Red Flag. Guzmán had traveled to China and was inspired by the Maoist interpretation of Marxism, which is the foundation of the concept of "people's war" advocated by such Latin American revolutionaries as Fidel Castro and Che Guevara. He wanted to fuse Maoism, which he believed was universally applicable, with the ideas of Peruvian Communist Party founder José Carlos Mariátegui, who saw a viable

basis for communist society in traditional Andean native culture. This synthesis would produce a distinct Peruvian vein of Marxism that through revolutionary *Praxis*, he hoped, could bring about Mariátegui's utopia.<sup>9</sup> In 1970, dissatisfied with Red Flag's unwillingness to use violence against the Peruvian government in this cause, Guzmán split with the party and founded his own Communist Party of Peru in the Shining Path of Mariátegui, known simply as Sendero Luminoso. The group postponed violence throughout the seventies, concentrating instead on perfecting their ideology and building a solid base of support among the peasantry.<sup>10</sup> Class struggle and anti-imperialism were attractive goals to the marginalized indigenous populations of Peru, and Guzmán managed to garner a rather large following over the decade. His efforts were no doubt helped by his image of an elite who had gone to the other side, reaching out to Peru's forgotten people, locating their poverty in structures of political economy, and speaking to them "in the omniscient, almost magical, voice of scientific truth."<sup>11</sup>

As his support grew, Guzmán became increasingly self-confident and began to cultivate a personality cult. He adopted the pseudonym Presidente Gonzalo and, with the help of party propaganda, portrayed himself as the "Fourth Sword of Marxism," after Lenin, Stalin, and Mao.<sup>12</sup> Sendero Luminoso ideology became known as Gonzalo Thought, to which supporters adhered fanatically. This "fatal attraction," as Orin Starn calls it, was so extreme that it verged on religiosity.<sup>13</sup> Guzmán's discussions of the "semi-feudal relations of exploitation" between the urban core and the Andean periphery, and the need for a revolutionary people's war to overcome this, had a kind of brainwashing effect on his listeners.<sup>14</sup> Degregori's investigation of this strange power of SL ideology is worth reprinting here:

[Is it] not in this great need for order and progress—in a context where elements of traditional hierarchy still prevailed—that we can find one of the roots of the quasi-religious scientism of Sendero Luminoso for which 'the ideology of the proletariat is scientific, exact, all-powerful' [. . .] Can we not also find here one of the sources of the personality cult and the sanctification of the 'thoughts of Gonzalo'? The professor as leader is the incarnation of education and thus also the incarnation of the guide, the truth and virtue. It is quite clear that in SL thinking, proletarian ideology has almost divine status.<sup>15</sup>

Thus the synthesis of Mao and Mariategui that was the foundation Sendero Luminoso's ideology played right into Guzmán's hands. It won him support, radicalized his followers, and centralized the movement under his unconditional leadership. This was essential to SL's success. Guzmán's biographer Santiago Roncagliolo says as much when he writes, "[t]he great strength of Sendero was always its near religious ideological conviction that allowed it to take impossible risks and think like a single mind."<sup>16</sup> Thus, once Guzmán attained his exalted status in the Andean countryside, his next step was simply to choose when to set his plan into motion.

### **The Path of Violence**

#### **Tactical Escalation as a Function of Ideology**

In the late seventies, Sendero Luminoso increasingly viewed almost all other Peruvian leftist parties as revisionist and bourgeois for appealing to the urban political mainstream. In 1980, when the military government ceded power and held democratic elections, in which other communist parties partook, SL's distaste for them became especially strong. They were "nothing more than opportunists," Guzmán proclaimed, "bourgeois agents infiltrated in the breast of the workers' movement, the best champions that the bourgeoisie can ever hope for."<sup>17</sup> His organization was, however, much smaller and less powerful than many of those he so denounced. The National University of San Cristóbal de Huamanga had recently chosen to moderate its politicization and Guzmán had lost his tremendous influence over it as a result. The urban mainstream left viewed Guzmán and his followers at the time as a bunch of radical "country bumpkins."<sup>18</sup> SL responded to its marginalization by further differentiating itself, but this strategy would prove to be insufficient in the long run, especially as the largest leftist parties became even more powerful through elections. Guzmán's solution was to use the fragile political situation as a launchpad for his revolutionary war. One day before elections, SL rebels, called *senderistas*, broke into a voter registration office and burned the ballot boxes. The act was staged as a symbolic attack on the bourgeois democracy they would oppose in arms from then on. "Comrades: Our labor has ended, the armed struggle has begun," Guzmán announced, "The invincible flames of the revolution will glow, turning to lead and steel . . . There will be a great rupture and we will be the makers of the new dawn . . . We shall convert the black fire into red and the red into pure light."<sup>19</sup> Various acts of terror quickly followed, starting with the hanging of cats and dogs from lampposts and escalating to bombings of buildings and assassinations of public figures.<sup>20</sup>

This juncture highlights a duality in SL decision-making that is crucial for understanding the seemingly complex escalation of violence throughout the 1980s. Guzmán's shift to violence was at once the product of his sinister utopian extremism and a carefully calculated strategy to further his cause. SL's tactical escalation, further discussed below, does not represent an abandonment of any ideological goals in favor of merely wreaking havoc within the capitalist state, as sometimes suggested.<sup>21</sup> It is clear that Guzmán views violence as not only necessary, but good, as in the SL party slogan, "Blood will not drown the revolution, but water it."<sup>22</sup> But viewing violence as a kind of end in itself is not the same as advocating haphazard destruction. "With regard to violence," Guzmán explains,

we start from the principle established by Chairman Mao Tsetung: violence, that is the need for revolutionary violence, is a universal law with no exception. Revolutionary violence is what allows us to resolve fundamental contradictions by means of an army, through people's war [ . . . ] This is an essential question of Marxism, because without revolutionary violence one class cannot replace another, an old order cannot be overthrown to create a new one.<sup>23</sup>

While Sendero Luminoso ideology puts no limits on bloodshed whatsoever, reasoned strategy does. Thus the gradual escalation and changing nature of violence that SL employed until Guzmán's capture in 1992 must be explained, following from James Ron, as a function of both ideology and context.<sup>24</sup>

The death toll of SL's campaign of terror began to dramatically rise upon further escalation in 1982. In March of that year the organization launched an attack on a jail in Ayacucho. All of the prisoners, including more than fifty *senderistas*, were released, in hopes that this would spark chaos in the countryside and provoke a government response.<sup>25</sup> The group began to increase its targeting of electrical towers, causing regular blackouts in Lima and surrounding cities, which became an SL signature tactic. They hit just 9 in 1982, then up to 21 in 1983, and 65, 40, and 107 in the years after.<sup>26</sup> All acts of terror were the backdrop of a more general guerrilla war being waged in the countryside. Sendero Luminoso occupied and administered territory that the state could otherwise scarcely control. Until this formidable escalation of violence, the government, because of its limited resources and its disbelief that Andeans could be mobilized against the urban core, significantly underestimated the



threat that SL operation in rural areas could pose.<sup>27</sup> This in turn allowed the organization to solidify its base and destroy what little communicative or institutional linkages rural Peru had with the central government, making Sendero Luminoso a *de facto* state in portions of the countryside. On the first day of 1983, the Peruvian government declared a state of emergency in the country and vowed to step up its military response.<sup>28</sup>

That year, SL made the decision to begin targeting the legal left, including Marxists, as well as to increase their attacks on grassroots organizers, intellectuals, and wealthy and prominent civilians of all kinds. These anti-left-wing terror tactics have to be taken in the context of SL's marginalization. Guzmán saw his adversaries on the left as one of the main weaknesses of his movement, and as a source of false legitimacy for his sworn enemy, Peru's bourgeois political establishment. "Revisionism obviously is a cancer," he lamented, "a cancer that has to be ruthlessly eliminated."<sup>29</sup> This strategy simultaneously worked to strengthen the state by increasing left-wing government cooperation and to empower SL by differentiating it from the more moderate left, such that the group wasn't perceived as simply a radical offshoot of the mainstream communist parties. As a result, it is hard to determine its overall effectiveness, but as a function of Sendero Luminoso's orthodox ideology it was probably an inevitability. The other targets were viewed as both symbols and functionaries of capitalist democracy and therefore equally liable to incite widespread terror and damage the young Peruvian regime. SL utilized threats of assassination or abduction to extort funds and scare their victims from cooperating with the government. If threats failed, they would fulfill them, often kidnapping important people and ransoming them off. The horror and brutality of these tactics, as well as advances on the guerrilla front, prompted an increasingly just as terrorizing response from government forces. This counter-terror backlash will be considered following a diagnosis of SL's own campaign of repressive violence.

### **The Tyranny of Utopia**

#### **Structure of a Revolutionary Movement**

The ruthlessness of the subjection of the Andean peasantry to Sendero Luminoso's state-like domination has a variety of sources. Some of these sources spring from local patterns of *mestizo*-Amerind relations, while others can be found in trends of global reach, especially the spread of communist dictatorships during the Cold War. It has already been considered how SL's cultish ideological conviction made

it become “a kind of dwarf star, where its matter compresses until there is hardly any space between its atoms [*espacios interatómicos*], reaching an enormous weight disproportionate to its size.”<sup>30</sup> This fanaticism and rigid centralization of authority, along with the group's ruthless state-like operations, has led many to draw comparisons to the regimes of some of Guzmán's heroes, Stalin and Mao.<sup>31</sup> Although SL is certainly unique, these connections are well justified. All three movements represent what has come to be referred to as a “Red Terror,” whereby the search for political utopia manifests itself as little more than systematized destruction. In the context of Peru, this utopian tyranny takes on typically Latin American characteristics that are important to understand. An overview of SL's organizational structure and treatment of its peasant constituency will help to illuminate this interaction between the social dynamics of the region and Guzmán's more remote inspirations.

SL's use of violence had two broad strategic objectives, disruption and control. As already discussed, the organization attempted to disrupt the Peruvian state by inciting chaos, severing ties between the state and the people, terrorizing populations, and provoking a genocidal response by the government. It sought to control the populations in its own territories by coopting and regulating village institutional arrangements, threatening and killing those who participated in elections, and terrorizing those who otherwise supported the government or military, sometimes massacring entire villages at a time. This provided yet another source of both strength and weakness to Guzmán's movement, but an elaboration of these schemes must be aided by a prior understanding of SL's internal structure.

Sendero Luminoso's party organization was strikingly similar to that of other communist states. Its structure can be separated into three wings: direction, enforcement, and combat.<sup>32</sup> The directive wing formed the top two tiers of the organization. The very top, called the *cúpula*, consisted of Guzmán, his second-in-command (and designated successor) Oscar Ramírez Duran, as well as the traditional party structures of Politburo and Central Committee. This level oversaw the political coordination of the entire movement, with Guzmán as supreme leader. The second level was made up of regional political coordinating committees, called *cuadros*. These committees controlled their assigned jurisdictions in accord with central command. Within each region was also an enforcement wing, consisting of both overt and covert operatives. The overt half of this level was in charge of policing localities and maintaining party support while the covert half acted as a secret police organization that eliminated dissidents and carried out acts

of terror. The third wing, the Popular Guerrilla Army, operated at both the central and regional level and was the primary group to engage in combat with the Peruvian military. The total number of members within the formal structure of the organization was believed to be about 5,000 around 1990, but some earlier estimates range as high as 10,000-15,000.<sup>33,34</sup> It is interesting to note that in its supposed class struggle, the SL organization had a "hierarchical, almost colonial view, of party supremacy."<sup>35</sup> The command levels were entirely composed of white or light-skinned *mestizo* elites, while lower tiers of the organization were mostly filled with rural dark-skinned *mestizos* and indigenous peasants.<sup>36</sup> If it was the racial oppression embedded in Peru's foreign-dominated society that the bulk of Guzmán's supporters were fighting for, it is hard to believe that Sendero Luminoso would have provided a solution. This became increasingly apparent to much of the Andean peasantry as SL's terror campaign began to turn on them.

In regions it controlled, SL's influence was profoundly felt. It replaced existing communal leaders with party officers and outlawed capitalist economic behavior, such as food production above subsistence levels. SL banned religion, modern farm equipment, alcohol, native and Christian holidays, and even the words *mama* and *papa* (children were expected to call their parents *camarada*, or comrade, instead).<sup>37</sup> Young men were forced to join the ranks of the guerrilla army and fight against the military whether they wanted to or not, because if they didn't they would be viewed as likely traitors. No mercy was held for those who cooperated with the capitalist state. Any suspicion of treachery or anti-left leanings was enough for someone to be abducted, tortured, or killed.<sup>38</sup> When the government attempted to incite an anti-SL rebellion among village *rondas*, or local militias, the organization responded by massacring thousands of potential adversaries with knives and machetes—137 villages were destroyed over the course of the revolution.<sup>39</sup> Degregori has argued that Sendero Luminoso's

impressive degree of willingness to use violence against the masses [. . .] resembles that of certain *indigenista* intellectuals of the past who expressed the authoritarian, tortuous, violent love of the superior for the inferior, whom they sought to redeem or 'protect' from the evils of the modern world.<sup>40</sup>

Just like the paternalistic proponents of *indigenismo*, Guzmán's movement was an ironic attempt to rescue Peru's radiant indigenous past by way of replacing one form of European-derived domination

with yet another. *Indigenismo*, it should be noted, was an ideology of indigenous redemption that was born in Peru and subsequently spread throughout Latin America. Although it is a diverse body of thought, many of its forms took on oppressive, even genocidal, qualities. Some radical veins called for the isolation of indigenous populations, others for their elimination through reproduction, always in the name of their salvation.<sup>41</sup> Sendero Luminoso's brutal repression along the path to a "shining" future is deeply rooted in this way of thinking. As James Ron observes, SL's *willingness* to use violence must be understood in the context of *mestizo*-Amerind relations.<sup>42</sup> But its use of terrorism was very much a reasoned choice, and was intended to serve a purpose.

While the organizations authoritarian grip on the peasant population probably didn't generate much support, it did provide certain benefits. As with its strategy of disruption, SL's oppression of the peasantry was not violence for violence's sake. "If the population in a given region were to cooperate with Sendero, the group would not use violence. If locals were to resist recruitment, however, Sendero assassins would swing into action, using violence as an 'incentive.'"<sup>43</sup> Those under SL's sway had only two choices: cooperate or die. Violent oppression was therefore a tactic. It maintained the discipline of SL's constituency, artificially created a source of recruitment, and, most importantly, put the organization in a position to extract funds from the peasant population. Thus the political structure of Soviet and Maoist revolutionary movements fused with the social structure of rural Peru, creating a remarkably robust post-colonial Red Terror of unprecedented brutality.

### **A Rugged Path**

#### **The Demise and Resurgence of Sendero Luminoso**

To be sure, Peruvians suffered nearly as much at the hands of government forces in the war with Sendero Luminoso as they did from the group itself. "When President Belaúnde sent in the Second Infantry division at the end of 1982," Orin Starn notes, "many Ayacuchans viewed it as akin to a foreign occupation."<sup>44</sup> The authority that officers were granted to seize suspected guerrillas was a mirror image of the ruthless indifference that SL employed in dealing with suspected government supporters.<sup>45</sup> People disappeared, were tortured, and sometimes killed on the spot. This reached such a point that President Fujimori, in 1992, delivered himself an autocoup and became temporary military dictator in direct response to SL operations.<sup>46</sup> If one of Guzmán's targets was liberal democracy, it would seem this moment was in fact a major victory for his movement. Indeed, his plan at the

time was straightforward: “[i]ncite genocide on the part of the Peruvian state by goading government forces into overreacting against the guerrillas. This would reveal the regime’s ‘fascist entrails,’ [he] argued, leading to an even wider popular uprising.”<sup>47</sup> In the short run, this plan worked. Resentment of government repression became widespread among the peasantry and Sendero Luminoso’s appeal soared.<sup>48</sup> Guzmán could in turn use his movement’s broad appeal to bolster SL’s legitimacy *vis a vis* the government, despite its own atrocity!

As for terrorism, they claim we’re terrorists. [. . .] This is how they attempt to discredit and isolate us in order to crush us. That is their dream. [Sendero Luminoso is not] a plot against some detested individual, no act of vengeance or desperation, no mere ‘intimidation’--no, it [is] a well thought-out and well prepared commencement of operations by a contingent of the revolutionary army [. . .] Fortunately, the time has passed when revolution was ‘made’ by individual terrorists, because people were not revolutionary. The bomb has ceased to be the weapon of the solitary ‘bomb thrower,’ and is becoming an essential weapon of the people.<sup>49</sup>

Despite its depravity and disregard for the loss of innocent lives, Guzmán’s statement makes a telling observation. If both his organization and the government commit atrocities in the name of some political goal, and both have large constituencies, the word ‘terrorism’ takes on little meaning as a censure and becomes simply an advocacy of one side or another.

That same year, however, Guzmán was finally apprehended by authorities and displayed publicly in an outdoor cage. Sendero Luminoso did not immediately dissolve, but the blow that his capture dealt to the organization is a testament to the decapitation theory of counter-terrorism.<sup>50</sup> The year of his capture, 1992, was the high point of SL’s anti-left assassinations, with a total of 37. In 1993 that total dropped to 12, in 1994 to 6, and to 2 the following two years.<sup>51</sup> The effect Guzmán’s capture had was undoubtedly the result of the importance of the cult of his personality in propelling SL forward. The man who was exalted as “our beloved and respected President Gonzalo . . . teacher of Communists and party unifier” had been reduced to the level of a mere criminal.<sup>52</sup> His successor, Oscar Ramírez, would take over the leadership of the organization until his own capture in 1999, but SL could not be the same without the sinister scientific mind of Abimael Guzmán, the harbinger of the glorious return to Peru’s

indigenous past. But, would Gonzalo Thought die? Surrounded by reporters, Guzmán vehemently warned from his humiliating cage that “Marxist-Leninist-Maoist-Gonzalo Thought is undefeated and imperishable.”<sup>53</sup>

By the late nineties it was thought that the war was over. Peru returned to democratic rule in 2000, coupled with a decrease in counter-terror operations in the countryside. Recently, however, it appears that Sendero Luminoso may be making a comeback. In the model of FARC, the group's remnants have increasingly become intertwined with Peru's thriving drug trade. The organization has been described by locals as “a disciplined, well-armed force, entering villages in groups of 20 in crisp black uniforms.”<sup>54</sup> This is enough reason to believe that the resurgent fighters are *not* just a few fanatical leftovers from a revolutionary movement that is over and done with, as some have suggested.<sup>55</sup> The new organization is allegedly involved in both the production and transportation of coca and cocaine, as well as the protection of other growers in return for financial and other forms of support.<sup>56</sup> With the profits from these operations, SL is funding a return to guerrilla warfare. But the organization is also attempting to distance itself from its violent past, presumably in order to forge a more legitimate and mutually cooperative relationship with the peasantry. “We are not *senderistas*, narcotraffickers, nor narco-terrorists,” an SL announcement reads, “We are the militarized Marxist-Leninist-Maoist Communist Party of Peru.”<sup>57</sup> The group has rejected previous terror tactics, and it considers Guzmán a revisionist traitor, instead idolizing Venezuelan leader Hugo Chávez. It *appears*, then, that Sendero Luminoso has taken a significant departure from its vicious past.

What are the new group's chances of success? Counterinsurgency expert Alberto Bolivar rightly has a cautious attitude.

There are those who say, ‘Why worry about a few hundred fighters in the jungle?’ But they easily forget the Shining Path began their armed struggle in 1980 with just a few hundred guys. Two decades later, 70,000 people were dead.<sup>58</sup>

But it is still uncertain “whether this is just a localized version of Sendero or a movement that has some legs.”<sup>59</sup> There is some cause for pessimism given the current state of the region. The fragile political situation which enormously aided SL's previous attempts to disrupt the country and throw it into civil war still exists. The Peruvian state is simply too weak to extend its institutional apparatus very far beyond

Lima. This void of political authority in the countryside is what enables an organization like SL to take root and behave as a kind of state-within-a-state. SL's favorability toward coca farming, an Andean tradition, is also bolstering its legitimacy in the region, which doesn't help the situation for the government. But the greatest strength of the new SL is its reorganization. It has found a steady source of financing in the country's drug trade, has opted for a less oppressive relationship with the peasantry, and is increasingly appearing as a well-organized and serious fighting group. The Red Terror of the 1980s may still remain history, but this is by no means guaranteed. Thus, the sooner the current government can put a stop to the insurgency, the better. In order to appropriately deal with the new threat, it must recognize the evolution SL has undergone and learn from the mistakes of past governments.

## **Conclusion**

### **Sendero Luminoso in Perspective**

It is clear from this analysis is that the resurgent Sendero Luminoso cannot be the same kind of organization that terrorized Peru in the 1980s and 90s. SL under Guzmán was an anomaly. The fanatical, almost religious, personality cult that man wielded formed the embryo from which SL grew into a relatively small yet intensely committed revolutionary movement. This may be the single most important source of the group's strength at the time, and it is doubtful that today's SL leadership is in an even remotely similar position. Furthermore, Guzmán's extreme ideology sanctioned an extraordinarily high level of violent terrorism, which no doubt contributed to the potency of the revolution. The current group is likely not in any position to replicate this strategy without alienating their support base. If Sendero Luminoso is practicing moderation, then so should the Peruvian government. It should not reproduce the counter-terrorist campaign of the past, which was nearly just as destructive as SL's terrorism, almost giving the group the boost it needed in order to win that war. Such a strategy would be even worse in the face of a less terrorizing enemy. As Frank Hyland advises, "SL has mutated into a terrorist-criminal network, and counter-terrorist organizations should change their paradigm to fit the new model."<sup>60</sup> They can do this by looking to Colombia, where authorities there have been dealing with a similar problem for quite a while. Ultimately, whether the 1990s marks the demise or the hiatus of one of the most destructive Marxist revolutionary movements in Latin America rests on the ability of the

Peruvian government to carry out knowledgeable and carefully calculated counter-terror policy.

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<sup>14</sup>“Peru rebels launch deadly ambush,” BBC, October 10, 2008, <http://news.bbc.co.uk/2/hi/americas/7664107.stm>

<sup>2</sup>Simon Romero, “Cocaine Trade Helps Reignite War in Peru,” *New York Times*, March 18, 2009, A1.

<sup>3</sup>Frank Hyland, “Peru's Sendero Luminoso: From Maoism to Narco-Terrorism,” *Terrorism Monitor* 6, 23 (2008): 1, [http://www.jamestown.org/uploads/media/TM\\_006\\_023.pdf](http://www.jamestown.org/uploads/media/TM_006_023.pdf)

<sup>4</sup>Martin Tanaka, “The left in Peru,” in *Leftovers*, ed. Jorge Castañeda and Marco Morales (New York: Routledge, 2008), 209.

<sup>5</sup>Deborah Poole and Gerardo Renique, “The New Chroniclers of Peru: US Scholars and Their ‘Shining Path’ of Peasant Rebellion,” *Bulletin of Latin American Research* 10, 2 (1991): 134.

<sup>6</sup>Orin Starn, “Maoism in the Andes: The Communist Party of Peru-Shining Path and the Refusal of History,” *Journal of Latin American Studies* 27 (1995): 403, 405.

<sup>7</sup>An extensive critique of these types of interpretations is presented in Poole and Renique.

<sup>8</sup>Orin Starn, “New Literature on Peru's Sendero Luminoso,” *Latin American Research Review* 27, 2 (1992): 213. Not cited again (i.e. ‘Starn’ refers to “Maoism in the Andes”).

<sup>9</sup>David Scott Palmer, “Rebellion in Rural Peru: The Origins and Evolution of Sendero Luminoso,” *Comparative Politics* 8, 2 (1986): 128.

<sup>10</sup>Max Manwaring, “Peru's Sendero Luminoso: The Shining Path Beckons,” *Annals of the American Academy* 541 (1995): 161.

<sup>11</sup>Starn, 405.

<sup>12</sup>Carlos Lozada, “Love in the Time of Terror,” *Foreign Policy*, March 2008, 87.

<sup>13</sup>Starn, 404.

<sup>14</sup>Central Committee of the Communist Party of Peru, “Interview with Chairman Gonzalo,” Red Sun, [http://www.redsun.org/pcp\\_doc/pcp\\_0788.htm](http://www.redsun.org/pcp_doc/pcp_0788.htm). Conducted by *El Diario* newspaper, Lima, Peru. Hereafter referred to as Guzmán interview.

<sup>15</sup>Carlos Degregori, “How Difficult It Is To Be God: Ideology and Political Violence in Sendero Luminoso,” *Critique of Anthropology* 11 (1991): 239.

<sup>16</sup>Quoted in Lozada, 88.

<sup>17</sup>Quoted in James Ron, “Ideology in Context: Explaining Sendero Luminoso's Tactical Escalation,” *Journal of Peace Research* 38, 5 (2001): 571.

<sup>18</sup>Palmer, 128.

<sup>19</sup>Quoted in Starn, 399.

<sup>20</sup>Palmer, 129.

<sup>21</sup>Waynee Lucero, “The Rise and Fall of Shining Path,” Council on Hemispheric Affairs, May 6, 2008, <http://www.coha.org/the-rise-and-fall-of-shining-path>

<sup>22</sup>Starn, 409.

<sup>23</sup>Guzmán interview, online.

<sup>24</sup>Ron, 582.

<sup>25</sup>Palmer, 129.

<sup>26</sup>Lozada, 87.

<sup>27</sup>Richard Deforest, “The Reemergence of the Sendero Luminoso: The Role of Hemispheric Security Instruments and Cooperation,” (paper for the Inter-American Defense College, Washington, D.C., May 2007), 10.

<sup>28</sup>Palmer, 129.



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<sup>29</sup>Guzmán interview, online.

<sup>30</sup>Carlos Degregori, "Sendero Luminoso," (paper for the Institute of Peruvian Studies, Lima, Peru, June 1988), 37-38. My translation.

<sup>31</sup>Starn, 409.

<sup>32</sup>Manwaring, 159.

<sup>33</sup>Arthur Brice, "Shining Path rebels stage comeback in Peru," CNN, April 21, 2009, <http://edition.cnn.com/2009/WORLD/americas/04/21/Peru.shining.path>.

<sup>34</sup>Lucero, online. These higher estimates may include some of the support base.

<sup>35</sup>Starn, 408.

<sup>36</sup>Manwaring, 160.

<sup>37</sup>Clifford Krauss, "A Revolution Peru's Rebels Didn't Intend," *New York Times*, August 29, 1999, A1.

<sup>38</sup>Lucero, online.

<sup>39</sup>Krauss, A1.

<sup>40</sup>Carlos Degregori, "The Origins and Logic of Shining Path: Two Views – Return to the Past," in *The Shining Path of Peru*, ed. David Scott Palmer (New York: St. Martin's, 1994): 58-59.

<sup>41</sup>Tracy Devine, "Indigenous identity and identification in Peru: Indigenismo, education and contradictions in state discourses," *Journal of Latin American Cultural Studies* 8, 1 (1999): 66.

<sup>42</sup>Ron, 576.

<sup>43</sup>*Ibid.*, 577.

<sup>44</sup>Starn, 406.

<sup>45</sup>Lucero, online.

<sup>46</sup>Ron 587-588.

<sup>47</sup>Lozada, 87.

<sup>48</sup>Ron, 587.

<sup>49</sup>Guzmán interview, online.

<sup>50</sup>Take out the "head," or leader, and the organization will die.

<sup>51</sup>Ron, 573.

<sup>52</sup>A *senderista* commander, quoted in Starn, 412.

<sup>53</sup>Quoted in Starn, 419.

<sup>54</sup>Romero, A1. As described by local coca farmers.

<sup>55</sup>Andrew Whalen, "Peru says 14 killed in Shining Path attack," AP Worldstream, October 10, 2008, <http://www.encyclopedia.com/doc/1A1-D93NT8M00.html>

<sup>56</sup>Romero, A1.

<sup>57</sup>"Una facción disidente de Sendero Luminoso llama la guerra en Peru desde Internet," Associated Foreign Press, October 26, 2009. My translation.

<sup>58</sup>Romero, A1.

<sup>59</sup>Bernard Aronson, Former U.S. Assistant Secretary of State for Inter-American Affairs, quoted in Brice, online.

<sup>60</sup>Hyland, online.



## TIGHTENING THE LEGISLATIVE NOOSE: POST 9/11 SECURITY POLICIES AND THE IMPLICATIONS FOR HUMAN RIGHTS

Pavandeep Pamela Toor

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*The September 11<sup>th</sup> attacks fundamentally changed security policies in Canada and around the world yielding more expansive and fluid security regimes. By analyzing four critical pieces of Canadian immigration and security legislation this paper will argue that changing security policies are creating extralegal space which unlike earlier times is no longer just for exceptional circumstances, but, is becoming a normalized framework, under which the conditions allowable for the denial and possible abuse of these rights are expanding. Using examples of current cases, it will demonstrate that these policies do not infringe on the human rights of Canadians equally but differentially affect migrants and visible minorities.*

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### **Introduction**

The September 11th attacks on the World Trade Centre represent a crossroads in the theorization of the concept of national security. Led by the United States, countries around the world began to restructure their legal and political frameworks to respond to the threat of terrorism. Within Canada, these changes manifest themselves in various social structures, however, legislative changes are an area of particular note. These legislative changes in Canada are facilitating a process of “rebordering” in which the reach of the Canadian state is expanding further beyond its physical borders. In this process, extralegal space is being created which diminishes the provisions of human rights, especially for groups such as migrants and visible minorities. However, unlike earlier times, these extralegal spaces or provisions are no longer just for exceptional circumstances, but, are becoming a normalized framework, under which the conditions allowable for the denial of rights are expanding, even while the feasibility or utility of some of the policies remains contested. As such these changes increase the likelihood of citizens’ rights being abused

since little accountability exists in such a fluid system of layered security policies and regimes.

In order to document the changes in the legal framework this paper will analyze two pieces of government legislation, The Anti-Terrorism Act and the Immigration and Refugee Protection Act, as well as two bilateral agreements with the United States, The Canada-U.S. Smart Border Declaration and the Canada-U.S. Safe Third Country Agreement. Throughout the analysis, specific attention will be focused on the ways in which the legislation and bilateral agreements, first of all create and enforce extralegal space, and secondly impact certain groups, such as immigrants and minorities, when they are placed into such places devoid of “normal” legal norms. Within the bilateral agreements, particular attention will be given to the restrictive nature of the harmonization of policies and the limits they place on the Canadian state in its ability to create and police an independent security policy adhering to international and domestic human rights standards. In order to demonstrate the policies’ potential for negative impacts on human rights, case studies of legal decisions by the Supreme Court of Canada and Maher Arar Inquiry will be presented.

### **The Anti-Terrorism Act**

The Anti-Terrorism Act (2001) remains that legal cornerstone of new security policies, as it explicitly defines terrorism as a distinct crime within the Canadian legal framework. This definition considers terrorism as an act “committed...in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security.”<sup>1</sup> Within this definition, the bill proposes a very broad concept of a security threat, stating that it consists of “activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property...within Canada or a foreign state.”<sup>2</sup> As a result, the threshold for culpability for a crime is decreased while the number of activities definable as criminal acts increases. Consequently, “[t]he definition is so broad that it can end up targeting behaviour that does not remotely resemble terrorism.”<sup>3</sup> Within his book, Alan Borovoy illustrates how certain acts of civil disobedience can be classified as terrorist activities even if they meet the criteria for exception, because, intended or not, their actions can be framed as a security threat. This occurs because the Anti-Terrorism Act bases culpability in part on the premise that “people...intend the natural causes of their actions,” essentially espousing that all actions which result in threats to security were directly intended for that purpose.<sup>4</sup> By pre-determining motivations for crimes as a result of their actions, the

Anti-Terrorism Act creates the first extralegal spaces by introducing such a subjective element into prosecution. However, although this subjectivity may be present in other criminal definitions, such as attempted murder, in the other cases the intended crime is linked directly to a specific action, not as in this case, a definition of security that is open to interpretation.

These broad definitions persist throughout the legislation and become problematic for certain social groups. For example, to determine “whether an accused participates in or contributes to...a terrorist group, the court may consider... whether the accused uses a name, word, symbol or other representation that...is associated with, [a] terrorist group.”<sup>5</sup> This use of symbolic representation surrounding the supposition of guilt can leave room for cultural and or racial profiling if one begins to associate certain cultural symbols with terrorism. For example, according to Kruger, Mulder and Korenic, the association of Muslims with terrorism has led to “an increased surveillance on the part of Canadian law enforcement and intelligence officials” on people of Arab or Middle Eastern descent.<sup>6</sup> This form of subjective profiling can be best exemplified through the application of security certificates used to detain people viewed as potential threats to security. In fact, “to date all security certificate detainees are [of] Muslim, Arab or South Asian descent.”<sup>7</sup> Therefore, one can observe how the expansive definition of terrorism can lead to certain visible minority groups being more vulnerable to surveillance and the resulting punitive measures.

Another prominent measure within this legislation is an amendment to the Canada Evidence Act, allowing a Minister to request a prohibition on the public disclosure of information on the “grounds of a specified public interest.”<sup>8</sup> This means that advocates and even the accused may be barred from information that could be important evidence, thereby circumventing the norms of legal due process and hampering the likelihood of a fair trial. The central presumption in this amendment is that the government will balance the interests of the accused and national security in the decision not to disclose “sensitive” information. Yet, as the ordeal of Maher Arar demonstrates below, the reliability of a system without adequate checks and balances at all levels can lead to situations in which abuse of these extralegal provisions can occur, to the grave detriment of citizens.

Maher Arar is a dual Canadian-Syrian citizen who was travelling through the United States where he was detained under the suspicion of being a security threat and, consequentially, deported to Syria where he faced torture. Although a public inquiry later

determined his innocence, the mismanagement of security information in this case by public officials remains important. Numerous scholars have linked Arar's deportation to erroneous information provided by Canadian security authorities to their American counterparts.<sup>9</sup> During the public inquiry "the Commissioner concluded that 'Government of Canada officials intentionally released selected classified information, [some of it unfounded], about Mr. Arar...to the media'" with the explicit purpose of damaging his reputation in the eyes of the public.<sup>10</sup> Although possibly an extreme example, this case nevertheless demonstrates the potential for abuse of such wide powers and how subjective definitions, combined with enhanced punitive powers can create conditions conducive to the infringement of rights, especially for people of "targeted" visible minorities or cultural groups.

Mr. Arar's ordeal also introduces the element of extraterritoriality, increasingly a part of the security discourse, in which states are expanding their borders and jurisdiction over their citizens beyond their national sphere. The expansion in the spheres of influence of states via the new security framework also contributes to the destabilising of human rights because it reduces the ability to hold states accountable for their actions as sovereignty jurisdictions begin to overlap. Mr. Arar's case demonstrates this principle well; as a dual citizen, Mr. Arar could have been deported to either Syria or Canada. Yet, the United States chose to deport him to Syria, a country known for its alleged torture, as opposed to Canada, which at this time had the framework to prosecute him under terrorism related offences.<sup>11</sup> Once deported to Syria, Arar was under Syrian jurisdiction, allowing the governments of both Canada and the United States to at least make the legal claim that torture was not occurring within their jurisdictions. Again, with the broad powers assigned to government officials in the act, and an ability to withhold information under the guise of "national security concerns," the power of governments to infringe or circumvent the rights of their citizens increases exponentially. This occurs especially in conditions of secrecy because the removal of the rights to disclosure prevents the actions taken in such circumstances to be recorded and dealt with through the legal system, the traditional balance of power against executive decisions within democratic states.

Within such a complex issue such as national security, the value of such a framework in actually providing security remains difficult to evaluate. In spite of this, there are existing legal frameworks which could be modified to address threats of terrorism without the subsequent adaptations that restrict rights. As Kent Roach explains in his analysis of Canada's existing legal framework, the crimes

committed by terrorists already “carry high maximum penalties, including life imprisonment” under existing legislation; therefore, “the failure of September 11 [is] one of law enforcement, not of criminal law.”<sup>12</sup> Additionally, for the provision of national security during exceptional circumstances, The Emergencies Act (1985) (formerly the War Measures Act) is also a viable alternative with a similar framework to the Anti-Terrorism Act. Within this legislation falls the provision of a National Emergency, which includes situations that “seriously [threaten] the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada.”<sup>13</sup> The primary differences between the two acts are, first, that the Emergencies Act requires, at some point, Parliamentary approval for special measures, and second, it is enacted for a short time period upon which the measures are reviewed. Accordingly, even if one operates under the supposition that the Anti-Terrorism Act requires the use of special provisions for an indefinite period of time, the precautionary safeguards embedded within The Emergencies Act reveal that such measures can be integrated into a security policy without seriously impacting its viability. Consequently, the lack of restraints on the application of the special provisions within the Anti-Terrorism Act demonstrates the extent to which an intrusive extralegal security framework is becoming normalized in Canadian institutions.

#### **The Immigration and Refugee Protection Act (2002)**

Following the September 11 attacks, the Immigration and Refugee Protection Act was amended to include a clause “which proposes to be ‘tough on those who pose a threat to Canadian security,’” demonstrating the shifting paradigm towards immigration as a security issue.<sup>14</sup> Earlier, Mr. Arar’s experiences illustrated that the expansion of security jurisdiction outside national borders, and via this, an increase in extralegal space, can be extremely harmful to Canadian citizens. Nevertheless, this “rebordering” is also occurring for non-citizens, such as permanent residents of Canada and refugee claimants, who are increasingly being framed as perpetual outsiders in the country.

Permanent residents (PRs) are landed immigrants who are allotted most of the rights and as Canadian citizens; the only exceptions that remain are that they cannot “vote or run for political office,...work in high security clearance jobs...[or]...remain in Canada if convicted of a serious crime.”<sup>15</sup> As a result, permanent residents can be viewed to some extent as “unmarked Canadians.”<sup>16</sup> However, with the implementation of a mandatory permanent resident identification card

for travel, their status is being redefined to characterize them as outsiders within the Canadian state.

In this case, the new PR card represents a “rebordering” process on the individual level, in which these migrants essentially carry a mechanism of bordering with them at all times. This is, as Deborah Meyers indicates, part of an emerging trend in law enforcement to “[engage] in border functions away from the border... and [increase] the layers of security...[in order]...to increase the likelihood of catching potential security threats.”<sup>17</sup> In particular, the PR card facilitates this process since it has “personal... [and demographic] information encrypted in an optical stripe,”<sup>18</sup> Similar to other legislation, unequal access to information is inherent within the electronic carding system since card holders are not aware of the information on the optical stripe, which only law enforcement can read. Subsequently, this individual bordering process also creates another legal void in which incriminating misinformation may be distributed between law enforcement officials without the knowledge of the bearer. Analogous to the security certificates the “provision of information in advance gives the advantage to the law enforcement community, rather than the entrants.”<sup>19</sup>

Moreover, permanent residents now also face stronger punitive measures if they are deemed threats to national security. Within the Immigration and Refugee Protection Act (IRPA) a security certificate can be issued by a Minister, and a person can be “arrested and detained indefinitely without bail.”<sup>20</sup> However, due to the restructuring of the Act, information can be withheld from the defence and “[the detainees] are denied the right to be...tried under normal procedures under Canadian criminal law” or to refer their case to IRPA board for review if they potentially face torture when deported.<sup>21</sup> As a result, this lack of access to information as well as the inability to appeal places permanent residents in a vulnerable position due to a shift in the burden of proof. However, proving one’s innocence becomes difficult due to the restrictions on information allowed to the detainees and their advocates.

Conversely, unlike some of the earlier examples, the violations of rights which occur under this new legislation have been recognized by the legal system. In a Supreme Court of Canada case, *Charkaoui v. Canada (Minister of Citizenship and Immigration)*, Charkaoui, a permanent resident detained under a security certificate, contended that elements of the new immigration act were in violation of his rights under the Charter of Rights and Freedoms. In this case, the court passed a decision citing that the “IRPA failed to conform [to] fair



process protections associated with the right to life, liberty and security of the person guaranteed by section 7 of the Canadian Charter.”<sup>22</sup> Moreover, it also recognized that alternative mechanisms were available to ensure that the “the government can...protect the individual while keeping critical information confidential.”<sup>23</sup> This Supreme Court ruling against the legislation is vital since it reveals, first of all, the importance of having a system with some form of accountability, and secondly, that security concerns are manageable through mechanisms which do not have to encroach on human rights.

### **Smart Borders and the Canada-U.S. Safe Third Country Agreement**

Thus far, the legislation presented exemplifies the manner in which domestic security initiatives have facilitated the normalization of extralegal security measures. However, with the growing alignment of Canadian and American security policies, the ability of the Canadian state to pursue activities based on its own human rights requirements is also being limited. In this case, this infringement on rights does not occur from the overlapping of jurisdictions, but rather from their blending.

One framework under which this blending of jurisdictions occurs is the Canada-U.S. Smart Border Declaration. This is a broad structural agreement which establishes frameworks for cooperation between Canada and the United States in three core areas: the secure flow of people, the secure flow of goods, and secure infrastructure.<sup>24</sup> To facilitate the secure flow of people, which is cited as a key security concern, the two countries signed the Canada-U.S. Safe Third Country Agreement. Within this agreement, “persons seeking refugee protection must make a claim in the first country they arrive in [(United States or Canada)], unless they qualify for an exception.”<sup>25</sup>

By stating that persons must seek refugee status in the first country of arrival the agreement presumes that refugee procedures within the two countries are interchangeable. In fact, the “[reduction in] duplicative efforts” is cited as one of the primary reasons for the establishment of such accords.<sup>26</sup> With the exception of the death penalty, there is no mention of any variance in attitudes towards human rights concerns between the two countries. However, although on a broad scale, the relative human rights positions of Canada and the United States might be comparable, yet differences do remain between their policies that can warrant divergent approaches to the processing of refugee claims.

One crucial example of this subtle variance in policies is the Canadian position with respects to gender-based refugee claims. Unlike the United States, “Canada takes the approach that although gender is not one of the grounds specified in the Refugee Convention, [it]...can be interpreted to grant protection to women who establish a well-founded fear of gender-based persecution.”<sup>27</sup> As a consequence, women seeking asylum for gender-based persecution would be able to make a more credible claim for asylum in Canada as opposed to the United States, but, with the agreement restrictions would not have the option of choosing where to make their claim if the United States was the first point of entry. Conversely, some migrants may be able to actively choose the country of first entry based on knowledge of their policies. However, even this strategy has limits due to the conditions under which refugees flee. Firstly, refugees will often leave in situations of duress, therefore, limited time and other constraints can impact their ability to make an informed decision. Secondly, some geographic areas such as Central and South America have closer ties with the United States, therefore, in most circumstances it would be their point of entry.<sup>28</sup> Thus, one can discern that although the alignment of security policies and an increase in inter-state cooperation occurs under the pretences of equivalency, often there are underlying policy biases which can change the direction of certain initiatives. In this case, the policy biases might lead to differential treatment for refugee claims, but as demonstrated with Maher Arar, the implications for human rights can be more adverse. In particular, with joint initiatives utilizing “shared” security information, this bias can favour the policy biases of the United States as the American capabilities in intelligence gathering far exceed those of Canadian security officials. Thus, “the effect will be that security clearances will largely be relegated to an American determination.”<sup>29</sup> As a result, without separate agencies cross-referencing the information, the likelihood of errors occurring increases which could lead to serious human rights abuses; therefore, one must view the increasing alignment of security policies, with some caution.

### **Conclusion**

Overall, the implementation of the new security based legislation and agreements represent a fundamental shift in the paradigm of the Canadian state. Unlike earlier timeframes in which security provisions were viewed as temporary or limited, the current framework advocates policies that circumvent citizen and non-citizen rights for the long-term in order to maintain national security. Domestically, these goals are achieved through the implementation of

broad provisions, such as the Anti-Terrorism Act and Immigration and Refugee Protection Act (2001), with subjective elements that provide areas of extralegal space in which citizens rights may be rescinded. However, with the increasing expansion of the jurisdiction of the state, domestic provisions are overlapping with international and bi-national policies and creating a framework of layered extralegal space. The layering of this space increases the likelihood of citizens' rights being abused, as little accountability exists in such a fluid system of responsibility and many jurisdictions. Moreover, within this emerging framework, it is important to note that viable alternatives are available. These alternatives, although mentioned in this paper in passing, are the means through which a balance can be achieved between the objectives of the state and the rights of its citizens and people in general. Only when this balance is established will the goals of the state to protect its national security be truly aligned with its ultimate responsibility to protect the citizens which comprise this nation.

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<sup>1</sup> Department of Justice of Canada. "The Anti-Terrorism Act (2001)"; available from <http://www.justice.gc.ca/eng/antiter/act-loi/index.html>; Accessed 08 April 2008.

<sup>2</sup> Ibid.

<sup>3</sup> Alan A. Borovoy, *Categorically Incorrect: Ethical Fallacies in Canada's War On Terror* (Toronto: Dundurn Group, 2006), 83.

<sup>4</sup> Ibid., 84.

<sup>5</sup> Department of Justice of Canada, *The Anti-Terrorism Act*.

<sup>6</sup> Erin Kruger, Marlene, Mulder, and Bojan Korenic, "Canada After 11 September: Security Measures and Preferred" Immigrants," *Mediterranean Quarterly* 15, no. 4 (2004), 84.

<sup>7</sup> Colleen, Bell, "Subject to Exception: Security Certificates, National Security and Canada's Role in the "War on Terror"," *Canadian Journal of Law and Society* 21, no. 1 (2006), 77.

<sup>8</sup> Department of Justice of Canada, *The Anti-Terrorism Act*.

<sup>9</sup> Ronald-Frans, Melchers, "Maher Arar Case: Implications for Canada-US Law Enforcement Cooperation" *Journal of the Institute of Justice and International Studies* 6 (2006), 37. Also see: Thomas, Poole, "Recent Developments in the 'War on Terrorism' in Canada," *Human Rights Law Review* 7, no. 3 (2007), 634.

<sup>10</sup> Quoted in Poole, "Recent Developments", 636.

<sup>11</sup> Alex, Neve, "Extraordinary Rendition, the Canadian Edition: National Security and Challenges to the Global Ban on Torture," *Societies Without Borders* 2, no. 1 (2007), 122.

<sup>12</sup> Kent, Roach, *September 11: Consequences for Canada*, (Montreal: McGill –Queen's, 2003), 37.

<sup>13</sup> Department of Justice of Canada. *The Emergencies Act (1985)*; available online from <http://laws.justice.gc.ca/en/E-4.5/index.html>; Accessed 6 April 2008.

<sup>14</sup> Kruger, Mulder & Korenic, "Canada After 11 September," 74.

<sup>15</sup> . Citizenship and Immigration Canada. *About Being a Permanent Resident of Canada*; Available online from <http://www.cic.gc.ca/english/newcomers/about-pr.asp>; Accessed 7 April 2008.

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- <sup>16</sup> Simone, Browne, "Getting Carded: Border Control and the Politics of Canada's Permanent Resident Card," *Citizenship Studies* 9, no. 4 (2005), 427.
- <sup>17</sup> Deborah Waller, Meyers, "Does Smarter Lead to Safer? An Assessment of the US Border Accords with Canada and Mexico," *International Migration* 41, no. 4 (2003), 16.
- <sup>18</sup> Browne, "Getting Carded", 424.
- <sup>19</sup> Meyers, "Does Smarter Lead to Safer", 16.
- <sup>20</sup> Bell, "Subject to Exception," 63.
- <sup>21</sup> Bell, "Subject to Exception," 64.
- <sup>22</sup> Poole, "Recent Developments," 639.
- <sup>23</sup> Poole, "Recent Developments," 641.
- <sup>24</sup> Department of Foreign Affairs and International Trade. The Canada-U.S. Smart Border Declaration; Available online from <http://www.dfait-maeci.gc.ca/anti-terrorism/actionplan-en.asp>; Accessed 29 March 2008.
- <sup>25</sup> Canadian Border Services Agency. Canada-U.S. Safe Third Country Agreement; Available online from <http://www.cbsa-asfc.gc.ca/agency-agence/stca-etps-eng.html>; Accessed 4 April 2008.
- <sup>26</sup> Meyers, "Does Smarter Lead to Safer", 13.
- <sup>27</sup> Sonia, Akibo-Betts, "The Canada-U.S Safe Third Country Agreement: Reinforcing Refugee Protection or Putting Refugees at Risk?," *Journal of the Institute of Justice and International Studies* 6, (2006), 6.
- <sup>28</sup> Howard, Adelman, "Canadian Borders and Immigration Post 9/11," *The International Migration Review* 36, no. 1 (2002), 27.
- <sup>29</sup> *Ibid.*, 27.

## VIOLENCE, COLLECTIVE MEMORY AND DISPLACEMENT OF RACIALIZED BODIES: ANALYZING SOUTH AFRICA'S TRUTH AND RECONCILIATION COMMISSION

Kyla Brophy

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*This paper draws on Paul Gilroy's chapter "Race and the Right to be Human," published in Postcolonial Melancholia, as a framework to analyze the mandate and report of South Africa's Truth and Reconciliation Commission (TRC). Using violence against racialized bodies, contextualizing race, and recognizing collective memory as themes with which to critique the TRC's work, I argue that the TRC's displacement of race has undermined South Africa's transition from Apartheid. This framework shows that a need for reconciliation remains, and I end by discussing ways in which individuals have sought to express their own needs for recognition.*

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### Background and Introduction

Paul Gilroy begins his chapter titled "Race and the Right to Be Human" by stating that "the horrors of the twentieth century brought 'races' to political life far more vividly and naturalistically than imperial conquest and colonial administration had done."<sup>1</sup> These horrors, including genocides, wars, and structured social inequality may characterize the twentieth century as a period of racialized violence, and Gilroy argues that "contemporary analysis of racism and its morbidities still belongs emphatically to that unhappy period."<sup>2</sup> The Apartheid regime in South Africa exemplified this violence and institutionalized discrimination, and is said to have "created race as a mechanism for violence."<sup>3</sup> 1994 marked the official end of Apartheid in formal institutionalized terms with the election of Nelson Mandela as president and the African National Congress (ANC) as the majority party. Thus, as the twentieth century came to a close, South Africa was faced with the challenge of transitioning from a political regime characterized by racialized violence and discrimination toward "the New South Africa" – one that was founded on principles of racial equality and universal human rights.<sup>4</sup>

Balancing recognition of past injustices with progression towards a de-racialized future posed a significant challenge to both the government and citizens of South Africa. Gilroy discusses the difficulty of determining the degree to which race must be addressed, in historical terms, as a significant governing principle, and the way to “imagine political, economic, and social systems in which ‘race’ makes no sense.”<sup>5</sup> He continues to say that the imagining of a de-racialized system is “an essential, though woefully underdeveloped part of formulating a credible antiracism as well as an invaluable transitional exercise.”<sup>6</sup> The challenge of balancing historical analysis and recognition of race as a powerful governing force and future progress towards a de-racialized system characterized South Africa’s transition from Apartheid. As a means of addressing the challenges of transition, South Africa established the Truth and Reconciliation Commission (TRC), a formalized court-like body that held public hearings regarding human rights violations, seeking to publicly recognize “truth,” reconcile past injustices, and grant amnesty in certain cases. The TRC focused on what it called “gross human rights violations,” defined as intentional violence directed at the body, excluding cases of structural discrimination – including land removal, forced migration, and psychological impact of racialized privileging – but in keeping with Gilroy’s discussion of physical violence and “desacralization of the body.”<sup>7</sup> In addition to recognizing violence against racialized bodies, the TRC has been criticized for its displacement of race in the reconciliation process, separating “race” from “politics” and failing to recognize it as a central tenet of the violence and inequality within the Apartheid system. Thus, the manner in which the TRC engaged with race and racism in establishing its mandate to analyze past violations of human rights reflects Gilroy’s theoretical stance, but its establishment of a trajectory towards a de-racialized future was undermined by its failure to engage with a racialized discourse. Gilroy’s theoretical framework for analyzing transition from racialized discourse provides a useful lens with which to analyze both the mandate of the TRC and the criticisms it received.

By using Gilroy’s framework to analyze the mandate and report of the TRC and ongoing criticisms of its role in the process of transition three themes can be revealed: the notion of violence against racialized bodies as a major issue within racialized discourse and the impact of this violence on transition; the role of historical analysis and importance of recognizing and situating race in its historical context in addressing issues regarding collective memory and transition; and the controversial displacement of race in the actions of the TRC, and its

impact on future governance in South Africa. I will analyze each of these themes, using Gilroy's work in conjunction with a study funded by the Centre for the Study of Violence and Recognition (CSVR) titled, "Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence" – part of its Race and Citizenship in Transition Series. Through this analysis, violence against racialized bodies, collective memory, and the TRC's displacement of race form a comprehensive framework which reveals the space for reconciliation that remains after the TRC's work.

### **Violence Against Racialized Bodies**

Gilroy states that "the role of race thinking in rendering the bodies of natives, slaves, and other infrahumans worthless or expendable is a pivotal issue in specifying how the racialization of governmental practice impacted upon the pragmatic exercise of colonial power."<sup>8</sup> This statement gives a physical character to his analysis of racism and the ways it excludes, discriminates, or persecutes racialized bodies –

for political theory, the desacralization of the body rightly became another major issue in accounting for the transition toward modern authority as well as understanding the development of historical and institutional conditions in which it becomes possible to treat people as refuse.<sup>9</sup>

In the South African context, the "colonial power" can be read as "white power," and "transition toward modern authority" can be read as "transition toward free democracy." Gilroy emphasizes the way that race becomes a constructed force that disciplines bodies in different ways. Applying this theory of discipline to South Africa under Apartheid raises examples including rendering certain bodies vulnerable to violence and abuse, exploiting them for labour, and creating a social structure in which they were made invisible. Which bodies were subjected to this disciplining force, and the manner in which they were subjected was determined by racial classification – thus, certain bodies were "desacralized" through racialization, before being treated "as refuse."<sup>10</sup>

The TRC's mandate was in accordance with Gilroy's ideas regarding the desacralization and violence against racialized bodies as it focused on "victims of gross human rights violations, such as torture and murder."<sup>11</sup> This focus captured a specific way in which institutionalized racism disciplined bodies, focusing on violent physical

abuse. The TRC has been criticized for this focus, as it excluded a number of bodies that experienced discrimination in other forms. Forced migration, the removal of agency through the requirement of passbooks and identity papers, and external race classification were all forms of institutionalized racism under Apartheid, but excluded from the TRC's mandate. All these forms of racial discrimination have physical impacts – for example, being separated from family through forced migrant labour – but the violence outlined in the TRC's mandate has a particularly visceral and immediate physical quality through its intentional and immediate direction towards physical harm. Thus, while excluding certain bodies as victims, the TRC's mandate reflects a literal interpretation of Gilroy's idea of to violence against racialized bodies.

While the violence included in the TRC's mandate had an immediate or literal physical quality, the effects of this physical violence had more holistic implications, as discussed in Gilroy's elaboration on desacralization. By treating racialized bodies as "refuse" and violating their boundaries and integrity through physical harm and pain, racialization not only desacralizes certain bodies, it dehumanizes them. Thus, to recognize past acts of physical trauma as "wrong" is to engage with ideas of personhood, granting past dehumanized and racialized victims status as human beings. Gilroy's chapter is titled "Race and the Right to Be Human," and in seeking to reconcile past physical violence as gross violations of human rights, the TRC was engaging with the idea of granting this "right to be human" to historically subordinated racialized bodies. Gilroy references Frantz Fanon's discussion of reconciliation by discussing the need to understand "the natives' pursuit of a concrete and immediate dignity in response to their suffering."<sup>12</sup> This idea of "dignity" as a response to suffering can be analyzed in terms of granting recognition in a process of reconciliation. Lastly, one of the successes of the TRC is said to be that "missing bodies have been located, exhumed and respectfully buried."<sup>13</sup> Locating missing bodies – racialized bodies that had been physically violated and then literally made invisible – recognizing the "wrongs" they had endured, and burying them respectfully reflects a process of recognition, and an attempt to correct the desacralization that occurred due to racial discrimination. Analysis of physical violence is closely linked to racialization, as this violence occurred through desacralization and racialization of certain bodies. Thus, by establishing the boundaries of its mandate as focusing on victims of intentional violence directed at the body, the TRC establishes its focus on racialized acts.



### **Contextualizing Race to Recognize Collective Memory**

In addition to an implicit analysis of race through its focus on victims of physical violence, the TRC established further boundaries of its mandate to include analysis of past violent acts, thus situating its analysis in a historical context. Gilroy is clear that historical analysis of race is necessary in order to engage with past racialized discourse and move towards a de-racialized future. He states that in order to revive a pursuit towards “a world free of racial hierarchies . . . we will need to reconstruct the history of ‘race’ in modernity.”<sup>14</sup> Thus, “to engage racism seriously involves moving simultaneously onto historical and political ground.”<sup>15</sup> His analysis follows a trajectory, tracing “multiple genealogies of racial discourse,”<sup>16</sup> with a focus on moving forward as part of a “continuing pursuit of a world free of racial hierarchies.”<sup>17</sup> If, as Gilroy states, historical analysis is necessary to seriously engage ideas of race and racism, then movement into the future must occur with awareness of a racialized past. This “awareness” relates to the TRC’s central idea of “truth” – it operated on the principle of holding public hearings to raise awareness of past violent acts then relying on members of the Commission to find “truth.” The focus on sharing “truths” relates to sharing past experiences as expressed through memory, thus establishing a sense of collective memory of past injustices in the transition from a racialized past towards the pursuit of a de-racialized future.

The TRC’s focus on analyzing racism in its historical context and establishing a sense of collective memory is in line with Gilroy’s emphasis on the need to move onto “historical and political ground.”<sup>18</sup> However, the TRC faced a number of challenges in its analysis of past racialization. One of the criticisms of the TRC’s project was that the hearings themselves as processes of “remembering” were traumatic, causing some people to re-live past traumas that they had been trying to forget.<sup>19</sup> Gilroy would counter these criticisms and argue that remembering and addressing past traumas is in fact necessary in order to move towards a different future rather than “accept[ing] the power of racial divisions as anterior to politics or . . . an inescapable, natural force that conditions consciousness.”<sup>20</sup> His idea of “conditioning consciousness” is important in terms of collective memory, as past traumas work to shape future perceptions of reality. To have an impact on shaping the future, change must transcend political structure as Gilroy argues that “race” must be seen as “moral as well as political” and must be analyzed “as part of a cosmopolitan understanding of the damage that racisms are still doing to democracy.”<sup>21</sup> Thus, in addition to marking a political transition, the transition from Apartheid had

moral implications and effects on collective consciousness, necessitating the sharing of past injustices in the process of expressing collective memory.

While Gilroy may be able to refute criticisms of reliving past traumas through analysis of historical injustice, the TRC received further criticism of its role in facilitating the establishment of a collective memory as part of the transition process. One of the major challenges the TRC faced was the great linguistic variation within South Africa, with eleven recognized official languages. Many witness's testimonials required translation, and expressing the same degree of authentic emotion shown by the witnesses was a challenge the TRC was unable to adequately address.<sup>22</sup> Having translators emulate the emotions of the original testimonies proved ineffective, and as such much of the impact of first-hand accounts of past violence was lost. Using historical analysis as a means of establishing and expressing collective memory during a transition towards a de-racialized future is theoretically sound with regards to Gilroy's ideas of transition; however, in practice there were challenges to the process of the TRC's historical analysis that may have undermined its effectiveness.

### **The TRC's Displacement of Race**

In terms of analyzing violence against racialized bodies through historical contextualization of race and racism, the TRC's mandate is aligned with Gilroy's ideas regarding analysis of race in historical and political terms. Gilroy describes a tension in using this analysis to establish a trajectory towards overcoming race and racism in the future. He states that,

rather than simply compiling an inventory of catastrophic episodes in which the power of 'race' or ethnicity has been made manifest, I think we should be prepared to explore the moral and conceptual challenges that those systems of thought place before us. In a sense, then, taking not the idea of 'race' but the power of racism more seriously means accepting that there may be a degree of tension between the professional obligations to recover and to remain faithful to the past and the moral and political imperative to act against the injustices of racial hierarchy as we encounter them today.<sup>23</sup>

The TRC, through its mandate to hear testimonials of human rights violations, was relatively successful at "compiling an inventory of

catastrophic episodes in which the power of ‘race’ or ethnicity has been made manifest.”<sup>24</sup> The greater challenge, however, is how the TRC negotiated the tension Gilroy describes between recovering and remaining “faithful to the past”<sup>25</sup> – finding and recognizing “truths” – and moving beyond these past “truths” of race and racism. Gilroy is somewhat ambivalent about the degree to which societies must address race and racism in the process of transition, and does not explicitly prescribe a means of overcoming the challenge of this tension. The best line of movement from theory to praxis – from historical analysis to reconciliation and progress toward the future – remains unclear.

Just as Gilroy is unclear on the degree to which race should be addressed in order to overcome racism, a major criticism of the TRC has been the way in which it addressed race in attempting to move forward. This criticism focuses on the TRC’s displacement of race from its analysis of past injustices. Madeleine Fullard, in her study titled “Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence” states,

the degree to which the TRC used race as an explanatory variable in its understanding of the abuses it investigated remains questionable . . . this has had the after-effect of divorcing race, and racial identity, from the violence of the past. It similarly keeps race separate from understandings of violence in the present.<sup>26</sup>

While she does not explicitly discuss the degree to which race must be directly addressed, it is clear that Fullard perceives the degree to which the TRC addressed race to be inadequate. Fullard’s criticism of separating race from present violence is particularly interesting as it speaks to the current situation in South Africa. While the 1994 elections marked a transition from a government that privileged whiteness to one that sought to de-racialize politics and institutions, this transition was not immediate. The legacy of racialized structural discrimination, on an economic and social level, as well as continued racialized violence and crime serves as evidence that South Africa does not exist in “a world free of racial hierarchies”<sup>27</sup> – it occupies a space between past injustices and an imagined de-racialized future. This space may be less racialized or racialized in a different way reflecting different power relations, but has not removed racial hierarchy altogether. Both Gilroy and the TRC fail to adequately negotiate the tension in this space. On the one hand, race must be addressed as having had profound impact in the past with lasting effects in the

present and future, and on the other hand, it must not be too greatly emphasized as it is desired for progress to occur in de-racialized terms towards a de-racialized future. Memories of the past, hopes for the future, and challenges of residual and continuing violence and discrimination simultaneously occupy this space in which racialization is in “limbo.”

### **Filling the Void: Individual Expressions of Recognition**

The space between past injustices and future liberation from racial hierarchy presents challenges and tensions that the TRC failed to address. Fullard states that “inasmuch as the TRC ‘displaced’ race in particular terrains, it simultaneously ‘placed’ it in other sites, largely outside of its purview.”<sup>28</sup> As the TRC failed to adequately address race as a central issue within the process of transition, and did not provide an avenue with which to explicitly process the ideas that emerged from testimonies of violence against racialized bodies, other individuals and community bodies emerged with varied means of processing racialized violence as a means of transition. Notably, there continue to be numerous movements within the artists’ community that seek to express collective memory, understanding, and recognition, engaging with past ideas of racism and also seeking to re-frame ideas of race as part of progress towards the future. Erin Mosely, who authored an article on contemporary art and collective memory during South Africa’s transition to democracy, is critical of the TRC as having “limited the truth it was able to tell and compromised the full story of South Africa’s past.”<sup>29</sup> With these criticisms, she recognizes that it is important to situate the TRC in “its appropriate context”<sup>30</sup> and recognize its contribution as “a valuable springboard for the continued negotiation of issues relating to the social significance of Apartheid.”<sup>31</sup> She then continues to discuss the ways in which the artists’ community has engaged with this continued negotiation, as “the art world is often able to retain a relatively large amount of autonomy . . . and does not operate with the same constraints [as national political projects].”<sup>32</sup> Furthermore, “the TRC continues to serve as a vibrant, if not dominant, source of creative inspiration,”<sup>33</sup> with many artists focusing specifically on the TRC’s hearings – engaging with accounts of past racial violence, interpreting them in a current space, and sharing them in different media. Thus, while the TRC displaced race and did not adequately reconcile memory and progress, other community bodies stepped in to fill the void of interpretation and address the TRC’s weaknesses. In the case of South African transitional art, filling this space through necessity resulted in creative productivity and new avenues of

addressing race and racism. This level of creativity resulted from political inadequacy, but now holds value as an alternative means of expression. Gilroy's lack of explicit prescriptions for the ways to negotiate the space between a racialized past and de-racialized future could be seen as allowing room for the growth of independent projects and additional dimensions within the process of transition. Prescribing specific ways to address race and racism may limit individuals' own interpretations of experiences and the establishment of collective memory, which could be seen as detrimental to the process of transition. Despite the TRC's weaknesses, the evidence of individuals and community groups emerging to address these weaknesses led to new dimensions within the reconciliation project.

### **Conclusion**

Using Gilroy's theoretical framework as a lens with which to analyze South Africa's TRC and the transition from Apartheid reveals key themes within the process of reconciliation. The TRC's focus on violence against racialized bodies and the process of revealing "truths" through analysis of past violence is in line with Gilroy's ideas regarding transition. He emphasizes the desacralization of racialized bodies as justification for violence, and calls for the need to situate analysis on historical and political ground. This means of analysis counters criticisms of the TRC and ways in which its hearings brought about reliving of past trauma by emphasizing the importance of engaging past racial injustice. Thus, the TRC worked to establish a sense of collective memory. Gilroy describes a pursuit of a world without racial hierarchy, but both his analysis and the TRC's mandate and report fail to address the degree to which race and racism must be addressed in order to be overcome and move toward a de-racialized future. Gilroy does not explicitly engage with the space between past and future, in which tension emerges between historical analysis and future trajectory. The TRC displaced race in the process of transition, failing to explicitly recognize it as a central tenet of injustices under Apartheid, and undermining the effectiveness of reconciliation. These perceived weaknesses resulted in the emergence of groups within civil society seeking to address an unmet need for reconciliation. The interpretation of the TRC's mandate and hearings within the artistic community, and reaction to unmet needs for reconciliation through the creative production of contemporary art reflect additional dimensions to the project of transition. Gilroy's lack of explicit description of how to move from a racialized past to a de-racialized future may create space for individuals to participate in the establishment of collective

memory. Thus, acknowledging the weaknesses within the TRC's project, but contextualizing it as a springboard for further progress marks a more progressive interpretation of South Africa's transition, and one that allows for continued and dynamic work towards reconciliation.

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<sup>1</sup> Gilroy, Paul. "Race and the Right to be Human." *Postcolonial Melancholia*, (New York: Columbia University Press, 2005), 29.

<sup>2</sup> Ibid.

<sup>3</sup> Fullard, Madeleine. "Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence." *Centre for the Study of Violence and Reconciliation, Race and Citizenship in Transition Series* (2004): 2, <http://www.csvr.org.za/docs/racism/displacingrace.pdf> (accessed December 11, 2009).

<sup>4</sup> African National Congress, "Statement to the Truth and Reconciliation Commission," August 1996, <http://www.anc.org.za/ancdocs/misc/trcall.html>.

<sup>5</sup> Gilroy, "Race and the Right to be Human," 54.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., 45.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Fullard, "Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence," 5.

<sup>12</sup> Gilroy, "Race and the Right to be Human," 50.

<sup>13</sup> Fullard, "Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence," 4.

<sup>14</sup> Gilroy, "Race and the Right to be Human," 30.

<sup>15</sup> Ibid., 32.

<sup>16</sup> Ibid., 30.

<sup>17</sup> Ibid., 30.

<sup>18</sup> Ibid., 32.

<sup>19</sup> Vora, Jay A., "The Effectiveness of South Africa's Truth and Reconciliation Commission: Perceptions of Xhosa, Afrikaner, and English South Africans," *Journal of Black Studies* 34 no. 3 (2004).

<sup>20</sup> Gilroy, "Race and the Right to be Human," 33.

<sup>21</sup> Ibid., 33.

<sup>22</sup> Kentrige, William, "Director's Note," in *Ubu and the Truth Commission*, written by Jane Taylor (Cape Town: University of Cape Town Press, 2007): xiv.

<sup>23</sup> Gilroy, "Race and the Right to be Human," 31.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Fullard, "Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence," 5.

<sup>27</sup> Gilroy, "Race and the Right to be Human," 30.

<sup>28</sup> Fullard, "Dis-placing Race: The South African Truth and Reconciliation Commission (TRC) and Interpretations of Violence," 8.

<sup>29</sup> Mosley, Erin, "'Visualizing' Apartheid: Contemporary Art and Collective Memory During South Africa's Transition to Democracy," *Antipoda* July-December, no. 5 (2007):

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<sup>30</sup> Ibid., 105.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid., 106.

<sup>33</sup> Ibid., 110.





## STABILITY IN THE PERSIAN GULF AFTER THE IRAQ WAR: PREVENTING THE NEXT SOMALIA

James Kruk

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*“Somalia” is a name in many ways interchangeable with anarchy – a country plagued with ethnic and religious strife with almost no government to speak of. Post-war Iraq might be heading in the same direction, as similar lines of strife crop up between Sunnis and Shiites, Arabs and Kurds, with Iran acting as a catalyst for conflict. This paper analyzes two major factors destabilizing Iraq – internal sectarian conflict and external meddling from neighbouring Iran – and hypothesizes solutions that might help resolve – or at least mitigate – the challenges that the country is and will be facing in the coming years.*

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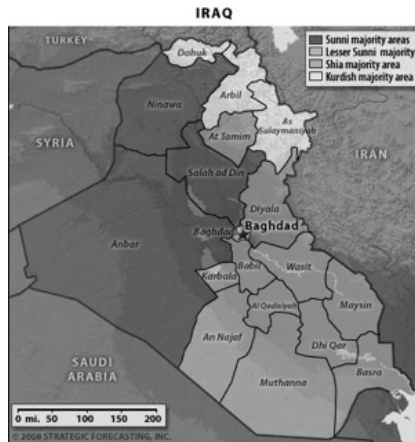
### **The Uncertain State of Iraq**

*“Let me say this as plainly as I can: by August 31, 2010, our combat mission in Iraq will end.”*<sup>1</sup> With these solemn words – spoken barely a month after entering the White House – President Barack Obama effectively put a deadline on the United States’ large-scale military operations in Iraq, creating a date for the ‘official’ conclusion of the Iraq War. With less than a year to go before Iraq is once again largely in the hands of Iraqis, the world must prepare to deal with a Persian Gulf dramatically different from the one the American-spearheaded Coalition entered in March 2003. How successful the United States and her allies were at recreating Iraq will be left up to historians to decide, but the consequences of a post-occupation Iraq are already reverberating throughout the Middle East. What must now be realized, however, is that what was once the Cradle of Civilization is now the crossroads for the nations of the Persian Gulf and beyond, where a plethora of competing factions strive to execute their nationalist, ethnic and religious agendas. There are many dangerous organizations that see opportunity in Iraq, whose geostrategic importance cannot be underestimated by neighbouring countries such as Iran, Saudi Arabia, Syria and Turkey.<sup>2</sup>

As a result of the multitude of forces seeking to convert Iraq for their own purposes, the country itself has inevitably begun to destabilize, weakening the central government, corrupting the bureaucracies and causing economic havoc, violence and refugee crises - to the point where the country is considered only slightly less of a failure than Sudan.<sup>3</sup> Unfortunately, the world must confront the Herculean task of stabilising the fledgling Iraqi nation, lest it become an anarchical base of operations for a rogues' gallery of actors ranging from the Kurdish militants attacking Turkey, to Ba'athist loyalists looking to re-create Saddam Hussein's regime, to al-Qaeda terrorists looking for their next camp. Stabilizing Iraq is by no mean a straightforward task, but it is of the utmost importance to ensuring the stability of the Persian Gulf. This paper will argue that two key hypothetical developments – the adoption of the Federal Council in the Iraqi legislature and assuaging Iran's security concerns regarding its tension-filled neighbourhood – are critical to keeping Iraq from becoming the next Somalia: an impoverished state in constant political anarchy and a regional safehouse for all manner of warlords, militants and terrorists.

### **The Ethnic Problems**

Iraq has the misfortune of being plagued with sectarian and ethnic conflicts dating back millennia, and it is a daunting task to attempt to resolve divides so ingrained in cultural memory. The history of strife between the two dominant sects of Islam - Sunnis and Shi'ites - dates back to the 7<sup>th</sup> century A.D., in post-Muhammad Arabia, a conflict that was reignited under the dictatorship of Saddam Hussein. Shi'ites make up approximately 65% of Iraq's population<sup>4</sup>, but were brutally repressed and persecuted under the regime of Saddam Hussein, a Sunni. Likewise, Kurds and Arabs have clashed since 641 A.D.,<sup>5</sup> and Saddam Hussein's genocidal campaign against the Kurdish people – many of whom live in northern Iraq - has only hardened their collective distrust of being governed from Baghdad. Kurdish self-sufficiency has lead to the quiet secession of Iraqi Kurdistan, as up to 25% of the country's population moves to develop autonomy near Iraq's borders with Turkey and Iran. This gradual autonomy movement further threatens the solvency of Iraq, as increasingly powerful Kurdish militias threaten to spark an inter-ethnic war of secession.<sup>6</sup> While the democracy implemented by the Coalition is definitely an improvement, it suffers from the 'tyranny of the majority'. Iraq's Shi'ites dominate the Council of Representatives of Iraq – the country's only body of elected representatives – which, in turn, gives them control over the



executive branch, including the Prime Minister and President of Iraq. To make matters worse, the ideally independent judiciary is little more than a shadow theatre for politicians, where the will of the government is enforced under a flimsy guise of justice. Unfortunately, this means that the interests of Sunnis and Kurds have been largely ignored, which may have deadly consequences when dealing with Shi'ite militants

and other groups seeking revenge for decades of tyrannical oppression and human rights' violations.<sup>7</sup> The fundamental problem with the overwhelming dominance of Shi'ite politicians is that more and more Sunni and Kurdish communities are simply resorting to self-sufficiency, completely cutting themselves off from the central government in Baghdad<sup>7</sup>, which already struggles just to project influence outside the heavily-fortified Green Zone in downtown Baghdad, where federal and international organizations operate from. Unless dramatic reform can be made to the model of government in Iraq, the country may very well find itself effectively split into three within a few years, creating an ideal base of operations for any number of militant organizations.<sup>8</sup>

This is where the development and implementation of the Council of Union (also known as the Federal Council) is vital to the stabilisation of Iraq. Currently, the only legislative body in Iraq is the Council of Representatives, comprised of 275 elected officials from across Iraq, although it is dominated by the Shi'ite United Iraqi Alliance, which holds more than twice the number of the seats of the next-largest party. As a result of this, the Shi'ite politicians have been able to select Nouri al-Maliki as Prime Minister of Iraq and dominate key government positions.<sup>9</sup> This demonstrates the fundamental problem with purely proportional representation. Unicameral legislatures are typically found in relatively small, homogenous nations such as Iceland and Sweden, or nations where there is a very strong and influential federal government, such as the People's Republic of China or Saudi Arabia. An upper-level house – the Federal Council – has been promised in the Iraqi Constitution, creating a legislative body similar to

the United States Senate. This is a critical opportunity to create a balance of power between Sunni, Shi'ites and Kurds in a way that will mitigate factional isolationist trends. Current U.S.- and Iraqi Transitional Government-developed proposals for the Federal Council suggest that it will be comprised of representatives from the Governorates (provinces) of Iraq, of which there are currently eighteen. Shi'ites constitute a majority of the population in the territories south of Baghdad, Sunnis control much of the west and northwest and Kurds hold power in the northern regions along the Iranian and Turkish borders. Since the technical details of the Federal Council have not been drafted, however, this is an opportunity to create a new balance of power. For representative purposes, the Sunnis control the Governorates of Al-Anbar, Baghdad, Diyala, Kirkuk, Ninawa and Salah ad Din; the Shi'ites control al-Muthanna, al-Qadisiyyah, Babil, Basra, Dhi Qar, Karbala, Maysin, Najaf and Wasit; and the Kurds control As Sulaymaniyah, Duhok and Erbil, as seen in Figure 1. Simply creating the Federal Council does not immediately solve the representation problem, however, as the Shi'ites still dominate more Governorates numerically. In order to maintain the balance of power, so that the underrepresented groups would have a fairer chance of participating effectively within Iraq's government, this should be changed for the purposes of the Federal Council. The Sunni-controlled Governorate of Al Anbar should be divided in two, with a separate Governorate, the Ar Rutba, being created and defined as all territory of Al Anbar south of the Euphrates River. Furthermore, the Shi'ite-controlled Governorates of Najaf, al-Muthanna and al-Qadisiyyah should be collectively represented in the Federal Council as ad-Diwaniyyah, as they were represented prior to Saddam Hussein, under then-President Ahmed Hassan al-Bakr.<sup>10</sup> This would give the Sunnis and Shi'ites seven seats each in the Federal Council and the Kurds three. Ideally, this would promote cooperation between Sunnis and Shi'ites, as neither group would be able to pass legislation without help from the other, thereby helping to avoid instances where adverse legislation for either group would be passed. Sunni politicians and citizens would become significantly less under-represented and their political influence would likely promote re-engagement with Iraqi politics and the nation at large. Ultimately, this would hopefully gradually reduce sectarian isolationism as the political influence of isolated groups expands.<sup>11</sup>

Ethnic and sectarian strife has historically been a greater problem in less democratic societies than in more democratic ones, and this *de facto* legislative power-sharing agreement may be critical in

helping Iraq to unify against larger problems facing the country, from radical terrorist organizations to the widespread poverty that plagues the nation. Case examples such as Cyprus and South Africa demonstrate that maintaining a balance of power between competing groups can help issues become political rather than ethnic or religious in nature. This may be what is necessary to keep religious and ethnic divides from tearing Iraq apart.<sup>12</sup>

Even under the best-case scenario, however, bridging the Sunni-Shi'ite and Arab-Kurd chasms are only some of the problems facing the Republic of Iraq. While the sectarian divides may be destroying the country from within, Iraq also has to deal with hostile external forces, most notably the country increasingly seen as an international pariah - the Islamic Republic of Iran. Highly-publicized commentators - from military commanders to media pundits - have cited Iran as a major threat to the stability of neighbouring Iraq, although explanations as to why this is vary from source to source. What is less understood, however, is the motivation for Iran's destabilizing efforts towards Iraq. Some have cited religious differences - Iran is often the representative nation for Shia Islam, while Saddam Hussein's dictatorship was run by Sunnis. Others believe it is an attempt to prevent the spread of democracy in Iraq - which could strength anti-government forces in neighbouring Iran - or that Iran seeks instability in Iraq to develop stronger economic leverage by shrinking the world's supply of exportable oil. What has become increasingly obvious, however, is that Iran does not want a stable Iraq and, for quite understandable reasons from the Iranian perspective.

#### **Placating Iran's Fears**

The Iran-Iraq War was fought from 1980 to 1988, and many have drawn parallels between it and World War I. Saddam Hussein forged as *casus belli* for an invasion of Iran through several false-flag terrorist attacks, beginning a nearly decade-long conflict that would see the widespread return of trench warfare, no-man's land, bayonet charges and chemical weapons (against soldiers and civilians alike).<sup>13</sup> Perhaps most damning of all, however, was the widespread Western support for Saddam Hussein throughout the War, permanently embedding seeds of distrust in the collective memories of the Iranian people.<sup>14</sup> The United States Defense Intelligence Agency (DIA) provided logistical and targeting support for the Iraqi Air Force, intelligence later used in the targeting of chemical weapons such as anthrax, which were sold to Iraq with the approval of the United States Department of Commerce.<sup>15</sup> Perhaps worst of all was the USS

*Vincennes* incident, in which a United States Navy vessel shot down an Iranian commercial airliner inside Iranian territorial waters, killing 290 civilians – an event that the United States did not apologise for.<sup>16</sup> Knowing this information, it is easy to understand why Iranian President Mahmoud Ahmadinejad – who is believed to have fought with the elite Islamic Revolutionary Guard Corps – has a distrust of Western powers, as a sense of antagonism would have been ingrained through years of conflict.<sup>17</sup>

Mahmoud Ahmadinejad obviously views the United States as a dangerous force and the actions of President George W. Bush have done nothing to assuage him. The United States Armed Forces has a military presence in every nation bordering Iran except Armenia, including thousands of troops in Turkey, Iraq, Afghanistan and in the Persian Gulf.<sup>18</sup> Furthermore, the United States is widely believed to be covertly supporting Jundallah, a Sunni terrorist organization responsible for the deaths of hundreds of Iranians, which has not been designated a terrorist group by the U.S. Department of State, another sticking point in U.S.-Iranian relations.

From Iran's perspective, fuelling instability in Iraq could very well appear the logical thing to do. Iranian support for organizations such as the Mahdi Army and Badr Organization is fundamentally based around preventing neighbouring Iraq from developing the stability required to operate a threatening army. The Mahdi Army, for example, exploits anti-American sentiments in Shi'ite territories to launch attacks against Iraqi and Coalition targets, with the objective of making Iraq too impalpable for Western forces to continue to operate in.<sup>19</sup> Iran obviously hopes that prolonged asymmetric warfare operations against the United States and her allies in Iraq and Afghanistan will accelerate a withdrawal, preventing the neighbouring countries from being used as a base of operations for an invasion of Iran.

Addressing the issue of Iran's security concerns is no small task. Fundamentally, diplomatic promises are unlikely to assuage Iran, which has little trust for Europe or the United States as a result of the Iran-Iraq War. Iran's foreign policy is realist to the core, and neither diplomatic overtures nor economic sanctions are likely to convince Iran to ignore its security concerns. Effectively, the only way to convince Iran to tolerate a stable Iraq will be to assuage these security concerns.<sup>20</sup>

One possible mechanism that could be used to address Iran's insecurity is integration with the Shanghai Cooperation Organization (S.C.O), a Eurasian intergovernmental organization based around Russia and the People's Republic of China. There is some scepticism

over whether or not this is possible, although the increasingly assertive actions of China and Russia in Central Asia – particularly with regards to Manas Airbase in Kyrgyzstan – indicate that the former Cold War heavyweights are looking towards re-engagement in the region.<sup>21</sup> The recent activities of Russia and China indicate that they are becoming increasingly intolerant of the American military presence in Central Asia, as Washington has supported dictatorships in exchange for the use of despots' military facilities, and commentators have already drawn parallels between the SCO-NATO turf war and the 'Great Game' between the Russian and British Empires for the same territory a century prior.<sup>22</sup>

Whether or not the SCO would accept Iran into its membership is debatable. Iran is already an official observer in the organization and could provide quite the geostrategic boost to the SCO, particularly in regards to the transportation of oil. On the other hand, the SCO would also have to deal with Iran's nuclear weapons program, a diplomatic mess it may not want to entangle itself in.<sup>23</sup> If the leaders in Beijing and Moscow could be convinced to accept Iran into the SCO, it would likely calm the political leaders in Tehran down. Membership in the SCO would likely make Iran feel that it had support from China and Russia, including diplomatic and limited security cooperation.<sup>24</sup> The other major issue regarding Iran in the global community is its alleged nuclear weapons program – a subject veiled by so much political bias it is difficult to distinguish fact from fiction. According to a National Intelligence Estimate produced in 2007, Iran halted all development of nuclear weapons back in 2003, but nevertheless maintains an active involvement in the development of nuclear technology, and would be able to begin developing nuclear weapons again should the situation arise.<sup>25</sup> This, coupled with Iran's general hostility to the West and other Middle Eastern nations, has prompted calls for Iran to take a number of courses of action, ranging from shipping out its nuclear material for enrichment elsewhere to complete abstinence from all nuclear energy. It is quite possible, however, that Iran has observed how the crisis over North Korea's nuclear weapons program has played out. Many analysts will agree that North Korea's nuclear weapons program has actually increased its clout on the world stage, forcing countries to take more care during diplomatic negotiations, despite all their rhetoric.<sup>26</sup> For Iran, nuclear weapons may appear to be a powerful deterrence to any nation that might contemplate a strike or invasion against it. As previously stated, Iran has many reasons to be nervous of its neighbourhood, and may believe that conventional weaponry isn't enough to deter would-be invaders. Many

analysts suggest that Iran is developing nuclear weapons for this exact purpose – in the absence of an appropriately strong conventional military, Iran is developing weapons of mass destruction to make the cost of an attack too high.<sup>27</sup>

Iran is, in fact, most likely worried about an attack from Israel more than other powers are, and Israel is obviously the nation most worried by a nuclear-armed Iran. The openly hostile statements made by members of the Iranian elite have convinced elements of the Israeli leadership that a war is inevitable, which could function as a dangerous self-fulfilling prophecy. Furthermore, Israel has a history of pre-emptive strikes against neighbouring countries and a nuclear arsenal of its own. What unnerves Iran most, however, is that Israel could launch an aerial attack on Iran, which Iran would be unable to effectively respond to due to the American military presence in Iraq and the United States' effectively unconditional political and military support for the State of Israel. Iran actually feels it is in a quite vulnerable state, and it might believe the threat of a nuclear bomb is the only thing preventing an Israeli attack.<sup>28</sup>

Right now, Iran is trying to obtain S-300 surface-to-air missiles from either Russia or the People's Republic of China, something subtly opposed by the United States. The S-300 is considered one of the most effective anti-aircraft weapons platforms – employed heavily by the Soviet Union during the Cold War.<sup>29</sup> There has been some pressure on Russia not to export the system to Iran, although the exportation of this system presents a potentially critical opportunity in assuaging Iran. These Cold War-era defense systems may be what is necessary to convince Iran it has the tactical capabilities to prevent a pre-emptive strike on its soil by neighbouring air forces.

It is highly unlikely that Iran would be willing to completely give up both its nuclear deterrence and its anti-aircraft capabilities, while at the same time allowing its neighbours to get stronger and stronger. Fundamentally, Iran lives in a very dangerous neighbourhood and like any realist nation it is taking steps to protect itself. Iran's developments of WMDs and its search for anti-aircraft weapons systems are both part of the same objective – to deter other nations from attacking it. In order to assuage Iran's security concerns, Western powers must be willing to accept Iran's employment of high-end anti-aircraft equipment and general regional security agreements, especially if the international community plans to push for further control of Iran's nuclear technology program. Ideally, this will convince the leadership in Tehran that it is not necessary to destabilize Iraq and Afghanistan in order to be secure.



### Tying it Together

Fundamentally, there is no telling how, exactly, any of these hypotheses may play out, but I believe them to be the best courses of action for stabilizing the Persian Gulf. Internally, Iraq must overcome sectarian differences between Sunnis and Shi'ites, Arabs and Kurds. Case examples around the world have shown that creating a diplomatic balance of power – as would be possible through the development of the Federal Council – is critical to mitigating these types of conflicts and may prevent Iraq from becoming an anarchical state of divided autonomous regions. On a more global scale, Iran must be convinced that it is no longer threatened by the international community if we are to hope for any cooperation from Tehran. Western powers must be willing to accept efforts from Iran to ensure its security – through regional cooperation agreements and the development of its defensive capabilities – if Iran is to be convinced to stop catalyzing the surrounding chaos. Ideally, this will keep Iraq from becoming the Arabian Somalia, dramatically reducing security threats the world over.

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## PUBLIC OPINION AND HEALTHCARE SPENDING IN CANADA: DOES THE LEVEL OF GOVERNMENT MATTER?

Kate Addison

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*In this paper, I seek to address how much opinion affects healthcare spending in Canada, and what the impact of the level of government (provincial or federal) is on the relationship between public opinion and healthcare spending in Canada. Overall, there is a positive relationship between citizens' preferences and Canadian government healthcare spending. The federal government appears to be more responsive than the provincial governments. However, the results for the federal government and five of the provinces were not statistically significant. The provinces for which results were statistically significant were more responsive than the federal government.*

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### **Introduction:**

As Dahl wrote, “a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens.”<sup>1</sup> The link between public preferences and public policy is essential to democracy, and the *Canadian Democratic Audit* establishes responsiveness to the public as one of the three pillars of Canadian democracy.<sup>2</sup> Meanwhile, Canadians see universal healthcare as a fundamental aspect of Canadian identity, as demonstrated, first, in the Romanow Report and, second, in the choice of the “father of medicare,” Tommy Douglas, as the “Greatest Canadian” in a CBC poll.<sup>3</sup> In rejoinder to these ideas, I explore how responsive the Canadian federal and provincial governments are to citizens’ demands for more or less spending on healthcare.

Many political scientists have tried to establish a link between public opinion and policy output. While there is a growing collection of academic literature on the subject, particularly in the U.S. and some in the U.K., it is not well explored in Canada. This is problematic because Canada has a unique federal parliamentary system, so it is difficult to draw conclusions about the opinion-policy link based on

results from other countries. It has previously been established that the Canadian government has varying degrees of responsiveness across domains to the public's spending preferences and is somewhat responsive to citizens' demands for health spending.<sup>4</sup> There is no empirical research that attempts to directly link public opinion with government health spending in Canada that also examines different levels of government separately, which is important because health is an area of shared jurisdiction and spending power. In addition, there is no empirical research on whether the provincial governments are more responsive to public spending preferences than the federal government, on issues of health or otherwise.

In response to these voids in the academic work on Canada, this paper seeks to answer two questions. First, whether Canadian governments, when broken down into the federal and provincial governments, are responsive to public spending preferences. Second, whether the provincial governments (as a whole and individually) are more responsive than the federal government on questions of healthcare spending. The bulk of the paper will focus on the second question. I will begin by briefly reviewing the existing theory and literature on the subject. I will then describe my research design and present my results. I will conclude by discussing the limitations of this project.

### **Theory and Literature Review:**

Soroka and Wlezien examine public opinion and government spending in Canada, which had previously not been examined.<sup>5</sup> They establish that Canadians respond thermostatically (like in the U.S. and U.K.) to government spending in particular domains, including healthcare. According to this thermostatic model, Soroka and Wlezien find that Canadians are particularly aware of, and responsive to, changes in domestic spending, and have preferences for more or less of it depending on what policy makers spend. The authors determine that the Canadian government is responsive to preferences for more or less spending in health, which they examine among many spending domains. Soroka and Wlezien also find that results vary from similar work which they conducted in the U.S. and the U.K., and hypothesize that this is based on differences in institutions.

Soroka and Lim examine whether public preferences lead to changes in levels of spending on healthcare in the U.S. and U.K., using the same thermostatic model.<sup>6</sup> They find that health spending is more responsive to yearly changes in public preferences in the U.S. than in the U.K., and argue that this is because healthcare issues in the U.S. are defined as problems of expenditure, while in the U.K. they are defined

in terms of efficiency. Both Soroka and Lim and Soroka and Wlezien highlight the lack of empirical research on public opinion and policy, especially in the domain of health, outside of the U.S.. In this paper I will further examine how much opinion affects health spending in Canada by separating the federal and provincial governments, which has not been done previously. Soroka and Lim also identify a lack of research on what impacts the responsiveness of governments to healthcare preferences. In this paper, I seek to address not only how much opinion affects healthcare spending, but what the impact of the level of government (provincial or federal) is on the relationship between public opinion and healthcare spending in Canada.

I expect, first, that findings from previous research that the consolidated Canadian government spending is somewhat responsive to public opinion on health spending will hold when the different levels of government are separated. Second, I expect that provincial governments will be more responsive to their citizens' healthcare spending preferences than the federal government. This is because healthcare is a provincial jurisdiction, so the federal government spends in the form of block transfers, while the provincial governments are responsible for the administration and provision of the remainder of the funds for healthcare. Related to this, provinces' individual spending should be more responsive on the smaller, more local scale, where this spending will be more obvious and perhaps more polarized than on a national scale, where aggregated preferences can vary more and are a mean of many different regions. This is in line with Hutter and Shah's finding that "[g]overnance quality is enhanced...by more closely matching services with citizen preferences, and by moving governments closer to the people they are intended to serve."<sup>7</sup>

### **Research Design:**

To test Canadian governments' responsiveness to public spending preferences for healthcare spending, I collected public opinion and government spending data for the federal government and the provinces (11 governments in total) that covers a period of 13 to 15 years, depending on the availability of data. The unit of analysis is therefore government-year. In the final analysis, Prince Edward Island was excluded because the number of respondents to each survey was less than 25, and, as a result, the survey results were somewhat erratic. Newfoundland was also excluded, leaving 9 governments in total.<sup>8</sup>

Following Soroka and Wlezien's methods, I used Environics Canada's public opinion data on Canadians' preferences for health spending.<sup>9</sup> Every year between 1987 and 2006 in its autumn poll,

Environics asked Canadians “Keeping in mind that increasing services could increase taxes, do you think the federal government is spending too much, just the right amount, or should be spending more on each of the following: health care.” This measures Canadians’ preferences for more or less federal government spending on healthcare. For provincial preferences, ideally, I would have been able to use polls that specifically asked people living in each province whether the provincial government should spend more, less, or the same amount on healthcare. However, this data is not available, so I used the results for the question about federal government spending, broken down by province. I did this based on previous findings that in federations, particularly in Canada, citizens cannot differentiate between the provincial and federal government’s roles or responsibility for issues, including healthcare policy and spending.<sup>10</sup>

Like Soroka and Wlezien, I used the Environics data to create percentage difference measures by subtracting the percentage of people who answered “too much” from the percentage of people who answered “should be spending more” for all the respondents for the federal government, and for each province’s respondents for the provinces. I excluded those who answered “just the right amount” or “don’t know” on the assumption that they were neutral and would not change the net preference. The result is measures of “net support” for more or less healthcare spending every year, in Canada and by province. This “net public support” percentage, representing the direction and magnitude of public preferences, is the key independent variable.

The dependent variable is the percent change in spending in the fiscal year following the year in which the public opinion data was collected. For instance, the net support for more or less healthcare spending in autumn 1988 is assumed to affect the change in government spending on healthcare in the fiscal year 1989/90, reflected as the percent change in spending from the fiscal year before (1988/89). Since budgets are drawn up in March, it seems reasonable that public preferences measured approximately four months earlier will have had adequate time to be felt by policymakers, without leaving too much time so that preferences will have changed. The percent change, rather than a dollar change, in spending is used because the provincial and federal governments spend very different dollar amounts on healthcare, with the federal government’s spending ranging from \$19217.04 million to \$23318.1 million, and smaller provinces like Nova Scotia spending between \$1528.09 million and \$2057 million annually. Therefore, in order to compare the responsiveness of the different

levels of government, the dependent variable is the percent change in spending, rather than the change in the dollar amount.

Provincial government health budget data is available from Statistics Canada for fiscal years 1988/89 to 2008/09.<sup>11</sup> I used data from “Federal, provincial and territorial general government revenue and expenditures, for fiscal year ending March 31,” reported annually in millions of dollars. This provided provincial spending data for healthcare (including hospital, medical, and preventative care, and other health services). Meanwhile, federal government data from this dataset does not reflect the transfers to the provinces, so this data was instead gathered from the Romanow Report (2004). I added the total federal direct health expenditures with the health component of the total federal transfers to the provinces, in millions of dollars, for the fiscal years 1987/88 to 2001/02. Once the government spending was collected, it was converted (using the Consumer Price Index [CPI]<sup>12</sup>) into 2002 dollars before calculating the percentage change in spending.

Similar to Soroka and Wlezien’s work, the control variables are net government debt and the ideology of the party in power. Net government debt for all provinces and the federal government was collected by using the “net financial debt” for the fiscal years 1987/88 to 2007/08.<sup>13</sup> This was also converted using the CPI into 2002 dollars. In this paper, it is assumed that the higher the net government debt at the end of the fiscal year in which the public opinion data was collected, the more pressure will be on government to reduce spending for the following fiscal year. For instance, net government debt at the end of the fiscal year (March) 1988/89 will affect the government budget, written that month, for the following fiscal year 1989/90. The ideology of the party in power was determined by researching on various government websites, and ranking parties on a scale 0 to 2, with 0 being right wing, 1 being centrist, and 2 being left wing (with center-right and center-left parties at 1.5 and 2.5, respectively). This ideological scale is based only on the spectrum of Canadian parties and is included based on findings that left wing governments will spend more than right wing governments.<sup>14</sup> It is coded as the party in power in March of the year after the public opinion data was collected, because the party in power in March will create the budget for the following fiscal year that begins in April.

Tables 1 and 2 present the descriptive statistics for the federal government and the provinces, respectively. Appendix Table 1 shows the combined descriptive statistics for all governments. I ran all the variables in an OLS regression, the results for which are discussed in the following section.

**Table 1: Descriptive Statistics for the Federal Government**

	N	Minimum	Maximum	Mean	Std. Deviation
Net public support	15	27.3	74.3	47.667	16.9403
Percent change in spending	14	-8.6881	8.5667	.8812	4.0669
Government debt (millions of dollars)	16	468425.5617	661869.5163	570755.7196	65155.2023
Ideology of party in power	16	0	1	.56	.512
Valid N (listwise)	14				

**Table 2: Descriptive Statistics for the Provinces**

	N	Minimum	Maximum	Mean	Std. Deviation
Net public support	116	17.20	95.50	49.4771	18.9873
Percent change in spending	112	-25.0270	21.4132	2.4721	5.9642
Government debt (millions of dollars)	126	-13954.2801	119620.5752	28172.8136	37074.0372
Ideology of party in power	126	0	2	.84	.802
Valid N (listwise)	110				

## Results and Discussion

### Canadian Governments' Responsiveness

I first tested whether Canadian governments in general are responsive to their citizens' spending preferences for healthcare. In line with my hypothesis, the results in Table 3 demonstrate that governments in Canada are, overall, responsive to citizens' preferences for healthcare spending. Across the federal and all provincial governments in Canada, when controlling for government debt and the party in power, a one percent change in the net support for more or less government healthcare spending leads to a 0.078 percent change in government spending. There is a positive relationship between the two variables, and this result is statistically significant.<sup>15</sup> Although a 0.078 percent change seems irrelevant, it is important when we consider that governments spend billions of dollars per year on healthcare. When the same regression is run using the change in spending in dollars, there is a \$6.24 million change in spending for every one percent change in net public support for healthcare spending (See Appendix Table 3).



**Table 3: Opinion and Healthcare Spending Regression Results for All Governments**

	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	.189	15.825		.012	.991
Net public support	.133	.095	.517	1.400	.192
Real government debt	-9.33E-006	.000	-.139	-.384	.709
Ideology of party in power	.078	3.204	.010	.024	.981

#### Federal Government's and Provincial Governments' Responsiveness

Next, I examined whether the federal government or the provincial governments are more responsive to citizens' preferences for more or less government spending on healthcare. The results of the regressions can be seen in Table 4 and Table 5. Contrary to my hypothesis, the federal government is more responsive than the provincial governments to citizens' preferences for more or less healthcare spending. For every one percent change in the net support of citizens for more or less healthcare spending, the federal government responded with a 0.133 percent change in healthcare spending in the same direction, while the provincial governments only responded with a 0.073 percent change. Graphs 1, 2, 3, and 4 illustrate the responsiveness of the federal government and three provinces (chosen because they are statistically significant, as discussed below). For the most part in all four graphs, government health spending seems very similar to citizens' preferences, and the graphs reflect the cuts to spending in the mid-1990s. It is important to note, however, that the results are not entirely conclusive because the coefficient for the federal government is not statistically significant, which means that the federal government's higher responsiveness could be due to random chance. On the other hand, the coefficient for the provincial governments is statistically significant. This is likely due to the fact that there are 14 cases for the federal government, and 110 cases for the provinces. The high number of provincial cases is made obvious when comparing the first regression (Table 3) of all governments with the separate federal and provincial regressions. The coefficient for the results of all

governments combined (0.078) is much closer to the 0.073 coefficient of the regression of all provinces than it is to the 0.133 coefficient for the federal government.

**Table 4: Opinion and Healthcare Spending Regression Results for the Federal Government**

	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	.189	15.825		.012	.991
Net public support	.133	.095	.517	1.400	.192
Real government debt	-9.33E-006	.000	-.139	-.384	.709
Ideology of party in power	.078	3.204	.010	.024	.981

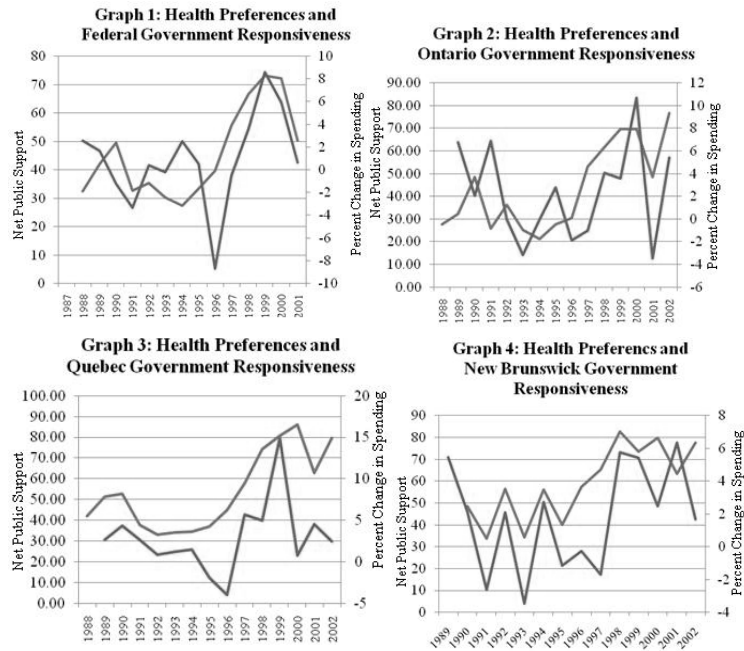
Dependent Variable: Percent change in spending

Selecting only cases for which Govt = Federal

**Table 5: Opinion and Healthcare Spending Regression Results for the Provincial Governments**

	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	-1.148	1.757		-.653	.515
Net public support	.073	.030	.227	2.398	.018
Real government debt	-1.96E-006	.000	-.013	-.126	.900
Ideology of party in power	-.046	.733	-.006	-.062	.951

Dependent Variable: Percent change in spending. Selecting only cases for which Govt≠Federal.



The greater responsiveness of the federal government can be explained by its particular spending powers and obligations. Although using the percent change in spending instead of dollar change helps to control for differences in the magnitude of federal and provincial spending, the federal government, with its more extensive taxation powers, has a greater ability than the provinces to increase spending by larger amounts. The federal government is also better able to decrease healthcare spending by larger amounts because the provision of federal transfers to the provinces for healthcare is at the discretion of the federal government. This was clear in the 1990s (the bulk of the time period

**Table 5: Public Opinion and Government Healthcare Spending in Canada, by Government**

Government	Coefficient	Significance
All	.078**	.006
Federal	.133	.192
Provincial (all)	.073**	.018
British Columbia	-.340	.195
Alberta	.116	.431
Saskatchewan	.044	.840
Manitoba	.106	.267
Ontario	.169**	.090
Quebec	.178**	.066
New Brunswick	.130**	.034

covered in this analysis) when the public wanted more fiscal restraint on the part of government, and the federal government drastically reduced transfers for social programs to the provinces. Meanwhile, the provinces have the constitutional obligation to provide and maintain a certain standard of healthcare and so are not as free to cut spending as the federal government.

Another important consideration is that in the dataset for provincial responsiveness, there is great variation among provinces in both responsiveness and statistical significance. Table 5 shows the coefficient and statistical significance of the coefficient for each government included in this analysis. As it demonstrates, the results for Ontario, Quebec, and New Brunswick are statistically significant. For each of these governments, a one percent change in net support for more or less healthcare spending means a 0.169, 0.178, and 0.130 change in the same direction in healthcare spending, respectively. Notably, the three provincial governments for which we can be relatively certain the results are correct, are also equal to or more responsive than the federal government, as illustrated in Table 5 and Charts 1 to 4. Therefore, it is not possible to draw definitive conclusions about whether the federal government or the provinces are more responsive. However, it is also worth noting that even the results that are not statistically significant still show the positive relationship that we would expect, with the exception of British Columbia. We can definitively conclude, therefore, that there is a positive relationship between citizens' healthcare spending preferences and the level of government spending on healthcare.

### **Conclusions and Limitations**

On the basic question of whether Canadian governments are responsive to citizen preferences for more or less healthcare spending, I have found that they are, on the whole, responsive. It is inconclusive which level of government, provincial or federal, is more responsive to these citizen preferences. My results show that the federal government is more responsive than the provincial governments to citizens' net preferences for healthcare spending, but the results for the federal government and for four of the seven individual provinces are not statistically significant.

In order to make the results significant, I would have liked to add more cases for each government. Given my time, resource, and data constraints, this was not possible. There were limits to both the public opinion and spending data. Public opinion data was only available from 1987 to 2002. After 2002, it is no longer possible to

view a provincial breakdown of preferences for the amount of healthcare spending. While public opinion data was available for the federal government until 2006, federal spending data only went up to the fiscal year 2001/02. As a result, for the federal government there are 14 cases; for British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Quebec, there are 15 cases each; and data on public preferences for health spending is not available for the Atlantic Provinces for the first two years, so there are only 13 cases each. Ideally, I would have had more years of public opinion and spending data, and the years I did have would better coincide.

Data that extended over a longer time period would have allowed me to better control for the drastic changes in government spending that took place in the 1990s. The years in my dataset correspond with the fiscally liberal Mulroney Conservatives that spent large amounts of money on social services, and the fiscally conservative Chretien Liberals that oversaw the re-structuring and cutting of social spending (including healthcare). It would be useful to have data that predates the Mulroney government, and extends past the Chretien government to ensure that the responsiveness I found is not an anomaly. Government responsiveness during this time period could be due to unusual issue salience. In the late 1990s public and government sentiment was strongly in support of cutting spending to reduce the national deficit, followed by a period in the early 2000s in which the public and government focus shifted to fixing the healthcare system by increasing spending, after it was harmed by the cuts.

I would have preferred to be able to control for issue salience. However, none of the polls I found (EnviroNics, Decima, Ipsos-Reid or Gallup) had data that measured the importance of healthcare over a sufficient time period. Given the time limitations, I was not able to either combine this data or determine issue salience another way. For instance, I could have examined throne speeches or newspaper articles that mentioned healthcare. However, this is not an exact measure and I had far too many cases for this to be plausible given the time constraints. I am, therefore, forced to assume that healthcare is an important issue to Canadians, based on the Romanow Report and the Greatest Canadian poll, without knowing how much, and what the effects of its varied importance were over time.

Finally, as mentioned above, it would have been preferable to have citizens' preferences for more or less provincial government spending. While this was made less important because of Cutler's finding that citizens in federations (including Canada) cannot distinguish which level of government is responsible for particular

policy areas (including healthcare), it still would have been better to compare preferences for provincial and federal spending separately.

Despite the lack of fully conclusive results, this paper presents an important new contribution to the study of the effects of public opinion on policy in Canada. This form of responsiveness is crucial for the foundations of Canadian democracy. The results presented are positive: on the whole, Canadian governments are responsive to their citizen's demands for more or less spending on healthcare, a domain considered central to Canadian identity. In addition, the federal government, the country's largest spender on healthcare, appears to be more responsive than the provinces when considered together, and individual provinces for which results were significant were equal to or exceeded federal government responsiveness. Whether these results hold in analysis with more cases is a potential object of further study.

**Appendix****Appendix Table 1: Descriptive Statistics for All Governments**

	N	Minimum	Maximum	Mean	Std. Deviation
Net public support	131	17.2	95.5	49.270	18.7126
Percent change in spending	126	-25.0270	21.4132	2.2954	5.793
Government debt (millions of dollars)	142	-13954.2801	661869.5163	89308.9157	176953.8432
Ideology of party in power	142	0	2	.81	.778
Valid N (listwise)	124				

**Appendix Table 2: Opinion and Healthcare Spending (in dollars)  
Regression for All Governments**

	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	-178.943	162.516		-1.101	.273
Net public support	6.240	2.820	.198	2.213	.029
Real government debt	.000	.000	.056	.625	.533
Ideology of party in power	67.257	65.503	.092	1.027	.307

Dependent Variable: Change in Spending (millions of dollars)

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- <sup>1</sup> Dahl, R.A. *Polyarchy*. (New Haven: Yale University Press, 1971).
- <sup>2</sup> Cross, William. "The Canadian Democratic Audit: An Overview." 2004. Published online: [http://www.mta.ca/faculty/arts/canadian\\_studies/cda/index.html](http://www.mta.ca/faculty/arts/canadian_studies/cda/index.html) (accessed November 28, 2009).
- <sup>3</sup> Romanow, Roy. Commission on the Future of Healthcare in Canada Final Report. "Statistical History of Health Expenditures and Transfers in Canada, 1968-2002." in *Building on Values: The Future of Health Care in Canada*. (November 2002): 311-319. And CBC, "The Greatest Canadian." November, 2004. Available online: <http://www.cbc.ca/greatest/> (accessed November 28, 2009).
- <sup>4</sup> Soroka, Stuart N. and Christopher Wlezien. "Opinion Representation and Policy Feedback: Canada in Comparative Perspective." *Canadian Journal of Political Science* 37:3 (September 2004): 531-559.
- <sup>5</sup> Ibid.
- <sup>6</sup> Soroka, Stuart N. and Elvin T. Lim. "Issue definition and the opinion-policy link: public preferences and health care spending in the U.S. and U.K.." *British Journal of Politics and International Relations* 5:4 (November 2003): 576-593.
- <sup>7</sup> Hutter, Jeff and Anwar Shah. "Applying a Simple Measure of Good Governance to the Debate on Fiscal Decentralization." *World Bank Policy Research Paper* (1998).
- <sup>8</sup> Newfoundland was excluded upon recommendation of Dr. Andrew Owen.
- <sup>9</sup> Available from the Canadian Opinion Research Archives (<http://www.queensu.ca/cora/>).
- <sup>10</sup> Cutler, Fred. "Government Responsibility and Electoral Accountability in Federations." *The Journal of Federalism* 34:2 (Spring 2004): 19-38. And Cutler, Fred. "Whodunnit? Voters and Responsibility in Canadian Federalism." *Canadian Journal of Political Science* 41:3 (September 2008): 627-654.
- <sup>11</sup> Dataset 385-002 is available from <http://www.statcan.gc.ca/estat/estat-eng.htm>.
- <sup>12</sup> Statistics Canada dataset 326-0021, available from <http://www.statcan.gc.ca/estat/estat-eng.htm>.
- <sup>13</sup> Statistics Canada dataset 385-0014, available from <http://www.statcan.gc.ca/estat/estat-eng.htm>.
- <sup>14</sup> Blais, Andre, Donald Blake and Stephane Dion. "Do Parties Make a Difference? A Reappraisal." *American Journal of Political Science* 40: 2 (May 1996): 514-520.
- <sup>15</sup> For a result to be statistically significant, the Sig. must be equal to or less than 0.1.





