

## LETTER FROM EDITOR IN CHIEF

In this year's edition of *Inquiry & Insight* the aim was to open the call for papers to fellow graduate students living outside of Canada. Being only the third volume, the purpose of broadening the submittal scope of the journal was to increase the quality of articles and to provide a larger sample to choose from for publication. The editorial board of the journal, comprised of nine graduate students at University of Waterloo's Masters in Political Science Program as well as three members of the Balsillie's School of International Affairs' Global Governance program, worked adamantly to insure the impartiality and the quality of this year's edition. Each editor reviewed at least two submissions and evaluated the paper based on style, grammar, originality, and argument.

The categories chosen for this edition reflected the areas covered in past issues of *Inquiry & Insight* with the addition of a new category *Environmental Politics*. This was done to ensure due attention is given to this rising field. We found that the overwhelming submissions on Canadian Politics in previous editions propelled us to open the call for papers to international submitters. This measure allowed us to consider different perspectives and approaches in an already diverse and multifaceted discipline. We received a positive response from various prestigious institutions around the world. The final selection of articles by the editorial board reflected this quality of the papers submitted as well as their relevance to current international and Canadian political landscape.

I would like to thank the executive board, the internal and external editorial board for their efforts and participation in this year's edition. A special thanks goes to Melissa Ceringoy and Laura Holland for forming our external review board and evaluating the papers submitted from the Political Science program in a timely manner. Finally, I'd like to congratulate the authors chosen for publication for their submissions and bringing a diverse multi-disciplinary approach to this year's edition.

Sincerely,

A handwritten signature in black ink that reads "Milad Javdan". The signature is written in a cursive, flowing style.

Editor-in-Chief

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# ***WHY DOES AFRICA SECURITY SEEM SO COMPROMISED?***

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## ABSTRACT

*There is a perception embedded in the dominant narrative in the field of Security Studies that Africa Security is compromised. While trying to question the tenets of that perception, this article argues that it is not Africa security which is compromised but the end of Africa insecurity. The debate about Africa security is in fact a debate about insecurity; that debate to an extent is in line with the logic of insecurity in the continent. Despite the dialectical relation between security and insecurity, there is an important distinction between the logic of security and the logic of insecurity. In this regard this paper focuses on the logic of insecurity by highlighting how the external and internal agents reproduce insecurity and elude the debate about a genuine security project in Africa.*

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## INTRODUCTION

The term security changes through time. McSweeney notes that etymologically the noun 'security' has evolved from a positive, comforting term to a negative one<sup>2</sup>. From being a psychological condition of the care-free into which we are easily lulled- 'mortals chiefest enemy' as the witches describe it in Macbeth – it is a material condition which we worry about, tighten, fear. 'Secure' once meant 'careless' (se +cura), or 'freedom from concern' – almost the reverse of the current usage implying 'careful'. Thus, warning of domestic discontent and its threat to the state, Sir Francis Bacon wrote 'Neither let any discontent and its threat to the state, be secure concerning discontentments.' Although this 'careless' sense of the term dropped out of usage at the end of the eighteenth century, the 'Saturday Review' could still capture it in the middle of the nineteenth: 'Every government knew exactly when there was reason for alarm, and when there was excuse for security'. This old sense of the word derives from the same root, and overlaps in meaning, with the English 'sure', French 'SÛR'. Larousse Modern Dictionary notes the French usage does not confuse 'SÉCURITÉ' the feeling of having nothing to fear, and 'SÛRETÉ', the state of having nothing to fear'. The connotation of 'careless' is thus related to the sense of 'certitude' carried by the term 'sure'. The Oxford English Dictionary expresses it as 'having or affording ground for confidence; safe; (objectively) certain'. Etymologically, therefore, the freedom of security is related to the possession of knowledge, confidence in the predictability of things, in knowing the objective order.

In effect the orthodox approach to security reaches back to the Treaty of Westphalia which laid the basis for the modern European State based on the principles of territorial integrity and state sovereignty. This approach rests on the three central assumptions, namely, the referent object of security is the Westphalian type of state, that security threats to this state come from other states (i.e. are external) and that the only valid security threats are military threats<sup>3</sup>. The prime concern of this approach is the relationship between the individual and the state. However the end of Cold War led to the reduction in armed conflicts between states in the international system. At the same time, the 1990s saw an increase in civil wars, as well as international efforts to reach peace agreements. Alongside

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<sup>2</sup> Bill McSweeney, *Security, Identity and Interests: A sociology of International Relations*. (Cambridge: Cambridge University Press, 1999), 14-15.

<sup>3</sup> Karim Bakht, "Security is What People Make of it: The Africa Great Lakes and the Security Debate," *Globalics* 22 (2002): 3.

peace building, there has also evolved the concept of human security, which has two-fold origin. On the one hand, it stems from the studies promoted since the 1990s by the United Nations Development Programme (UNDP). On the other, from critical perspectives on the orthodox concept of security based on the role of the state and its armed forces for deterrence and protection of sovereignty and national interests (FRIDE and Iecah, 2008). According to the Atlas of Human Security ( 2005, 2) , the broad concept of human security, first outlined in the 1994 Human Development Report from UNDP rests on two pillars: freedom from want and freedom from fear. On the other hand the narrow concept focuses on freedom from violence, both criminal and political.

In his attempt to explain the insecurity in the African Great Lakes, Bakhit (2002, 21-22) stresses the limitations of the state centric orientation of both Third World Critique of security focusing on military and political threat and the 'Broadening Critique' emphasizing economic threat. According to him, even a happy marriage of the two concepts cannot explain insecurity in this region. Providing a starting point with the aim to capture insecurity in this region, he argues that security is what people make of it. Thus he points out the discursive nature of the term 'security' and develops another concept, the so called 'securitization'. According to him securitization is a process guided by a certain security logic or grammar. It involves a securitizing actor that makes a securitizing move, which if successful i.e. accepted by the audience; securitizes an issue into a threat to a certain referent object. A securitizing move is a speech act i.e. self referential in the sense that it does not need to interpret or describe something else but 'it is the utterance itself that is the act' so that calling something 'security' makes it into a security problem. A securitizing actor tries to securitize by presenting something as an existential threat which requires absolute priority. In the end it is the audience that decides whether to accept this claim or not so that 'security' (as with all politics) ultimately rests neither with the objects nor with the subjects but among the subjects. The success of a speech act is dependent on the speech act's performance in satisfying the grammar of security, the 'social capital' of the enunciator and the facilitating or impeding features of the alleged threat and thus represents a combination of language and society.

This paper assumes that the dominant narrative about Africa's security is conversely a representation of Africa's insecurity.<sup>4</sup> In fact in the

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<sup>4</sup> Weldes et al., *Cultures of Insecurity: States , Communities and the Production of Danger*. (Mineapolis and London: Borderlines, 1999).

words of Lacan: 'There is no absence in the real. There is only absence if you suggest that there may be a presence there where there isn't one'.<sup>5</sup> This implies that Africa's security does not exist in the real world, therefore, any attempt to conceptualize it, justifies only the authority of a particular symbolic order. The concept of security lies in the bias of the very interests of those who hold the power of its definition. Consequently, for the purposes of this essay I define security as the certainty of national interest. I understand the national interest in the sense of Alexander Wendt, as 'the objective interests of state-society complex, consisting of four needs: physical survival, autonomy and economic well being, and collective self-esteem'.<sup>6</sup> In this essay I argue that Africa's security is not compromised because it does not exist in the real world but ending Africa's insecurity seems so compromised. In order to support my argument, firstly I will point out how the causes of conflicts work against security in Africa. Secondly I will explain how the divergent securitizing moves reproduce insecurity.

### ABSENCE OF SECURITY WITHIN AFRICA

I think that if there are some securitized areas in a state, the divergent demands of securitizing moves lead to a general insecurity in the whole territory where those areas are located. In the case of Africa, I argue that the dialectical relationship between the nature of the postcolonial state and securitizing moves of some groups is in favour of conflicts within/between the countries.

After 1945, with the process of decolonization, postcolonial states were internationally enfranchised with juridical statehood, thereby enjoying the same external rights and responsibilities as all other sovereign states. These states depart from current conceptions and expectations of empirical statehood; in respect to the reality such expectations have not been filled and the outcomes have been chronic poverty and violent conflicts. In the Chronic Poverty Report 2008-09, among the 76 countries classified as chronically deprived, characterized by relatively low initial levels of welfare (relatively low GDP per capita and relatively high mortality, fertility and undernourishment), and by relatively slow rates of progress over time across all available indicators, there are 40 sub-Saharan countries. The Atlas of human security notes that Sub-Saharan Africa together with the Middle

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<sup>5</sup> Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis* (London: Routledge, 1996), 25.

<sup>6</sup> Scott Burchill, *National interest in International Relations* (Hampshire: Palgrave Macmillan, 2005), 185.

East, North Africa, and Central and South Asia have a high proportion of anocracy - regimes that are neither dictatorships or full democracies, often the most prone to armed conflicts - and 45 of the 59 armed conflicts was in these three regions.<sup>7</sup> I am fully aware of the differences of African countries; however my argument is based on the historical and socio-economical features shared by these countries as pointed by Jackson when he argues that:

The state in Africa is consequently more a personal – or primordial- favoring political arrangement than a public-regarding realm. Government is less an agency to provide political goods such as law, order, security, justice, or welfare and more a fountain of privilege, wealth and power for small elite who control it. If there is a consensus among political scientists it is probably that the state in Africa is neo-patrimonial in character. Those who occupy state offices, civilian and military, high and low, are inclined to treat them as possessions rather than positions: to live off their rents- very luxuriously in some cases-and use them to reward persons and cliques who help maintain their power.<sup>8</sup>

I claim that the framework of action<sup>9</sup> of African state influences both the agency of the elite and the governed groups in a securitizing move fashion. The formal end of colonization was not the end of the will of western power to control the former colonies. Akude notes that a successful decolonization implied the transfer of political power to a political elite that was born and bred in colonial practices, structures, ethos and invariably interests.<sup>10</sup> Thus , the protection of their class interests, which implied the maintenance of colonial ethos and interests, precluded any impetus towards altering the marginal position of African states in the international politico-economic system. This had a debilitating consequences for economic development and state institutional capacity and stability as this elite

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<sup>7</sup> Human Security Report and World Bank, *Mini Atlas of Human Security*, (Myriads, 2008), Accessed on October 1<sup>st</sup>, 2010. 49. <http://www.miniatlasofhumansecurity.info/en/>.

<sup>8</sup> Robert H. Jackson, "Quasi-states, dual regimes, and neoclassical theory: International Jurisprudence and the Third World," *International Organizations* 41(1987): 527-528.

<sup>9</sup> At its most abstract, the notion of framework for action or historical structure is a picture of a particular configuration of forces. This configuration does not determine actions in any direct mechanical way but imposes pressures and constraints. Individuals and groups may move with the pressures or resist and oppose them, but they cannot ignore them. To the extent that they do successfully resist a prevailing historical structure, they buttress their actions with an alternative emerging configuration of forces, a rival structure. See, Robert Cox, "Social forces, States and Word Orders," 97-98.

<sup>10</sup> John E. Akude, "The Failure and Collapse of the African State: On the Example of Nigeria," *Comment FRIDE* (2007):1-12.



exploited state power to compensate for lack of material resource base, which in turn resulted from commanding structures of their economies being controlled by firms from the colonizing and other foreign states.

Furthermore the lacks of empirical statehood of the postcolonial state leads to the general conviction that it was necessary to compensate the shortage of positive sovereignty of the postcolonial state by international aid. The purpose of this kind of aid was to keep control on the postcolonial state justifying the argument of Sogge when he argues that , the colonial powers realized in the last decades of their rule in Africa, that direct imperial rule is unaffordable and the preference was then for a less risky and expensive solution than direct rule.<sup>11</sup> This situation leads me to think that the first vertical securitizing move at least the most important in the post-colonial era, was initiated by the former colonial powers, creating an African ruling elite able to rule the African state and since then it reproduces itself with the features described by Englebert in the following words:

The ruling elites of low legitimacy states find it therefore less destabilizing to adopt neo-patrimonial strategies of power with their attendant propensity for corruption, clientelism, nepotism, or regionalism. These policies substitute patron-client links for the lack of moral legitimacy of the state and offer the regime a new lease on life. They buy short-term acquiescence and provide a quick fix to their hegemonic crisis. Neo-patrimonial policies are therefore the equilibrium outcome of illegitimate post-colonial statehood, a condition which entails a dichotomization of power and state structures.<sup>12</sup>

Furthermore, Julius Nyerere states that: "African government ... discovers that it inherited the power to make laws but did not inherit effective power over the economic developments. It may be able to stop things but it will not be able to start things."<sup>13</sup> Thus my understanding of African elite is located in the following statement of Morgenthau: 'Man is born to seek power, yet his actual condition makes him a slave to the power of others. Man is born a slave, but everywhere he wants to be a master'.<sup>14</sup>

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<sup>11</sup> David Sogge, "Africa Civil Domain: Reality and Mirages," *FRIDE Working Paper* 30 (2006): 5-6.

<sup>12</sup> Pierre Englebert, "Pre-colonial Institutions, Post-colonial States, and Economic Development in Tropical Africa," *Political Research Quarterly* 53 (2000): 7-36.

<sup>13</sup> Adedeji Adebayo, "Within or apart," in *South Africa Within or Apart?* (London: Biddles, 1006), 17.

<sup>14</sup> Hans J. Morgenthau, "The Moral Blindness of Scientific Man," in *International Politics: Enduring Concepts and Contemporary Issues*, Eds. Robert J. Art and Robert Jervis (New York: Harper Collins, 1996), 9-16.

Horizontal securitizing moves in the postcolonial state have been initiated by the African elite through the pursuit of corrupt practices, tribalism, and neopatrimonialism. If such practices have been a mean to overcome their lack of legitimacy regime and a tool to control their citizens, it reflects also the social dynamic of the African society; how the pre-existing network of ethnicity adapted itself in the state apparatus. In fact the vertical securitizing moves relatively more diversified in term of ethnicity fuelled some horizontal moves often homogeneous. This situation has the appearance of the duality of two publics illustrated by Ekeh when he argues:

Most educated Africans are citizens of two publics in the same society. On the other hand they belong to a civic public from which they gain materially but to which they give only grudgingly. On the other hand, they belong to the primordial public from which they derive little or no material benefits but to which they are expected to give generously and do give materially. To make matters more complicated, their relationship to the primordial public is moral, while that to the civic public is amoral...The unwritten law...is that it is legitimate to rob the civil public in order to strengthen the primordial public.<sup>15</sup>

Despite the feeling of confidence it provides to its members, the ethnic group has been an illustration of Africa's fragmentation geographically and politically but also a contingent cause of political violence. 'Humankind cannot have security without development, cannot have development without security and have neither of them if human rights are not respected.' If the link between development, freedom and security as pointed out by the report by the Secretary General of the United Nations (2005) seems to be obvious at least virtually, the reality remains more complicated especially in the postcolonial state.<sup>16</sup>

Explaining the crisis of postcolonial state in Nigeria, Akude criticizes the argument of Ayoob emphasizing the negative role of the international pressure in the process of maturation of African postcolonial state.<sup>17</sup> In effect in the light of European experience, Ayoob argues that third world state problem 'has been compounded by the fact that they are under

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<sup>15</sup> Peter P. Ekeh, "Colonialism and the Two Public in Africa: A Theoretical Statement," *Comparative Studies in Society and History* 7 (1975): 91-112.

<sup>16</sup> FRIDE and IECAH, "Exploring Concepts: Human Security and Peacebuilding," *FRIDE Activity Brief* (2008): 1-11.

<sup>17</sup> Akude, "The Failure and Collapse of the African State: On the Example of Nigeria," 3-4.

pressure to demonstrate adequate stateness quickly, as well as to perform the task of state-making in a humane, civilized and consensual fashion, and to do all this in an era of mass politics'. Akude finds that the problem with this analysis is that it is too simplistic, at least in application to Africa. According to him the maxim of such analysis is: give the third world states more time and they will mature and democratize. Therefore he thinks that it is wrong, and acknowledges that states need time to mature, but most importantly they need a ruling class that is dedicated to the pursuit of economic development which will strengthen states institutions and democratize the society as when possible.

The reality in Africa is far from such Akude's expectations but reflects the dichotomy to the air-conditioner and the veranda as described by Emmanuel Terray as reported by Reno. On one hand 'Africa air conditioner', consists of 'Presidents, Ministers, Parliaments, Administration, Parties, Constitutions, Laws, Rules, an airport with a VIP lounge, companies of paratroopers... motorcycle outriders with sirens...' maintaining internal order and managing external relations .<sup>18</sup> On the other hand stands 'Africa of the veranda', governed not with regard to efficiency, but to the share out. This dichotomy acknowledges the incapacity of both vertical and horizontal securitizing moves to provide development but also security. However it points out the architecture of insecurity in Africa.

I espouse the premise that the more horizontal securitizing moves are dependent on the vertical securitizing move, the more the context of negative peace can last. The less the horizontal securitizing moves are connected with the vertical securitizing, the more there is a chance of conflict. In Cameroon 'the politics of regional or ethnic balance' show how the dynamic of securitizing moves within a country create a relative acquiescence. The heterogeneity of the elite (ethnic diversity and disparities) and their material and political dependence upon the regime are in favor of such situation. In fact the majority of elite belongs to the ruling party no matter the ethnic differences and disparities. They are strongly dependent of the neopatrimonial system of governing. because their particular position in the state apparatus reflects their economic power (virtual or real) within their own ethnic community but also a caution for their political survival. In this sense 'the politic of regional or ethnic balance' as noted by Nyamnjoh , creates the illusion in the elite and masses from the 200 ethnic groups that everything is possible with the state even in

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<sup>18</sup> William Reno, "Reinvention of an African Patrimonial State: Charles Taylor's Liberia," *Development and Change* 33 (2002): 109-120.

economic, and that they must give the regime total support if they wish to maintain, climb or come by high office and the favors that go with it.<sup>19</sup> Consequently the ties between vertical securitizing moves and the horizontal moves are reinforcing as well as the context of negative peace. In contrast in Ivory Coast the inequalities at the elite level undermine the link between the horizontal and vertical securitizing moves. In effect after the death, of Houphouet Boigny, his successor Henry Konan Bedié almost completely stopped the balancing process among the different regional interests and parties and started a process of 'baoulisation' - disproportionate nomination of the members of his ethnic groups (Baoulé) in the most important positions - of state institutions .<sup>20</sup> The 'baoulisation' of the state institutions weakened the ties between horizontal and vertical securitizing therefore leading to the conflict which the Ivory Coast experienced afterward. Therefore the relative stability of some African regimes is just a phase in the cycle of insecurity of the postcolonial state in respect to the context and the way it is produced.

#### THE LOGIC OF SECURITIZATION AND THE REPRODUCTION OF INSECURITY

Brett (1995, 131) argues that: 'Where violence is possible and profitable, history suggests that it will be used without mercy in pursuit of private or group advantage'.<sup>21</sup> Following this path, I assume that the ideas behind the securitizing moves in African countries benefits some particular groups (whether it is the ruling elite or marginalized groups ) , rather than creating the conditions for peaceful interactions among the different ethnic communities within a territory.

According to Aguirre the colonial state was interventionist, authoritarian, non-representative and acted by coercion and co-opting.<sup>22</sup> These characteristics resurfaced when independent postcolonial states

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<sup>19</sup> Francis B. Nyamnjoh, "Cameroon: A Country United by Ethnic Ambition and Difference," *African Political Affairs* 98 (1999): 101-118.

<sup>20</sup> Arnim Langer, "Horizontal Inequalities and Violent Conflict : The Case of Côte d'Ivoire," *CRISE Working Paper* 13 (2004): 1-37.

<sup>21</sup> E. A. Brett, "Neutralising the Use of Force in Uganda: The Role of The military in Politics," *Journal of Modern African Studies* 33 (1995): 129-152.

<sup>22</sup> Mariano Aguirre, "Africa: The Debate on State Crisis," *FRIDE Working Paper* 30 (2006): 5-6.

were formed. In fact the postcolonial state used coercion and violence in substitution of social pact between state and citizens. The postcolonial state model implied a formal separation of power. However, in reality there was a predominance of executive power (and personalism) over judicial and legislative powers. Centralization of powers was inherited from anti-colonial elite and the leaders of national freedom who gained legitimacy. The process of centralization was justified by the need to achieve national unity (a matter of national security) and a relativist justification that the African state model did not need to follow the European model. Centralization led to a unipersonal and clientelist power, arbitrary and above the law but also to the politisation of national army and power. Fogue (2006, 55-57) notes that just after the independence, in the French speaking African countries, the role of the army was to defend the regime rather than protecting the civil rights of the masses.<sup>23</sup> These regimes maintain confusion between the 'sûreté' and defense in order to hide the weaknesses which could undermine them. The politisation of national army in favour of a particular ethnic group strengthens the vertical securitizing move, but also led to the emergence of divergent horizontal securitizing moves. It has been the case in Uganda under the leadership of Milton Obote. In the Niger Delta of Nigeria, Ukeje reveals the limitations of the use of force arguing that:

The implication of State-sponsored repression is that the state does not simply respond to violence; it is often the primary instigator of violence. The state is prepared to have repressive violence, not because it has much chance of succeeding, but because its own inherent weakness prevent recourse to less violent alternatives.<sup>24</sup>

The role of national army in African politics is very problematic because of its politisation but also of the impacts of its intervention in the political domain. Often the African national army is not a republican army and the quality of training of the soldiers is poor. According to Reno, by 2002 military rulers had supplanted civilian governments in more than half of Africa's states. He adds that from 1970 to 1990 rulers faced a 72 per cent

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<sup>23</sup> Alain Fogue Tedom , "Conflits Politiques, Securite, Stabilité, et Circulation des armes Légères et de petit calibre en Afrique Centrale," *Actes du séminaire de mobilization des sociétés civiles d'Afrique centrale , contre la circulation des armes légères et de petit calibre* organisé par Friedrich Ebert Stiftung et le service National "Justice et Paix" de la Conférence épiscopale du Cameroun (Yaounde: FES, 2006): 55-57.

<sup>24</sup> Charles Ukeje, "Youths, Violence and Collapse of Public Order in the Niger Delta of Nigeria," *Africa Development* 26 (2001): 253.

chance that they would leave office under violent circumstances. This probability fell to 41 per cent in the 1990s as more countries held multiparty elections.<sup>25</sup> Yet the rulers still face considerable threats. In 1999, for example, Algeria Angola Burundi, Republic of Congo, Democratic Republic of Congo, Sierra Leone Somalia and Sudan had major armed struggles to replace incumbent regimes. Six of these conflicts included elements of national armies and individuals who were once colleagues of the rulers they sought to replace.<sup>26</sup> These dangers encourage incumbent rulers to avoid centralizing military command structures. They keep rivals off balance by manipulating factional conflicts within militaries. In Nigeria in the 1990s, this meant the creation of a National guard loyal to the president, special task forces to attack opposition communities, 'anti-crime' units that seized regime opponents and shadowy anti-drug and business investigative units that would use violence against citizens and suspect members of the regime, including army officers.<sup>27</sup> While providing short term acquiescence, the long term impact has been to distribute weapons and military expertise more widely in society. Both the climate of suspiciousness within the national security forces and the need to control the autonomous centre of violence within the state has been an opportunity for the private security companies to strengthen their commercial alliances in Africa. Furthermore the ties between these private companies and both the countries of origin and the recipient countries emphasize how African regimes work for their own survival. Reno argues that:

Rulers of some weak states use creditor demands to privatize state agencies and liberalize markets as excuses to hire foreign firms that field mercenaries. These foreign soldiers serve the joint interests of foreign firms and weak states' rulers to control resources and deny them to independent strongmen. These strategies satisfy demands from creditors that prescribe severe cutbacks in state agencies out of a frustration with the corruption and economic inefficiency of the Cold War politics.<sup>28</sup>

According to Cilliers, there is often also a network of personal and financial connections between the heads of state/government members,

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<sup>25</sup>Reno, "The Politics of insurgency in Collapsing states," 837-858.

<sup>26</sup>Margareth Sollenberg and Peter Wallenstein, "Armed Conflict 1989-2000," *Journal of Peace Research* 38 (2001): 629-644.

<sup>27</sup> See Alli quoted in Reno, "The Politics of insurgency in Collapsing states," 837-858.

<sup>28</sup> Reno, "African Weak States and Commercial Alliances," 167.

multinational corporations and private security companies.<sup>29</sup> The economic stakes are high. The host government, in many instances, is poorly equipped, corrupt and faced with internal armed political opposition. For instance, former Executive Outcomes head Eeben Barlow, established a joint venture security consultancy company with Raymond Moi, the son of Kenya's president, in 1995. Moi and Barlow are apparently also linked through Ibis Air, which is partnered with Simba Air in Kenya, partly owned by Moi. Ibis Air has often provided air transport for Executive Outcomes and was generally considered to be part of the same network of companies. In Sierra Leone Reno notes also that Executive Outcomes plays a crucial role in the Sierra Leone regime's attempts to battle rebels, rein in wayward clients, control resources and satisfy creditors.<sup>30</sup> Consequently, the very idea of private security companies is to reinforce the dominance of some particular groups in Africa and protect the interests of foreign companies. In this regard the grievances and the genuine need of security of the masses are neglected and blurred by the negative peace or the war's effort sustained by these companies. In addition, the capitalistic orientation of these companies is a threat for Africa's security. View the insufficient material capabilities of the postcolonial state and the implication of Africa's insecurity for the Global War on Terror for instance, it seems that these private security companies will not stop their activities in Africa overnight.<sup>31</sup> Emphasizing the importance of the professional trajectory of the leaders of various insurgencies, Bøas argues that it often influences the motivations of the group particularly in its desire to capture the state.<sup>32</sup> When the leaders are external to the group's established political elite (as in the LRA's Joseph Kony) the insurgents are often less interested in capturing the central government. In contrast elites who have fallen from the grace of state power may be motivated to join armed struggles that are aimed at capturing the state. Besides, Reno (2002, 838-839) argues that organized interests and political networks of state collapse survive corruption and the

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<sup>29</sup> Jakkie Cilliers, "Private Security in War-torn African States," in *Peace, Profits or Plunder: The Privatization of Security in War-torn African Societies*, Ed. Jakkie Cilliers and Peggy Mason. (Pretoria: ISS, 1999), 3.

<sup>30</sup> Reno, "African Weak States and Commercial Alliances," 167.

<sup>31</sup> Padraig Carmody, "Transforming Globalization and Security: Africa and America Post-9/11," *Africa Today* 52 (2005): 97-120.

<sup>32</sup> Morten Bøas and Kevin C. Dunn, "African Guerilla: Raging Against the Machine," Ed. Morten Bøas and Kevin C. Dunn. (London: Lynne Rienner, 2007), 25.

destruction of state agencies to shape the character and aims of insurgencies. In the case of Nigeria he distinguishes two side of opposition. At times young rebels behave like social bandits struggling to overturn a deeply corrupt political order. Yet, many work for corrupt politicians and strongmen whom they criticize, sometimes clandestinely, but often in public. These opposition groups signal the emergence of social category associated with collapsing states and crises of patronage politics rather than broader notions of 'civil society' distinct from collapsing state. Though many see themselves as marginalized critics of corrupt rulers, they often end up serving elite interests. Rebellion on these terms does not represent a collective action found among social bandits and others usually associated with marginalized or excluded groups since its aim is not to destroy the existing social structure of society.

For Weinstein, the membership of an insurgent group determines the aims of this group at least the way this group uses violence, and this membership depends on the endowment leaders have at their disposal at the start of the rebellion.<sup>33</sup> He thinks that shared identities and social ties help to resolve the dilemma of collective action by providing for reciprocity like in the National Resistance Army in Uganda. Each ethnic group has its own way of speaking<sup>34</sup>; however the existence of different speech communities<sup>35</sup> limits the efficiency of the performance of the enunciator. Thus ethnicity resolves the dilemma of collective action within a particular group and increases the risk of emergence of divergent securitizing moves within the state. Ethnicity provides the same intersubjectivity among its members. I think that the more a country has ethnic group, the more there is the risk to have many intersubjectivities within the same country . The more there are different intersubjectivities, the more there is the risk of misunderstanding and conflict also. But there is not a causal relationship between ethnicity and intersubjectivity in the postcolonial state. I think that

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<sup>33</sup> Joshua I. Weinstein, "Inside a Rebellion: The Politics of Insurgent violence," *Classical Philology* (2009): 20-27.

<sup>34</sup> Pattern of talk distinctive of a particular group of people, and understood as symbolically meaningful within the broader spectrum of communicative behavior generally. See Fithch, "The Ethnography of Speaking : Sapir /Whorf , Hymes and Moerman," 57-63.

<sup>35</sup> Groups of people who share at least one valued way of speaking, and interpretive resources within which that way of speaking is located. See Fithch, "The Ethnography of Speaking: Sapir/Whorf, Hymes and Moerman," 57-63.



a context of security implies that there is a national interest which integrates the features of different intersubjectivities located in the same state. Such national interest is concerned about the co-habitation of forms and contents in the contemporary African societies, the way the indigenous communities have been relate to the state and the way the Weberian state has been transformed in a non pervasive way. Neither the absence of the certainty of national interest or national interest *per se* is the drivers of insurgents groups in Africa. The dispute around the distribution of national wealth among some particular groups is often the real causes of violent conflict, but the insecurity caused by these conflicts even filled of atrocity, is marginal. More important is the insecurity found under the condition of negative peace, through the self-esteem of the elites and the collective images of the masses about the state- society complex.

## CONCLUSION

Bakhit argues that ‘Security, claims Buzan, is like freedom or power an essentially contested concept. It entails an ideological aspect which cannot be verified or falsified by empiricism.<sup>36</sup> However this does not imply that an exchange views is possible.’ In this paper I redefined security and I assume that my definition could content an ideological aspect. However as I explained earlier, the content of the word ‘security’ change through time and space.

In the first part, my essay argues that security is absent within Africa, not only for the state, the ruling elite or the majority of excluded but for the whole state-society complex. Securitizing moves rather than providing security even for the groups which initiate it, create the condition of general insecurity in a relatively long term. Therefore it is not appropriate to label the short term stability or acquiescence provided by the securitizing moves ‘security’. In the second part of my paper I explore the ideas behind the different securitizing moves in Africa such as national army, private security companies or insurgencies. I realized that each of these entities defend some partisan interests. For some of these entities sustaining the dominance of particular groups and the state of negative peace is the aim. For others the ultimate aims are to replace the ruling elite and not to transform the systems but to benefit from it. Thus the insecurity led by violent conflict is everything but the quest of the certainty of national interest. If the

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<sup>36</sup> Bakhit, “Security is What People Make of it: The Africa Great Lakes and the Security Debate,” 21.

grievances of the insurgency groups are legitimate when we locate it in the broader context of the failure of the post colonial state, the issue of the representation of the majority of excluded by these groups is tricky, as it is clearly illustrated by Cox :

People have become depoliticized by awareness that politicians are incapable of dealing or unwilling to deal with the consequences of economic globalization as it affects their lives through decaying public services and unemployment, and by evidence of political corruption that flows from the high cost of election campaigns and the importance of political decisions for corporate interests. The postmodern political condition is one of the weakened and fragmented authority at the top and fragmentation of protest and resistance at the bottom.<sup>37</sup>

Despite this chaotic situation I do not think that security is so compromised in Africa. In my point of view what is compromised is the end of insecurity as illustrated by the violent conflicts. I think that insecurity in Africa is not the opposite of security; each of these concepts has its own logic. Therefore thinking about security in Africa as the opposite of insecurity is misleading and this confusion sustains in some extent the reproduction of insecurity. In fact there is a dialectical relationship between security and insecurity in Africa. The way we look at this relationship can produce illusions that Africa's security seem so compromised or less. Unfortunately, the diversity of this kind of interpretation acknowledges only that the existence of security in Africa is still trapped in the symbolic order, therefore the predictive power of any argument about its outcome in the real world is a pure speculation.

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<sup>37</sup>Robert Cox, "The Way Ahead: Toward a New Ontology of World Order," in *Critical Theory and World Politics* Ed. Wyn R. Jones (London: Lynne Rienner, 2001) 59.

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# ***WORLDS OF OUR MAKING***

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## **ABSTRACT**

*This article examines the ongoing epistemological and ontological debates between positivists and post-positivists in the field of International Relations. It contends these debates remain relevant and important to student of political science because of the fundamental role a scholar's methodology and epistemological foundations play in underpinning theory and ultimately serving as the criterion for judging between them. For academic, ones beliefs may affect the position they hold in the university structure, the funding they receive or are eligible for and the respect given to their work both in academia and public policy circles. Debates over epistemology, are really about political power and influence as it is allocated to various schools of thought in IR and while methodological cooperation in IR may be both beneficial and pragmatic epistemological differences are likely to remain a longstanding feature of the discipline.*

## INTRODUCTION

What defines knowledge and how do we evaluate that knowledge? This question reflects the basic epistemological debate about the nature of reality. In International Relations, (hereafter IR) different and overlapping epistemologies among scholars result in a debate over what knowledge is valuable in studying the discipline; which naturally influences what methods one chooses to use to analyze different variables and the evidence obtained. Epistemological assumptions affect more than just how we study; they determine what we study, how scholars of IR assess our studies and how our studies should be related together. In order to discuss the importance of epistemological debates between various schools of IR it is important to develop a clear definition of what this study means by ontologies, methodologies and epistemologies. For the purposes of this article, ontology is the study of what makes up the world; epistemology is the study of how we know that world, our individual conceptions of reality and truth. Methodology then is the study of which tools, qualitative or quantitative, multiple of single case studies, we use to analyze that reality.

This article will first outline the epistemological debate between positivists and post positivists and the reasons why the debate continues to be both heated and relevant to the field. It will then address the methodological divides between various theorists and explain why a combination of methodological approaches is the best way to enhance our knowledge of IR. It will contend that a unified and predictive parsimonious theory should be the ultimate goal of the discipline. However it appears at present that the epistemological debate between scholars is not resolvable and theorists must accept the fragmented nature of the field.

## THE THIRD GREAT DEBATE

For the last forty years, IR has been dominated by positivism. The so called great debates between idealism and realism, traditionalism and behaviouralism or between transnationalism and state-centralism have not involved debates over epistemology. The discipline during these debates has tended to accept implicitly a previously uncontested set of positivist assumptions about what the world is like and how it might be explained. The dominance of positivism has accounted for both the character and the content of past central debates in IR.

Debates over epistemology make up the so called Third Great Debate in IR between positivists and post-positivists. Positivists broadly hold that it is possible to know the world through experience and observation, the truth

can therefore be obtained through systematic empirical observation and a commitment to a unified view of the methodologies of the natural sciences to explain the social world. Positivist scholars broadly defined, include realists, behaviouralist, rational choice scholars and liberal institutionalists, among others. Positivists assert that “facts” are value neutral, and that the researcher can be both impartial and can avoid any imputation of him/herself into his/her research that might affect the outcomes of that research. Positivism expects to find regularities in the social world such that theories and laws are in play, just as is the case in the natural world and places a heavy reliance on validation and falsification as the sign of true social inquiry.<sup>1</sup> Mainstream IR theorists are all essentially positivists, because all agree that -- while analysts look at the world in ways that are partly subjective -- some basic features of the world can be shown more or less 'objectively' to be a certain way (although they do of course disagree on what the objective realities are).

In contrast post-positivists assert that societal phenomena are socially constructed, and only exist in the minds of actors and observers. Objective universal truth is impossible to achieve as criteria for judging the truth are relative to time, place and culture. These theories present a massive attack on what once passed for established knowledge and the theoretical foundations of traditional or mainstream theories. Post-Positivist such as, feminists, post-structuralists, post modernists and some critical theorists have argued that IR theories and approaches are products of authority and power not science or objective reality. As Robert Cox asserts “all theory is for someone and for some purpose”<sup>2</sup> key difference between the two positions is that while positivist theories such as neo-realism offer causal explanations, such as why and how powers is exercised, post-positivist theories focus instead on constitutive questions, for instance what is meant by “power”, how is it experienced and reproduced.

This is not to deny that there exists numerous and important differences between post-positivist scholars but they endeavor each in their own way, to challenge the hidden presuppositions, comments and metaphors which in the era of scientific rationalism have shaped the dominant images of “reality” the “self” and the nature of modern society. Post Positivists assert that in order to ever achieve a possible parsimonious

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<sup>1</sup> Steve Smith, “Positivism and Beyond,” in *Positivism and Beyond*, ed. Steve Smith, Ken Booth, and Marysia Zalewski’s (New York: Cambridge University Press, 1996): 16.

<sup>2</sup> Robert Cox. “Social forces, states and world orders: Beyond International Relations Theory,” in *Neorealism and its Critics* (New York: Columbia University Press, 1986), 128.



theory of IR it is necessary to first investigate and deconstruct states and the international system as normative constructs.

Important consequences follow from whether or not scholars choose to pursue a positivist epistemological basis for their respective theories or approaches to IR. Epistemological debates are important because of their role in underpinning theory and ultimately serving as the criterion for judging between them. Once established as common practice, theories become incredibly powerful since they delineate not only what can be known but also what it is sensible to talk about or suggest. Those who advocate polices outside the mainstream risk more than the unwise advocacy of incorrect theories: their entire moral or ethical stance may be ridiculed or deemed as dangerous because their theoretical underpinnings are deemed unrealistic. For the academic, ones beliefs may affect the position they hold in the university structure, the funding they receive or are eligible for and the respect given to their work both in academia and public policy circles. Debates over epistemology, are really about political power and influence as it is allocated to various schools of thought in IR.

A key component of methodological debates between various approaches and theories of IR is that they are defined by their epistemological foundations. The fundamental purpose of theory is to somehow understand, explain, and interpret reality. Theories are of value precisely because they structure all observations. The issue of methods brings into focus questions of broad philosophical concern how can we know the world? What constitutes an adequate explanation of social phenomenon? These questions and the debates surrounding them will be addressed in the next section of this article.

## METHODOLOGICAL COLLABORATION

The underlying debate over methodology in the field of IR is embodied by the division between qualitative and quantitative research methods undertaken by various scholars of IR. Qualitative methods, the traditional approach to social science research, originated in sociology and anthropology, it is particularly useful “where the goal of research is to explore people’s subjective experiences and the meanings they attach to those experiences.”<sup>3</sup> Putting such experiences and meanings in their proper social, chronological, historical and biographical contexts qualitative

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<sup>3</sup> Fiona Devine, “Qualitative Methods,” in *A Skin not a Jacket: Ontology and Epistemology in Political Science*, Ed. Gerry Stoker and David Marsh, (England: Palgrave Macmillan, 2002), 199.

approaches generally rely on in-depth descriptions which explain or illuminate the behaviour of subjects, the context of these attributes and the meanings ascribed to the action by the subject and by others.<sup>4</sup> Qualitative methods have contributed to the study of political behaviour by seeking to understand political actors as agents who act and are acted upon in the international relations marketplace.

In contrast quantitative analysis “rests on the observation and measurement of repeated incidences of political phenomena, such as voting for a political party, an allocation of resources by a government agency or citizen attitudes towards taxation and public spending.”<sup>5</sup> It “permits the researcher to draw inferences about reality based on the data at hand and the laws of probability.”<sup>6</sup> With its positivist epistemological underpinnings it strives for natural science-like rigor and certitude within the social sciences and humanities, and often involves the reduction of concepts, variables and/or situations into quantitative forms because of its desire for scientific measurement, increased rigor and consistency.<sup>7</sup>

Qualitative scholars contend that by confining themselves to what is logically or mathematically proven or verified according to strict procedures, the practitioners of the quantitative/positivist approach are denying themselves the only instruments available for studying the volatile and convoluted nature of IR. Many scholars contend that where practitioners of this approach have made valuable contributions to the field they have done so through the use of non mathematical judgment based theories. Questions also exist over the validity of empirical analysis, given the numerous unmanageable variables inherent to the proper understanding of IR, or any other social science field, are often resistant to controlled experiments. This problem is compounded by the fact that the

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<sup>4</sup> Gregory J. Moore, *Research Methods for International Relations Studies: Assembling an Effective Toolkit*. Presented at the 48th Annual International Studies Association Conference Chicago, Illinois, February 28 – March 3, (2007): 4.

<sup>5</sup> Peter John, “Quantitative Methods,” in *A Skin not a Jacket: Ontology and Epistemology in Political Science*, Ed. Gerry Stoker and David Marsh, (England: Macmillan, 2002), 218.

<sup>6</sup> Bear F. Braumoeller, and Anne E. Sartori, “The Promise and Perils of Statistics in International Relations,” in *Models, Numbers & Cases: Methods for Studying International Relations*, Ed. Detlef F. Sprinz and Yael Wolinsky-Nahmias, (Ann Arbor: University of Michigan Press, 2004), 129.

<sup>7</sup> Moore, Gregory J. *Research Methods for International Relations Studies: Assembling an Effective Toolkit*. Presented at the 48th Annual International Studies Association Conference Chicago, Illinois, February 28 – March 3, (2007): 5.

theories produced and the affairs that are theorized about are related not only as subject and object but also as cause and effect.<sup>8</sup>

The contention that society is socially constructed and no idea is value free creates a problem for the objectivity of the scientific positivist approach. Theories of IR reflect the social perceptions and values of the theorist, the selection of the variables to be studied in relation to a particular problem and the way these variables are treated are dictated by the scholars' present view of the world and their ideological persuasions. Post-positivists are thus skeptical of claims, by positivists to a universal truth or eventual parsimonious theory, which has been derived from a knowledge base that has historically excluded minority perceptions, such as the views of women.

There is also the problem of the over simplification of data for the purposes of statistical and empirical analysis by quantitative methodologists. Quantitative analysis easily makes usable variables of easily described political phenomena of a relatively tangible and static nature such as the size of a country's armed forces, the number of diplomatic missions within a state or its Gross National Product. Other variables are harder to operationalize such as the rate at which a dispute escalates or the influence strategies employed by the contending states.<sup>9</sup>

Statistical analysis and empirical frameworks cannot test all political theories; they cannot address issues of morality and legality which are not easily subject to numerically based evaluations. Empirical analysis is most frequently accomplished by coding various political events and institutions under study and compiling them in a dataset. Given that any understanding of political science is inherently normative, political coding is affected by perceptions of the coders and all research despite vigorous attempts at impartiality is, to a limited extent, subject to bias, even when coders are put through intensive screening and training procedures.<sup>10</sup>

Theories of IR then, reflect the social perceptions and values of the theorist, the selection of the variables to be studied in relation to a particular problem and the way the variables treated are dictated by the

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<sup>8</sup> Hedley Bull. "International Theory: The Case for a Classical Approach," in *Classics of International Relations*, Ed. John Vasquez, (New Jersey: Prentice Hall, 1996): 78.

<sup>9</sup> Russell Leung. "Quantitative International Politics and Their Critics," in *Evaluating Methodology in International Studies*, Ed. Frank Harvey and Michael Brecher (Ann Arbor: University of Michigan Press, 2000): 118.

<sup>10</sup> Stephen Krasner and Robert Jervis. "Symposium on Methodological Foundations of the Study of Conflict" *International Studies Quarterly* 33 (1989): 78.

scientist's present view of the world and ideological persuasions. Since our perceptions of IR are inherently subjective, it is especially important that scholars be precise in their definitions of international phenomena such as conflict, security and power.<sup>11</sup> Therefore propositions within the field of IR must be derived from a scientifically imperfect process of perception or intuition.<sup>12</sup> The study of IR should attempt to be scientific in the sense of being a coherent, precise and orderly body of knowledge.

Adherents of quantitative methods like Michael Nicholson counter many of these criticisms by contending that the whole purpose of a theory is to simplify reality in order to be able to provide a basic predictive framework for state or non-state actors and their interactions. In this respect, generalizing complex phenomena is an essential part of advancing the predicative and explanatory framework of IR. The simplification of complex data for quantitative studies has proven highly valuable, Statistical analysis has been of particular utility, providing unparalleled insights into the nature of human behaviour through use in various rational choice theories, including game theory, prisoner's dilemma, chicken and bargaining theory as well as approaches to formal modeling. Quantitative researchers argue statistical analysis has made great contributions in other fields such as economics, where similar simplification of data for theoretical development has been generally accepted and has contributed to developing relevant and scientifically valid theories as well as reinforcing the scientific legitimacy of qualitative theories by proving the significance and validity of results and hypotheses.<sup>13</sup>

Accepting the post-positivist claim that research can never be entirely free from preconceptions, it is still possible to conduct rigorous analysis well recognizing that no work will ever be fully free from bias. As Max Weber argued, "The first presupposition of science is that the scientific method itself is valid."<sup>14</sup> Post-positivists are right to criticize the conceptual view of mainstream IR theory as normatively biased and based on misleading dichotomous categories such as masculine conceptions of power

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<sup>11</sup> Krasner and Jervis. "Symposium on Methodological Foundations of the Study of Conflict," 77.

<sup>12</sup> Bull. "International Theory: The Case for a Classical Approach," 76.

<sup>13</sup> Michael Nicholson, *Rationality and the Analysis of International Conflict* (Cambridge: Cambridge University Press, 1992). 119-120.

<sup>14</sup> Weber. "Science as a Vocation," 143.

and security.<sup>15</sup> However, a sophisticated view of science could overcome the objectivist-subjectivist dichotomy articulated by post positivists and force IR scholars to make interrelated choices about purposes, subject matter, and methods.

While not all questions regarding IR can be answered completely by empirical analysis, it can contribute by providing evidence and scientific legitimacy for pre-existing theories. Issues of descriptive validity and reliability continue to be a problem in classical historical research and a major advantage of the scientific approach is its methodological explicitness and reliability. The capacity of empirical analysis to generate, reliable, replicable scientific data on the behaviour of states and non-state actors has done a great deal to further the claims of both realists and liberal institutionalist scholars.

Quantitative methods are as trivial or as important as the things we choose to count, the faults in quantitative political analysis usually lie not with the statistical and computing methods but with the data, the structure of the postulated causal models and ultimately with the analysts. While it is true that quantitative analysis can be unduly affected by data availability and that some aspects of empirical research are not applicable to normative, ethical or legal issues, it can still provide valuable scholarly results.

This article therefore contends that an end to the Cold War between classical qualitative theories and their quantitative opponents is essential for the advancement of the field. Both methodological approaches have and will continue to contribute to the analysis of IR and should be equally valued for their respective strengths by the scholarly community. The method, approach or theory scholars employ should be matched to the research question being tackled. There is no perfect methodology, both have merit and it is necessary for scholars of IR to both recognize and respect this in order to move beyond debates over methods and analysis to debates focused on substance and content.

Many theories and approaches to IR have effectively combined both qualitative and quantitative approaches; structural realism has upon occasion, combined both methods effectively, as the work of Kenneth Waltz and John Mearsheimer illustrates.<sup>16</sup> Neo-classical Realism, while embracing the basics of Waltzian Realism, posit that systemic variables alone cannot

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<sup>15</sup> Robert Keohane, "International Relations Theory: Contributions of a Feminist Standpoint," *Millennium* 18 (1989): 271.

<sup>16</sup> See for example: Waltz. *Theory of International Politics* and Mearsheimer. *The Tragedy of Great Power Politics*.

explain state/system behaviour, but that intervening variables at the unit/state level must be examined to understand trends in IR, hence a nuanced renewal and/or fusion of classical and structural Realism, with an ambitious research agenda.<sup>17</sup> Combining numerous different approaches to the study of IR with historical approaches tends to work well with institutional, game theory and feminist approaches by enhancing the explanations or understandings arrived at through specific research questions. Methodological cooperation is both possible and essential to further advance the study of IR however the second part of this article will demonstrate that epistemological harmony while desirable is not yet obtainable.

### EPISTEMOLOGICAL DIVERGENCE

Just because social science cannot attain any perfectly reliable knowledge, post-positivists would contend that it is justified for theorists to obliterate the validity of reality and that the existence of multiple incommensurable epistemologies, each equally valid is the ultimate outcome of IR theory. This claim is invalid as agreement on epistemology constitutes a valuable scientific asset that with the aid of valid evidence whether qualitative or quantitative, can allow various perspectives to come to an agreement and ideally the development of a parsimonious theory of IR. The major aim of science, even social science is to provide scholars with a common set of epistemological tools in a discipline for ascertaining the nature of reality and therefore testing the accuracy of their theories. This is not to assert that any knowledge is perfectly objective, the very difficulty in achieving social scientific knowledge is an argument for cherishing rather than discarding it, an aspiration for a more unified epistemology. IR theorist will only understand each other if scholars are open to the important questions that post-positivists approaches raise, and if the various post-positivists schools are willing to formulate their hypotheses in ways that are testable—and falsifiable—with evidence.<sup>18</sup>

Yet whose evidence would be used? What criteria would be used to evaluate it? To theorists trained in conventional scientific methodologies, feminist and critical approaches to the study of IR, appears to be, “Atheoretical—merely criticism, devoid of potential for fruitful empirical

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<sup>17</sup> Moore, *Research Methods for International Relations Studies: Assembling an Effective Toolkit*, 16.

<sup>18</sup> Robert Keohane. “Beyond Dichotomy: Conversations between International Relations and Feminist Theory,” *International Studies Quarterly* 42 (1998): 197-198.

research.”<sup>19</sup> With a preference for hermeneutic, historically based, humanistic and philosophical traditions of knowledge accumulation, rather than those based on the natural sciences, post-positivist theorists are often skeptical of empiricist methodologies that claim neutrality of facts. This approach to theorizing is characterized above all by an explicit reliance upon the exercise of judgment and by the assumptions that if we confine ourselves as a discipline, to strict standards of verification and proof there will be very little of significance that can be said about IR.

Given the different epistemological foundations and methodological approaches of the two groups, a positivist evaluation would probably be dominant. Post-positivists contend that by making their research more falsifiable or more in line with the positivist approaches of the mainstream they would lose their ability to be independent and critical observers of the discipline. They would in essence run the risk of being co-opted by mainstream discourse.

The result of this lack of communication and cooperation between positivist and post-positivist epistemologies is multiple worlds of IR. Feminist scholars such as L. H. M. Ling would contend that state-centric interpretations of the international system are just *one representation* of the world that tends to be self-perpetuating.<sup>20</sup> Within IR theories there is a circularity of thought and action, the longevity of realism, it is asserted, is due to its belief in and commitment to the world it envisions. “Since realists believe that the world is nasty, brutish, lonely, poor, and short they behave accordingly, thereby ensuring that the world is indeed so, which in turn affirms their belief that the world is nasty, brutish, lonely, poor and short.”<sup>21</sup> For this perspective the universalism of realism purportedly sees is more accurately “particular” and “andocentric” reflecting the experiences, practices, norms, and institutions of a particularly small segment of the world’s population: propertied, white males.<sup>22</sup>

To communicate across these multiple worlds and various epistemological frameworks, post-positivists advocate the idea of strong objectivity, which serves as an additive approach to multicultural knowledge. By hearing from more voices, especially those that have been

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<sup>19</sup> Tickner. *Millennium*, 250-253.

<sup>20</sup> L.H.M Ling. “The Fish and the Turtle: Multiple Worlds as Method,” in *Critical Perspectives in International Studies*, Ed. Frank Harvey and Michael Brecher (Ann Arbor: University of Michigan Press, 2000), 145.

<sup>21</sup> *Ibid.* 144

<sup>22</sup> *Ibid.* 143

marginalized, we may “know” more. This communication blurs distinctions between the dichotomous relations by mixing subjectivities, and creates a “hybrid subjectivity” that compels recognition of a minority. From this perspective, the recognition that the international system is inherently normative and functions on norm-oriented dichotomies and masculine conceptions of power and security is an important part of the progression of international theory. This leads to the assertion that positivist scholars must recognize that the mainstream field of IR is normatively biased, given this fact, scholars must first deconstruct the normative biases and assumptions of the mainstream before any real progress on IR theory can be achieved.

According to post positivists the emphasis on empiricism to which most or all positivists are committed -- in other words, a preoccupation with what can be directly observed and therefore tested and measured -- narrows the field of IR considerably, since a restrictive theory of knowledge inevitably prevents us from studying many (possibly very significant) phenomena which cannot be observed in direct ways.<sup>23</sup> In defence of the mainstream it can be contended that this focus on the normative nature of the international system is in itself an inherently myopic and biased perspective. Since all theories by their inherent nature are generalizations and simplifications of reality, a normative framework like the feminist focus on gender as the explanatory variable is in and of itself inherently exclusive of other views and interpretations. The whole purpose of generating theories is to be able to provide an explanatory and predictive capacity to international studies. This assertion leads many positivist scholars to contend that post-positivists approaches are essentially just descriptive analysis with limited explanatory power and ability to offer policy suggestions and analysis.

Given this diversity and ongoing debate both between various schools of international theory and within them the possibility of creating an overarching homogenous theory for the discipline appears very grim. Steve Smith has argued that this may not be an inherently negative outcome as the study of IR may still be advanced through inter-subject debate. He contends that resolving epistemological debates between Positivist and Post-Positivist schools may not be possible or even desirable. Resolving the question requires giving an answer but what if there is no one answer? What if the answers are ultimately dependent on which “facts” one selects and what one sees as the main points of contention within the debate? The belief that a parsimonious theory of IR is possible and necessary is itself an

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<sup>23</sup> Smith, “Positivism and Beyond,” 18.



example of just how deeply ingrained are the assumptions of the positivistic social science in the American academic community.<sup>24</sup>

From this perspective IR is unavoidably normative both in the narrow sense of choosing to study one subject over another and more broadly it is overwhelmingly focused on explaining the world. The possibility exists that attempts to achieve consensus in the field will result in more divisions. The way forward may be an expansive accumulation of IR theory rather than a selective accumulation. Given the ongoing nature of the epistemological debate the discipline of international theory should foster a pluralistic focus and evaluate scholarly work based on its own perspectives within rather than between various schools of thought.

## CONCLUSION

This article has contended that while methodological divides exist between various theorists a combination of qualitative and quantitative methodological approaches is the best way to enhance our knowledge of IR. Both methodological approaches have and will continue to contribute to the analysis of IR and should be equally valued for their respective strengths by the scholarly community. The method, approach or theory scholars employ should be matched to the research question being engaged. There is no perfect methodology, both have merit and it is important that this is both recognized and respected for the advancement of the field.

This article has also asserted that a predictive and parsimonious theory should be the ultimate goal of IR as agreement on epistemology constitutes a valuable scientific asset and would foster cooperation and progress in the discipline. The major aim of science is to provide scholars with a common set of epistemological tools in a discipline for ascertaining the nature of reality and therefore testing the accuracy of their theories. This is not to assert that any knowledge is perfectly objective rather the very difficulty in achieving social scientific knowledge is an argument for cherishing rather than discarding it.

Like all ideal outcomes this one is hard to achieve as it is beset not only by academic debate but also power politics. As previously mentioned important consequences follow from whether or not scholars choose to pursue a positivist or post positivist epistemological basis for their

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<sup>24</sup> Steve Smith. "An Alternative and Critical Perspectives," in *Critical Perspectives in International Studies*, Ed. Frank Harvey and Michael Brecher (Ann Arbor: University of Michigan Press, 2000), 30.

respective theories or approaches to IR. Epistemological debates are important because of their role in underpinning theory and ultimately serving as the criterion for judging between them. For academic, ones beliefs may affect the position they hold in the university structure, the funding they receive or are eligible for and the respect given to their work both in academia and public policy circles. Debates over epistemology, are really about political power and influence as it is allocated to various schools of thought in IR.

Cooperation and compromise while desirable are not possible as giving up the epistemological foundations of their particular theory or approach undermines the cornerstone of various schools academic work. Post Positivists assert that in order to ever achieve a possible parsimonious theory of IR it is necessary to first investigate and deconstruct states and the international system as normative constructs but realists and liberal institutionalism scholars are not going to allow post positivists to deconstruct the very foundations upon which they have based the entirety of their academic legacies. Similarly post-positivist scholars are unwilling to formulate their hypotheses in ways that are testable and falsifiable with positivist conceptions of evidence for fears of being co-opted by the mainstream. This presents an ongoing challenge for if neither side will compromise peace is not obtainable but ignoring the enemy is also not an option as the challenges they raise strike at the very heart of positivist theories. This article therefore concludes that while methodological cooperation in IR may be both beneficial and pragmatic epistemological differences are likely to remain a longstanding feature of the discipline.

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# ***UNPACKING FOOD SECURITY:***

IS THERE SHELF SPACE FOR FOOD IN SECURITY STUDIES?

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## ABSTRACT

*The term "food security" implies that a facet of 'food' is being securitized. However, the concept of securitization is most closely associated with Ole Waever of the Copenhagen School of International Relations which states that for an object to be securitized, there must be three components present: a securitizing actor, a referent object (a threatened, valued object), and an audience that needs to be persuaded of the urgent need to securitize the referent object. This study examines the presence of those three components during the history of the food security movement (1975-2010). While all three components are present, the majority of the threats are large-scale, ongoing processes, and macro in nature (poverty, trade practices, farming practices, and climate change) and present challenges in identifying an appropriate securitizing actor and convincing an audience of its urgency. However, by utilizing food insecurity as threats to the more accessible referent objects such as the state (state security) and the human being (human security), food presents a more urgent and tangible case for securitization. Additionally, this allows easier access to a more captive audience and the securitizational actors associated with these approaches.*

## INTRODUCTION

Through the efforts of popular authors such as Michael Pollan (*The Omnivore's Dilemma*, 2006) and the campaigns by organizations such as the UN Food and Agriculture Agency (FAO), the term food security has entered mainstream dialogue. The term is being widely used from pushes for more sustainable agricultural practices to arguments against growing corn for ethanol fuel, and confusion has emerged regarding the basis of the food security concept. What precisely is being securitized? And more specifically, is it *even possible* to securitize a concept such as food?

The term "securitization" in itself is most closely associated with Ole Wæver, an adherer to the Copenhagen school of International Relations, who coined the phrase in 1995. In *Security: A New Framework for Analysis* (1998), Buzan, Wæver and de Wilde state that for an object to be securitized, there must be three components present: a securitizing actor, a referent object (a *threatened, valued* object), and an audience that needs to be persuaded of the *urgent* need to securitize the referent object.<sup>1</sup>

This paper will use the Buzan-Wæver-de Wilde framework to see if food security is, in fact, a securitization concept, and should it not be, it will be examined in what manner (if any) it is possible for food to enter the security dialogue.

## WHAT ARE THE REFERENTS FOR FOOD SECURITY? WHAT IS BEING SCRUTINIZED?

The referent object for food security has evolved since the term was originally coined in 1975. The concept of food as a protected right first entered international discussion in 1948. However, since the UN World Food Conference's 1975 institutionalization of food security, the referent has moved from simply food towards livelihood in general, and from an issue of collective right to one of the rights of the individual.

### "THE RIGHT TO FOOD"

The right to food was included in the Universal Declaration of Human Rights, (1948): "Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food...."<sup>2</sup> In

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<sup>1</sup> Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998), p. 25

<sup>2</sup> Isabella Rae, Julian Thomas and Margaret Vider, "The Right to Food as a Fundamental Human Right: FAO's Experience," in *Food Insecurity, Vulnerability and Human Rights Failure*, ed. Basudeb Guha-Khasnobis et al. (New York: Palgrave Macmillan, 2007), 266.

1966, the International Covenant on Economic, Social and Cultural Rights (ICESCR) was ratified by 156 states, which further advanced the notion that the 'right to food' was a binding value for state parties. Under the Covenant, each state had the responsibility to "respect, protect and fulfill" all of the listed rights,<sup>3</sup> including 'the ability to get food'.

Simultaneous to the creation of the UDHR the UN created the Food and Agriculture Organization (FAO).<sup>4</sup> Its mandate became (among others) to secure "improvements in the efficiency of the production and distribution of all food and agricultural products" and "[ensure] humanity's freedom from hunger".<sup>5</sup>

During this early stage of the Right to Food movement, the referent of securitization was still unclear, with "standards of living," "freedom from hunger" and "food supply" all being used as referents by the different organizations and institutions. It was not until the concept of Food Security emerged at the World Food Summit in 1975 that clearer, more consistent referents started to emerge.

### THREE PARADIGM SHIFTS IN FOOD SECURITY: CHANGING REFERENTS

Before food security or 'the right to food' became an area of focus for policy makers and political thinkers, Thomas Malthus arguably produced the first literature on food insecurity.<sup>6</sup> In an 1798 essay he argued that the human population was growing geometrically while food supply (due to its unsustainable nature, current thinkers infer) is growing arithmetically. This school of thought which identifies the *production* of food as the key variable to hunger prevailed to the mid-to-late twentieth century.

The World Food Conference in 1975 defined food security as the "availability at all times of adequate world supplies of basic food-stuffs ... to sustain a steady expansion of food consumption ... and to offset fluctuations in production and prices".<sup>7</sup> However, the referent was still 'supply' and it became clear to observers that hunger was still widespread despite an

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 272.

<sup>5</sup> Ibid., 273.

<sup>6</sup> Dennis J. Greenland, "World Food Security: Perspectives Past, Present," in *Climate Change and Global Food Security*, ed. R. Hal et al. (London: Taylor & Francis, 2005), 24.

<sup>7</sup> Simon Maxwell, "The Evolution of Thinking about Food Security," in *Food Security in Sub-Saharan Africa*, ed. Stephen Devereux and Simon Maxwell (London: University of Natal Press, 2001), 14.



adequate food supply at both the international and most national levels.<sup>8</sup> Simon Maxwell, the Head of the Food Security Unit at the University of Sussex, describes three paradigm shifts which have occurred following since the 1975 introduction of the food security term (2001).<sup>9</sup>

*FROM THE GLOBAL AND NATIONAL TO THE HOUSEHOLD AND THE INDIVIDUAL*

Since inadequate food supply was clearly not the main reason for global hunger, food security organizations moved towards the concept of 'access to food'.<sup>10</sup> The focus moved from producers to the individual and the household. Divisions still remain regarding whether the primary unit of analysis of food security should be the individual or the household. The tendency has become to view access to food by individuals within a household directly linked to how much power individuals can command within the household.<sup>11</sup> And because of this logic, the majority of current definitions take into account 'individual entitlement' through "recognizing the complex inter-linkages between the individual, the household, the community, the nation and the international economy".<sup>12</sup> The most heavily cited definition of Food Security is from 1986, by the World Bank: "Food Security is access by all people at all times to enough food for an active, healthy life".<sup>13</sup> The unit of analysis here is placed on the individual and their access, with the goal being not just survival, but participation within their community.

*FROM A FOOD FIRST PERSPECTIVE TO A LIVELIHOOD PERSPECTIVE*

The next significant shift was a movement away from simple access to food to a livelihood perspective, specifically a long-term livelihood perspective. This shift emerged partially from observations of the 1984-85 famine in Darfur where people were willing to go hungry to preserve assets

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<sup>8</sup> Ibid., 16.

<sup>9</sup> To see a list of the changing definitions, as provided by Simon Maxwell, please refer to Table 1 in the APPENDIX. I attempted to find other authors who examined the Political Thought behind Food Security. Simon Maxwell is however the lead author and his articles the most heavily cited by other writers on Food Security.

<sup>10</sup> Ibid., 17.

<sup>11</sup> Household food security: Concepts, indicators, and measurements. A technical review by S. Maxwell and T. Frankenberger [cited 11/28/2009 2009]. Available from <http://www.ifad.org/gender/tools/hfs/hfspub/> (accessed 11/28/2009).

<sup>12</sup> Maxwell, "The Evolution of Thinking about Food Security," 17.

<sup>13</sup> Ibid., 17.

and livelihoods, such as preserving their animals rather than slaughtering and eating them.<sup>14</sup> In 1996, Maxwell described this paradigm shift as the start of the “post-modern” approach to food security: rather than being a simple uniform definition it was complex and multifaceted; rather than focusing on the macro-level of analysis it focused on the micro; it was taking an overall holistic approach to the role of food in people’s general livelihood.<sup>15</sup> Instead of focusing simply on access, food security now looked at the ability of individuals and households to be able to *maintain their livelihoods* in the face of a “food shock,” or crisis.<sup>16</sup>

#### *FROM OBJECTIVE INDICATORS TO SUBJECTIVE PERCEPTION*

As the post-modern trend continues, Maxwell argues, ‘objectives’ are questioned.<sup>17</sup> Target consumption and a broad definition of nutritional adequacy are problematic, since these estimates, to be accurate, have to take in consideration the requirements for age and activity patterns of individuals.<sup>18</sup> Optimal and desirable food intakes vary from individual to individual, and are nearly impossible to universally determine. Secondly, qualitative aspects are being overlooked, such as “consistency with local food habits, cultural acceptability and human dignity, even autonomy and self-determination”.<sup>19</sup> In 1988, the concept started to emerge that people are only food secure when they have the access to the “food they want”.<sup>20</sup>

#### THE 1996 WORLD FOOD SUMMIT DEFINITION OF FOOD SECURITY: WHAT ARE ITS REFERENTS?

The World Food Summit of 1996 defined food security as existing “when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life”.<sup>21</sup> The WFS also acknowledged that “commonly, the concept of food security is defined as including both physical and economic access to food that meets people’s dietary needs as

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<sup>14</sup> Ibid., 18.

<sup>15</sup> Simon Maxwell, “Food Security: A Post Modern Perspective,” *Food Policy* 21, no. 2 (1996), 161.

<sup>16</sup> Ibid., 160.

<sup>17</sup> Ibid.

<sup>18</sup> Maxwell, “The Evolution of Thinking about Food Security,” 20.

<sup>19</sup> Ibid., 21.

<sup>20</sup> Ibid.

<sup>21</sup> WHO | food security b [cited 11/28/2009 2009]. Available from <http://www.who.int/trade/glossary/story028/en/> (accessed 11/28/2009).

well as their food preferences”.<sup>22</sup> Using this definition, the referent object could be seen as “access” specifically “to sufficient, safe, nutritious food to maintain a healthy and active life ... which meets their dietary needs, etc.” Access is therefore the concept which securitization policies must try to protect.<sup>23</sup>

## WHAT ARE THE VALUES ASSOCIATED WITH THE FOOD SECURITY REFERENTS?

Since the referent object has been identified, the next step is to see what value it has, and to whom. According to Professors William B. Lacy, Laura R. Lacy and David O. Hansen of the University of California and Ohio State University, “food security is a necessary, although not sufficient, condition for the well-being of society” (2003).<sup>24</sup> Methodologically, this means that food security is always present in societies with well-being, but food-security alone will not sufficiently lead to the well-being of society. As the authors point out, ancient civilizations often rose and fell depending on their ability to obtain a steady source of food.<sup>25</sup> While this indicates that food security is probably of instrumental value, the literature on food security is filled with more specific value-based arguments regarding food-security.

## HUNGER AND MALNUTRITION

Insufficient consumption of food can lead to severe complications, including protein-energy malnutrition, iron-deficiency anemia, blindness resulting from vitamin A deficiency, and iodine deficiency disorders and goiter.<sup>26</sup> In addition, Barbara Huddleston, the former Chief of the Good Security and Information Service of the UN FAO stated (1987):

A lack of calories exhibits itself in below normal weight for height and height for age in growing children and, when severe, in marasmus<sup>27</sup>; when the

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<sup>22</sup> Ibid.

<sup>23</sup> This is still assuming that food security is, in fact, an issue that is being securitized.

<sup>24</sup> William B. Lacy, Laura R. Lacy and David O. Hansen, “Global Food Security, Environmental Sustainability and Poverty Alleviation: Complementary or Contradictory Goals?,” in *Food Security and Environmental Quality in the Developing World*, ed. Rattan Hal, et al. (New York: Lewis Publishers, 2003), 320.

<sup>25</sup> Ibid.

<sup>26</sup> Robert S McNamara, “Food Security: Problems and Solutions,” in *Food Security: New Solutions for the Twenty-first Century*, ed. Amani E. El Obeid, et al. (Iowa: Iowa State University Press, 1999), 6.

<sup>27</sup> Extreme emaciation, where a child has 80% less the body mass than they should at that age.

insufficiency is prolonged, activity levels are reduced, body wastage occurs, susceptibility to infectious disease increases, and eventually death occurs.<sup>28</sup>

In addition to insufficient food, a diversified diet is also important; a monotonous diet can lead to enough calories and protein being consumed, but lead to an inadequacy of vitamins and minerals.<sup>29</sup> This type of malnutrition is sometimes referred to as a “hidden hunger” and may also lead to severe health complications, and even death.<sup>30</sup>

From the perspective of avoiding malnutrition, “access to food” is an instrumental good, since it clearly provides a necessary “good” for the well-being of individuals.

### HUMAN CAPITAL

In 1987, political economist Philip Payne provides an instrumental economic argument in the form of production capacity:

Perhaps the most important link between economic and nutritional theory... is that the conventional model of malnutrition implies that any individual who exists below his or her optimum state of nutritional health can be regarded as having incurred a cost in terms of some loss of functional capacity. The theory therefore seems to offer the basis for quantifying the cost of malnutrition in populations in terms of the human capital forgone (either current or, in the case of children, discounted future capital).<sup>31</sup>

In essence it is an economist's call for redistributive strategies, with the incentive being a greater production capacity. From this perspective, the value of food is still instrumental because it allows the eater of food to produce necessary material goods. In a similar vein, access to food is also instrumental to economic producers, since it ensures that they will get maximum production from their workers, also an instrumental good.

### SOCIAL, CULTURAL

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<sup>28</sup> Barbara Huddlestone, “Approaches to Quantifying the World Food Program,” in *Poverty, Development and Food*, ed. Edward Clay and John Shaw (London: Macmillan Press, 1987), 11.

<sup>29</sup> Patrick Webb and Andrew Thorne-Lynn, “Entitlement Failure from a Food Quality Perspective: The Life and Death Role of Vitamins and Minerals in Humanitarian Crises,” in *Food Insecurity, Vulnerability and Human Rights Failure*, ed. Basudeb Guha-Khasnobis, Shadb S. Acharya and Benjamin Davis (London: Macmillan Press, 2007), 344.

<sup>30</sup> Ibid.

<sup>31</sup> Philip Payne, “Malnutrition and Human Capital”, in *Poverty, Development and Food*, ed. Edward Clay and John Shaw (London: Macmillan Press, 1987), 37.

Third World journalist and food security lobbyist John Madeley, touched upon another facet of food security: cultural, psychological and social (2000):

Food is a feeling; it's in the imagination; it binds people. Food is a reference which everyone can recognize and share. Lack of food is the ultimate exclusion. When people don't have food they are excluded from what the rest of society is doing regularly – eating.<sup>32</sup>

Food is clearly of cultural importance, hence why culture has made its way into the definition of food security. A number of thinkers in the twentieth century, including Levi-Strauss, Roland Douglas and Mary Barthes also concluded that food is significant to the communication, maintenance and interaction within a culture.<sup>33</sup> However, the value of culture itself is highly contentious, but shall not be debated here. Some thinkers might argue culture is instrumental to the ongoing well-being of humans, while others will argue that culture is of intrinsic value. However, it is undeniable that it holds some degree of value to human individuals.

#### A VALUE TO WHOM ONLY? ANTHROPOCENTRISM AND FOOD SECURITY'S VALUE

Alexander K. Lautensach, a professor at the University of Northern British Columbia, published an article entitled *The Ethical Basis for Sustainable Human Security: A Place for Anthropocentrism?* which examines the anthropocentric nature of human security, as well as food security. He warns of the dangers of examining sustainable living as merely a form of the human species flourishing:

The language of resource management, while not necessarily a sole hallmark of the narrow form of anthropocentrism, relies entirely on the human-nature dualism and on the concept of human dominion over nature in the descriptive as well as prescriptive senses....At the basis of this behavior lies an apparent disregard for all nonhumans as well as for future humans, which contrasts with the self-proclaimed anthropocentric ideal of human flourishing.<sup>34</sup>

One cannot discuss the values of “access” to food, without acknowledging the anthropocentric nature of this notion: humans are

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<sup>32</sup> John Madeley, *Hungry For Trade* (Halifax: Fernwood Publishing Limited, 2000), 25.

<sup>33</sup> Pat Caplan, “Approaches to the study of health, food, identity,” in *Food Health and Identity*, ed. Pat Caplan (London: Routledge, 2000), 12.

<sup>34</sup> Alexander K. Lautensach, “The Ethical Basis for Sustainable Human Security: A Place for Anthropocentrism,” *Bioethical Inquiry* 6, no. 4 (2007), 439-441.

central to it, and ultimately it is designed only for the benefit of the human species.

Access to sufficient, safe, nutritious food to maintain a healthy and active life ... which meets their dietary needs (etc.) has significant value to human beings in both instrumental and intrinsic fashions. Since it holds significant value it is in need of some protection from anything which might hinder its abilities to deliver on these values.

## THREATS TO FOOD SECURITY AND POTENTIAL SOLUTIONS

To need securitization, a referent object must first be proven to be threatened. Since the referent of food security is dynamic, its threats too are dynamic. Listed below are the most common themes which consistently emerge in the literature.

There is a disagreement in regards to who is primarily responsible for providing these solutions with thinkers such as J. Rae, J. Tomas and M. Vidar stating it is a state's obligations to help its citizens gain their "right to food" (2007)<sup>35</sup> whereas some individuals such as Robert McNamara believe that "food security is a societal responsibility" (1999).<sup>36</sup> Since the threats are dynamic, so are the solutions. The solutions presented below are not representative of the field, but rather a small example of the main direction of thought. All of the threats were referred to by the 1996 World Food Summit.

## POVERTY

Lisa C. Smith et al. published a study which charted food availability at the national level alongside levels of poverty among individuals (1999). Their findings were that "the numbers suggest that for most countries with high food and nutrition insecurity and for most people who are food and nutrition insecure, the underlying cause is likely to be poverty rather than national food availability".<sup>37</sup> They demonstrate this by showing that there are 72 million malnourished children living in high degree of poverty in countries considered to have a "dietary energy surplus" in comparison to 48 million children which are in a low degree of poverty and also in a dietary

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<sup>35</sup> J. Rae, J. Thomas, and M. Vidar, *The Right to Food as a Fundamental Human Right*, 271.

<sup>36</sup> McNamara, *Food Security: Solutions and Problems*, 4.

<sup>37</sup> Lisa C Smith et al., "The Geography and Causes of Food Insecurity in Developing Countries," in *Food Security: New Solutions for the Twenty-first Century*, ed. Amani E. El Obeid (Iowa: Iowa State University Press, 1999), 87.

energy surplus.<sup>38</sup> Nobel-prize winning economist Amartya Sen echoed this sentiment in his Nobel Lecture (2007) stating that “the causation of famines is often best seen in terms of a radical decline in the real incomes of a section of the population”.<sup>39</sup> Madelay simply describes it as, “people ... go hungry in villages even when their local markets are brimming with food.... This means that few have the chance to earn a wage and an income to enable them to buy the food they need”.<sup>40</sup> Poverty is therefore one of the main threats to the referent object of food security.

However, how does one securitize against poverty which is widespread and ongoing? Political Scientist Ashok Roth in an article entitled *Reconciling Food Security and Environment Quality through strategic interventions for Poverty Reduction* (2003) provides some ideas. He mentions World Bank strategies in India to manage poverty in rural areas: “investments in rural infrastructure (irrigation, rural roads and markets, drinking water supply and sanitation), natural resource management and agricultural support services (technology generation and dissemination)....”<sup>41</sup> Additionally, the author advocates promoting agricultural sustainable development, an improvement in technology, as well as the creation of non-farm employment through greater involvement in the private-sector.<sup>42</sup> Robert MacNamara suggests including the poor more in development programs and to offer more consistent access to health and social programs, which can decrease the effect that poverty has on health, and malnutrition.<sup>43</sup> At the 1996 World Summit, the members of the FAO pledged a commitment to:

... ensure an enabling political, social, and economic environment designed to create the best conditions for the eradication of poverty ... which is most conducive for achieving sustainable food security for all.

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<sup>38</sup> Ibid., 86.

<sup>39</sup> A. Sen as quoted in, Webb, Patrick and Andrew Thorne-Lynn, “Entitlement Failure from a Food Quality Perspective,” 344.

<sup>40</sup> Mandelely, *Hungry for Trade*, 29.

<sup>41</sup> Ashok Roth, “Reconciling Food Security and Environment Quality through strategic interventions for Poverty Reduction,” in *Food Security and Environmental Quality in the Developing World*, ed. Rattan Hal et. al (London: Lewis Publishers, 2003), 231.

<sup>42</sup> Ibid., 232.

<sup>43</sup> MacNamara, *Food Security: Problems and Solutions*, 6.

... we will implement policies aimed at eradication poverty and inequality and improving physical and economic access by all, at all times, to sufficient, nutritionally adequate and safe food....<sup>44</sup>

They offer several *long-term* solutions such as gender empowerment, the promotion of human rights and equal access to work opportunities; however it is evident that poverty is an issue of development, and thus contributes to the ongoing debate whether food security is in fact a “security” concern, or a long-term process.

## TRADE

In a 1984 publication for the World Bank entitled *International Finance for Food Security*, Barbara Hudleston et al. listed “increased variability of international grain prices, fluctuations in domestic food production, variability in food import bills, and foreign exchange” as the “sources of food insecurity”.<sup>45</sup> While this seems like a return to the dated food availability argument, their point still stands – “national food policies in developing countries are increasingly influenced by global events and international policies beyond the control of individual governments”.<sup>46</sup> While poverty might be the leading threat to access to food supply, limited national food supply *does* also contribute to food insecurity, as was also proven by the previously mentioned study by Lisa C. Smith et al.

Madelay takes a more cynical approach, warning that often “trade is given a higher priority than food”.<sup>47</sup> He criticizes the WTO and the World Bank for not coming up with policies to protect third world farmers and punishing producers which harm local food production.<sup>48</sup> One example of this is food dumping, the practice of selling food items less than the cost of production to the third world due to overproduction, generally by the first world.<sup>49</sup> This has a limited value to consumers and it undercuts the prices of local farmers and forces them out of business. When the cheap goods run

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<sup>44</sup> Rome declaration and plan of action [cited 12/2/2009 2009]. Available from <http://www.fao.org/docrep/003/w3613e/w3613e00.HTM> (accessed 12/2/2009).

<sup>45</sup> Barabara Huddleston et al., *International Finance for Food Security: A World Bank Publication*, (Baltimore: John Hopkins University Press, 1984), 15-35.

<sup>46</sup> *Ibid.*, 1.

<sup>47</sup> Madeley, *Hungry for Trade*, 28.

<sup>48</sup> *Ibid.*, 64.

<sup>49</sup> *Ibid.*, 70.



out, the farmers might not be producing anymore, leading to localized food insecurity.<sup>50</sup>

Mandalay further suggests that food insecurity results when there is not an international body designed to “[balance] the food needs of the poor with the trading imperative of governments and corporations”.<sup>51</sup> A body such as this could help securitize the trade of food and therefore securitize the “access” to it for the less fortunate and food insecure. The Rome declaration mirrors this sentiment, stating that its members “will strive to ensure that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a fair and market-oriented world trade system”.<sup>52</sup> Specifically it will honor the Uruguay Round Agreement, ensuring access to markets for developing countries, as well as promoting better internal trade within developing and food insecure countries.<sup>53</sup>

#### CLIMATE CHANGE

The effects of climate change on agriculture are universally acknowledged.<sup>54</sup> Negative consequences include extreme weather such as flooding and droughts, rising sea levels, changing growing seasons (in many times shorter), and an increase in temperatures which are already higher than optimal for crop production.<sup>55</sup> As food production is lowered worldwide, the prices increase, affecting the third world and the poor most of all.

Securitizing against climate change is challenging, especially if the entire globe is not universally involved in it and it is a long, protracted process, much like economic development. Additionally, it is recognized that developing countries may find it difficult to have environmentally friendly policies and in the Uruguay Round Agreement, developing nations are exempt from certain environmental restrictions.<sup>56</sup> The FAO Rome Declaration does not satisfyingly refer to climate change or environmental

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<sup>50</sup> Ibid.

<sup>51</sup> Ibid., 72.

<sup>52</sup> Rome declaration and plan of action.

<sup>53</sup> Ibid.

<sup>54</sup> Even if the cause of climate change in itself is still a cause for debate.

<sup>55</sup> Roy Darwin, Stacey Rosen and Shahla Shapouri, “Greenhouse Gases and Food Security in Low-Income Countries,” in *Climate Change and Global Food Security*, ed. R. Lal et. al. (London: Taylor & Francis Group, 2005), 105.

<sup>56</sup> Rome declaration and plan of action.

policy with the exception of encouraging socially and environmentally responsible investment, particularly in sustainable agriculture.<sup>57</sup>

### UNSUSTAINABLE AGRICULTURAL POLICIES

Recent food production trends have been unsustainable – there is an overproduction in developed countries due to frequent extensions of crops onto unsuitable land (with no rotation, or crop diversification) and high levels of chemical use which leads to soil degradation and a decrease in micronutrient presence in food.<sup>58</sup> An overreliance on fertilizers and an increased concern with crop yield has led to a decrease in the ability to produce a “nutrient output to meet all the nutritional needs of every person”.<sup>59</sup> Meanwhile countries in the third world are under-producing per capita due to the competition from, and practices of, first-world agriculture.<sup>60</sup>

There is an ongoing debate how to best address agriculture sustainability – one side argues for a more traditional approach (crop rotation, diverse crops, companion crops, natural fertilizers, seed collecting practices, etc.) while another camp argues for more biotechnology (increasing the nutritional value of crops, including animal feed, providing genetic protection against parasites and viral diseases).<sup>61</sup> The FAO does not take a stand, and neutrally commits itself to fostering “sustainable food, agriculture” policies, namely investment in sustainable practices, capacity building, technology and markets.<sup>62</sup>

Like poverty and the environment, farming practices can be a prolonged process, with a lack of clarity over who (if anybody) should be monitoring its development. Since the movement towards sustainable practices is a long and twisted road, it also brings to question whether

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<sup>57</sup> Ibid.

<sup>58</sup> Simon Maxwell, “Agricultural Issues in Food Security,” in *Food Security in Sub-Saharan Africa*, ed. Stephen Devereux and Simon Maxwell (London: University of Natal Press, 2001), 43.

<sup>59</sup> Ross M. Welch, and Robin D. Graham, “A new paradigm for world agriculture: Meeting human needs: Productive, sustainable, nutritious,” *Field Crops Research* 60, no. 1-2 (1999), 1.

<sup>60</sup> Maxwell, “Agricultural Issues in Food Security,” 43.

<sup>61</sup> Prem P. Jauhar, and Gurdev S. Khush, “Importance of Biotechnology in Global Food Security,” in *Food Security and Environmental Quality in the Developing World*, ed. Rattan Hall et. al. (London: Lewis Publishers, 2003), 116-118.

<sup>62</sup> Rome declaration and plan of action.

sustainable practices are something which can be securitized against (or are they too, a long-term process akin to economic development).

## WAR

Marcus Cheatham of the University of Michigan points to war as one of the other leading causes of food security, particularly in Africa (1994).<sup>63</sup> Referencing Paul Pyschas and Pentti Malaska, he writes:

The correlation between war and famine is quite plain to see. War diverts a nation's resources and distracts the attention of its leaders; fighting can disrupt planting and harvesting and drive people from their farms and into refugee camps; relief efforts can be delayed by the conflict or blocked altogether. War sows fear, confusion and hate, reaping harvest of hunger, homelessness and death.<sup>64</sup>

Cheatham also quotes John Borton and Edward Clay, stating that "civil war and externally financed insurgency were primarily responsible for propelling a food crisis into famine in five of the six worst affected countries".<sup>65</sup> Militarization can cause hunger because more money is diverted into spending on arms, rather than public goods, and militia movements can "starve" out a specific regime or region in an effort to topple, or weaken it.<sup>66</sup> Tools of war, such as land-mines and military strikes can also damage the ability to provide meaningful and sustainable agriculture within a conflict area. In some countries, 35% of the land cannot be used for agriculture due to landmines.<sup>67</sup> The FAO acknowledges the role of war in providing human insecurity, "... in particular war and civil conflict, which give rise to man-made emergencies and increase demands for emergency assistance, including food aid".<sup>68</sup>

The Rome Declaration provides little actual guidance, but says it is the role of governments, "individually and collectively, and in partnership with all actors of civil society," to use appropriate mechanisms to reduce situations of war and civil conflict, to coordinate policies to combat

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<sup>63</sup> Marcus Cheatham, "War, Military Spending, and Food Security in Africa," in *Seeking Security and Development: the Impact of Military Spending and Arms Transfers*, ed. Norman A. Graham (London: Lynne Rienner Publishers, 1994), 229.

<sup>64</sup> Pyschas, Paul and Pentti Malaska (1989), as quoted in Cheatham, "War, Military Spending, and Food Security in Africa," 229.

<sup>65</sup> Borton, John and Edward Clay (1986), as quoted in Cheatham, "War, Military Spending, and Food Security in Africa," 230.

<sup>66</sup> *Ibid.* 230, 233.

<sup>67</sup> Madeley, *Hungry for Trade*, 35.

<sup>68</sup> Rome declaration and plan of action.

terrorism “and other activities contrary to human rights” and to promote the discussion against the use of anti-personnel land mines.<sup>69</sup> Of all the threats to food security, war provides the greatest sense of urgency (and need of securitization), especially since the introduction of the human security concept in securitization dialogue.

The threats to food security are varied, as are the solutions. Just as Simon Maxwell hinted that the trend in thinking about food security referents has become more post-modern, so has the approach to solutions, protection and implementation. As the definition broadens the threats too broaden. Implementation with strict blue-prints is being replaced by processes, roles being replaced by tasks, and standardization being replaced by innovation.<sup>70</sup>

However, as the definition of threats become broader and more generalized, and the solutions become grander in scale, it provide a serious challenge to the securitization concept of food security. Issues of development, the environment, and farming practices are prolonged multi-actor processes and do not inspire the sense of urgency to an audience that, for instance state or human security risks provide. While prolonged process can debatably provide a sense of urgency for some policy makers, to justify the securitization tag associated with the Copenhagen school, there needs to be a more specific threat, with a sense of urgency.

## CONNECTING FOOD SECURITY TO OTHER SECURITY REFERENTS

While Buzan, Waever and de Wilde provide five sectors which can be securitized, including military, political, economic, society and the environment, the two facets of modern security approaches which gain the most captive audience still remain the state (traditional state security) and the human being (human security). To gain for its audience, a sense of greater urgency, champions for food security could gain from associating food *insecurity* with one or both of these two security approaches.

## FOOD SECURITY AS A THREAT TO THE STATE: STATE SECURITY

Mohammed Ayoob from the University of Michigan wrote that in order for “vulnerabilities” to become a security threat, they have to become acute enough to affect state or regime survival:

In other words, debt burdens, or *even famines*, do not become part of the security calculus for the purpose of this definition unless they threaten to

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<sup>69</sup> Ibid.

<sup>70</sup> Maxwell, *Food Security: a Post-Modern perspective*, 161.

have political outcomes that affect the survivability of the states, in either the territorial, or institutional sense or both, or of governing elites within those states.<sup>71</sup>

However, as mentioned prior, famine is present in five out of the six African countries which descended into conflict that were studied by Borton and Clay (1994); while not quite a necessary condition, the correlation must be deemed significant.<sup>72</sup> Richard Ulman provided a definition of 'national security' in 1983 which leaves a space for food insecurity. He defines a threat to the state as:

... an action or sequence of events that (1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state or (2) threatens significantly to narrow the range of policy choices available to the government of a state or to private, non-governmental entities (persons, groups, corporations) within the state.<sup>73</sup>

Clearly, a famine, food crisis, or an extended period of food insecurity can meet both of these conditions.

In 1977, Lester R. Brown, the President of the Worldwatch Institute, also drew the line of causation between food insecurity and political instability: "global food insecurity and the associated instability in food prices have become a common source of political instability".<sup>74</sup> In 2002, Benedikt Korf and Eberhard Bauer added to this thought by stating, "Extreme poverty, inequality and human suffering are some fundamental reasons for social rebellion and its escalation into civil war. On the other hand, civil wars in their complexity and protracted duration cause food insecurity, famine and deprivation".<sup>75</sup>

If the presence of food insecurity threatens the state and regional security (as is the case in Africa), the argument can then be made that it should be protected against.

## THE HUMAN INDIVIDUAL IN HUMAN SECURITY

<sup>71</sup> Mohammed Ayoob, "Security in the Third World: Searching the Core Variable," in *Seeking Security and Development*, ed. Norman A. Graham (London: Rienner, 1994), 15.

<sup>72</sup> To be a necessary condition, all six case studies would have had to demonstrate extreme famine leading to conflict.

<sup>73</sup> Richard Ullman, "Redefining Security," *International Security* 8, no. 1 (1983), 129.

<sup>74</sup> Lester R. Brown, *Redefining National Security* (London: Worldwatch Institute, 1977), 7.

<sup>75</sup> Benedikt Korf and Eberhard Bauer, "Food Security in the Context of Crisis: Beyond Continuum Thinking," *Gatekeeper Series* 106, (2002), 3.

Human security has already started to take food insecurity under its umbrella, with food insecurity commonly being listed as a threat to human security's referent object, the human individual or community.<sup>76</sup> The UN Human Security Unit states that its goal is to provide “assessment, response, recovery and the prevention of food crisis impact on peace, security and development,” thus very much supporting the above-mentioned concepts relating to food insecurity as being a threat to the state.<sup>77</sup> The UN HSU mandate towards food insecurity is to address the food needs of individuals and communities, through programs which fit the five human security principles – “people-centered, multi-sectoral, comprehensive, context-specific and prevention oriented”.<sup>78</sup> Further association between food security and human security is key to increasing the audience and sense of urgency for food security issues.

## CONCLUSION

Food security, coined in 1975, is currently defined as “access to sufficient, safe, nutritious food to maintain a healthy and active life,” with “access” being used as the referent object which needs to be securitized. The argument logically follows that this object needs to be securitized because of its instrumental *and* intrinsic value to humans, due to its prevention of hunger and malnutrition, its maximization of human capital and its social and cultural values. However, the threats to “access” are so dynamic and broad, including such intimidating macro-concepts as poverty, trade practices, climate change and unsustainable agriculture. The instruments to protect against these threats to food access are also very dynamic, contextual, lengthy processes, and often unclear, misdirected, or not actively supported by a large number of actors. Since the threats (and solutions) are long-term, ongoing processes there are significant difficulties in proving to an audience (the key third prong of the Buzan, Waever, de Wilde securitization concept) that the threats require any sense of urgency and need to be considered securitized.

The food *in*security concept has direct and indirect connotations to state and human security due to the causation between hunger, human

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<sup>76</sup> HUMAN SECURITY IN THEORY AND PRACTICE: Application of the Human Security Concept and the United Nations, in the United Nations Trust Fund for Human Security Reports, <http://ochaonline.un.org/Reports/tabid/2186/language/en-US/Default.aspx> (accessed: 12/2/2009).

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

misery and political instability. If food is to enter the security dialogue with any sense of urgency, it will most likely be through *food insecurity* being presented as a threat to either the state or the human individual.

As the world undergoes another food crisis, individuals concerned with global hunger will need to consider their strategies. While long-term development, renewed trade practices and sustainable agricultural practices are clearly the ultimate solution to addressing world hunger, responses to specific food insecurity crises will best be addressed through the use of state and human security arguments.

## APPENDIX

**Table 1 Definitions of food Security, 1975-1991**

1. 'Availability at all times of adequate world supplies of basic food-stuffs ..., to sustain a steady expansion of food consumption ... and to offset fluctuations in production and prices' (UN 1975).
2. 'A condition in which the probability of a country's citizens falling below a minimal level of food consumption is low' (Reutlinger and Knapp 1980).
3. 'The ability to meet target levels of consumption on a yearly basis' (Siamwalla and Valdes 1980).
4. 'Everyone has enough to eat at any time – enough for life, health and growth of the young, and for productive effort' (Kracht 1981).
5. 'The certain ability to finance needed imports to meet immediate targets for consumption levels' (Valdes and Konandreas 1981).
6. 'Freedom from food deprivation for all the world's people all of the time' (Reutlinger 1982).
7. 'Ensuring that all people at all times have both physical and economic access to the basic food they need' (FAO 1983).
8. 'The stabilization of access, or proportionate shortfalls in access, to calories by a population' (Health and Lipton 1984).
9. 'A basket of food, nutritionally adequate, culturally acceptable, procurdd in keeping with human dignity and enduring over time' (Oshaug 1985).
10. 'Access by all people at all times to enough food for an active, healthy life (World Bank 1986).
11. 'Always having enough to eat' (Zipperer 1987).
12. 'An assured supply and distribution of food for all social groups and individuals adequate in quality and quantity to meet their nutritional needs' (Barracrough and Utting 1987).
13. 'Both physical and economic access to food for all citizens over both the short and the long run' (Maxwell 1988).
14. 'A country and people are food secure when their food system operates efficiently in such a way as to remove the fear that there will not be enough to eat' (Maxwell 1988).
15. 'Adequate food available to all people on a regular basis' (UN WFC 1988).
16. 'Adequate access to enough food to supply energy needed for all family members to live healthy, active and productive lives' (Sahn 1989).
17. 'The ability ... to satisfy adequately food consumption needs for a normal and healthy life at all times' (Sarris 1989).
18. 'Access to adequate food by and for households over time' (Eide 1990).
19. 'The ability ... to assure, on a long-term basis, that the food system provides the total population access to a timely, reliable and nutritionally adequate supply of food' (Staatz 1990).



20. 'The absence of hunger and malnutrition' (Kennes 1990).
21. 'The assurance of food to meet needs throughout every season of the year' (UNICEF 1990).
22. 'The self-proclaimed ability of household members to provision themselves with existing suppliers' (Mellor 1990).
23. 'The self-perceived ability of household members to provision themselves with adequate food through whatever means' (Gillespie and Mason 1991).
24. '(Low) risk of on-going lack of access by people to the food they need to lead healthy lives' (Von Braun 1991).
25. 'A situation in which all individuals in a population possess the resources to assure access to enough food for an active and healthy lifestyle (Weber and Jayne 1991).
26. 'Access to food, adequate in quantity and quality, to fulfill all nutritional requirements for all household members throughout the year' (Jonsson and Toole 1991).
27. 'Access to the food needed for a healthy life for all its members and ... not an undue risk of losing such access' (ACC/SCN 1991).
28. 'Enough food available to ensure a minimum necessary intake by all members' (Alamgir and Arora 1991).
29. 'The viability of the household as a productive and reproductive unit (not) threatened by food shortage' (Frankenberger and Goldstein 1991).

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# **CANADA'S FOREIGN POLICY:**

## INDEPENDENCE OR IN DEPENDENCE?

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### ABSTRACT

*Canadians have for centuries been sensitive to the realities of great-power politics, whether they are French, British, or American in nature. Most recently, however, the debate over Canadian foreign policy independence has taken on a renewed vigour and a revamped sense of urgency. Sovereignty and independence are vital components for any country's national identity and international standing, but because of the overwhelming preponderance of the United States throughout the 20<sup>th</sup> century and its continuing predominance into the 21<sup>st</sup>, Canada has had to weigh the costs and benefits of 'living next-door to the world's sole remaining superpower.' In light of this fact, Canadians have rehashed the old independence debate of the 1960s and 1970s and refined the terms of the debate to fit the 2000s and 2010s. This paper first outlines the 'quiet' versus 'independent' dichotomization of Canadian foreign policy and then assesses this country's foreign policy approach to the unique Canadian-American bilateral relationship and the more generic 'status debate' regarding Canada's international orientation. By comparing and contrasting specific examples of Canadian foreign policies and initiatives throughout the past 60 years, it is determined that Canada's foreign policy is best characterized as in dependence – on the United States and its foreign policy decisions – as opposed to strictly speaking independent.*

## INTRODUCTION

It was the middle of November 2009, less than a month before the climate change conference in Copenhagen, Denmark, was set to begin, and Canadian Prime Minister Stephen Harper had no plans to attend. At the Asia-Pacific Economic Cooperation meeting in Singapore, Harper offered lukewarm support for climate change initiatives but nothing substantive.<sup>1</sup> It had long been argued by the Harper government that the Canadian position on climate change be linked with the United States because of the two countries' unique trading relationship. Suddenly, on November 26, 2009, Prime Minister Harper confirmed that after weeks of indecision, he would indeed attend the Copenhagen conference after all.<sup>2</sup> What changed his mind? Simply put, Obama did. Once the summit was branded a "full-fledged conference of world leaders," Harper wasted no time in jumping on the Copenhagen bandwagon.<sup>3</sup>

Although the previous example of Canada waiting for the American lead on a critical policy decision involved climate change, the broader question of Canadian foreign policy independence inevitably arises. Does Canada have an independent or a dependent foreign policy? Deciding to attend a much-anticipated climate change summit less than two weeks before its commencement, and less than a day after the United States signals its intention to do the same, would seem to suggest not. On the other hand, coming to a verdict on something as contested as Canadian independence would be indefensible on the basis of a single foreign policy issue. In order to assess whether or not Canada does have an independent foreign policy, it is first necessary to define 'independence' and outline some of its implications for Canada. Then, Canada's historical independence debate will be reviewed and revisited in light of two pressing Canadian concerns: the 'special relationship' that exists between Canada and the United States and Canada's international role according to the so-called status debate. Though it will no doubt pain some patriotic Canadians to consider the possibility, the evidence seems to suggest that Canadian foreign policy dependence – not independence – reflects reality most convincingly.

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<sup>1</sup> David Akin, "Trade agreement at APEC summit, no climate deal," *National Post*, November 15, 2009, <http://www.nationalpost.com/nationalpost/story.html?id=2225891>

<sup>2</sup> Mike De Souza, "Harper to attend climate summit in Copenhagen," *National Post*, November 26, 2009, <http://www.nationalpost.com/news/story.html?id=2269524>

<sup>3</sup> Associated Press, "Obama to attend global climate summit," *CBC News*, November 26, 2009, <http://www.cbc.ca/world/story/2009/11/25/copenhagen-obama-summit-climate.html?ref=rss>

## WHAT IS INDEPENDENCE?

The question of Canadian foreign policy independence is nearly as old as the country itself, but what does the term independence really mean? As with most debates, it is usually wise to begin with definitions and limitations for contentious terms. Unfortunately, no universal meaning exists for this specific term. Instead, the following discussion will focus on how the debate has been framed in the literature in order to understand whether or not Canadian foreign policy is actually independent. While the debate never truly disappeared from the Canadian discourse, the only comparable time of national self-reflection took place in the 1960s. Historical parallels between then and now lead to the same sorts of questions regarding Canada's future role in the world being asked by academics and intellectuals.

In 1968 the University League for Social Reform captured the tone of the debate with a collection of essays from both sides of the spectrum in *An Independent Foreign Policy for Canada?*<sup>4</sup> Stephen Clarkson, the volume's editor, managed to qualify the parameters of the independence debate around the theme of socio-economic autonomy. The omnipresent theme of American economic domination of Canada evidently slipped into one of his definitions of independence when he confined it to "being able to control one's own socio-economic environment."<sup>5</sup> On top of limiting the term to 'socio-economic' confines, how this would translate into a foreign (instead of merely a domestic) policy issue is left unsaid. Shortly thereafter, Clarkson tries to redeem himself by simplifying: "Independence means above all striving for maximum effectiveness."<sup>6</sup> This version is even more troublesome than that which preceded it since the goals toward which Canada should strive with 'maximum effectiveness' are in the end policy-contingent and unknowable.

In lieu of trying to define the term, a look at the historical 'independence' debate in history and Canada's role in the world at large may help to dispel some of the confusion surrounding the term and its usage. For a historian like Adam Chapnick, the independence debate has

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<sup>4</sup> Stephen Clarkson, *An Independent Foreign Policy for Canada?*, University League for Social Reform (Toronto: McClelland and Stewart, 1968).

<sup>5</sup> Stephen Clarkson, "Conclusion: The Choice to be Made," in *An Independent Foreign Policy for Canada?*, Ed. Stephen Clarkson (Toronto: McClelland and Stewart, 1968), 255.

<sup>6</sup> Clarkson, *An Independent Foreign Policy*, 261.



dramatically changed its tone over the course of Canada's history.<sup>7</sup> Interestingly enough, Chapnick asserts that "independence is hardly a Canadian word... The political culture of the modern Canadian state was founded on a proud and forthright dismissal of the concept of independence."<sup>8</sup> This culture has its roots in the American Revolution of 1776 and the British Empire's anti-revolutionary reaction. The word only becomes part of the national discourse in the late 19<sup>th</sup> century, when it comes to mean "independence *from* external responsibilities," or blissful isolation.<sup>9</sup> Chapnick traces the Canadian conception of "national independence in foreign affairs" to World War II wherein the functional principle embodied the "first clear articulation of an activist independent Canadian approach to foreign policy. Finally, the political establishment demanded independence *for* something: influence in world affairs."<sup>10</sup> As of this point, Canadian independence would oscillate between benign isolationism and liberal internationalism.

In addition to the historical evolution of its independence debate, Canada's early perception of its international role in the postwar environment was significantly impacted by the United States. For a political scientist like Patrick Lennox, any mention of Canadian foreign policy independence is nothing more than an illusion.<sup>11</sup> The logic is as follows: Canada uses the functional principle in order to pursue the strategy of specialization, "a prolonged sleight of hand trick designed to maintain the illusion of Canada's independence," to perform roles that the United States, by virtue of its predominant status in the international system, simply cannot perform on its own.<sup>12</sup> Lennox makes it clear that "specializing in an array of roles unsuited to the United States is ... behind much of what Canada has accomplished in the world."<sup>13</sup> This ability to perform specialized roles is also known as niche diplomacy, and will be returned to

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<sup>7</sup> Adam Chapnick, "Running in Circles: The Canadian Independence Debate in History," in *An Independent Foreign Policy for Canada? Challenges and Choices for the Future*, eds. Brian Bow and Patrick Lennox (Toronto: University of Toronto Press, 2008), 25 – 40.

<sup>8</sup> Chapnick, "Running in Circles," 25.

<sup>9</sup> Chapnick, "Running in Circles," 26 (original emphasis).

<sup>10</sup> Chapnick, "Running in Circles," 29, 30 (original emphasis).

<sup>11</sup> Patrick Lennox, "The Illusion of Independence," in *An Independent Foreign Policy for Canada? Challenges and Choices for the Future*, eds. Brian Bow and Patrick Lennox (Toronto: University of Toronto Press, 2008), 41 – 60.

<sup>12</sup> Lennox, "Illusion of Independence," 43 – 49.

<sup>13</sup> Lennox, "Illusion of Independence," 58.

along with functionalism in a later section of the paper, within the framework of the liberal internationalist tradition and the critically important concept of Canada as a middle power.<sup>14</sup>

It was mentioned above that while Clarkson's text failed to define independence, it did clearly lay out the contours of the debate. On one side, the champions of 'quiet diplomacy' generally called for "affiliation, or close alignment and cooperation, with our superpower neighbour to achieve maximum diplomatic power by our influence on the Western bloc leader... so that any differences that may arise are ironed out before they can reach crisis proportions."<sup>15</sup> The argument here is that Canadian influence with the United States is maximized when friendly relations prevail and disagreements are expressed in private. On the other side of the debate are those with an 'independent' approach to foreign policy, which states that "Canada is too unimportant in Washington's view for us to have significant direct influence... Our strategy should be to act directly in a given situation after making an independent evaluation of the problem."<sup>16</sup> In this case, the merits of individual policies are to be judged individually instead of whether or not the United States is on board. In both instances, however, there is an intense focus on the Canadian-American relationship and the role of Canada in the international community.

For Clarkson, each side of the debate "contains a complete, if implicit, explanation of the world situation and of Canada's role in it, including a view of the American relationship and a statement of objectives for Canadian diplomacy."<sup>17</sup> By revisiting and recalibrating Clarkson's foreign policy debate to analyze two relevant policy issues, the Canadian-American special relationship and Canada's place in the status debate, it can be demonstrated that Canadian foreign policy is not well-suited to independence. The table below provides select examples of relevant policy issues that represent different approaches to foreign policy. It can be demonstrated that the 'quiet' approach has in fact been more successful in attaining Canadian foreign policy goals than the 'independent' one, and is therefore the optimal one for Canada. The Canadian independence debate continues to resonate today, for better or worse, in a new collection of essays modeled after the

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<sup>14</sup> John Kirton, *Canadian Foreign Policy in a Changing World* (Toronto: Nelson, 2007), 29 – 45.

<sup>15</sup> Clarkson, *An Independent Foreign Policy*, 256, 257.

<sup>16</sup> Clarkson, *An Independent Foreign Policy*, 256.

<sup>17</sup> Clarkson, *An Independent Foreign Policy*, 254.

original Clarkson collection.<sup>18</sup> It is in Canada's national interest, therefore, not to have an independent approach to the United States or its international obligations, but to adopt a quiet foreign policy approach since it is more conducive to achieving its foreign policy goals.

TABLE 1 – APPROACHES TO RELEVANT CANADIAN FOREIGN POLICY ISSUES

<u>Relevant Policy Issue</u>	<u>Foreign Policy Approach</u>	
	'Quiet'	'Independent'
1. <i>Special Relationship</i>	Pro-American	Anti-American
<u>Economic Dimension</u>	CUSFTA (1988) NAFTA (1993)	Trudeau – White Paper (1970) Trudeau – Third Option (1972)
<u>Military Dimension</u>	NATO (1949) NORAD (1958)	Pearson – Vietnam War (1965) Chrétien – Iraq War (2003)
	'Quiet'	'Independent'
2. <i>Status Debate</i>	Middle Power	Principal Power
<u>Theoretical Perspective</u>	Liberal Internationalism	Complex Neo-Realism
<u>Ethics/Morals</u>	Peacekeeping Operations Foreign Aid	Trudeau's Peace Initiative Axworthy's Ottawa Process

Examples of policy-relevant issues, like the Canadian-American special relationship and Canada's international standing in the status debate, are analyzed from competing foreign policy perspectives in this paper and categorized in Table 1. This methodology stresses the point that the 'quiet' approach to Canadian foreign policy has proven itself to be more successful

<sup>18</sup> Brian Bow and Patrick Lennox, "Introduction: The Question of Independence, Then and Now," in *An Independent Foreign Policy for Canada? Challenges and Choices for the Future*, eds. Brian Bow and Patrick Lennox (Toronto: University of Toronto Press, 2008), 4.

over time than the 'independent' one; therefore, this is the optimal approach for Canada to take.

## THE SPECIAL RELATIONSHIP

Without a doubt, the Canadian-American partnership is a unique one. While most statistics focus on the overwhelming size of the bilateral trade relationship, the militaries of both countries have also achieved an unparalleled level of collaboration in terms of continental defence.<sup>19</sup> When it comes to assessing the pros and cons of the special relationship for Canada's economic and security situation, those calling for quiet diplomacy tend to be pro-American, favouring further economic and military integration with the United States while those advocating foreign policy independence are usually more critical of the United States, preferring instead trade diversification and military disarmament. As the current leader of the Liberal Party once wrote, "one of the great foreign policy challenges facing Canada is staying independent in an age of empire. This is a question about how we maintain national independence and an independent foreign policy in an era in which our neighbour to the south is an imperial power engaging in a particularly unilateral definition of its foreign policy."<sup>20</sup> Invariably, the tension between closer affiliation with – and further detachment from – the United States will always exist, but only one approach gets better results.

One of the most eminent proponents of the convergence of interests between Canada and the United States is the conservative military historian Jack Granatstein. Economically speaking, Granatstein believes that the United States is key to Canadian prosperity: "Be as independent as possible, of course, but, for Canada, the only choice is to trade with the United States or to see most of our people eating nettles to survive."<sup>21</sup> The fact that the

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<sup>19</sup> In 2008, 75.5% of Canada's exports and 63.4% of its imports in goods were tied to the United States. In addition, the two countries share the largest bilateral trading relationship in the world, which in 2008 reached \$650 billion (CAD), or \$1.78 billion per day. See Statistics Canada, "Imports, exports and trade balance of goods on a balance-of-payments basis, by country or country grouping, 2008," under "Summary Tables," <http://www40.statcan.gc.ca/l01/cst01/gblec02a-eng.htm?sdi=imports%20exports%20trade%20balance%20goods> (accessed December 1, 2009).

<sup>20</sup> Michael Ignatieff, "Canada in the Age of Terror: Multilateralism Meets a Moment of Truth," *Policy Options* 24, 2 (February 2003): 15.

<sup>21</sup> J. L. Granatstein, *Whose War is It? How Canada Can Survive in the Post-9/11 World* (Toronto: Harper Collins Publishers, 2007), 82.

United States is a superpower and Canada is not should make it obvious that maintaining good relations with the Americans will only benefit Canada.<sup>22</sup> Living in an age when the prevention of terrorist attacks like those of September 11, 2001 requires constant vigilance, disregarding American security concerns “leaves Washington alone to interpret the requirements of continental defence, and this approach... means the inevitable diminution of Canadian sovereignty and independence.”<sup>23</sup> For Granatstein, cooperation is the only logical course for Canada to follow: “Such a policy is very much in the Canadian interest because it protects Canadian sovereignty, enhances Canada’s independence, and ensures – as much as such assurances can be given – continued access to the markets we depend on.”<sup>24</sup> Essentially, economic and military cooperation go hand-in-hand.

On the other hand, one of the most memorable and outspoken critics of the United States is the Canadian journalist James Minifie. Writing at the height of the Cold War in the 1960s, Minifie’s choice for Canada was a simple one: ‘peacemaker or powder-monkey.’<sup>25</sup> From his viewpoint, American influence was not only detrimental to Canadian interests, it was downright parasitic: “Canada must make up its mind whether to part company with its beguiling, star-spangled Devil, or resign itself to increasing subservience leading ultimately to absorption.”<sup>26</sup> Canada could only achieve true independence from the East-West superpower rivalry with a ‘Declaration of Neutralism.’ Granatstein remains adamant that this policy is unrealistic for Canada and untenable for the United States: “Geography has made us neighbours, but history has put us in the same boat, and, ultimately, we will sink or swim with the Americans.”<sup>27</sup> Even though Minifie’s writings predate Granatstein’s by decades, the issues are as salient today as ever. Perhaps unavoidably, the very real structural power imbalance between Canada and the United States can generate general suspicion, resentment, and even animosity of American policies.

Beginning with the economic implications of the Canada-United States Free Trade Agreement (FTA) of 1988 and the North American Free Trade

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<sup>22</sup> J. L. Granatstein, *Who Killed the Canadian Military? What Canada Must Do to Defend Itself in the 21<sup>st</sup> Century* (Toronto: Harper Collins Publishers, 2004), 207.

<sup>23</sup> Granatstein, *Whose War is It?*, 105.

<sup>24</sup> Granatstein, *Whose War is It?*, 106.

<sup>25</sup> James Minifie, *Peacemaker or Powder-Monkey? Canada’s Role in a Revolutionary World* (Toronto: McClelland and Stewart, 1960).

<sup>26</sup> Minifie, *Peacemaker or Powder-Monkey?*, 5.

<sup>27</sup> Granatstein, *Who Killed the Canadian Military*, 209.

Agreement (NAFTA) of 1993, it can be shown that these pro-American initiatives were extremely successful examples of a 'quiet' approach to Canadian foreign policy. Ever since the decimation of the British economy in World War II, Canada's reliance on a British import/export market was gradually substituted by the American one. After nearly a decade of unsuccessful economic policies initiated by Trudeau, the Mulroney government and think-tanks in the mid-1980s began to push the idea of comprehensive Canada-United States free trade, leading to the signing of CUSFTA in 1988.<sup>28</sup> With Mexico's decision in 1990 to seek its own free trade agreement with the United States, Canada had little choice but to enter into negotiations for a trilateral arrangement if it wanted to retain its privileged economic access to the United States, which would result in NAFTA in 1993. As a result of Mulroney's cultivation of closer coordination of economic policies with the United States, free trade led to a phenomenal growth in Canadian exports, benefitting Canadian businesses and the country as a whole.<sup>29</sup> Canada is still reaping the benefits of free trade with the United States today.

In contrast, while the Trudeau administration's anti-American economic policies exemplified the 'independent' foreign policy approach, their gradual failure and eventual abandonment is worrisome for Canadian prosperity. An interesting case in point is the foreign policy review that began in May 1968, took a full twenty-five months to complete and was deeply influenced by "foreign and defence policy specialists" who argued convincingly for "greater independence from the United States in the general conduct of foreign policy."<sup>30</sup> Indeed, the document itself called for Canada to "continue secure as an independent political entity," without mentioning the real threat to Canadian independence.<sup>31</sup> In the aftermath of the 'Nixon shocks' of August 1971, the Trudeau government embarked on the ambitious 'Third Option,' calling for trade diversification with new

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<sup>28</sup> Brian Tomlin, Norman Hillmer and Fen Hampson, *Canada's International Policies: Agendas, Alternatives, and Politics* (Toronto: Oxford University Press, 2008), 60 – 76; Michael Hart, "Negotiating Free Trade, 1985 – 88," in *Canadian Foreign Policy: Selected Cases*, eds. Don Munton and John Kirton (Scarborough, ON: Prentice-Hall Canada, 1992), 314 – 337.

<sup>29</sup> Michael Hart, *A Trading Nation: Canadian Trade Policy from Colonialism to Globalization* (Vancouver: University of British Columbia Press, 2002), 390.

<sup>30</sup> Denis Stairs, "Reviewing Foreign Policy, 1968 – 70," in *Canadian Foreign Policy: Selected Cases*, eds. Don Munton and John Kirton (Scarborough, ON: Prentice-Hall Canada, 1992), 194.

<sup>31</sup> Stairs, "Reviewing Foreign Policy," 198.

partners in Europe and Japan in order to reduce the Canadian dependence on the United States.<sup>32</sup> It would not be until mid-1983 that Trudeau put an end to this disastrous policy, accepted Canada's heavy reliance on the American market and opted for an expansion of trade between the two countries.<sup>33</sup> In fact, this is precisely what occurred later with the Mulroney free trade agreements. In sync with quiet diplomacy, Canadians learned that "concepts such as 'diversification' and 'dependence' are not helpful... Canada's top priority is, and must remain, its relationship with the United States."<sup>34</sup> Evidently, a quiet approach to the economic dimension of the Canadian-American special relationship has proven to be more successful than the independent one.

From a military standpoint, it is clear that Canadian security is best served by active engagement and close affiliation with the United States. The motivations behind the formation of the North Atlantic Treaty Organization (NATO) in 1949 and the North American Air (later Aerospace) Defence Command (NORAD) in 1958 demonstrate how Canada actively participated in the institutionalization of American involvement in Canadian sovereignty and security. As a Canadian diplomat who was integral to the formation of NATO, Escott Reid's words illustrate some of the uniquely Canadian concerns that shaped the Cold War security alliance: "We believed that the more developed the constitutional structure of the [North Atlantic] Community became, the more the power of the United States would be restrained... The alliance would provide for Canada a countervailing force against the United States."<sup>35</sup> Whereas the multilateral nature of NATO balanced a dominant United States with its significant European allies, the new threat of nuclear-armed Soviet bombers warranted NORAD's creation. This institution represented a deepening of the bilateral defence relationship and took the partnership and cooperative approach to North

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<sup>32</sup> Peter Dobell, "Reducing Vulnerability: The Third Option, 1970s," in *Canadian Foreign Policy: Selected Cases*, eds. Don Munton and John Kirton (Scarborough, ON: Prentice-Hall Canada, 1992), 237 - 258.

<sup>33</sup> Adam Bromke and Kim Richard Nossal, "Tensions in Canada's Foreign Policy," *Foreign Affairs* 62, no. 2 (Winter 1983), 348.

<sup>34</sup> Alexander Lofthouse, "Making Choices: Canadian Trade and Investment Policy in the 21<sup>st</sup> Century," *International Journal* 59, no. 4 (Autumn 2004), 815.

<sup>35</sup> Escott Reid, "Forming the North Atlantic Alliance, 1949," in *Canadian Foreign Policy: Selected Cases*, eds. Don Munton and John Kirton (Scarborough, ON: Prentice-Hall Canada, 1992), 38.

American defence to new heights.<sup>36</sup> The fact that both of these organizations have outlived the Cold War – and that Canada remains a member – is indicative of their utility and effectiveness.

Although it would be unwise for Canada to approve of every foreign military intervention in which the United States takes part, it is questionable what benefits, if any, accrue to Canada after it openly criticizes American foreign policy like it did in the Vietnam and Iraq wars. When Prime Minister Pearson boldly challenged the direction of American war policy with a controversial speech at Temple University in 1965, he could not have chosen a worse time; the United States was at that very moment escalating the war with covert deployments of additional Marine battalions to Vietnam.<sup>37</sup> Canada's public divergence of opinion with the United States reduced the effectiveness of its diplomatic efforts in Vietnam while seriously damaging the special relationship without any tangible gains.

As for Iraq, in the half-year lead-up to the invasion of March 2003, Canada remained undecided until literally the last minute when Prime Minister Chrétien was met with thunderous applause in the House of Commons as he publicly refused to support the American-led coalition.<sup>38</sup> While this may have scored some domestic political points for the Liberal government, there was a very real possibility that Canadian businesses would suffer for their country's transgressions.<sup>39</sup> Besides, the only reason that Canada could refuse to join the American mission in Iraq was because it had agreed one month earlier to renew and revitalize its commitment to Afghanistan.<sup>40</sup> Either way, Canada was invariably committed to one front or the other in the global 'War on Terror.' In both the Vietnam and Iraq examples, the public rebuke or refusal of the United States' policies was ineffective and potentially harmful to the Canadian national interest,

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<sup>36</sup> Dwight Mason, "The Canadian-American North American Defence Alliance in 2005," *International Journal* 60, no. 2 (Spring 2005), 385 – 396.

<sup>37</sup> John English, "Speaking Out on Vietnam, 1965," in *Canadian Foreign Policy: Selected Cases*, eds. Don Munton and John Kirton (Scarborough, ON: Prentice-Hall Canada, 1992), 135 – 152.

<sup>38</sup> Andrew Richter, "From Trusted Ally to Suspicious Neighbor: Canada-U.S. Relations in a Changing Global Environment," *American Review of Canadian Studies* 35, no. 3 (Autumn 2005), 471 – 502.

<sup>39</sup> Jennifer Welsh, *At Home in the World: Canada's Global Vision for the 21<sup>st</sup> Century* (Scarborough, ON: Harper Collins Canada, 2004), 41 – 47.

<sup>40</sup> David McDonough, "The Paradox of Afghanistan: Stability Operations and the Renewal of Canada's International Security Policy?" *International Journal* 62, no. 3 (Summer 2007), 620 – 641.



however defined, and could have been better handled quietly and through diplomatic channels.

## THE STATUS DEBATE

In the same way that the special relationship is a measure of Canada's place in the continental relationship with the United States, the status debate is an assessment of where and how Canada fits into the international system. For the purposes of this paper, only two sides of the status debate are necessary: the middle power and principal power schools. The recognition at the close of World War II that Canada was not as great a power as the Americans or the British, yet clearly deserved more of a say in international decisions thanks to its wartime efforts than countries like Mexico or Syria, led Canadians (and others in similar situations, such as the Australians) to create the concept of a middle power.<sup>41</sup> Despite the fact that some have called the Canadian middle power theory nothing more than a myth, they are still quite accepting of the closely related concept of functionalism.<sup>42</sup> The functional principle, originally proposed by Canadian diplomat Hume Wrong, "asserted that in those areas where a smaller state had both interest and expertise (in Canada's case, food and raw materials, for example), it should be regarded as a major power and given the right to be represented on the decision-making bodies in those areas."<sup>43</sup> Some areas in which Canadian activity was significantly higher than might be expected for a country of its size and manpower were civil aviation, atomic energy and international trade, all of which is in keeping with the idea of functionalism and Canada as a middle power.<sup>44</sup>

It should be noted that while the middle power school is closely related to the quiet approach to Canadian foreign policy because it pays special heed to the perpetuation of American and other great power dominance of the international system, the principal power school is more indicative of the independent approach since it seeks to explain how Canada

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<sup>41</sup> John Holmes, "Is There a Future for Middlepowermanship?" in *Canada's Role as a Middle Power*, ed. J. King Gordon (Toronto: Canadian Institute of International Affairs, 1966); Paul Gecelovsky, "Constructing a Middle Power: Ideas and Canadian Foreign Policy," in *Canadian Foreign Policy* 15, no. 1 (Spring 2009), 77 – 93.

<sup>42</sup> Adam Chapnick, "The Canadian Middle Power Myth," in *International Journal* 55, no. 2 (Spring 2000), 188 – 206.

<sup>43</sup> Kim Richard Nossal, *The Politics of Canadian Foreign Policy* (Scarborough, ON: Prentice-Hall Canada, 1997), 54.

<sup>44</sup> Nossal, *Canadian Foreign Policy*, 55.

can meaningfully change its international environment without necessarily receiving the approval of the United States beforehand. This principal power line of argumentation emerges shortly after the era of *détente* between the two superpowers in the second half of the 1970s and early 1980s by stressing rising Canadian influence in certain areas, one of the most notable being its vast energy reserves, especially in light of the rapid rise in crude oil prices immediately following the 1973 and 1979 Middle East crises.<sup>45</sup> Another area of particular pride was Canada's admission into the group of the richest industrialized countries, known as the G7 in the mid-1970s, and even later on its status as a G8 country.<sup>46</sup> The fact that this organization is being bypassed by the G20 today lends credence to the "real reason why Canada was admitted to the G7 – an American desire to have another North American power at the table to provide support in economic discussions with Europe and Japan."<sup>47</sup> Needless to say, Canada's position as a principal power is far from secure.

Just as there are competing points of view regarding where Canada sits in the status debate, there also exist multiple theoretical perspectives which complement Canada's role in the international order depending on its place in the status debate. For instance, if Canada is most successful as a middle power with a quiet foreign policy, then the liberal internationalist perspective should correlate most closely with its international conduct. If, on the other hand, Canada's national interests are best secured as a principal power with an independent approach, then the complex neo-realist paradigm would more accurately resemble its foreign policy style. John Kirton identifies four thematic variants of the liberal internationalist paradigm that are strikingly similar to what would be expected from a quiet approach to Canadian foreign policy.<sup>48</sup> The first two variants, functionalism and the concept of Canada as a middle power, have already been mentioned. The second two, distributive internationalism (also known as official development assistance, or foreign aid) and niche diplomacy, further cement the idea that it is in Canada's interest to give back to the

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<sup>45</sup> David Dewitt and John Kirton, *Canada as a Principal Power: A Study in Foreign Policy and International Relations* (Toronto: John Wiley & Sons, 1983).

<sup>46</sup> John Kirton, "Canada as a G8 Principal Power," in *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, eds. Duane Bratt and Christopher Kukucha (Toronto: Oxford University Press, 2007).

<sup>47</sup> Roy Rempel, *Dreamland: How Canada's Pretend Foreign Policy has Undermined Sovereignty* (Montréal: McGill-Queen's University Press, 2006), 54.

<sup>48</sup> Kirton, *Canadian Foreign Policy*, 39 – 43.

international community and perform specialized roles when and wherever possible because it benefits all Canadians when the international system runs smoothly.<sup>49</sup> Liberal internationalism is good for Canada and is perfectly compatible with a quiet foreign policy.

A foreign policy informed by complex neo-realist principles, however, would be more in keeping with the principal power status and the so-called independent approach. Once again, Kirton offers four thematic variants for complex neo-realism, only slightly modified here: globalism, interest-based action, 'Canadianization' of the global order and leadership.<sup>50</sup> In order, globalism is the extension of diplomatic recognition, foreign aid and cultural networks – like the Commonwealth and la Francophonie – towards the achievement of Canadian foreign policy goals.<sup>51</sup> Interest-based action argues for a foreign policy driven by the national interest; however, because the 'national interest' is a "notoriously malleable concept" to define – and almost every approach claims to emulate the true national interest – this variant is not very analytically useful.<sup>52</sup> Canadianization means employing distinctive national values as a basis for Canadian action abroad, so if Canada is a peaceful country, then it makes sense that it would send peacekeeping troops overseas.<sup>53</sup> Finally, Canadian leadership is most often associated with the Ottawa Process to ban landmines, which while commendable in its own right, seems in retrospect to have been more of an exception rather than the rule of Canadian foreign policy.<sup>54</sup> At a glance, it would appear as if Canada's foreign policy is more amenable to that of a liberal internationalist middle power, not a complex neo-realist principal power.

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<sup>49</sup> Joe Clark, "The First International Country," *International Journal* 52, no. 4 (Fall 1997), 539 – 545; Pierre Pettigrew, "Canada's International Personality," *International Journal* 60, no. 3 (Summer 2005), 623 – 634.

<sup>50</sup> Kirton, *Canadian Foreign Policy*, 80 – 81; Dewitt and Kirton, *Canada as a Principal Power*, 39 – 40.

<sup>51</sup> Ryan Macdonald and John Hoddinott, "Determinants of Canadian Bilateral Aid Allocations: Humanitarian, Commercial or Political?" *Canadian Journal of Economics* 37, no. 2 (May 2004), 294 – 312.

<sup>52</sup> Bow and Lennox, *Independent Foreign Policy*, 5.

<sup>53</sup> J. L. Granatstein, "Peacekeeping: Did Canada Make a Difference? And What Difference Did Peacekeeping Make to Canada?" in *Making a Difference? Canada's Foreign Policy in a Changing World*, eds. John English and Norman Hillmer (Toronto: Lester Publishing, 1992), 222 – 236.

<sup>54</sup> Fen Hampson and Dean Oliver, "Pulpit Diplomacy," *International Journal* 53, no. 3 (Summer 1998), 379 – 406.

The original Clarkson compilation referred to the fact that “an independent foreign policy is an ethically just policy... [and] also presupposes responsibility.”<sup>55</sup> While peacekeeping operations and foreign aid have some humanitarian basis, they do not suggest an independent foreign policy for Canada since they are nowhere near as ethical or responsible as they could or should be. As of October 31, 2009, Canada ranks only 56<sup>th</sup> in terms of the total number of troops serving with United Nations-sponsored peacekeeping missions.<sup>56</sup> For the country which arguably founded peacekeeping operations with Pearson’s famed intervention in the Suez Crisis of 1956 and his subsequent acceptance of the Nobel Peace Prize in 1957, this substantial drop in the rankings should come as a national shock.<sup>57</sup> Even if Canada’s troop contributions to the NATO missions in Kosovo and Afghanistan are added to the UN figure, the Canadian contribution narrowly makes it into the top ten but still falls hundreds of troops short of much smaller and poorer countries like Rwanda, Jordan and Ghana.<sup>58</sup> To be truly ethical or responsible, Canadian peacekeeping efforts would need to return to the heights they once proudly proclaimed; today, it is merely an international niche in which Canada once excelled.

The story with foreign aid, or official development assistance, is largely the same as that of peacekeeping. Far from being informed by an ethical or responsible imperative, Canadian security and commercial interests have long trumped the humanitarian. For instance, one way in which Canada guarantees a return on its foreign aid is by tying it to the purchase of Canadian goods and services. On this measurement of self-interest, “Canada is the second most selfish donor of the 22 donor countries that belong to the Organization for Economic Cooperation and Development... Canada still tied over 40 percent of its aid in 2005,

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<sup>55</sup> Clarkson, *An Independent Foreign Policy*, 263.

<sup>56</sup> United Nations Peacekeeping, “Ranking of Military and Police Contributions to the United Nations,” United Nations, [http://www.un.org/en/peacekeeping/contributors/2009/oct09\\_2.pdf](http://www.un.org/en/peacekeeping/contributors/2009/oct09_2.pdf) (accessed December 6, 2009).

<sup>57</sup> A. Walter Dorn, “Canadian Peacekeeping: Proud Tradition, Strong Future?” *Canadian Foreign Policy* 12, no. 2 (Fall 2005), 7 – 32.

<sup>58</sup> North Atlantic Treaty Organization (NATO), “NATO Kosovo Force (KFOR),” NATO in Kosovo, [http://www.nato.int/kfor/structur/nations/placemap/kfor\\_placemat.pdf](http://www.nato.int/kfor/structur/nations/placemap/kfor_placemat.pdf) (accessed December 6, 2009); NATO, “International Security Assistance Force and Afghan National Army Strength and Laydown,” NATO in Afghanistan, <http://www.nato.int/isaf/docu/epub/pdf/placemat.pdf> (accessed December 6, 2009).

compared to an average of less than 7 percent.”<sup>59</sup> Even with supposedly good intentions, the effectiveness of this aid is in doubt. A Standing Senate Committee Report has recently found that with respect to foreign aid, the “Canadian International Development Agency (CIDA) has failed to make a foreign aid difference in Africa. Since its inception in 1968, CIDA has spent \$12.4 billion in bilateral assistance to sub-Saharan Africa, with little in the way of demonstrable results.”<sup>60</sup> On top of the clear ineffectiveness of much of Canada’s past foreign aid, the recent and substantial shift in CIDA’s resources to the Afghanistan front further demonstrates that Canada’s official development aid responds more to security than humanitarian interests.<sup>61</sup> Peacekeeping and foreign aid in general may be the types of activities that Clarkson had in mind when he called for an ethical and responsible foreign policy, but the sole fact that Canada’s international contributions are nowhere near as altruistic as they are advertised to be portrays Canada’s liberal internationalist, middle power nature.

Two examples of Canadian foreign policy independence in accord with a principal power status and a complex neo-realist perspective are former Prime Minister Trudeau’s ill-fated peace initiative of 1983 and former Minister of Foreign Affairs Axworthy’s anti-landmine campaign, the Ottawa Process. In a sense, Trudeau’s mission for peace epitomized the attempted Canadianization of the global system, and Axworthy’s crusade to stop landmines demonstrated Canadian leadership on a salient international issue, with some considerable overlap between the two. Of all the world leaders at the time who could have potentially led an international peace overture, Trudeau was the most notable: “After all, he was a NATO head of government and the longest-serving Western leader; these qualifications, as well as his personal standing, gave him far more clout than a Canadian leader could usually muster.”<sup>62</sup> During a time of renewed Cold War rivalry, Trudeau’s initiative may have seemed idealistic to some but was unanimously endorsed by the leaders of the political opposition, “striking

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<sup>59</sup> Stephen Brown, “CIDA Under the Gun,” in *Canada Among Nations 2007: What Room for Manoeuvre?*, eds. Jean Daudelin and Daniel Schwanen (Montréal: McGill-Queen’s University Press, 2007), 93.

<sup>60</sup> Canada, Standing Senate Committee on Foreign Affairs and International Trade, *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa*, Chair: Honourable Hugh Segal, Deputy Chair: Honourable Peter A. Stollery (February 2007), XI.

<sup>61</sup> Brown, “CIDA Under the Gun,” 95 – 98.

<sup>62</sup> J. L. Granatstein and Robert Bothwell, *Pirouette: Pierre Trudeau and Canadian Foreign Policy* (Toronto: University of Toronto Press, 1998), 368.

testimony to the popular support Trudeau's efforts had received in Canada."<sup>63</sup> Trudeau met with nearly two dozen heads of state within a month to urge these leaders to de-escalate superpower tensions.<sup>64</sup> Through no fault of his own, Trudeau's initiative failed to achieve its intended objective. While it may have shown foreign policy independence, its lack of tangible results does not show Canada to be a principal power.

By all accounts, Axworthy was an extraordinarily proactive and progressive foreign minister. Although the Ottawa Process of 1997 could not have succeeded in the way that it did without the end of the Cold War or the help of civil society and non-governmental organizations (NGOs), the importance that Axworthy dedicated to the ideals of 'human security' and 'soft power' cannot be underestimated.<sup>65</sup> It is easy to see how the leadership role that Canada demonstrated throughout the Ottawa Process was indeed indicative of a principal power's behaviour in a complex neo-realist world; what is not so easy to ascertain is the way in which it was done. The conventional wisdom points to a fully multilateral and all-inclusive negotiating framework that took stock of all interested governments and NGOs alike.<sup>66</sup> Still, another version of the same series of events suggests that Canada completely disregarded traditional multilateral forums, like the United Nations Conference on Disarmament, and instead engaged in an 'aggressive unilateralism.'<sup>67</sup> While the Ottawa Process did thrust Canada into a leadership role, the Axworthy doctrine has failed to substantively alter Canadian foreign policy. Further, it seems unlikely that the confluence of events that led to the initiative's success will repeat themselves anytime soon.

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<sup>63</sup> Granatstein and Bothwell, *Pirouette*, 374.

<sup>64</sup> Jeremy Kinsman, "Who Is My Neighbour? Trudeau and Foreign Policy," *International Journal* 57, no. 1 (Winter 2001), 73 – 75.

<sup>65</sup> Lloyd Axworthy, "Canada and Human Security: The Need for Leadership," *International Journal* 52, no. 2 (Spring 1997), 183 – 196; Michael Dolan and Chris Hunt, "Negotiating in the Ottawa Process: The New Multilateralism," in *To Walk Without Fear: The Global Movement to Ban Landmines*, eds. Maxwell A. Cameron, Robert J. Lawson and Brian W. Tomlin (Toronto: Oxford University Press, 1998).

<sup>66</sup> Lloyd Axworthy and Sarah Taylor, "A Ban for All Seasons," *International Journal* 53, no. 2 (Spring 1998), 189 – 203; Veronica Kitchen, "From Rhetoric to Reality: Canada, the US, and the Ottawa Process to Ban Landmines," *International Journal* 57, no. 1 (Winter 2002), 37 – 56.

<sup>67</sup> Adam Chapnick, "The Ottawa Process Revisited: Aggressive Unilateralism in the Post-Cold War World," *International Journal* 58, no. 3 (Summer 2003), 281 – 293.

## CONCLUSION

The independence debate continues to stimulate academic and popular discussion in Canada today, as it did when Stephen Clarkson published his original volume in the late-1960s, and is likely to continue to ruffle some feathers into the foreseeable future. The main focus of this paper has been the assessment of Canada's independence in the context of the Canadian-American special relationship and Canada's role in the world according to its position in the status debate. Even though there is no way to decisively define independence or describe how a completely independent country would function, it seems to be a truism that Canada's security and prosperity increases proportionally with its economic and military dependence on others, especially the United States. Bow and Lennox openly acknowledge the fact that Canada's foreign policy is to some extent limited and constrained by the Americans in their fresh take on Clarkson's original volume: "A sense of resignation to the reality of Canadian dependency on the United States pervades the chapters, but it does so in a way that is fundamentally optimistic and hopeful about the country's future in foreign affairs."<sup>68</sup> There is nothing stopping Canadians from realizing this unique yet unequal bilateral relationship while remaining secure and prosperous.

At the end of the day, does it really make a difference if Canada can claim the mantle of foreign policy independence or not? Some, like Clarkson, remain adamant that although our interests converge extremely closely with those of the United States, "partnership requires equality, and equality implies independence."<sup>69</sup> Others, like Granatstein, would respond with pragmatism: "*Realpolitik* – picking one's spots carefully, saying as little as possible, and doing what one must – is the only way to deal with the giant to our south. We may not be a moral superpower if we practice such a policy, but we will continue to eat and work and prosper."<sup>70</sup> Regardless, the opportunities that come with living next to a powerful neighbour like the United States should be taken advantage of and exploited, not demonized or ignored: "Too many Canadians, their judgment warped by anti-Americanism, think that the United States is the enemy. It's not. Canada needs the United States to be the effective manager of global security."<sup>71</sup>

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<sup>68</sup> Bow and Lennox, *Independent Foreign Policy*, 19.

<sup>69</sup> Clarkson, *An Independent Foreign Policy*, 263.

<sup>70</sup> Granatstein, *Whose War is It?*, 93 (original emphasis).

<sup>71</sup> Granatstein, *Whose War is It?*, 101.

Simply put, Canada cannot be a successful middle power without the benign support of a great power, even a superpower, like the United States.

Ever since World War II came to a close, Canada's traditional inclination for isolation has been replaced by one for international cooperation, dialogue and diplomacy. Canada's formulation of the middle power concept and the liberal internationalist ideals that accompany it, like functionalism and niche diplomacy, have come a long way in transforming the Canadian identity. The ghost of American influence will always lurk in the background, but it is natural for a middle power to be wary of great ones: "Of course there will be opportunities for middle powers to pursue initiatives of international importance independent from what the United States happens to be doing in the world, but those will likely be few and far between, and, to the extent that they can be achieved without at least the tacit backing of the superpower, are likely to have minimal impact on the grand scheme of world politics."<sup>72</sup>

It has been shown that Canadian foreign policy is more successful at achieving its objectives when the quiet approach is used instead of the so-called 'independent' one. This means that it would be in the national interest for Canada to adopt a pro-American attitude towards the special relationship, whether in the economic or military domains, and that Canada's role in the international system, or its place in the status debate, is best explained as a middle power acting in accord with the tenets of liberal internationalism. Therefore, all the evidence examined suggests that Canada has a quiet foreign policy, not an independent one. The sooner that Canadians admit to themselves and to each other that this is the case, and that there exist much worse forms of dependence in the world today, the better.

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<sup>72</sup> Lennox, "The Illusion of Independence," 41.



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# ***A FAILURE TO COMMUNICATE?***

ENGLISH-ONLY AND HISPANOPHOBIA IN MODERN AMERICA

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## ABSTRACT

*This article examines the phenomenon of 'English Only' groups in the United States. The primary civil society groups behind English Only efforts focus a good deal of their attention on Hispanic/Latino-Americans, a demographic that has increased rapidly over the course of the previous three decades to approximately 15 percent of the total population. English Only groups believe that English in the United States is 'under siege' and accuse Hispanic Americans of seeking a parallel society within the United States in which they will not have to learn English or adopt 'American' culture. The findings of this study suggest that arguments supporting the positions of these groups lack much empirical basis and ignore both historical realities and current integrative trends among Latino-Americans. Furthermore, the construction of 'Hispanics' as a single identifiable 'racial' group is highly problematic. Underlying the rationale behind English Only lobbying, this paper argues, is a form of contemporary nativism and even 'Hispanophobia,' which seeks to maintain a mythical American identity that is at its heart racist and exclusionary. Importantly, this prejudice serves both to undermine efforts of Hispanics to integrate into broader American society and to reduce some Hispanics' resolve to learn English and 'melt' into the American 'pot.'*

## INTRODUCTION

On April 29, 2006, American President George W. Bush told a reporter, "I think the national anthem ought to be sung in English. And I think people who want to be a citizen of this country ought to learn English, and they ought to learn to sing the national anthem in English."<sup>1</sup> Although this response may actually have contradicted an earlier position of the President, it received impassioned accolades from many people throughout the United States.<sup>2</sup> The reception to Bush's statement reflected the heated debate taking place in America at the time over language issues, particularly over whether Spanish was a 'legitimate' American language. While the discussion on this issue was particularly heated in 2006, a time when Bush was attempting to implement immigration reform, the debate over language rights has a long history and is still of great salience in the United States today. This essay will analyze the arguments promoted by groups and individuals who argue for an 'English-only' America.<sup>3</sup> While the language used by English-only groups often appears progressive, a look at the underlying message will demonstrate the inherent prejudice and even racism of this position. An analysis of the empirical data will demonstrate that the criticisms levelled at Hispanics are largely false.<sup>4</sup> However, it will also become apparent that the pro-English position may actually serve to undermine the very unity and integration it purports to promote. The central argument is therefore that the Official English movement, despite its rhetoric, is a contemporary manifestation of 'Nativist' and anti-immigrant

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<sup>1</sup> Peter Baker, "Administration is Singing More than One Tune on Spanish Version of Anthem," *The Washington Post*, May 3, 2006; and Joyce Howard Price, "President Supports Anthem in English; Spanish Version Called 'an Insult,'" *The Washington Times*, April 29, 2006. The comment by Bush came days after a Spanish language rendition of the Star Spangled Banner, called "Nuestro Himno," was released by British producer Adam Kidron. The Kidron version was not completely accurate to the English version, and contained a number of potentially inflammatory lines, including "My people keep fighting. It's time to break the chains." Kidron released the song as a contribution to the pro-immigration protests throughout the US taking place in early May titled "A Day Without Immigrants."

<sup>2</sup> Bush's statement on the 28 of April was the first to this effect he had ever made, and was inconsistent with previous actions of the President, including his attending of a number of parties while campaigning where they played the Star Spangled Banner in Spanish and unconfirmed reports that he may have sung the anthem in Spanish himself in 2000.

<sup>3</sup> 'English-only' and 'Official English' are the two most common terms for these groups and will be used interchangeably throughout this paper.

<sup>4</sup> Hispanic and Latino will be used interchangeably in this paper. A definition of the terms will be provided below.

politics, which ignores the long history of Hispanics in the United States and their continuing assimilation into mainstream American culture, and actually helps to undermine integration and ostracize Latino Americans.

#### BACKGROUND: ENGLISH-ONLY THROUGH TIME AND SPACE

The United States has never had an official language policy, which has been a source of debate since the country's inception. John Adams, the second President, was a vocal proponent of making English the official language of the US, but was unsuccessful.<sup>5</sup> One hundred years later, around the turn of the twentieth century, a large influx of non-English speaking immigrants led to a rise in pro-English sentiments in the United States. The American leadership increasingly came to view English as important to the American identity, and "as a crucial unifying element—uniquely suited to define the nation and its citizens," which helped propel the institution of the English-language requirement for citizenship in 1906.<sup>6</sup> Attacks on the German language during the First and Second World Wars helped decrease the prevalence of that language, which had formed the largest linguistic minority in the United States for decades. In 1965, Congress passed the Hart-Cellar Act, which "effectively ended the discriminatory national origin-based quota system," and opened the country to a new wave of immigrants from around the world, particularly from Asia and Latin America.<sup>7</sup> The language debate generally quieted in the post-war decades, however, subsiding until the 1980s when a major revival of the pro-English position took place.

In 1983, Dr. John Tanton and Senator H. I. Hayakawa established 'US English, Inc.,' which remains the primary pro-English organization in the United States.<sup>8</sup> The current Chairman of US English, Mauro E. Mujica, notes on the organization's website that it is "the nation's oldest and largest

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<sup>5</sup> Tammy Gales, "The Language Barrier between Immigration and Citizenship in the United States," in *Language Testing, Migration and Citizenship: Cross-National Perspectives on Integration Regimes*, ed. Guus Extra, Massimiliano Spotti, and Piet van Avermaet. (London: Continuum International Publishing Group, 2009), 192.

<sup>6</sup> April Linton, "A Critical Mass Model of Bilingualism among U.S.-Born Hispanics," *Social Forces* 83 (Sept. 2004): 282.

<sup>7</sup> Kenneth Prewitt, "Immigrants and Changing Categories of Race," in *Transforming Politics, Transforming America: The Political and Civic Incorporation of Immigrants in the United States*, ed. Taeku Lee, S. Karthick Ramakrishnan, and Ricardo Ramirez. (Charlottesville, VA: University of Virginia Press, 2006), 22.

<sup>8</sup> Raymond Tatalovich, *Nativism Reborn? The Official English Language Movement and the American States* (Lexington: The University Press of Kentucky, 1995), 10.

organization fighting to make our common language, English, the official language of government at the federal and state levels.”<sup>9</sup> This group boasts 1.8 million members, is “one of the fastest-growing interest groups in the country,” and has been an important force in lobbying State governments to adopt English as their official language.<sup>10</sup> Joining US English in its quest for the Anglicization of the American state is ‘English First,’ which claims 150 000 members and also wishes to “[m]ake English America’s official language.”<sup>11</sup> English First is deeply involved in lobbying, and claims to be “widely respected among both official and unofficial Washington.”<sup>12</sup> These two organizations possess a large degree of influence in the United States, and they have been closely involved in the revitalization of the English-only movement.

The last thirty years have been witness to a powerful resurgence of the English-only movement. Senator Hayakawa of California initiated this revival when he proposed a bill to make English the official language of the United States in 1981, which failed to pass through Congress, but “was effective in reinvigorating a debate on language restrictionism” in the US, according to Tse.<sup>13</sup> The failure of that Bill was a catalyst for the formation of US English by the Senator and Tanton. During the 1980s and 1990s, US English and English First promoted English-only legislation in States across America. US English played a major role in getting the “Bill Emerson English language Empowerment Act of 1996” passed; for which Congress voted 259-169 in favour, with 36 Democrats joining the Republicans. The Bill failed to make it through the Senate before the end of the session, however, and therefore died.<sup>14</sup> A second attempt at similar English-only legislation, the “English Unity Act of 2007,” also made it to Congress but the lawmakers did not ratify it.<sup>15</sup> The efforts of these groups were not entirely in vain, however, as twenty-nine States had made English their official language by

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<sup>9</sup> “US English Homepage,” last modified 2010, <http://www.us-english.org/>

<sup>10</sup> Ibid.

<sup>11</sup> “English First Website,” last modified 2009, <http://englishfirst.org/>

<sup>12</sup> Ibid.

<sup>13</sup> Lucy Tse, *Why Don't they Learn English?: Separating Fact from Fallacy in the US Language Debate* (New York: Teachers College Press, 2001), 1.

<sup>14</sup> US English.

<sup>15</sup> Ibid.



2009, “largely as a result of the political organizing efforts of US English Inc.”<sup>16</sup>

The resurgence of the pro-English position in mainstream American political and cultural discourse since the early 1980s reflects the growing number of Spanish speaking individuals in the United States and the consequent growth in Spanish cultural influence. As Rocco notes, the “dramatic increases in the Latino/a populations’ size and rate of growth have played a fundamental role in transforming the configuration of political, cultural, spatial, and economic characteristics and relations of many of the most important urban regions in the country.”<sup>17</sup> From 1980-2005, the Hispanic population of the United States grew 192 percent, from 14.6 million to 42.7 million, or 14.4 percent of the total population.<sup>18</sup> Almost 40 percent of this population was foreign born, and 53 percent of all foreign-born children were Hispanic. Just as importantly, the census stated that the large growth in the Latin population in the United States stretched across many states where there was almost no Hispanic population before.<sup>19</sup> For example, student enrolment (junior-kindergarten (JK) to Grade 12) in limited English proficient courses has “increased dramatically” in the Southeast, with the period from 1994-95 to 2004-2005 witnessing a rise of 714 percent in South Carolina, 372 percent in North Carolina, 292 percent in Georgia, and 61 percent across the United States.<sup>20</sup> According to Rocco, in areas with traditionally low or absent Hispanic populations, such as “Ames, Iowa, the Mexican Independence Day parades of the 16<sup>th</sup> of September are as visible and significant as those on the 4<sup>th</sup> of July.”<sup>21</sup> This influx of people “has been the subject of intense controversy” throughout the United States, and cannot be divorced from the impetus for the revival of the English-only lobby.<sup>22</sup>

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<sup>16</sup> Elaine Lacy and Mary E. Oden, “Popular Attitudes and Public Policies: Southern Responses to Latino Immigration,” in *Latino Immigrants and the Transformation of the US South*, ed. Mary E. Oden and Elaine Lacy. (Athens, GA: The University of Georgia Press, 2009), 155.

<sup>17</sup> Raymond Rocco, “Transforming Citizenship: Membership, Strategies of Containment, and the Public Sphere in Latino Communities,” in *Latinos and Citizenship: The Dilemma of Belonging*, ed. Suzanne Oboler. (New York: Palgrave MacMillan, 2006), 302.

<sup>18</sup> US Department of Education, National Center for Education Statistics, “Status and Trends in the Education of Racial and Ethnic Minorities,” 2007.

<sup>19</sup> *Ibid.*

<sup>20</sup> Lacy and Oden, “Popular Attitudes,” 156.

<sup>21</sup> Rocco, “Transforming Citizenship,” 302.

<sup>22</sup> Milton Esman, *An Introduction to Ethnic Conflict* (Cambridge: Polity Press, 2004), 164.

The following section will provide an examination of the ideas that underpin the US English and English First movements, which will help develop an understanding of the source of this appeal in American culture.

## WHY ENGLISH ONLY

At the heart of the English-only appeal is the notion that American culture is under attack by immigrants who do not wish to adopt the so-called 'traditional' way of life in the United States, and are "challenging the nation's cultural identity, values, and beliefs."<sup>23</sup> English has been dominant in the US since the nation's inception, so it is logical to view English-only movements as a "response to a perceived threat to the normative order."<sup>24</sup> This supposed threat targets the notion of the American 'melting pot,' where immigrants are supposed to arrive and assimilate into the dominant cultural milieu. Interestingly, a popular notion in the United States, according to Linton, is that it is as important for immigrants to give up their home culture, particularly their language, as it is for them to adopt American culture.<sup>25</sup> Senator Walter Huddleston (D-KY) argued in 1995 that assimilation was no longer occurring in the United States, since over "the last fifteen years, we have experienced a growing resistance to the acceptance of our historic language, [and] an antagonistic questioning of the melting pot philosophy that has traditionally helped speed newcomers into the American mainstream."<sup>26</sup> The notion that the melting pot is under attack is central to the English-only message. Mujica, US English's Chairman, argues on the organization's website,

Let me be clear: Encouraging immigrants to learn English is not about bigotry or exclusion. On the contrary, teaching newcomers English is one of the strongest acts of inclusion our government can provide. The whole notion of a melting pot culture is threatened if immigrants are not encouraged to adopt the common language of this country.<sup>27</sup>

Conservative political scientist Samuel Huntington weighed in on the issue as well, arguing, "the single most immediate and serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America."<sup>28</sup> The feeling that American culture is

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<sup>23</sup> Lacy and Oden, "Popular Attitudes," 149.

<sup>24</sup> Tatalovich, *Nativism*, 9.

<sup>25</sup> Linton, "Critical Mass Model," 280.

<sup>26</sup> Quoted in Tatalovich, *Nativism*, 12.

<sup>27</sup> US English.

<sup>28</sup> Samuel Huntington, "The Hispanic Challenge," *Foreign Policy* (April/May 2004): 31.

under siege from un-assimilating immigrants appears to have a great deal of appeal with many Americans, and is a central tenet of the English-only movement.

For those who fear that American culture is under attack, the protection of the English language becomes of primary importance, as this language is a “salient component of American identity.”<sup>29</sup> There is a widely held belief in the US that immigrants, particularly Spanish-speaking immigrants, do not learn English.<sup>30</sup> This perception of immigrants promotes a great deal of ill feeling among many Americans. As Tatalovich notes, when faced with questions about government support for English, or the potential effects of non-English speakers on the country and language, “ordinary people rise to defend the English language against those who speak other tongues.”<sup>31</sup> This issue touches somewhere deep inside the American psyche. Bills put forward at the behest of the English-only lobby, such as HR 123, present their argument in such a way as to give English speakers the impression that they are the ones suffering from language oppression, as they make declarations like “No one shall be denied services because they communicate in English.”<sup>32</sup> However, bills such as this will ‘protect’ English, while “ignoring the language minorities who are denied legal, educational, social, and health services because they cannot communicate in English.”<sup>33</sup> Senator Huddleston argued in the mid-1990s that the United States was at a “crucial juncture,” at which a growing minority was refusing to learn English and therefore leading America to a choice of either following the path that brought the nation to its present prosperity, or following “the new path that leads in the direction of another Tower of Babel.”<sup>34</sup> Or, as the Chairman of US English put it, “Suddenly, English, the greatest unifier in our nation's history, has come under attack in our government, in our schools and in our courts.”<sup>35</sup> Allowing other languages to survive in the United States, in the view of the pro-English movement, has the potential to undermine the entire fabric of American society.

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<sup>29</sup> Lacy and Oden, “Popular Attitudes.” 149.

<sup>30</sup> Tse, *Learn English?*, 1.

<sup>31</sup> Tatalovich, *Nativism*, 1.

<sup>32</sup> Quoted in Ana Celia Zentella, “The Hispanophobia of the Official English Movement in the US,” *International Journal of the Sociology of Language* 127 (1997): 73.

<sup>33</sup> *Ibid.*

<sup>34</sup> Quoted in Tatalovich, *Nativism*, 13.

<sup>35</sup> US English.

There is also a financial aspect to the English-only rhetoric. Their argument is that duplication of government services and documents in multiple languages is too costly. One of English First's primary objectives is the elimination of "costly and ineffective multilingual policies."<sup>36</sup> A general question by these organizations is why the state should spend public money on "government services in *their* languages."<sup>37</sup> Spending government revenue on multi-lingual services is not only costly, but also counter-productive according to Mujica,

While using a multitude of languages in business, at home or in worship is valuable, it is burdensome, inappropriate, and divisive in government. What's more, it only serves as a disincentive to immigrants to learn English; the language 97 percent of our country speaks. We believe it makes far more sense to funnel the money spent on translation services to providing newcomers with the most important instrument in their life's toolbox - the knowledge of English so they can go as far as their dreams take them.<sup>38</sup>

In this view, the permissive and supportive position of the government for other languages is thus costly both because of the direct costs of the programs and because of the longer term implication that these people will not be able to fully integrate into the American economic life.

The most progressive of the English-only arguments is the contention that promoting English will serve as a means for uniting America and integrating immigrants into the larger society. Tatalovich quotes a US English Pamphlet that argues for the benefits of a common language for a nation and its people, especially in the United States, where "the language bond is more important than in most other nations because Americans are remarkably diverse in origin, race, lifestyle, ethnicity, religion, and culture. A common language bridges our differences."<sup>39</sup> This integrative approach is also the most common argument in Congress as well.<sup>40</sup> The greatest strength of the United States, according to Senator Huddleston, is its "ability to assimilate vast numbers of people from many different cultures and ethnic groups into a nation of people that can work together with cooperation and understanding."<sup>41</sup> Without the state's promotion of English, US English and its supporters fear, a parallel culture and society may

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<sup>36</sup> English First.

<sup>37</sup> Zentella, "Hispanophobia," 72.

<sup>38</sup> US English.

<sup>39</sup> "US English: Towards a Unified America," quoted in Tatalovich, *Nativism*, 11.

<sup>40</sup> Tse, *Learn English?*, 2.

<sup>41</sup> Quoted in Tatalovich, *Nativism*, 12.

emerge in the United States that is independent and separate from 'authentic' American culture.<sup>42</sup> A common linguistic bond, conversely, will promote the unity of the American nation.<sup>43</sup> As Senator Hayakawa argued in 1987, "the magical bond of common language can gradually overcome differences of religion and race."<sup>44</sup> Those arguing for an exclusively English state apparatus in the United States thus attempt through this incorporationist rhetoric to promote the idea that an exclusivist policy will actually benefit immigrants and society in general.

The final reason that US English and its ilk claim to promote English-only in the United States is that learning the dominant language is an important step in becoming a successful American and an economically prosperous person. Part of the rationale here is that the commodification of Standard English in recent decades as the language of commerce, international politics and prestige makes it an important means for individual success.<sup>45</sup> The avenue towards 'success' is therefore supposedly much more direct through the vehicle of the English language than through Spanish. Jim Boulet Jr., who served as Executive Director of English First from 1995-2009, argued this line of reasoning following an incident in which the Salvation Army came under criticism by the Equal Employment Opportunity Commission (EEOC) for firing two Spanish women who had failed to learn English within a year of being asked to under the company's language policy. Boulet contended that the "Salvation Army officials could have just let these women continue merrily along in their little linguistic ghetto. Instead, they tried to encourage these women to better themselves by learning English."<sup>46</sup> US English makes a similar argument regarding its proposed reforms, as its perspective is that "passage of English as the official language will help to expand opportunities for immigrants to learn and speak English, the single greatest empowering tool that immigrants must have to succeed."<sup>47</sup> The promotion of an exclusively English America, according to the proponents of this position, would help promote cultural unity, maintain traditional notions of American identity, and help immigrants to take advantage of the boundless potential of US citizenship.

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<sup>42</sup> Esman, *Ethnic Conflict*, 164.

<sup>43</sup> Zentella, "Hispanophobia," 73.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, 72-73.

<sup>46</sup> English First.

<sup>47</sup> US English.

## A HIDDEN AGENDA?

After a closer look at the ideas behind the English-only movement, and contrary to the combination of fear and utopian-unity found in the rhetoric, it becomes apparent that a very different set of ideas, some of which are not consistent with reality, underpin this group. A key assumption that is easily disproven is the notion that English is under threat by Spanish and destined to disappear if Americans do not do something. Simply put, in the current period English is the premier language not just of the United States, but also of the world. English-language culture stretches to almost every country in the world and the language's leading role in international politics and economics means that it is only increasing in scope and influence. As Geoffrey Nunberg, a linguist and professor of English at Stanford University, noted in testimony before the California state legislature before the passage of a pro-English Bill in 1986, "The trouble with movements like the US English group is that they lose sight of the enormous cultural and economic appeal of English, which have made it the most widely-used language in the world, without the help of official support."<sup>48</sup> In fact, notes Linton, "the US is still regarded as a graveyard for foreign languages."<sup>49</sup> English-only legislation, however, promotes the idea among English speakers that their language is too weak on its own and therefore needs state protection; this is false.<sup>50</sup> In 1997, less than 3 percent of US residents spoke English less than well or very well, indicating that English was not under significant threat.<sup>51</sup> Mujica, the US English Chairman, actually notes this propensity for English in his article in support of English-only legislation, although in a rather backhanded way.<sup>52</sup> The idea that a significant challenge to English is likely to emerge in the near future is so far-fetched as to be almost completely divorced from reality.

While the participants in this cultural battle are currently fighting upon the field of linguistics, the deeper issue is one of racism and the racialization of Hispanics in the United States. The present relationship

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<sup>48</sup> Geoffrey Nunberg, "Testimony Before the State Legislature on Proposition 63," in *Perspectives on Official English: The Campaign for English as the Official Language of the USA*, ed. Karen L. Adams and Daniel T. Brink. (New York: Mouton de Gruyter, 1990), 123.

<sup>49</sup> Linton, "Critical Mass Model," 282.

<sup>50</sup> Nunberg, "Testimony," 150.

<sup>51</sup> Zentella, "Hispanophobia," 73.

<sup>52</sup> US English. Mujica states that "8.1 percent of our total population, speak English less than very well" on the US English Homepage, yet then notes on the same page that it is necessary for "immigrants to learn English; the language 97 percent of our country speaks."

between Latinos and the larger US state and society has roots in the US conquest of the South West, Rocco believes, in which the United States incorporated Latinos in a situation of conquest and domination.<sup>53</sup> The English-only view ignores the long history of Hispanics in the South West and fits into a narrative of American history in which the 'nation' and its 'people' moved from East to West through previously unoccupied territory, ignoring the presence of Native, Spanish and French languages among the conquered and incorporated peoples.<sup>54</sup> From this position, Anglo society racialized Hispanics as "foreigners" from the outset. "This initial racialized construction," argues Rocco, "has served as the lens through which later-arriving Latino/a immigrants have been conceptualized."<sup>55</sup> While Latinos have a long history in parts of the United States, they remain cultural outsiders unless they choose to conform to Anglo-culture and society. A US English pamphlet lamented that there are "entire regions of the US in which Spanish is already a viable language," ignoring the fact that Spanish people settled in St. Augustine in 1565, pre-dating the English settlements of Roanoke, Jamestown, and Plymouth.<sup>56</sup> As in the case of Natives and Blacks, the history of subordination and domination promotes a notion that America's culture is Anglo culture, where "whiteness" is equated with English, and Spanish speakers are "racialized others."<sup>57</sup>

The very notion of people being 'Hispanic' or 'Latino' is such a gross essentialization of a group of people as to be difficult to distinguish from racism. A "Hispanic or Latino" in the definition of the US Department of Education, is a "person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race."<sup>58</sup> While this may sound innocuous, to say that someone of "Spanish...origin" seems to indicate a perpetual identity, which is akin to a race. Spanish speakers come from more than a dozen different countries, including the United States, with widely ranging cultural and historical pasts, yet the Anglo-conception melts all together into one unified and homogenous group. Even separately from their particular foreign roots, Puerto Ricans, Cubans, and

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<sup>53</sup> Rocco, "Transforming Citizenship," 307.

<sup>54</sup> Delia Poey, *Latin American Literature in the Classroom: The Politics of Transformation*, (Gainesville, FL: University Press of Florida, 2002), 1.

<sup>55</sup> Rocco, "Transforming Citizenship," 307.

<sup>56</sup> Zentella, "Hispanophobia," 75.

<sup>57</sup> Glenn A. Martinez, *Mexican Americans and Language: Del Dicho al Hecho!* (Tucson: The University of Arizona Press, 2006), 12.

<sup>58</sup> USDE 2007.

Mexicans (or Chicanos) have widely differing experiences of integration into American society. They do, however, share the same overall institutional relation with the state.<sup>59</sup> As Zentella notes, “Hispanophobia does not distinguish between Coloradans whose roots in the US are over 200 years old and recent illegal entrants, or between middle-class white Cubans in Florida and poor non-white Puerto Ricans in New York.”<sup>60</sup> The reason people in the US are so passionate about the language debate is not simply a matter of language, but rather reflects that “underneath these technical issues lie fundamental issues about racial relations in [American] society.”<sup>61</sup>

Fear of Spanish immigration amounts to a form of ‘Nativism,’ in which purported representatives of the ‘dominant’ culture promote a “norm-oriented” defence of certain norms of social formation and being.<sup>62</sup> Zentella argues that “[b]latant Hispanophobia is rampant in the propaganda of the movement,” and that English-only is actually “a smokescreen for an anti-immigrant agenda that is fundamentally anti-Latino, with alarming pro-eugenics elements.”<sup>63</sup> Poey attempts to “unpack the rhetoric behind the English only movement,” and finds that under a closer examination, “we can see that the ‘symbolism’ of these laws and amendments is rooted in racism and in fact intended to have very real consequences in the real world.”<sup>64</sup> The rhetoric of English-only activists at times goes well beyond mere symbolism, however. Terry Robbins, former head of US English in Florida, said while in his official position that he was very critical of Spanish people “who have chosen to come here and enjoy our freedoms,” but who still want to speak Spanish.<sup>65</sup> Robbins worried that Spanish will one day replace English as the dominant language in the US, which would be a tragedy since “the United States [was] not a mongrel nation.”<sup>66</sup> The co-founder of US English, John Tanton, left the organization following the publication of an internal memo from the organization in 1992, in which he discussed the danger of Hispanics out-breeding the English in the United States, noting, “perhaps this is the first instance in which those with their pants up are going to be

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<sup>59</sup> Rocco, “Transforming Citizenship,” 304.

<sup>60</sup> Zentella, “Hispanophobia,” 76.

<sup>61</sup> Martinez, *Mexican Americans*, 11.

<sup>62</sup> Tatalovich, *Nativism*, 6.

<sup>63</sup> Zentella, “Hispanophobia,” 74.

<sup>64</sup> Poey, *Literature in the Classroom*, 61.

<sup>65</sup> Quoted in *ibid.*

<sup>66</sup> *Ibid.*



caught with their pants down.”<sup>67</sup> While US English and the advocates of this position in general, deny racist motivations to their work, it appears upon closer examination that prejudice is central to their underlying impetus.

The ultimate purpose of English-only is the imposition of the dominant Anglo-culture upon those that do not conform to its socio-cultural prescriptions. Macedo et al., arguing from a post-structuralist position, believe that what the proponents of English-only “wish to achieve through the imposition of a ‘common culture’ is the creation of a de facto silent majority” which could be considered the “tongue-tying” of subordinate groups.<sup>68</sup> The silencing of non-conforming groups has important implications far beyond the Hispanic community alone. Under this notion that ‘Standard English’ is the sole legitimate means of communication in American society and culture more than just Latinos suffer marginalization. The US English position brings into question the ‘legitimacy’ of Ebonics or of Cajun as dialects of English, while also marginalizing those of lower classes and educational levels of all races. As there is an intimate link between culture and language, there is far more at stake for those told to conform than simply the language that they vote in or speak at the Post Office. The effect of English-only policies is “to impose cultural domination through linguistic domination, under the guise of an assimilative and let’s-live-all-together-happily model.”<sup>69</sup> Ironically, however, “American mainstream culture,” as has been the case since the nation’s beginnings, “is continuously evolving and expanding, incorporating elements from recent immigrant communities,” and is forever in a state of flux.<sup>70</sup> The fore fathers of the United States never heard rap music, ate shwarma on a street corner, or worshipped in a Mormon church, yet these have all become parts of the ‘American culture’ in the present period. Arguments for a static vision of culture tend to take the views of a specific group of people from today of ‘what it is to be American’ and impose these views on an idealized notion of the past. The historical record rarely conforms to these visions, and ignores the fact that many groups, including Blacks, Hispanics, women and Natives, suffered even greater social, economic and political marginalization in this idealized past than they do now, to say the least.

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<sup>67</sup> Zentella, “Hispanophobia,” 74.

<sup>68</sup> Donalddo Macedo, Bessie Dendrinis, and Panayota Gounari, *The Hegemony of English* (Boulder, CO: Paradigm Publishers, 2003), 36-37.

<sup>69</sup> Ibid., 37.

<sup>70</sup> Esman, *Ethnic Conflict*, 161.

## LATINO DESIRE TO JOIN AMERICAN SOCIETY

Ironically, given the intense vehemence of the English-only movement, studies indicate that Spanish speakers actually do want to learn English and have done so in large numbers.

An important reason for embracing English is the fact that the nature of the modern economy makes it very important for immigrants to learn English in order to be economically successful.<sup>71</sup> Hispanics, whether immigrants or locally born, do not need English-only organizations to tell them this fact. Some Hispanic people see Spanish as a barrier to becoming American and therefore avoid using the language and focus on English, which is especially true of children, who are often educated in schools that play up the importance of learning English.<sup>72</sup> While the Department of education found that in 2005 19 percent of Hispanic students (JK-Grade 12) “spoke English with difficulty,” this was most likely a result of the fact that 53 percent of the nation’s foreign-born schoolchildren were Hispanic.<sup>73</sup> A factor that likely exacerbates this rate is the fact that 26 percent of Hispanic families were living in poverty at that time.<sup>74</sup> “The desperate economic condition and low educational level” of many Hispanics according to Zentella, “contribute to linguistic insecurity and make Latinos anxious to learn English as fast as possible.”<sup>75</sup> Finally, the desire to be accepted is a powerful force upon new immigrants, as people generally desire to be socially “accepted as neighbors, friends, and marriage partners.”<sup>76</sup> There are thus a number of influences encouraging immigrants to learn English and participate in American civic, cultural and economic society.

More importantly than simply a desire to learn English, is the fact that Latinos are in large numbers learning English quite successfully. In the 1990 US census, around the time Tanton was making his statement about Hispanics taking over the country, the researchers found that of the non-English native speakers, 90 percent spoke some English and 75 percent spoke English “well” or “very well.”<sup>77</sup> These rates are actually quite remarkable given the low socio-economic status of many Hispanic

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<sup>71</sup> Tse, *Learn English?*, 12.

<sup>72</sup> Martinez, *Mexican Americans*, ix.

<sup>73</sup> USDE 2007.

<sup>74</sup> Ibid.

<sup>75</sup> Zentella, “Hispanophobia,” 75.

<sup>76</sup> Esman, *Ethnic Conflict*, 161.

<sup>77</sup> Tse, *Learn English?*, 43.

immigrants and the difficulties faced by older generations in learning a new language. The embracing of English is especially true of children, as Lacy and Oden note, with the vast majority of third generation immigrants not only fluent, but “often do not speak their grandparents’ language” at all.<sup>78</sup> Tse discusses two studies in which the authors found that concentration of Spanish speakers did not actually have a great impact on children’s language adoption. Although there were 1.6 million Spanish speakers in Florida in 2000, 94 percent of their children spoke English well or very well.<sup>79</sup> Another study of 5000 8<sup>th</sup> and 9<sup>th</sup> grade students in Fort Lauderdale and San Diego, both with large Spanish communities, found that 94 percent of children of immigrants spoke English well or very well and three-quarters said that they preferred it over their native tongue.<sup>80</sup> Latino scholastic achievement has also been improving, with high school completion rising from 50.8 percent in 1990 to 58.5 percent in 2005, and those with bachelor and graduate degrees rising to 12 percent of the Hispanic population from 9.3 percent in 1990.<sup>81</sup> While there is obviously a great deal of room for improvement in these numbers, it does indicate that, despite the large influx of Spanish immigrants during this period, more Hispanics are achieving academically in American schools than before. The Latino population appears to be learning English, improving academically and moving away from the margins of society into a much more mainstream position.

Although immigrants to the Hispanic community, and especially their children, are learning English, many are still choosing to hold on to their Spanish language skills as well. The large numbers of Spanish immigrants are helping improve Spanish language retention among Hispanics in the United States, and increasing bilingualism.<sup>82</sup> “Bilingualism,” notes Martinez, “is beyond a doubt the cornerstone of the Mexican American language experience,” as both Spanish and English-speaking Mexican Americans are connected by family, social and ethnic ties, which “makes bilingualism an essential fiber [sic] in the lives of all Mexican Americans.”<sup>83</sup> Possessing two languages can actually be a great aid to Latinos in achieving success, and not simply because they could operate in areas requiring both languages. In a

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<sup>78</sup> Lacy and Oden, “Popular Attitudes,” 149.

<sup>79</sup> Tse, *Learn English?*, 15.

<sup>80</sup> *Ibid.*, 18.

<sup>81</sup> USDE 2007.

<sup>82</sup> Linton, “Critical Mass Model,” 281.

<sup>83</sup> Martinez, *Mexican Americans*, ix-3.

study of Spanish high school students in San Diego, researchers found that fluently bilingual students had better marks, greater aspirations, had better home lives, and were generally happier than monolinguals.<sup>84</sup> Bilingualism is an example of the counter-movement to Official English, which advocates “English Plus” and the idea that all Americans should know more than one language, as in English plus their home or an alternative language.<sup>85</sup> The idea of English Plus reflects the reality that many immigrants speak more than one language and are hesitant to abandon their native tongue completely, while still encouraging the adoption of English and encouraging the broader American public to take on another language as well.

The English-only movement may actually be its own worst enemy, as its activities and intolerance toward Latinos in general may encourage the holding of a strong Spanish-based ethnic identity. For example, as a response to marginalization, Mexican-Americans often form associational bonds and self-help civil society organizations. Rocco believes that “[t]hrough these relations of mutuality, individuals and households in these communities have found ways to accommodate, resist, circumvent, and engage the restrictive barriers that continue to affect them.”<sup>86</sup> Measures aimed at forcing Hispanics to learn English and abandon Spanish lead many Latinos to perceive “an attack on their group identity, and it becomes a point of pride with them to resist and to keep using their original language.”<sup>87</sup> Simply put, people do not like to have language forced upon them and are therefore likely to resist this and hold on to their native tongue.<sup>88</sup> Attacks can actually lead to a sense of pride in the group’s language, according to Martinez, as is the case with many Latinos who embrace Spanish as a source of pride and strength.<sup>89</sup> Contrary to the intentions of US English, “the movement to make English the official language has heightened Latino awareness of Hispanophobia and promoted the defense [sic] of the Spanish language,” which draws together the heterogeneous population of Latinos under a shared struggle, and promotes the notion that Cubans, Mexicans, Puerto Ricans and others have a shared identity.<sup>90</sup> With the continual

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<sup>84</sup> Linton, “Critical Mass Model,” 280.

<sup>85</sup> Ibid.

<sup>86</sup> Rocco, “Transforming Citizenship,” 310.

<sup>87</sup> Nunberg, “Testimony,” 124.

<sup>88</sup> Ibid., 122.

<sup>89</sup> Martinez, *Mexican Americans*, 13.

<sup>90</sup> Zentella, “Hispanophobia,” 78.

renewal of the Hispanic population through immigration, it is easier to maintain language and group identity, even if “many offsprings [sic] of earlier arrivals, especially those who have achieved higher education and social mobility, loosen their links with the diaspora as they are absorbed into the mainstream.”<sup>91</sup> The English-only movement should thus be careful that it does not create a self-fulfilling prophesy.

## CONCLUSION

The English-only argument that eliminating foreign languages, particularly Spanish, from government operation is thus both steeped in Nativist notions of Anglo-superiority and fails to recognize the real assimilative goals of the Hispanic population in the United States, which in some respects actually undermines the integrative impulse of this community. Demographics have changed in the United States over the previous three decades, and with this change come new cultural and social influences on the American nation. This nation, however, has a long history of changing and developing as new waves of immigrants arrive from diverse locales and socio-cultural backgrounds, and this current wave is unlikely to break apart the fabric of the nation. Most people that move to the United States want to participate in the ‘American Dream,’ that is why they left their home country in the first place. Adjusting to a new society, learning the language, and adopting the overall culture takes time for people, but it seems to inevitably occur for the vast majority of people. Hispanics are unlikely to be any different from this trend. English-only movements, if they wish to actually promote integration rather than simply marginalize Latinos, need to come to terms with the fact that it will take the American nation time to adjust to these new waves of immigrants and new socio-linguistic identities. This adjustment is likely to occur with time, as America continues its long-term evolution, one ultimately rooted in its nature as a nation of immigrants.

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<sup>91</sup> Esman, *Ethnic Conflict*, 164.

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# ***GLOBAL ENVIRONMENTAL GOVERNANCE OF THE MINING INDUSTRY:***

GROWING PRESSURES AND INDUSTRY-BASED PRIVATE ENVIRONMENTAL GOVERNANCE

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## **ABSTRACT:**

*Given the growing concerns of environmental degradation surrounding mining activities, this paper explores the global governance of the mining industry and questions the effectiveness of industry-level self-regulation. It is argued that Industry-level voluntary codes of conduct and other attempts at reputational management are prone to free-riding, underreporting, and informational asymmetries and are unlikely to be very effective. Further, this approach appears to be an elaborate public relations exercise with the goal of avoiding binding external regulation in favour of voluntary guidelines. In such a situation, civil society actors play an important role in advocating and publicizing, counterbalancing the increasing power of firms relative to state regulators.*

## INTRODUCTION

The extraction of minerals and metals involves ripping open the earth's crust to access, extract and process ore that contains valuable minerals. This process involves incredible energy intensity, the use of toxic chemicals, and inevitably massive negative externalities—both social and environmental. The potential environmental impacts have been realised in many instances. The silt build-up in, and pollution of the Ok Tedi River and surrounding floodplains in Papua New Guinea;<sup>1</sup> the cyanide leaching and pollution of groundwater in Cerro de San Pedro, Mexico;<sup>2</sup> and the breach of a tailings dam into protected river habitats in Aznalcollar, Spain<sup>3</sup> are just a small sampling of such disasters. Gold mining operations have been particularly problematic due to use of cyanide in ore processing and the fact that the high price of gold allows the exploitation of very low quality deposits. This is exemplified by the cases of the Omai disaster in Guyana<sup>4</sup> and the Tisza disaster in Romania<sup>5</sup>. In both cases Cyanide leaked into major waterways damaging ecosystems and harming human health. These examples point to some of the potential and realised impacts of mining on the environment and human health. Furthermore they exemplify the kind of problems that have brought growing pressures to regulate the global mining industry.

This paper asks, given the potentially devastating impacts of the mining industry and recent movements towards increasing self-regulation at the industry level, what are the inherent strengths and weaknesses of industry self-regulation and voluntary corporate social and environmental responsibility (CSER) codes towards the goal of sustainable development? The following sections trace the rise of industry self-regulation as nested in a greater trend towards corporate self-regulation, and analyse the merits and weaknesses of industry self-regulation and CSER approaches for GEG in

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<sup>1</sup> Alan Gilpin, *Dictionary of Environmental Law*, (Cheltenham, UK/Northampton, MA: Edward Elgar Publishing, 2000), 237-38.

<sup>2</sup> Adrianna C. Estrada Ochoa, "Canadian Mining Operations in Mexico: An Initial Overview, in *Community Relations and Corporate Responsibility: Canadian Mining Companies in Latin America*, ed. Liisa North, et al. (Toronto: BTL, 2002)0, 90-112.

<sup>3</sup> Thomas F. Penderson. "An Editorial," in *Waters in Peril*, ed. Leah Bendell-Young and Patricia Gallagher. (New York: Springer, 2001), 161-62.

<sup>4</sup> Abraham Kumar. "Sustainability and Gold Mining in the Developing World," *Journal of Cleaner Production*, 3-4 (2006): 315-23.

<sup>5</sup> Robert Koenig, "Wildlife Deaths are a Grim Wake-Up Call in Eastern Europe, *Science*, 287, no. 5459 (2000): 1737-1738.

the mining industry. The overarching argument is that the industry is more self-interested than enlightened and that inherent weaknesses in the self-regulation approach will limit its success. The industry response is not necessarily indicative of an environmental enlightenment. More plausibly, this response is a reaction to growing pressures from international civil society and affected communities to create stronger regulatory frameworks to guide mining operations. The result has been an ad hoc regulatory framework in which civil society organizations play a vital role as observers and advocates, reducing informational asymmetries, and demanding responsible production, environmental remediation, and just compensation for affected communities.

The broader implications of this transcend narrow, sector-specific analyses to enquire about the viability of voluntary corporate self-regulation for environmental and social governance in a general sense. If indeed such initiatives seek only to avoid external regulation, then they are unlikely to be effective. In fact they may be detrimental, for example, by further marginalizing the regulatory role of the state or by relieving pressures on the industry for pollution abatement and establishing suboptimal performance levels. The overarching goal of CSER approaches to mining regulation has little to do with the optimal environmental performance of individual operations and much to do with avoiding external regulation, reducing costs and maximizing returns while minimizing investor risk.

## GEG AND THE IMPACTS OF MINING

Global environmental governance (GEG) must take into account several types of problems. On the one hand things like climate change, ozone depletion, industrial pollution and acid rain are global in scope and therefore need to be addressed at a global level. These are pertinent examples of environmental problems that, while the sources of these problems may be contained within individual states or groups of states, the problems themselves are cumulative and their repercussions have little respect for political boundaries. This requires collective action to prevent or mitigate environmental problems that will inevitably affect all states.

On the other hand, GEG must also take into account more localized sources of degradation that may not have immediate and clear international repercussions. These concerns stem from the globalization of production, consumption and disposal, where environmental impacts of production are increasingly detached from the site of consumption and disposal. While the locus of consumption may be located in a state with strong environmental

regulations, the points of production and even end-of-life disposal are increasingly in states lacking such regulations.<sup>6</sup> Moreover, the home state of the producing firms may have strong environmental legislation, but home state regulations lack the extraterritoriality needed to regulate firms operating on foreign soil; however, home states often offer diplomatic backing and capital financing to such firms that are outside of their jurisdictional boundaries. Firms operating on foreign soil receive the benefits of home-country firms in terms of financial support and political support from the home state government, but need not comply with cumbersome environmental and labour laws that regulate operations in the home state. The environmental impact of the mining industry falls primarily within this latter category of GEG, where impacts may not be entirely trans-boundary, but the demand for mineral goods, the corporations which extract them and their operating capital are certainly transnational.

When following FDI-led growth strategies, some developing states become host states for dirty industries. Lacking the infrastructure, human capital, or relatively low wages of a state like China, some states have lowered barriers to entry for mining firms, by reducing or eliminating taxes and being lenient when it comes to enforcing environmental regulations. Some scholars argue that the competition for limited investment capital can cause a regulatory 'race to the bottom' in developing states.<sup>7</sup> However, this 'race to the bottom' argument originally theorized that industrialized countries would adopt suboptimal environmental standards to compete for investment and prevent firms from relocating to areas of lax regulatory enforcement. This argument has little supporting evidence in quantitative studies. That is to say that industrialized states have not lowered standards to attract or maintain investment.

However, in developing states a similar problem exists which is more accurately labelled a 'stuck at the bottom' problem.<sup>8</sup> The 'stuck at the bottom' thesis argues that developing countries will not improve standards as they compete for foreign direct investment and therefore tend to attract especially dirty industries like mining and toxic waste disposal. There is also some indication that enforcement may be lacking in many developing states,

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<sup>6</sup> Jan Arte Scholte, *Globalization: A Critical Introduction*, (London: MacMillan Press, 2000), 220.

<sup>7</sup> For example, Chris Ballard and Glenn Banks, "Resource Wars: The Anthropology of Mining," *Annual Review of Anthropology*, 32 (2005), 294.

<sup>8</sup> Gareth Porter, "Trade Competition and Pollutions Standards: 'Race to the Bottom' or 'Stuck at the Bottom,'" *Journal of Environment & Development*, 8 (1999), 138.

and ‘pollution zones’ of lax regulation exist in such states. Unsurprisingly, these zones correspond to impoverished regions inhabited by marginalized populations.<sup>9</sup> Examples of such dirty industries operating in pollution zones are mining in many areas of developing states, computer salvage in Guiyu, China<sup>10</sup> and ship-breaking in Alang, India.<sup>11</sup> In Central America, the zone of mineralization where most gold mining operations are currently occurring—the Central American Gold Belt—roughly corresponds to the mountainous areas inhabited by impoverished and socio-politically marginalized indigenous groups. While many developing states are unlikely to have strong regulations to begin with, the dynamic of FDI-led development strategies creates further disincentives for the implementation and enforcement of strong environmental regulation.

The globalization of communications, however, has also opened avenues to address these problems through channels like international nongovernmental negotiations and epistemic communities.<sup>12</sup> The same conduits that have allowed an expansion of the market economy into new areas (i.e. telecommunications technology) have created avenues for a ‘double movement’ which challenges market-created dislocations that attack and distort the fabric of society.<sup>13</sup> There is a growing awareness that industrial development can have positive or negative effects on wellbeing, depending on a society’s ability to regulate productive activity, maximizing benefit and minimizing harm. This awareness has produced countercyclical pressures that are forcing multinational corporations (MNCs) to rethink the nature of their activities in developing countries.

Environmental problems with mining have become more acute due to the changing nature of operations and the growing concern for the environment. The nature of mining and the mining industry has changed much since the early gold rushes of the settler colonies. The romanticised

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<sup>9</sup> Lyuba Zarsky, “Havens, Halos and Spaghetti: Untangling the Evidence about Foreign Direct Investment and the Environment,” in *Foreign Direct Investment and the Environment*, (Paris: OECD, 1999), 48.

<sup>10</sup> Jim Puckett et al., *Exporting Harm: The High-tech trashing of Asia*, (Seattle, WA/San Jose, CA: The Basal Action Network/Silicon Valley Toxics Coalition, 2002), 15-17.

<sup>11</sup> Amit Ray, “Waste Management in Developing Asia: Can Trade Cooperation Help?,” *Journal of Environment & Development*, 17, no. 3 (2008).

<sup>12</sup> David Szablowski, “Regulating Corporate and Community Engagement in a Large Mining Project,” in *Community Rights and Corporate Responsibility: Canadian Oil and Mining Companies in Latin America*, ed. Liisa North et al. (Toronto: BTL Press, 2006), 40.

<sup>13</sup> Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, (Boston: Beacon Press, 1957), 130.

image of grizzled prospectors panning fist-sized gold nuggets out of babbling brooks and striking ‘the big one’ is something of the past. Today the prospectors have been replaced with exploration companies using highly sophisticated geological modeling, geochemical, geophysical, and remote sensing methods. Gold pans have become house-sized dump trucks which weigh hundreds of tons. Nuggets have given way to microscopic particles dispersed through tons of ore, often buried deep in overburden. This waste rock is often prone to acid rock drainage which can harm ground and surface water resources.

The environmental impacts of modern mining practices are massive when all goes well and catastrophic when problems occur. The practice involves removing immense amounts of earth and rock at incredible energy intensity, turning mountains into craters in a matter of years. The overburden and waste rock is put in ‘dumps’ which can leach acids, arsenic and heavy metals. The pollutants affect surface and ground water, harming plants and animals in the natural environment, agriculture productivity and human health.

The ore is then crushed and grinded before extractive metallurgy techniques are used. Metals are then extracted from the ores using heat, water, chemicals, and electricity in various combinations. Chemicals used to extract metals include ammonia, chlorine, hydrochloric acid, sulphuric acid, cyanide and mercury. In common heap leaching processes, these chemicals are percolated through the ore with sprinklers or mixed with the ore in tanks.<sup>14</sup> The chemicals sequester the desired mineral from the ore then various processes extract the desired mineral from the ‘pregnant solutions.’

After the economically viable minerals have been removed from the ore, the remaining wet sandy gravel is referred to as tailings. The tailings are usually stored in ponds with little or no treatment, and residual chemicals are expected to breakdown through natural processes. Other methods of tailings disposal include submarine and riverine discharge, where tailings are discharged deep into the ocean or rivers.<sup>15</sup> These processes have caused substantial environmental problems—including toxification and siltation and related flooding—but approval of such

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<sup>14</sup> Gavin Hilson and Vishal Nayee, “Environmental management system implementation in the mining industry: a key to achieving cleaner production,” *International Journal of Minerals Processing*, 64 (2002), 24-5.

<sup>15</sup> Radhika Sarin, “Editorial: No dirty gold: consumer education and action for mining reform,” *Journal of Cleaner Production*, 14 (2006), 306. AND R.J. Slack, “Book Review,” Rev. of *Mine Wastes: Characterization, Treatment and Environmental Impacts*, by Bernd G. Lottermosser, *Journal of Cleaner Production*, 14 (2006) 1177.

disposal techniques is now commonly sought by mining firms seeking to reduce production costs and maximize profits.

As mining techniques have become more capital, technology and energy intensive, pollution has become an ever greater concern. The exhaustion of deposits and increasing environmental standards in Northern states and the movement towards neoliberal export-oriented, foreign investment dependent development models in Southern states, have caused a shift in the locality of new operations towards developing states, which have lower environmental standards and weaker enforcement records.<sup>16</sup> Simultaneously, the decrease in labour intensity has reduced the local benefits of mining activities while underlining negative externalities. This leads to increasing pressure on the industry to improve its performance.<sup>17</sup> The growing awareness of the externalities of mining has resulted in growing pressures for greater regulations on the industry. The industry response has sought to avoid external regulation through voluntary, industry-defined regulations.

## THE RISE OF CORPORATE SELF-REGULATION IN THE MINING INDUSTRY

General Motors president Alfred T. Sloan believed that “the business of business is business”.<sup>18</sup> This maxim encapsulated business philosophy until relatively recently. The idea of corporate social responsibility which first coalesced in the late-1960s did not mix with the traditional business philosophy. This conflict is summed up succinctly by Milton Friedman who, in 1970, insisted that

there is one and only one social responsibility of business — to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition, without deception or fraud.<sup>19</sup>

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<sup>16</sup> Alejandra Roncallo, “Bolivia’s Amayapampa and Capasirca Mines: Social Resistance and State Repression,” in *Community Rights and Corporate Responsibility: Canadian Mining and Oil Companies in Latin America*, (Toronto: BTL Press, 2006), 65-67.

<sup>17</sup> David Timothy Clark, “Canadian Mining in Neo-Liberal Chile: Of Private Virtues and Public Vices, in *Community Rights and Corporate Responsibility: Canadian Mining and Oil Companies in Latin America*, (Toronto: BTL Press, 2006), 96.

<sup>18</sup> Willis W. Harman and Maya Porter, *The New Business of Business: Sharing Responsibility for a Positive Global Future* (San Francisco: Berrett-Koehler Publishers, 1997), 1.

<sup>19</sup> Milton Friedman, “The Social Responsibility of Business is to increase its profits,” *The New York Times Magazine*, September 13, 1970.

This attitude has recently changed however due to growing pressures on corporations; now CSER is seen as an important part of business strategies.

These strategies have also been adopted by the mining industry. GEG of mining has increased not only because of the potential environmental impacts of unregulated mineral extraction, but also because of the effects of global economic integration and the rise of market fundamentalism on the capacity and role of the nation-state. Both international financial institutions (IFIs) and competition for investment have pressured states into adopting privatization, austerity measures, and to limit its regulatory role in order to attract foreign investment with hopes of achieving economic growth and development.<sup>20</sup> While the state has by no means disappeared, observers have argued that the role of the state has been relegated to facilitating investment through measures like adopting and enforcing private property laws and business-friendly tax incentives.<sup>21</sup> However, just as economic globalization has decreased state-based regulatory pressures on the mining industry, the globalization of civil society has created counter-cyclical pressures by shedding light upon the environmental and social repercussions of the industry's activities, even in very remote locations.<sup>22</sup> Pressure from NGOs, investors, and other stakeholders put the industry in a position where serious reputational management is necessary in order to avoid external regulation.

This understanding of the industry response to growing regulatory pressures follows Falkner's analysis of growing Private Environmental Governance (PEG)<sup>23</sup> and Clapp's analysis of the growing role of corporate interests in transnational civil society and intergovernmental attempts to regulate transnational corporations.<sup>24</sup> The former work traces the process whereby PEG "strengthened the predominant liberal... ideational structure...in the global environmental agenda...promot[ing] a model of

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<sup>20</sup> Roncallo, "Bolivia's Amayapampa and Capasirca Mines," 65.

<sup>21</sup> Scholte, *Globalization*, 22.

<sup>22</sup> Joan Kuyek, "Legitimizing Plunder: Canadian Mining Companies and Corporate Social Responsibility," in *Community Rights and Corporate Responsibility: Canadian Mining and Oil Companies in Latin America*, (Toronto: BTL Press, 2006), 204.

<sup>23</sup> Robert Falkner, "Private Environmental Governance and International Relations: Exploring the Links," *Global Environmental Politics*, 3, no. 2 (2003).

<sup>24</sup> Jennifer Clapp, "Global Environmental Governance for Corporate Responsibility and Accountability," *Global Environmental Politics*, 5, no. 3 (2005).



global self-regulation that benefits the interests of powerful MNCs";<sup>25</sup> the latter work catalogues corporate pressures exerted on global environmental conferences to shift their emphasis from overarching legal regulation of corporate activity to voluntary self-governance—a shift from accountability to responsibility. Indeed, some of the same business representatives that pushed for greater business representation at the global environmental conferences (the World Business Council for Sustainable development or WBCSD, for example) are the same organizations that sponsored the Global Mining Initiative (GMI).

The response of the industry to growing pressures was the GMI, a multimillion-dollar undertaking sponsored by mining executives and the WBCSD. It involved (1) an in-depth multi-stakeholder consultation process and its final report, (2) a conference held in Toronto in 2002, and (3) the establishment of a permanent organization to promote sustainable development in the industry. To the industry the undertaking was a reaffirmation of mining's ability to sustainably contribute to economic and social development; to critics it was little more than a public relations exercise. To many detractors of mining, the idea of sustainable mining is clearly a contradiction, because the operations themselves entail the extraction of finite, non-renewable resources.

The GMI was essentially born at the 1998 World Economic Forum in Davos, Switzerland when nine major mining companies, all members of the WBCSD, came together with the belief that "the industry needed to be more effectively engaged in decisions affecting its future".<sup>26</sup> The formation of the GMI reflects the pressures which the industry was facing at the time.<sup>27</sup> The GMI was comprised of three main tasks: an industry level representative body, an in-depth report on the industry, and a global mining conference.

The International Council on Metals and the Environment (ICME) agreed to expand its mandate, becoming the International Council on Mining and Metals (ICMM), fulfilling the first task.<sup>28</sup> The second task was fulfilled by the a multi-stakeholder reporting project, Mining Minerals and Sustainable Development (MMSD), which was later operationalized as the Sustainable

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<sup>25</sup> Falkner, "Private Environmental Governance," 83.

<sup>26</sup> Global Mining Initiative, *An Industry In Transition*, Pamphlet, (1999), 2.

<sup>27</sup> Hevina S. Dashwood, "Canadian Mining Companies and the Shaping of Global Norms of Corporate Social Responsibility," *International Journal*, 6, no. 4 (2005), 977.

<sup>28</sup> The ICME was founded in 1991 to promote the development and implementation of sustainable development policies related to health and the environment. It was already acting as a coordinator for GMI activities. See Dashwood, (2005), 989.

Development Framework, and implemented by the ICMM. One major criticism of the multi-stakeholder approach was that relevant NGOs like Mining Watch Canada refused to participate, while groups like World Wildlife Fund did take part. This gave the final product the legitimacy of civil society endorsement without the expertise of relevant civil society actors.

The third task, a global conference called *Resourcing the Future*, took place in Toronto, May 2002, where ICMM member companies agreed to the Toronto Declaration. The declaration was a commitment on the behalf of mining companies to continue and expand the work started by the MMSD project. In 2003 the MMSD report was operationalized in the Ten Principles of ICMM's Sustainable Development Framework, followed by reporting and assurance measures added in 2005 and 2008 respectively. The GMI represents massive efforts to redefine the industry, but the question remains as to whether it is simply 'green-washing' or whether the industry has experienced genuine enlightenment. Either way, results and motives are both important, and the overall effectiveness of the approach is worth questioning.

## THE BUSINESS CASE FOR CORPORATE SOCIAL RESPONSIBILITY

The underlying motives for corporate self-regulation do not stray far from the profit-motivated basis of the traditional business philosophy—it is essentially more self-interested than enlightened. The argument characterized by the above quote from Friedman is somewhat reasonable in a context of strong governance, but many mining operations take place outside such a context, and with that realisation corporations have adjusted their methods if not their underlying motives.<sup>29</sup> The business case for CSER is essentially that acting in a responsible manner will be good for business. Ecological issues, for example, are bottom-line sensitive.<sup>30</sup> For example, increasing the efficiency of operations through 'ecological modernisation' can benefit the environment and shareholders through minimizing energy and materials needs.<sup>31</sup> However, there is more at stake than just efficiency.

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<sup>29</sup> Ralph Hamann, "Mining Companies' Role in sustainable development: the 'why' and 'how' of corporate social responsibility from a business perspective," *Development Southern Africa*, 20, no. 2 (2003) 241-2.

<sup>30</sup> Hamann, "Mining Companies' Role," 242.

<sup>31</sup> Peter Utting, "Business Responsibility for Sustainable Development," *Occasional Paper No. 2*, Geneva: UN Research Institute for Social Development, 2000.

Reputational management, cost-minimization, and regulatory avoidance are central reasons for changing business approaches.<sup>32</sup> In this case the reputation of the mining industry is in question, and an optimal level of performance exists which entail costs that, while perhaps greater than unregulated activity, are lesser than the penalties that would be incurred due to loss of investment capital and operating licenses, production interruptions, fines, cleanup costs and reparations. Further, given the limited capabilities of the traditional regulatory authorities in many developing states, mining companies should not depend on effective state regulation to control them. Purely economic models of self-maximizing rational actors unfortunately point to the tendency to discount future costs and benefits, so regulatory weakness are likely to be taken advantage of rather than chances for responsible conduct.

The motives for adopting CSER approaches indicate that this may be the case. For example, a Price Waterhouse Coopers survey of 32 mining companies identified the strongest reasons for shifting towards sustainable development as “enhanced shareholder value and survival of the business in the long term,” while the greatest obstacle to internalising the concept was the inability to “link sustainable development to financial success”.<sup>33</sup> The inherent problem in the business case for CSER is that the medium-to-long term results of such activities conflict with the traditional focus on short term performance.

As Blowfield points out, the “right to make a profit, the universal good of free trade... supremacy of private property... commoditization...the superiority of markets...” and other aspects of capitalism are non-negotiable core assumptions under CSER models; they are implicit and trump conflicting norms and priorities.<sup>34</sup> CSER not only is unable to challenge basic business beliefs, but it indeed reinforces them. Thus, there is evidence that self-interest trumps altruism in the shift towards industry level self-regulation, but effectiveness is what is most important. This analysis turns to that topic presently.

## INHERENT PROBLEMS IN SELF-REGULATORY APPROACHES

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<sup>32</sup> David Humphreys, “A Business Perspective on Community Relations in Mining,” *Resources Policy*, 26, no. 1 (2000), 127-131.

<sup>33</sup> Mining Minerals and Sustainable Development and Price Waterhouse Coopers, *Mining Minerals and Sustainability Survey 2001*, (London: MMSD, 2001), 16.

<sup>34</sup> Michael Blowfield, “Corporate Social Responsibility: Reinventing the Meaning of Development?” *International Affairs*, 81, no. 3 (2005), 520.

Bomssel sums up the problems with government regulation and corporate self-regulation succinctly:

In both cases, informational constraints and strategic behaviour impede the achievement of optimal pollution levels. Public regulators may be self-interested, lack information and not be credible with respect to future commitments. Similarly, the efficiency of self-regulation is confronted with problems such as free-riding, credibility, and disalignment with public interest. Each member of the coalition may have an interest to cheat (i.e. not to contribute to pollution abatement as required by the collectively set rules). Self-regulatory schemes involve regulation of the industry, by the industry and for the industry. They may therefore raise a problem of acceptance in the eyes of public opinion and of public authorities. Moreover, they may lead to an undermining of provision for pollution reduction. By essence the private regulator is self-interested and serves its members. The latter may have interests in abating pollution at a level far below the social objectives expressed by other parties (e.g. green groups, pollutees).<sup>35</sup>

The effectiveness of the new industry level approach is questionable. An organization such as the ICMM is created for the collection and dissemination of information regarding environmental best practices, and for collective action of pollution abatement through the definition and enforcement of a constraining set of rules, subject to controls and sanctioning.<sup>36</sup> However, the ICMM has been much better at spreading information than collective action against pollution. And there are inherent problems that limit the industry-level approach.

Why do corporations within the same industry cooperate when it is clearly antithetical to their traditionally competitive relationships? According to Sethi there are several benefits to such arrangements.<sup>37</sup> They help promote standardization which creates economies of scale, reducing transaction costs. They also assist in advancing common economic interests in the political arena, and they can protect companies from paying the costs of negative externalities. Is it possible that the GMI has both selfish and altruistic intentions, or have its detractors pegged it correctly as 'green washing' or purely public relations?

Three types of gains—cost-savings, demand gains, and regulatory gains—accrue through industry self regulation. Costs saving, like those

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<sup>35</sup> Oliver P. Bomssel et al., "Is there room for environmental self-regulation in the mining sector?" *Resources Policy*, 22, no. ½ (1996), 81.

<sup>36</sup> Bomssel, "Is There Room?" 80.

<sup>37</sup> S. Prakash Sethi, "The Effectiveness of industry-based codes in serving public interest: the case of the International Council on Mining and Metals," *Transnational Corporations*, 14, no. 3 (2005), 74.

through 'ecological modernisation' accrue to the individual company, and therefore are not a collective gain, and do not justify collective action. Demand gains occur through signalling to the purchaser that the product was produced in an ecologically sensitive manner. However, with few exceptions—the market for non-blood diamonds, for example—consumers are quite detached from the origin of mining products, and inevitably care more about the quality of the product that they are used in, or their end-life disposal.<sup>38</sup> For example, consumers are far more concerned about the quality of a computer than where and how the mineral content of its various components is sourced. Likewise, many consumers are concerned about the proper disposal of compact florescent light bulbs, batteries and electronics waste due to lead and mercury content, but neglect to consider the origin of such products.

The benefits from niche branding and specialized product differentiation like ethical gold and precious stones will also inevitably accrue to individual companies, thus these are private rather than collective gains. Regulatory gains for the mining industry are also considered private gains due to the high level of competition between firms, and the costs of sanctions and benefits of avoiding them unavoidably accrue to individual companies.<sup>39</sup> However, the growing pressure on the industry is threatening its collective reputation. So, like the chemical industry after Bhopal or the nuclear energy industry after Three Mile Island, collective action is required to ensure private gains. Of course there are problems in such a situation.

As discussed by Sethi and Emelianova, the ICCM's Sustainable Development Principles fail to meet the necessary preconditions for the successful creation and implementation of industry-based codes of conduct.<sup>40</sup> The principles' governance structure lacks formal process for external input. In terms of reporting, members do not provide information as to their level of compliance with the framework. Issues have been identified from an industry point of view and therefore are not relevant to community concerns. Further, the principles are characterized by indistinct language, they fail to offer a solid time-line for improvement, they lack definitional clarity, and they fail to stipulate minimum expectations of performance. The principles and their sub-points, or 'amplifications,' do not even mention zero-tolerance concerns. Shockingly, easily quantified

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<sup>38</sup> Bomsel, "Is There Room?" 84.

<sup>39</sup> Bomsel, "Is There Room?" 85

<sup>40</sup> S. Prakash Sethi and Olga Emelianova, "A failed strategy of using voluntary codes of conduct by the global mining industry," *Corporate Governance*, 6, no. 3 (2006).

problems—like waste volumes and energy usage—are not subject to outcome-oriented expectations. Beyond environmental problems, human rights abuses—which many industry members have committed—are left out altogether.<sup>41</sup> From this analysis it seems that the sustainable development principles have either been poorly conceived, or have simply been an elaborate deception to prevent external governance of the industry.

Sethi and Emelianova supply an analysis of the implementation of the ICMM's sustainable development principles. The findings are disappointing. Member company sustainability reports from Anglo-American, Newmont Mining, BHP Billiton, and Rio Tinto are found to be essentially descriptive—qualitative rather than quantitative—emphasizing the means instead of the ends. These reports

provided information, which the companies would like the public to know rather than the information that public would want the companies to provide...[the data provided] were essentially descriptive facts and lacked relevant context...comparative analysis [and] points of reference where...company performance is measured against best practices...There was little information as to the company's actions where its operations had been previously criticized by external stakeholders...a complete absence of systematic analysis of the companies' operations and their compliance with the ICMM's ten principles and their amplifications.<sup>42</sup>

Like the principles enshrined in the ICMM's sustainable development framework, the reports are essentially vague and lack quantifiable indicators or relevant context. Without such features, the facts contained in the reports and the value of the framework principles in general is invalidated. With that in mind it is clear that, perhaps despite other intentions, the ICCM's work will be regarded as little more than an elaborate public relations exercise and a massive waste of time and money.

## CONCLUSION

The extraction of mining and metals is an activity that has heavy impacts on the environment at the best of times, and catastrophic effects when problems occur. The potential for such disasters has been realized in a number of cases, which has increased pressures to regulate the industry. In line with broader analyses of growing corporate self-governance, the mining industry has undertaken a significant effort at industry-level self regulation and PEG. This level of self-regulation has further been necessitated by the

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<sup>41</sup> Sethi and Emelianova, "A failed strategy," 232-34.

<sup>42</sup> Sethi and Emelianova, "A failed strategy," 234.

increasing transnationalization of mining activities, the growing influence of transnational civil society and INGOs, the demands of shareholders and institutional investors, and the decreasing labour intensity of mining activities, which have limited the local benefits of mining operations to those who suffer most from their negative externalities. This paper has shown that the enlightened self-interest of the mining industry is far more self-interested than it is enlightened. While clearly these can be compatible in some circumstances, the efforts of the mining industry fall short. Not only does the nature of the industry limit the possibility for collective gains, but the industry's principle sustainable development framework lacks the structures necessary for quantifiable improvement. The outcome of the sustainability initiatives are essentially individual public relations reports, which stress qualitative aspects of company activities towards sustainable practices without providing relative context or quantifiable measures of improvement. At best, the approach will allow the industry to continue in a business as usual fashion, perhaps avoiding some of the most egregious catastrophes of the past. At worst, such an approach will lull opponents of the industry into a sense of satisfaction, avoid binding environmental regulations from public authorities, and allow the industry to continue performing at whichever suboptimal level allows profit maximization while avoiding investor risk and external regulation. While some forward looking members may significantly improve their performance, it is likely that an industry-level approach to reputational management will be subject to free riding, wherein many firms gain from the work of the ICMM without contributing or changing deplorable practices.

Some of these problems may be ameliorated through the improvement of the sustainability framework and corresponding reports to include standardized, quantifiable measures of performance and by making the information contextual and relative to previous performance problems. The use of third-part verification and an industry commitment to help improve the capacity of state regulators could not only improve outcomes, but indicate the industry's true willingness to improve its performance. This type of action however seems unlikely due to the fact that it is antithetical to the underlying motive of individual firms—maximization of shareholder value.

In the modern economic context where the locus of regulatory power between the state, the private sector and civil society is in constant flux, each group has a vital role to play in maintaining some semblance of balance. Where the regulatory role of the state has diminished, the industry seeks to underline its ability to exist responsibly, outside a rigid

regulatory framework. The industry-level representative organization, the ICMM, is making considerable efforts to create the appearance of an enlightened industry. However, in high-risk mining operations, self-regulation can be akin to letting the proverbial fox guard the henhouse. Fortunately, civil society actors have not relented in holding the mining industry accountable for its actions and inactions. By advocating for affected communities, publicizing environmental infractions and aligning with strong grassroots movements in affected communities, civil society actors have kept a spotlight on mining operations which continue to cause conflict and environmental degradation in many areas around the world. Such groups also attend shareholder meetings and pressure large shareholding groups like unions and state pension funds to disinvest from offending mining firms. Such actions keep mining firms in check, and demand that performance meets or exceeds expectations in their host countries. As mining firms extend into new regions, countercyclical forces in civil society have rejected the social dislocation that comes with mining investment. Unconvinced of the industry's ability to regulate its members, civil society organizations have become important parts of a somewhat ad hoc regulatory system, that while not ideal, is nonetheless effective in publicising infractions and injustice and demanding ameliorative actions.



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# ***AN APPROACH TO LINKING REFORMS IN SECURITY AND JUSTICE SECTORS IN POST-WAR ENVIRONMENTS***

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## **ABSTRACT**

*Security sector reform (SSR) emerged as a strategy in post-conflict states during the late 1990s, driven by development donors, international organizations and other international affairs consultants which have been accepted by policy-makers, development practitioners and security experts. Primarily, SSR aims to strengthen, professionalize, discipline and democratize security forces: the national army and state police. However, SSR has faced many challenges. SSR in transitional administrations such as Kosovo and East Timor in 1999 and Afghanistan in 2002 has been dominated by the international community leading such processes. As a result, the international community and international donors have heavily focused on professionalizing the security forces under externally driven programs. This practice has failed to adopt a holistic vision of SSR. Less investment in the judicial sector has made the whole process counterproductive. This article argues that SSR has three pitfalls. SSR focuses on physical security; is externally driven and compartmentalized. The rule of law and justice, otherwise justice sector reform (JSR) needs to be injected into SSR to benefit a more sustainable peacebuilding program.*

## INTRODUCTION

Since the end of the Cold-War era inter and intra state conflicts have increased in number and the United Nations (UN) has been robustly engaged with stronger mandates after the failures of Rwanda and Srebrenica. The UN has moved from peacekeeping, following principles of 'negative peace',<sup>1</sup> to 'positive peace'<sup>2</sup> that promotes peacebuilding. The latter is to ensure that the state can operate with effective and efficient security forces once peace operations cease. At the same time, the international community has increasingly been involved in SSR to contribute to sustainable peacebuilding.

This article addresses the pitfalls of SSR; notably that SSR is: i) security centered, which focuses on 'physical security' leading to over-emphasis on the professionalization of the security forces; ii) externally driven, with limited roles for national actors throughout the SSR process and iii) compartmentalized, which results in a process that has separate reforms headed by different international actors which change to suit international nations' requirements. Taking these pitfalls on board, the paper will suggest that the rule of law and justice need to be implemented with SSR simultaneously to improve the peacebuilding process due to the fact that when one sector is prioritized, the other, which is usually the judicial sector, collapses. This in turn leads to an unaccountable security sector and does little to challenge a culture of impunity not only in the security forces, but among civilians, armed militia and other non-state actors. The following section of the article will provide the criticisms of post-conflict rule of law and justice which include lack of access to formal justice and local judicial networks' failure to uphold basic human rights and civil liberties. The conclusion will assess how the establishment of the rule of law and justice may be linked with the SSR process to contribute to sustainable peacebuilding following these principles:

The planning and implementation phases are to focus on the rule of

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<sup>1</sup> Peace can loosely be defined in relation to its negative and positive conceptions. Negative peace simply refers to non-violence. This is evident in a world dominated by a superpower or the UN that are equipped with the ability to implement the use of force merely to bring a cessation of hostilities.

<sup>2</sup> Positive peace involves more than peacekeeping, but rather peacebuilding which expands further than the absence of war/non-violence. See Johan Galtung, "Peace and Conflict Studies: Essay Reviews," *The Global Review of Ethnopolitics* 2, no. 2 (2003): 81. Positive peace is participatory in restoring a new government and state with a comprehensive peace agreement ending hostilities. This also enables local institutions such as the national army, administration and the judiciary to restore and maintain peace.

law and justice as well as SSR which are to operate side-by-side. This includes the adoption of a national coordinating body in order to provide oversight above the remaining factors.

Full accountability by the host government and oversight bodies above all security forces, over state institutions, internal and external actors, non-state actors and the government is required to reduce abuses of power and human rights violations.

Vetting is to include the screening of security forces and international actors prior to their engagement and recruitment. This is to ensure that all actors involved in the security and justice sectors have clean backgrounds and function under the rule of law.

Local ownership involves a role for the civil society to play a 'watchdog' role<sup>3</sup>. Locally owned institutions are to provide civilian oversight over the security and justice sectors to monitor the rule of law and human rights standards from the bottom-up process.

The establishment of a strong prison system is required to improve security and enhance capacity structures to detain perpetrators whilst adhering to fundamental human rights such as the right to a fair trial, an appeals structure and lawful detention.

Traditional justice systems require reform as the formal justice sector is inaccessible for many rural dwellers in post-war environments. The rule of law that includes fundamental human rights need to be implemented within indigenous systems of justice in order to protect basic human rights standards and civil liberties.

## SECURITY SECTOR REFORM

SSR is a long-term process in order to reform the police, military, judicial and penal system alongside the professionalization of the security forces. SSR also entails good governance,<sup>4</sup> democratic stability, civilian participation and human rights training for the armed forces. The newly developed security forces and non-state actors undergo disarmament,

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<sup>3</sup> Local ownership can be loosely defined as the degree in which SSR is directed by local needs and demands under a locally-driven agenda rather than the process imposed by 'outsiders' of the state concerned. Consult the following for a more comprehensive insight; Laurie Nathan, *Operationalizing the Principle of Local Ownership in Security Sector Reform* (London: DFID, 2006).

<sup>4</sup> Good governance incorporates: participation, transparency and accountability, strategic vision and equity. It also promotes the rule of law to ensure that political, social and economic concerns are based on societal consensus that voices the most poor and vulnerable in decision-making over the allocation of development resources.

demobilization and reintegration (DDR).<sup>5</sup> This in turn promotes democratic transparency throughout the reform and accountability to protect the state and the communities within it. However, it must be noted that few post-war states have successfully attained all of these aims that SSR ideally promote.

Initially, SSR focused on the security sector, but SSR may also focus on economic development, a stable democracy and national reconciliation focusing more on peacebuilding. There are many conceptions of SSR, such as a narrow perspective and holistic approach that will be brought to immediate attention.

In a narrow context, SSR focuses on public security and civilian bodies for its management. This involves all organizations and agencies that are permitted to either threaten or use force to protect a state, its citizens and the external environment. The narrow option emerged during the 1990s to emphasize the importance of recipients' choice respecting the structure and size of the security forces.<sup>6</sup> For instance, demobilization involves the downsizing of armed forces which may be part of DDR strategies undertaken by policy-makers. Moreover, parliaments, media representatives and non-governmental organizations (NGOs) may be trained in order to exercise civilian control and transparency with improved fiscal oversight over the security sector to reduce resource use.<sup>7</sup> For example, technical assistance may be provided to financial and defense ministries or national audit organizations. The narrow option largely focuses on both 'resource use' and 'civilian control' which minimizes resource costs.

In a broader context, SSR involves all institutional, policy and organizational actors affecting the security sector but also integrates all

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<sup>5</sup> DDR in basic terms includes disarmament, demobilization and reintegration. *Disarmament* is the collection, control and disposal of light weapons and small arms and the development of management programs for responsible arms. *Demobilization* is the process when the armed forces of the government, opposition or factional forces either downsize or utterly disband. *Reintegration* is "the process whereby former combatants and their families and other displaced persons are assimilated into the social and economic life of (civilian) communities" for war-torn societies to recover from conflict. See Alpaslan Özerdem, "Disarmament, Demobilization and Reintegration of former combatants in Afghanistan," *Third World Quarterly* 23, no. 5 (2002): 962. Since the end of the Cold-War era, the UN has included DDR programs to strive for sustainable peacebuilding in war-torn states.

<sup>6</sup> Nicole Ball, *Good Practices in Security Sector Reform* (Bonn: BICC, 2000); Peggy Mason, *Disarmament, Demobilization and Reintegration as a Means to Prevent Deadly Conflict* (Bonn: BICC, 2000).

<sup>7</sup> Michael Brzoska, *The Concept of Security Sector Reform* (Bonn: BICC, 2000), 12.



partial reforms to the defense, police, intelligence and justice reforms collectively. Moreover, SSR is committed to longer-term positive peace objectives such as working towards a stable democracy and promoting human rights under democratic governance. More specific, effective and efficient security apparatus are trained that also endorse democratic accountability, transparency and the rule of law. The broader notion of SSR not only provides roles for the civil society with civilian oversight promoting transparency and democratic accountability throughout SSR programs but also focuses on local ownership and human security.<sup>8</sup>

Within SSR, there are various challenges, such as a lack of local ownership which leads to internationally-led security reform programs. These problems associated with internationally-led justice and programs reforming the security sector will be addressed in the contexts of Kosovo, East Timor and Afghanistan.

Issues of local ownership in East Timor and Afghanistan are undertaken externally and national actors are overshadowed by international actors' participation which makes SSR counterproductive. External actors conflict with national governments. Simon Chesterman argues that the involvement of local actors is required as justice and the rule of law are significant in state-building.<sup>9</sup>

To provide just two examples of external actors taking over institutions of the post-conflict territory including the judicial sector are Kosovo and East Timor. Under the mandate of Security Council (SC) Resolutions 1244 and 1272 (1999), the UN Special Representative of the Secretary-General (SRSG) was provided with extraordinary authority. Consequently, the SRSG had the power to determine and enact law concerning the legal constitution of Kosovo and East Timor retrospectively. This had many flaws which international lawyers such as Hans-Jörg

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<sup>8</sup> In this context, human security is understood in collective terms via collective intervention in order to meet basic human needs, promote distributive justice and monitor and supervise political participation. In broad terms, human security represents the freedoms: from want to fear, with reference to individuals rather than the state. A more comprehensive approach of human security includes basic human needs that are deprived from ecological damage, large population growth, disorder of community and family life. Furthermore, it broadly covers trade barriers, debt burdens, and large disparities between rich and poor, human welfare with intervention into individual's rights, exclusion, discrimination and lack of democratic participation. In addition, social injustice, economic despair, political oppression and brutal cultural, ethnic, linguistic, religious and social strife are aspects of human security in a broad sense. See Boutros Boutros-Ghali, *An Agenda for Peace* (UN Doc A/47/277-S/24111, 1992), 6-8.

<sup>9</sup> Simon Chesterman, *You, the People* (Oxford: Oxford University Press, 2005), 169.

Strohmeyer and Nigel White have criticized.<sup>10</sup> The main criticism is that the people of Kosovo and East Timor are to determine their futures both legally and politically with the right to self-determination, a peremptory norm in international law. The role of external actors is to help post-war interim states, not take over the entire institutions. This in turn provided challenges to SSR in these post-war territories due to the fact that civilians had little autonomy during the reforms of the security and justice sectors. Local ownership and democratic civilian oversight must be provided at the outset of institutional reform because citizens are going to have increased autonomy of their institutions once international forces leave.<sup>11</sup> At least some autonomy leading to full ownership of the state is required before the liberal peace: democratization and marketisation.

Full ownership of the state will allow state actors to provide the security. This includes uniformed civilian, military or police acting within the monopolization of legitimate coercion (the use of force) as a constituent of the state.<sup>12</sup> The establishment of the rule of law with civilian oversight and training is required in order to reform both the security and justice sectors effectively.

However, more challenges to SSR may be exemplified. Tammy Halevy argues that 'outsiders' may be the cause of SSR failures.<sup>13</sup> Furthermore, as Michael Brzoska contends, donors may be pressurized into designing SSR programs to suit a local government due to the local government's fear of the reform alienating military and police institutions.<sup>14</sup> As a consequence, donors decide whether SSR is worthwhile. Peter Wallensteen indicates that when there is no support from national power-brokers, donors may not proceed with SSR at all or alternatively take control over the entire reform of the security and justice sectors.<sup>15</sup> The latter is evident within the reform of the security and justice sectors in Afghanistan.

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<sup>10</sup> Hans-Jörg Strohmeyer, "Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor," *American Journal of International Law (AJIL)* 95 (2001): 46-63; Nigel D. White, *The Law of International Organizations* (Manchester: MUP, 2005).

<sup>11</sup> Helen Yanacopoulos & Joseph Hanlon, *Civil War, Civil Peace* (Oxford: James Currey, 2006), 314-20.

<sup>12</sup> Michael Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1979).

<sup>13</sup> Tammy Halevy, *Making Peace Work* (Washington, DC: Overseas Development Council, 1996), 11.

<sup>14</sup> Brzoska, *The Concept of Security Sector Reform*, 11.

<sup>15</sup> Peter Wallensteen, *Understanding Conflict Resolution* (London: Sage, 2007).

In Afghanistan, the long-term 2002 Geneva Process led to the compartmentalized five pillared system, with each pillar headed by a separate nation with different interests. This consists of the United States (US) over military reform, Germany heading police reform, the United Kingdom leading counter-narcotics, Italy supporting judicial reform and Japan in charge of DDR. However, the reform of the security sector in the context of the national army and state police is prioritized over the poorly funded justice sector. By way of illustration, between the 2002-03 and 2004-05 fiscal years, a staggering 88 per cent of all SSR funding was for military and police reform programs where as only 3 per cent of all funding was spent on judicial reform during the same period.<sup>16</sup> Consequently, the justice sector lags behind. The rule of law is inadequate due to the fact that the lawyers, judges and other legal staff have little legal qualifications. Moreover, the courts and legal libraries have poor facilities and weak infrastructure. These are a few examples of the failures of international intervention in a post-war state due to the prioritization of professionalizing the security forces over the judicial sector. This in turn has left Afghanistan with an unaccountable security sector that has failed to combat corruption. SSR cannot contribute individually to the peacebuilding process without sufficient resources, training and funding allocation in the justice sector.

Without an effective judicial system, ineffective justice and failure to uphold the rule of law will lead to civilian distrust of the justice system and the entire SSR process. An ineffective security sector may be overcome if civilian ownership is provided at the outset and other sectors rather than military and police reform are also invested in, such as justice. There is a gap in the knowledge of establishing the rule of law and justice with SSR which needs to be addressed. My thesis is straightforward. The hypothetical assumption is that SSR would contribute to the peacebuilding process effectively only when it is accompanied with the rule of law and a functioning justice system.

### PITFALLS OF SECURITY SECTOR REFORM: WHAT GOES WRONG?

Although SSR helps provide a public security sector that is able to perform their objectives effectively, efficiently and legitimately, many reforms are externally driven by 'outsiders'. Consequently, reforms are unable to foster stability and thus many post-war states redirect funds into

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<sup>16</sup> World Bank (WB), *Afghanistan: Managing Public Finances* (Washington, DC: WB, 2005), 43.

military expenditure in order to professionalize the armed forces.<sup>17</sup> Alex Bellamy underlines that focusing on civil-military relations and the role of the armed forces within domestic societies are needed in order to pursue security.<sup>18</sup> The focus on physical security is often led by externally sponsored peacebuilding programs that include defense strategies, training assistance, control of small arms and eventually democratization and development programs.<sup>19</sup> SSR has consequently been dominated by the international community which has promoted the liberal peace. The new initiatives of the donor community adopting democratization and development programs imposes the idea that these two processes may help the security sector succeed once the failing state has prescribed to Western hegemonic values. However, security is an important eliminator of poverty due to its ingredient for development and democratization. Hence, SSR is needed prior to broader peacebuilding programs.

Therefore, foreign donors impose conditions on SSR programs that often pursue classical Cold War military assistance in order to overcome weaknesses of the recipient post-war state. Other problems such as ownership may be drawn to attention in relation to the externally driven pitfall of SSR. Externally driven programs may be viewed as heavily ineffective to the SSR process. Civilian authorities must be involved when democratically controlling military professionalism. This in turn would provide a legitimate, effective and capable army. On the other hand, Gerhard Knaus and Felix Martin argue that local actors merely play 'lip service' during SSR processes due to the fact that externally driven initiatives in post-war states pay more attention to foreign impositions.<sup>20</sup> Michael Desch underlines that much local control rhetoric is present in Asian states and elsewhere that have new constitutional arrangements enabling civilian control over the military.<sup>21</sup> These promises are not implemented into democratic or civilian control over the armed forces.

All of these criticisms suggest that broader development and democratization processes through SSR may be appealing at face value to

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<sup>17</sup> William E. Odom, *The Sources of 'New Thinking' in Soviet Politics* (London: Frank Cass, 2004), 137.

<sup>18</sup> Alex J. Bellamy, "SSR: Prospects," *Global Change, Peace & Security* 15 (2003): 101.

<sup>19</sup> Roland Paris, *At War's End: Building Peace After Civil Conflict* (Cambridge: CUP, 2004).

<sup>20</sup> Gerhard Knaus & Felix Martin, "Lessons from Bosnia and Herzegovina: Travails of the European Raj," *Journal of Democracy* 14 (2003): 60-74.

<sup>21</sup> Michael C. Desch, *Civilian Control of the Military* (Baltimore: John Hopkins University Press, 2001).

international donors. However, the relationship between the military, the state and the civil society need to be taken on board rather than merely focusing on reforming the armed forces. This in turn would avoid excessive military expenditure which hampers funding on other compartmentalized SSR criteria such as DDR and judicial reform. Policy-makers can learn that the most common features within SSR is that it is; i) security centered; ii) externally driven and iii) compartmentalized which will be immediately examined.

### FOCUS ON 'PHYSICAL SECURITY'

Much SSR programs focus on professionalizing the armed forces and training the security forces in order to protect 'physical security'. This in turn leads to excessive military expenditure and lowers resources to develop other reforms. Security centered SSR programs are at the heart of international donors' interests which has led to a narrow focus on SSR. After 9/11, national security strategies have focused on superpowers' state interests to fight terror and thus international sponsored programs heavily focus on professionalizing the security forces to protect 'physical security'.

The SSR model has changed significantly after 9/11. The 'global war on terror' counter-terrorism perspective has replaced 'human security' post- 9/11; particularly by US internal intelligence, security capability and unilateral foreign policy. Even the UN supported the US war on terror justifying US defense against Afghanistan as pre-emptive collective security under Articles 39 and 51 of the UN Charter.<sup>22</sup> US-led proxy wars have imposed short-term security based on Western interests which has created long-term instability internationally. The levels of resources are starved as a consequence of anti-terrorism, as evident in 'hard security programs' in Iraq. In April 2003, the US war with Iraq cost \$20 billion and \$2 billion per month for military operations<sup>23</sup>. Furthermore, Sultan Barakat indicates that "the US and its allies appear to have appropriated the concept of post-war reconstruction as the 'humanitarian' justification for war".<sup>24</sup> As a consequence, new 'soft security' initiatives are proposed that focus on national security in order to protect 'physical security'.

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<sup>22</sup> SC Resolution 1368, UN Doc S/RES/1368, 12 September 2001; SC Resolution 1373, UN Doc S/RES/1373, 28 September 2001.

<sup>23</sup> Anna Leon-Guerrero, *Social problems: community, policy* (London: Pine Forge Press, 2005), 407.

<sup>24</sup> Sultan Barakat, *After the Conflict*, ed. Sultan Barakat (London: I.B. Tauris, 2005), 8.

Europe and other regions need to take the initiative to direct SSR into adopting the late 1990s broad notion, which includes protecting human security and institutionalizing the justice and penal sectors. These reforms usually include 'partial programs' such as police and military reform. However, they do not cover components of the holistic parameters of SSR such as local ownership and human security. In recent times, the international community has been robustly engaged in SSR within post-conflict states. International forces play roles within separated SSR agenda to notably benefit the reform of the security apparatuses. This in turn neglects other holistic reforms such as good governance, local leadership and civilian management capacity.

Strategies are planned and all aspects need to be addressed. For instance, in Haiti, the UN-mandated operation intervened to reinstate a democratically-elected president and disbanded the Haitian armed forces. However, the narrow focus on physical security did not adopt effective DDR into the SSR program. Therefore as David Law underlines, the police forces that were not reintegrated into society have caused a threat to the peace in Western Haiti.<sup>25</sup> However, in Bosnia-Herzegovina, international donors constructed a better integrated SSR program. This was more broadly objectified under the UN and the Dayton Agreement focusing on separating warring factions and conducting disarmament under the North Atlantic Treaty Organization (NATO)-led Implementation Force to benefit internal peace.<sup>26</sup> SSR was three-fold within this context which focused on a cessation of hostilities, institution-building and rebuilding major security sector institutions. Yet, a lack of attention was paid to softer dimensions of SSR such as management capacity, parliamentary oversight and judicial control. Similarly in Kosovo, local police have been reformed but domestic security sector institutions have not been included. Rather, police reform, military professionalism and equipping the security apparatuses have been the focus to protect physical security. Donors have concentrated on security actors' efficiency rather than their accountability which fails to challenge impunity. Strengthening the security forces rather than bringing them under a

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<sup>25</sup> David M. Law, *Intergovernmental Organizations and SSR* (Zurich: LIT Verlag, 2007), 113-14.

<sup>26</sup> John Stremmlau, *Sharpening International Sanctions: Stronger Role for UN* (NY: Carnegie, 1996), 28.

democratically controlled government is common in contemporary SSR programs.<sup>27</sup>

#### EXTERNALLY DRIVEN SECURITY SECTOR REFORM PROGRAMS

Usually, SSR requires legitimate and credible support, often from a UNSC mandate authorizing the intervention of external forces under international law. Therefore, SSR programs are often externally driven which in turn not only focuses on the liberal peace objectives of development and democratization, but also on military professionalism. For instance, in Sierra Leone, the externally driven SSR agenda has focused on military professionalism which has been supported by the Department for International Development (DFID) since 2001. This in turn has led to mistrust of the security forces and judicial reform has lagged behind the separate compartmentalized agenda of military reform. SSR in Sierra Leone was implemented via strong international support within the context of post-conflict reconstruction. The work of Osman Gbla underlines that the people of Sierra Leone with support from the international community should own and control an ongoing SSR program.<sup>28</sup> Moreover, SSR should move beyond restructuring the narrow doctrine that focuses on formal security forces and institutions and retraining the police and military. SSR should also strengthen civilian oversight of the parliament, civil society groups and the judiciary. From March 1996, SSR in Sierra Leone became part of reforming a national program with numerous Peace Agreements, governmental policies within the Kabbah Government, the international community and DFID. The Freetown Government had placed SSR on the agenda to ensure that Sierra Leone will not relapse into conflict after they rid of the Revolutionary United Front (RUF), led by Foday Sankoh. Sankoh refused to allow a UN peacekeeping operation as stated in the November 2006 Abidjan Peace Accord and thus the RUF rebels objected to SSR that was directed to the military. However, Article XVII of the 7 July 1999 Lomé Peace Accord was signed between both parties: the Government of Sierra Leone and the RUF. According to John Hirsch, both parties expressed that the training of the domestic armed forces and possible former rebels to join the army was a priority.<sup>29</sup>

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<sup>27</sup> Canace Karp & Richard Ponzio, *NATO, SSR and Afghanistan* (Zurich: LIT Verlag, 2007), 223.

<sup>28</sup> Osman Gbla, "SSR under international tutelage," *International Peacekeeping* 13 (2006): 78-93.

<sup>29</sup> John L. Hirsch, *Sierra Leone: diamonds and democracy* (Boulder: Lynne Rienner, 2001), 146.

DFID and the Freetown Government placed strong rhetoric on refurbishing the courts in order for justice to be delivered more effectively. A major aim was to rebuild an effective justice system that promotes good governance and JSR which were part of the SSR program. The successes of SSR in Sierra Leone included effective security forces, particularly the Sierra Leone Police (SLP) and Sierra Leone Armed Forces (SLAF). However, SSR in Sierra Leone has installed poor training programs and has failed to restore public confidence of the security forces who perceive them as “soldiers by day and rebels at night.”<sup>30</sup> Moreover, SSR failed to strengthen members’ roles within the parliament, judiciary, prison and the media. Furthermore, the SSR program contained certain weaknesses deriving from the leading role of external actors throughout its implementation. The overall SSR program ignored Sierra Leone’s socio-cultural values and was not easy for citizens to understand. Osman Gbla argues that the “SSR program should be owned and driven by Sierra Leoneans if it is to be sustainable.”<sup>31</sup> Mistrust of the security forces and the lack of resources for judicial reform is evident. Security institutions need to operate under stronger democratic control and the rule of law is needed to professionalize the security forces and strive for sub-regional progress.

In East Timor, the UN failed to create any mechanisms for the establishment of democratic control over the security sector despite establishing territorial interim governance institutions during 1999-2002. SSR programs that are controlled by external actors has provided little insight to civil management development and rebuilding judicial, parliamentary and civil society institutions to oversee and monitor the security sector. Third party military and police aid from Australia, Malaysia, Portugal and New Zealand amongst UN peacekeeping returned to a security mission in order to protect the peace process which was fragile. Hence, UN-led international civilian police (CIVPOL) were deployed via UN funding. However, the reform projects of the local police are funded by voluntary contributions and thus the local police often do not develop. In East Timor, the UN delayed the CIVPOL force due to high expenses and Timorese police were not reformed with specialized training (which both the narrow and wider doctrines of SSR promote). The *Policia Nacional de Timor-Leste* (PNTL) lacked a strategic vision and institutional loyalty. This was due to the fact that the leaders of the United Nations Transitional Authority in East

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<sup>30</sup> Kelfala M. Kallon, *The political economy of corruption in Sierra Leone* (NY: Edwin Mellen, 2004), 169.

<sup>31</sup> Gbla, “SSR under international tutelage,” 91.



Timor (UNTAET) failed to engage with PNTL political leaders. Once the army size was agreed, UNTAET stood back from its development by leaving it in the hands of *ad hoc* bilateral donors and second military officers to supervise and conduct their training. In May 2002, when East Timor achieved independence 'after two and a half years of UN administration', civilian oversight was virtually non-existent of either the PNTL or the defense force.<sup>32</sup> This set a harmful precedent for civilian oversight, which is a fundamental principle of the SSR process.

Haiti has been dominated by insecurity. SSR was initially driven by the Bush Administration that narrowly focused on strengthening the security sector forces. This in turn provides little weight on democratic control and good governance. SC Resolution 867 established the UN Mission in Haiti (UNMIH), a peacekeeping force which took over withdrawn US forces within one year in Haiti.<sup>33</sup> UNMIH established a new police force and a small military and a supervised election commenced in 1996. After economic and social difficulties in Haiti, President Jean-Bertrand Aristide in 2004 was once more forced into exile by local unrest and external pressure. CIVPOL have been utilized in the context of Haiti to monitor behaviors and reform the security forces. However, CIVPOL have lacked cultural knowledge insofar that police from external states have little understanding of the host state's policing culture during intervention. For example, the methods and standards of the French *gendarmes'* contingent clashed with the community policing culture of the Royal Canadian Mounted Police. This in turn led to raw hostility between the two groups at certain times. Therefore, external intervention which is deployed from international pressure has placed little consideration on local democratic control and has avoided principles of good governance.

#### COMPARTMENTALIZATION

The holistic approaches of SSR adopt democratic norms and attributes of good governance. As stated earlier, the provision of security under this approach adopts partial reforms. These include defense, police, intelligence and justice reforms, which have been conducted in post-war states as separate agendas. Often, SSR programs are compartmentalized to suit international nations' interests. As a result, SSR loses its clarity and regularly leads to headed states of separate compartments failing to

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<sup>32</sup> Ludovic Hood, "SSR in East Timor 1999 - 2004," *International Peacekeeping* 13 (2006): 61.

<sup>33</sup> SC Resolution 867, UN Doc S/RES/867, 23 September 1993.

communicate with one another which make SSR counterproductive<sup>34</sup>. Consequently, little or no national ownership over the security sector has led to distrust in post-war state's governments and the promises of international actors<sup>35</sup>.

For instance, in the context of Iraq post 9/11, the SSR program has been led by the US and its coalition forces such as the United Kingdom (UK). The US and UK have failed their objectives to provide basic services, rebuild the economy, initiate political reconstruction, establish a legitimate and representative government and create a reasonable level of security. These compartmentalized agendas have been at the heart of rebuilding a new transitional state based on the rule of law and a constitutional government to re-establish security institutions and organizations.<sup>36</sup> Iraq's SSR program is carried out violently by all means necessary under the robust Chapter VII of the UN Charter. Despite the main goal of reconstructing a Stalinist-style state ran under dictatorships for over half a century, the compartmentalized SSR agendas have led to difficulties in stabilizing security across a nation that is culturally divided.

Accordingly, Transitional Administrative Law in Iraq has been ratified. This interim constitution written by the government aims to guarantee basic human rights, provide elections for a transitional government and a constitutional assembly. The initial task was to hold elections before February 2005 in order to establish national sovereignty. However, the UN discovered that the SSR program that was headed under the US and its coalition forces would make it difficult for Iraqi leaders if the external forces took over the entire administration or if Iraq was left entirely under Iraqi leadership. Primarily, the coalition has focused on the reform of the new Iraqi armed forces to protect physical security. The security forces of Iraq have specifically assigned duties under the auspices of the US. The Iraqi Civil Defense Corps is transitional and they are locally recruited with a few weeks training. The interim police and armed forces are meant to provide security within Iraq and associate with external security allies. The major security programs aim to professionalize, highly train and equip the security forces which have taken much of the funding resources.<sup>37</sup>

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<sup>34</sup> Larry P. Goodson, "Afghanistan's Long Road to Reconstruction," *Journal of Democracy* 14 (2003): 82-99.

<sup>35</sup> Marina Caparini, *SSR and post-Conflict Stabilization* (Münster: LIT Verlag, 2004), 143-78.

<sup>36</sup> Walter B. Slocombe, *Iraq's Special Challenge: SSR 'Under Fire'* (Geneva: DCAF, 2004), 2-3.

<sup>37</sup> *Ibid.*, 12.

The rule of law and justice are needed to be reconciled with SSR in order to not only combat these challenges, but to bring an end to impunity and re-equip SSR with its holistic characteristics. This includes local ownership at the outset of peacebuilding programs in order to enable internal expertise and knowledge of domestic socio-cultural values within the reforms of both security and justice sectors. Ultimately, full SSR, JSR and strong penal systems protecting the rule of law and justice are required before the latter strategies of democratization and market liberalization commence.

### COMPONENTS OF JUSTICE SECTOR REFORM: THE RULE OF LAW AND JUSTICE

The rule of law refers to the full accountability of government and state institutions within international human rights standards, international humanitarian law (IHL) and maintaining the supremacy of law. IHL and international human rights must be reaffirmed by all including international mandates. In addition, external security forces must not be immune from prosecution and formal mechanisms of human rights commissions and ombudsmen must be established at early stages of SSR programs. Local ownership and democratic oversight are attributes for a successful rule of law.

International forces may fill the 'legal vacuum' in post-conflict peacebuilding operations by rebuilding IHL and international human rights norms in both the short and long-term to strengthen the rule of law. IHL is to limit the suffering in armed conflict and protect those no longer participating in hostilities (injured combatants, prisoners of war or civilians). IHL also restricts methods of warfare under the Four Geneva Conventions (1949) and Additional Protocols (1977) in international and internal conflicts. International human rights are conventions ratified by states since the Universal Declaration of Human Rights (UDHR) (1948), both UN international covenants (1966) and regional human rights which apply in times of armed conflict and peace. However, some human rights rules and standards may be suspended under the conditions of national emergency interests under the 'margin of appreciation.'<sup>38</sup>

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<sup>38</sup> The margin of appreciation doctrine is legal recognition to substitute non-fundamental human rights in times of national emergency or war. This is stated under Article 15 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. For a more comprehensive discussion, see John G. Merrills and Arthur H. Robertson, *Human Rights in Europe* (Manchester: MUP, 2001), 149.

Both IHL and international human rights must be applied to ensure that the rule of law is preserved and protects public security during and after conflict to contribute to peacebuilding positively. The application of law enforcement concerns all security forces to avoid discrimination from certain groups or forces which is a crucial element of the rule of law. The rule of law must apply throughout the stages of intervention and post conflict-phases for civilians who have suffered from breaches of international human rights to seek remedy from local capacities.<sup>39</sup>

Transmitting the rule of law to local ownership from international authorities must commence at the outset of the operation as “no rule of law reform” or “justice reconstruction” enterprise imposed from outsiders can sustain.<sup>40</sup> Institutions conducting strict legal oversight of the behavior of all security forces must be independent, transparent, local, objective and effective. Moreover, the local police are to be human rights trained. Reaffirmation of IHL and international human rights and the extension of jurisdiction over international actors via domestic supervision using independent and impartial tribunals are to proceed. In addition, elimination of the rule of immunity or different rules of law for international security forces must be outlawed.

In brief terms, there are two models of justice: retributive and restorative. The retributive theory of justice is a subject for moral deliberation. Obviously the duty of the state is to punish those guilty of committing offences and for the purpose of moral education for the offender to fear punishment.<sup>41</sup> The restorative element is to reconcile offenders and victims, heal wounds, encourage forgiveness, restore broken relationships and promote the participation of all those involved in crime to bring an end to conflicts. Truth and Reconciliation Commissions look at past crimes, substantiate justice for victims and understand the reasons behind behavior in exchange for amnesty. The rule of law and justice entails prosecuting perpetrators, disclosing the truth about past crimes, granting reparations to victims, promoting reconciliation and restructuring abusive institutions and pursuing a fresh beginning.

## PITFALLS OF JUSTICE SECTOR REFORM

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<sup>39</sup> Article 2 of the International Covenant on Civil and Political Rights (ICCPR), 1966.

<sup>40</sup> United Nations Secretary-General, *Report of the Secretary-General (SG) on the rule of law and transitional justice in conflict and post-conflict societies* (UN Doc S/2004/616, 2004), 17.

<sup>41</sup> Immanuel Kant, *Groundwork of the Metaphysic of Morals* (New York: Harper & Row, 1964), 88.

Gaps in international law must be filled in by applicable laws and be programmed to do so at early stages that are consistent with basic international human rights. The rule of law includes the correctional systems. In the context of Kosovo, customary Kanun laws in the countryside must also be linked with basic human rights standards to avoid barbaric vengeance for blood spilled.<sup>42</sup> Adequate prison infrastructure is linked to functional law which was a difficult task in Kosovo but a prison system must be restored. In Kosovo, the United Nations Mission in Kosovo (UNMIK) was not involved in this and the Kosovo Force (KFOR) filled the gap. For the purpose of this section, JSR includes prison capacity and reform of formal and informal mechanisms of redress that complies with basic human rights such as the right to appeal and due process. This loosely links with SSR insofar that an impartial justice system, whether formal or indigenous, alongside prison capacity and fair processes deters the likelihood of criminal activity from all security and non-state actors. Moreover, those that have been sentenced, including the security forces will be more likely to be rehabilitated sufficiently after release and thus re-offending is unlikely to occur. This promotes social reintegration.

In Kosovo, there were many criminal offences that were reported but the majority of indictments were acquitted. "In Kosovo, 14,878 criminal offences were reported from January to August 2000 alone; over the same period 3,734 people were arrested."<sup>43</sup> Hence, donor funding and the national government must invest more in the correctional facilities to benefit retributive justice.

In the context of Rwanda, the 1994 genocide that had taken the lives of 800,000 led to the national urge for justice. The national justice system and personnel had been destroyed and criminal proceedings were held in unethical conditions. The International Criminal Tribunal for Rwanda (ICTR) was established.<sup>44</sup> As at August 2008, the tribunal had spent over \$1 billion which handed out 32 judgments including five acquittals.<sup>45</sup>

The post-genocide era required unity and justice for genocide crimes

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<sup>42</sup> Jana Arsovska and Mark Craig, "Honorable behavior and the conceptualization of violence in ethnic-based organized crime groups: Albanian Kanun," *Global Crime* 7, 2 (2006): 214-46.

<sup>43</sup> Strohmeyer, "Collapse and Reconstruction of a Judicial System", 60.

<sup>44</sup> The ICTR was mandated by SC Resolution 955 (8 November 1994) in order to try those involved in heinous genocide crimes under IHL regulations conformed in the ICTR Statute.

<sup>45</sup> The Hague Justice Portal, "Rwanda Tribunal overturns genocide ruling," accessed December 30, 2010, <http://www.haguejusticeportal.net/eCache/DEF/9/697.TGFuZz1FTg.html>.

in terms of accountability which was in the interests of the Tutsi-led Rwandan Patriotic Front regime. Gacaca promotes rebuilding Rwandan social and cultural fabric in order to establish a consensus based democracy.<sup>46</sup> Although Gacaca courts do not truly represent traditional home-grown practices, they are utilized by the national government to hold those accountable for roles in the genocide. They also eliminate a culture of impunity by forming a Rwandan post-colonial unity. These processes are more trusted and honored by the people of Rwanda over imported international practices. Rwandans perceive the ICTR as the Western format of doing justice which is portrayed as highly inefficient, expensive and time consuming that avoids Rwandan customary norms. The Gacaca is an easy mechanism that provides justice in an inexpensive manner that relieves pressure from the under-resourced formal national court system.

Ultimately, the new Gacaca courts were designed and installed to try and prosecute perpetrators of the genocide and other IHL violations committed between 1 October 1990 and 31 December 1994. The Gacaca has goals to establish the truth of what actually happened and speed-up legal proceedings for the accused individuals of genocide crimes. In addition, the informal courts aim to stamp out the culture of impunity and utilize communal resources to deal with problems that are based on Rwandan custom. However, the Gacaca is imposed by the central government as a way to institutionalize racial justice and there is no popular engagement and in practice the trials have little traditional component.<sup>47</sup> The Gacaca and reconciliation processes in Rwanda are heavily state-driven and state-owned. Hence, this system is dominated from a top-bottom process to try those for lesser classified crimes during the genocide.

Similarly, in Sierra Leone, customary law is utilized by chiefs to handle various cases including family law, the repayment of debts, land tenure and inheritance. Before and during the civil war, this was the only means of available legal system. After the war, despite British funding to preserve chieftain systems and reconstructing chieftain *barrays* (court houses), the courts sit infrequently and has not been truly re-established. For instance, in the Bo District, 16 out of the 20 *barrays* are functioning.<sup>48</sup>

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<sup>46</sup> See Bert Ingelaere, *The Gacaca courts in Rwanda* (Stockholm: International IDEA, 2008), 32.

<sup>47</sup> Lars Waldorf, *Rwanda's failing experiment in restorative justice* (London: Routledge, 2006), 422-32.

<sup>48</sup> Bruce Baker, "Beyond the Tarmac Road: Local Forms of Policing in Sierra Leone & Rwanda," *Review of African Political Economy* 35 (2008): 562.

Adedeji Ebo argues that traditional proceedings result to social alienation and impede the justice system.<sup>49</sup> Traditional justice is chief-based and operates in rural areas that is compatible with contemporary common law and works 80 per cent on average of legal disputes submitted in these areas for adjudication. However, the traditional justice system is male-dominated, unfair and lacks accountability and transparency.<sup>50</sup> If the traditional *barrays* are ever truly re-established, they need to function within a domestic rule of law. This must be monitored by civilians in order to both boost the legitimacy and trust of such a system of accessible dispute resolution.

In the aftermath of the Rwandan genocide, the tripartite justice system was installed to bring about retributive justice and national reconciliation. At the international level, the ICTR has tried many high status officials and have been sentenced to imprisonment ranging from 15-25 years.<sup>51</sup> However, Erin Daly underlines that there are over 100,000 individuals placed in pre-trial detention in prisons that are built for 15,000.<sup>52</sup> Therefore, there are too many cases pending a trial. It is estimated that it would take 200 years to try all of the perpetrators of the 1994 genocide.<sup>53</sup> In 2007, “with an overload of new prisoners congesting the prisons since the start of the Gacaca process, convicts have first had to serve a period of community service” and this practice has been decentralized nationwide.<sup>54</sup> Hence, the prison system does not have the capacity to hold all of the detainees, has a back-log of cases and it is highly unlikely that spaces will be freed up in prison in the near future. Therefore, more sentences such as community service will be advocated but the accused may suffer from social stigma and hatred from the community serviced. The prison system is weak. In July 2005, the Rwandan government released 36,000 prisoners that confessed for roles in the 1994 genocide as a third phase of releases to tackle overcrowdedness.

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<sup>49</sup> Adedeji Ebo, “The Challenges and Lessons of Security Sector Reform in Post-conflict Sierra Leone,” *Conflict, Security & Development* 6 (2006): 492.

<sup>50</sup> United Nations Integrated Office for Sierra Leone, *Peace Consolidation Strategy*, (NY: UN, 2006), 5.

<sup>51</sup> The *Prosecutor v Akayesu* (Judgment) ICTR-96-4-T (2 September 1998) case provides one example.

<sup>52</sup> Erin Daly, “Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda,” *New York University Journal of International Law and Politics* 34 (2002): 356.

<sup>53</sup> William A. Schabas, *An Introduction to the International Criminal Court* (Cambridge: CUP, 2004).

<sup>54</sup> Ingelaere, *The Gacaca courts in Rwanda*, 43.

In Sierra Leone, the rural population still lacks access to a formal state court system despite court restoration improvements. Local courts are the only system accessible to roughly 70 per cent of the population. Local courts are presided by traditional leaders who apply customary laws which include criminal cases that ought to be tried in higher courts. The danger of *barrays* in Sierra Leone is that basic human rights are breached such as arbitrary arrest or detention<sup>55</sup>, excessive fines, discrimination against minority groups<sup>56</sup>, particularly women<sup>57</sup> and there is no appeals procedure<sup>58</sup>. Decisions are left at the discretion of chiefs and therefore basic civil rights are breached regularly. More specific, chiefs ignore or minimally fine husbands in wife-beating cases. Chief loyalty is maintained and the Government of Sierra Leone does little to interfere due to the fact that mobilized support for the current ruling party will be damaged. Consequently, the government has not reformed customary courts and policing since the civil war to preserve support from chieftains.

Basic universal human rights norms should be reconciled with the Gacaca and *barray* informal justice systems to strengthen its consistency. This will also guarantee that all suspects involved in the civil wars are guaranteed due process, the right to appeal and lawful arbitration and detention. Therefore, it is clear that if accessibility to national justice cannot be achieved that guarantees basic human rights, then indigenous systems of justice must be supported by the government to recruit and train justice actors that are familiar with fundamental human rights. This will avoid instances of discrimination against marginalized groups and arbitrary detention. In addition, local outreach programs should listen to communities that include excluded marginalized groups in order to encounter their needs and express ways to cater for them.

After all, in the contexts of Sierra Leone and Rwanda, the informal means of redress are beneficial to the local population as they are much faster, less expensive and easier to understand than formal courts. Despite criticisms, indigenous means of providing justice at the local level are

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<sup>55</sup> Protection against arbitrary arrest or detention is clearly stated in UDHR: Article 9; ICCPR: Article 9.

<sup>56</sup> Protection of minorities is stated in Article 27 of the 1966 ICCPR.

<sup>57</sup> Women are protected under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), General Assembly Resolution 34/180, 1979.

<sup>58</sup> This in turn breaches access to legal remedies that includes an appeals procedure stated in Article 8 of the 1948 UDHR and Article 2 of the 1966 ICCPR.



accessible, trusted and more comprehensible than the national courts system. Hence, if they indoctrinate basic human rights such as civil liberties, court proceedings and non-arbitrary detention, then they could be used as a vital cost-effective tool of providing justice in post-war rural communities. Moreover, local policing services are far more accessible to most people in Rwanda and Sierra Leone and the national state police are often unable to get beyond tarmac. People of these countries call for more local policing networks and thus need to be reformed also.

## CONCLUSION

SSR has three main criticisms. It focuses on 'physical' security, is externally driven and is compartmentalized. Problems are also evident in JSR. Namely, the judicial sector lacks indigenous reform of linking basic human rights standards in informal networks and there is deficient access to formal justice. After discussing the dynamics and pitfalls of SSR and the drawbacks of JSR, the six-point integrated relationship reforming both security and justice sectors is proposed in order to benefit the peacebuilding process.

First, **strengthen civilian control** and democratic participation with a national coordination body to enable local ownership over both security and justice sectors. Independent institutions help to ensure that the executive, the state and other foreign governments/actors do *not* interfere with internal civilian control structures over security forces and justice providers. This in turn enables a national body to monitor the behaviors of the security forces, militia groups and other non-state actors within the rule of law. Internationally led programs should also provide an independent and impartial judicial commission enabling **local ownership** at the outset which allows ownership over the security forces and justice providers.<sup>59</sup> This will provide a means of civilian oversight, democratic transparency and good governance that enables a national security plan/domestic defense strategy for the environment to continue functioning once international forces and donor funding ceases.<sup>60</sup> **Reform police and military**

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<sup>59</sup> This was not evident in both UN-led administrations in Kosovo and East Timor. However the United Nations Assistance Mission in Sierra Leone (UNAMSIL) did help the creation of the National Centre for Disarmament, Demobilization and Reintegration (NCDDR) and with the disarmament process.

<sup>60</sup> For instance, the 1996 White Paper on National Defense for the Republic of South Africa is debatably a successful example of the implementation of SSR. This in turn mandated the South African Defense Force (SANDF) to uphold defensive orientation and support disarmament despite high levels of social and criminal violence.

**institutions.** This is to benefit professionalism and capacity of the security forces within a national security policy. Moreover, a code of conduct should be installed that apply legitimate rules of engagement to avoid human rights breaches, clientelism and corruption. The national army and state police must have their roles stated correctly to avoid clashes that may inflate a security crisis.<sup>61</sup>

Second, establish an impartial and independent judiciary to uphold an effective rule of law that incorporates **accountability** over all persons irrespective of rank and security institutions. No security forces and actors including international security forces are to be immune from prosecution. Democratic accountability over the security and justice sectors that is based on transparency and citizen participation is required. The representatives of security and justice institutions that are liable for gross misconduct are to be held accountable for their malpractice. Accountability should also be installed in traditional justice systems in order to hold those accountable, including the security forces and external contingents for human rights violations and other offences.<sup>62</sup> In order to promote democratic accountability and eliminate corruption and clientelism, domestic parliamentary oversight over the security apparatus is to be strengthened. National and international *ad hoc* tribunals must have the funding, legal expertise and capacity to try those accountable of breaching human rights and IHL in accordance with the rule of law.<sup>63</sup>

Third, **oversight mechanisms** are designed to ensure that checks and balances are conducted to prevent abuses of power and make sure that security and judicial institutions function within the rule of law. Principles of democratic governance and accountability are needed to strengthen oversight capacity of the civil society, the judiciary, the executive and

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<sup>61</sup> This was the case in East Timor, April-May 2006, when the PNTL and the Timor-Leste Defense Force (F-FDTL) clashed after the dismissal of 600 soldiers in Dili. Both national security forces were deployed with similar roles to cater for internal threats to the peace and thus collided. This security situation provided an opportunity for further violence by unemployed youths which left at least 37 dead. In addition, looting and arson occurred and two-thirds of the capital was displaced.

<sup>62</sup> This was not the case in both Kosovo and East Timor as KFOR and the International Force for East Timor (INTERFET) were immune from prosecution or investigation from a Human Rights Ombudsperson.

<sup>63</sup> For instance, perpetrators of war crimes must be accountable for their actions and thus be brought to higher courts. This is so that a formal justice system can indict, try and convict alleged wrongdoers whilst providing the right to a fair trial, an appeals procedure and other basic human rights standards.

parliament. Criminal justice institutions also have the responsibility to allow *them* to be accountable under oversight mechanisms. The judiciary is to operate as the third branch of government and should attain its independence from the executive. **Vetting** over security forces must commence at the outset of programs and they should be screened periodically under a code of conduct. In addition, the rule of law that is led by a national coordinating institution will enable civilian oversight before the victorious side of a conflict is reintegrated into the national security forces and international forces begin functioning under their mandates. International contingents that train the security forces must be screened prior to their engagement.<sup>64</sup> The security forces should also be remunerated at least the same as rival rebel militia. This will avoid the armed forces forming a new rebellion coalition with a rebel group and shun soldiers from joining the insurgency for better economic incentives.<sup>65</sup>

Fourth, within oversight mechanisms, **good governance** over the security and justice sectors set to provide a multi-layered system of oversight, governing norms and principles and a holistic legal framework. The internal layer of good governance includes the security forces and justice providers as the main actors. These are to provide supervision, internal review, and complaints procedures, a disciplinary system, a code of conduct, performance review, human resources, vetting, selection, promotion and freedom of information. As well as the roles of the executive<sup>66</sup>, legislative<sup>67</sup> and judiciary<sup>68</sup> layers, the civil society layers aim to strengthen independent watchdogs. Moreover, CSO and NGO participation

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<sup>64</sup> Unlike the Asian United Nations Police (UNPOL) contingents that had records of committing previous human rights violations that trained the PNTL human rights in the Police Academy in East Timor.

<sup>65</sup> For example, in the context of Sierra Leone, the SLAF was underpaid and formed a coalition force with rebels: the Armed Forces Revolutionary Council that fought against the Sierra Leonean government.

<sup>66</sup> The executive layer concerns the Head of State, ministries and national security advisory that facilitate their managerial functions over security and budgets. Moreover, the election processes are conducted by personnel that are under oversight mechanisms.

<sup>67</sup> The legislative layer includes the parliament and parliamentary oversight bodies over hearings, investigations and the enactment of law, inspection of facilities, budget appraisal and subpoena powers.

<sup>68</sup> The judiciary layer concerns criminal, civilian and military courts and tribunals. The main oversight mechanisms include adjudicating cases that are preceded against security services and individual employees. This is to protect human rights, uphold the rule of law, assess the constitution and review security and justice providers' policies and conduct and assess the proceedings of prosecutions.

will create think tanks for better international and national policy models. This in turn will help strengthen the **planning and implementation** stages of JSR assisted by effective security.

Fifth, establish a fair and strong penal system that has a competent **prison system** to try those indicted for breaches of human rights and IHL. This will benefit security by preventing risks of allowing perpetrators to go unpunished which may form civilian hostility with the criminal justice system. The prison system must have the capacity to hold enough prisoners. This is to avoid releasing a large number of prisoners due to overcrowdedness and unlawful conditions of detention that may endanger security once more and reiterate a culture of impunity. This is also to be incorporated at the local level due to the fact that in many post-conflict states, the majority of judicial services carry informal procedures and customs. Local forms of justice are consulted by the majority of those living in rural areas in post-war environments.

Sixth, **traditional justice systems** are easily accessible, spoken in communal languages and based on religion and customs that are soundly understood by the community.<sup>69</sup> Traditional justice should be strengthened by upholding a rule of law that is compliant with basic international human rights standards.<sup>70</sup> Access to formal justice is often weak in many post-war environments, such as in Africa and Asia.<sup>71</sup> **Access to justice** usually favors the reformed formal justice sector. Thus, the national government, international donors and organizations must not dismiss traditional justice or else systems of informal disputes will not be reformed. Local justice networks have the potential to uphold a strong prison system to detain, convict and try alleged perpetrators within time-frames. Chieftains must abide with accountability, the rule of law and basic human rights principles such as due process and an opportunity to appeal.

It is fundamental to reconcile both security and justice reforms for the following three reasons. First, to establish skilled security forces acting with a justice system. Second, to provide a system that includes civilian oversight

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<sup>69</sup> For instance, in the context of sub-Saharan Africa, over 80 per cent of justice services are informally based. See OECD, *The OECD DAC Handbook on Security System Reform* (Paris: OECD, 2007), 11.

<sup>70</sup> *E.g.* basic rights such as due process, the right to appeal and the fundamental rights of prohibiting arbitrary detention, torture and the death penalty are to be included in indigenous systems of justice.

<sup>71</sup> For instance, in Sierra Leone and East Timor, the majority of the populations are rural based and have much better access to indigenous and traditional systems of justice.

mechanisms modeling supervision over the security forces and non-state actors. Third, to facilitate easier access to justice that includes supporting informal redress under the rule of law, the compliance of basic human rights standards and the strengthening of judicial and prison capacity. All these principles are to be adequately and regularly funded in order to avoid a relapse into conflict that would cost donors more financial and human capital to restore another mission from scratch.

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