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CONTENTS

ACKNOWLEDGEMENTS

Letter from the Editor

The process of examining international affairs and international politics is not an easy one. In a world that is becoming increasingly complex, the provision of in-depth and nuanced analysis is crucial in shaping our understanding of these changing trends and their consequences. Not only must we question and analyze the world around us, but we must also be able to identify emerging issues in the international system and develop ways to confront these potential challenges.

It is with this spirit that the Paterson Review of International Affairs, now entering its tenth volume, seeks to contribute to the current international policy environment. Based out of the Norman Paterson School of International Affairs (NPSIA), at Carleton University, Canada, the Paterson Review is an annual peer-reviewed publication that showcases the work of graduate students throughout North America.

In order to be published, the articles must go through a rigorous editorial process. First, a blind review is held to select a list of publishable submissions. If selected, the articles are then sent to an academically qualified expert in the subject matter for their evaluation, followed by substantive editing by the Paterson Review editorial staff. Of the 35 submissions received this year, 10 articles were selected for publication.

Our contributors investigated a broad range of relevant issues in international affairs, providing a critical analysis of a topic that they feel is deserving of debate within the field. Beth Jean Evans examines the role of environmental justice and international equality in achieving success in international environmental agreements with an in-depth look at the Clean Development Mechanism of the Kyoto Protocol. Andrew Feltham provides an assessment of intelligence sharing between Canada and other countries of the International Security Assistance Force in Afghanistan, outlining the challenges faced by the Canadian Forces and how these might be addressed. Shawn Friele also examines a timely Canadian issue through the lens of international and customary law with his study on the uncertainties regarding Canadian claims to the Arctic. Shannon Kindornay examines the concept of development effectiveness and the varying interpretations and understandings of the term by different aid actors, suggesting that these differences can have potential implications for policy and research.

Nathaniel Lowbeer-Lewis presents a theoretical analysis of American foreign policy using the case of the War in Iraq, while Ashley McEachern engages in a study of feminism in Argentina, noting the historical conditions that have led to the development of a women's movement that remains disconnected from feminist ideology. Annahita Mirsalari examines the Palestinian refugee crisis in Lebanon from a modified human security perspective, and provides potential policy solutions for the conflict. Gonzalo Moreno explores the complications that have prevented the establishment of an attractive vaccine market in developing countries, and considers how financing mechanisms such as Advance Market Commitments may be able to help overcome these hurdles. Mallory Mroz questions the effectiveness of peace agreements as a conflict management tool, and finally, Kirsten Pontalti detaches the label of 'chaos' from the situation in Burma and presents a study of the conflict from a complex humanitarian emergency approach.

The 2009 edition of the Paterson Review was made possible through the hard work of a large group of students, primarily from NPSIA, who contributed in the blind reviewing, editing and design of the journal. This year, the journal also underwent a complete design overhaul courtesy of Sara L'Espérance, our talented graphic designer who is an architecture student at Carleton University.

Since 2007, the Paterson Review has been published in a hard-copy format and is circulated to international affairs and public policy schools around the world. The journal is also available online through Diplomat & International Canada magazine at

www.diplomatonline.com. As of this year, the Canadian Library of Archives will begin holding copies of the Paterson Review, another mark of the growth and expansion of the journal.

The Paterson Review would like to express its sincere appreciation to everyone who contributed to the tenth volume, as well as the continued expansion and growth of the journal. I would like to extend a special thank-you to all the expert reviewers, contributing editors, blind reviewers and designer who dedicated their time and expertise to the publication; to the authors for their wonderful contributions to the journal; to the staff at NPSIA for their ongoing support; to Diplomat & International Canada for their continued partnership; and to our sponsors, the Centre for Security and Defence Studies, the Centre for Trade Policy and Law, and NPSIA, for making this all possible.

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JUSTICE, EQUALITY, AND THE ETHICAL IMPLICATIONS OF THE CLEAN DEVELOPMENT MECHANISM

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ABSTRACT

Using the Clean Development Mechanism (CDM) of the Kyoto Protocol as a case study, this paper explores the importance of environmental justice and international equality in securing global participation in international environmental agreements. Through an examination of a variety of distributional and procedural inequalities inherent in the CDM's market structure, this paper will suggest that market mechanisms and global environmental justice are incompatible in that the former creates inequalities which, by definition, preclude the latter. Further, because these inequalities are antithetical to developing nations' perceptions of a just regime, an abandonment of market mechanisms may be necessary to facilitate continued international cooperation in emissions abatement regimes.

INTRODUCTION

A wide body of literature has emerged in recent years emphasizing that support for global environmental regimes and acceptance of their recommended courses of action will depend largely upon how equitable, or 'just,' the regime is perceived to be by all participants.[1] This realization is perhaps most relevant with respect to the Clean Development Mechanism (CDM) of the Kyoto Protocol due to its unique reliance upon the voluntary participation of developing nations to achieve its dual objectives of mitigating emissions and facilitating global sustainable development. The initial objective of this paper is to examine the relationship between justice and legitimacy, as it exists within the context of the CDM, in order to evaluate the 'justness' of the regime. In Section I, I situate the CDM in its role as the grand compromise to the North-South environment-development debate which acted as a major impediment to the ratification of the Kyoto Protocol at the time of its negotiation.

I then outline the differences between developed and developing nations' concepts of environmental 'justice' and address how these different notions are represented within the CDM framework. Here I argue that the CDM, despite rhetoric to the contrary, fails to strike a balance between the needs and expectations of all parties as its market structure necessitates a tradeoff between cost-efficiency and sustainable development benefits. Section II addresses how the market mechanism of the CDM creates biased and unequal project-type and project-location distribution patterns which further insult developing nations' notions of justice and legitimacy. In this section I also contend that the capital mobility provided for by the CDM's market mechanism forces developing nations to 'attract' CDM investment through acquiescence to investor demands, resulting in procedural inequalities which leave host nations with little leverage to derive promised benefits from the Mechanism. Section III discusses the implications of the aforementioned inequalities and injustices of the CDM for future developing nation cooperation with emissions abatement agreements. In the remaining sections, I expand upon the conclusions inferred by my research, suggesting that because inequalities inherent in market mechanisms are antithetical to developing nations' conceptions of justice and legitimacy, an abandonment of these mechanisms may be necessary to facilitate the future cooperation of developing nations in emissions abatement regimes.

SECTION I: THE CDM IN CONTEXT

The CDM arose out of key developed nations' refusal to participate in any emissions abatement regime – including the Kyoto Protocol – which failed to include developing nations. Two justifications for this stance were given. First, developed nations argued that the immense increase in both the populations and industrialization of several

developing nations would undermine the environmental efficacy of any regime that failed to include them (Jotzo 2005). Second, these nations asserted that the ability of their economies to remain internationally competitive would be jeopardized if forced to implement environmental standards to which developing nations were not subject. Developing nations, however, viewed emissions caps as impediments to economic growth and development and therefore insisted that developed nations should have to bear the cost of any mitigation, due to their historical responsibility for the majority of greenhouse gas emissions and current ability to pay (Shue 1999). This argument was expressed quite poignantly by a Jamaican official who stated; "[Y]ou Americans raped your environment in order to develop your country and raise your standard of living. Now we Jamaicans reserve the right to do the same" (Handleman 2005, 242).

In this context the CDM – one of three 'flexibility' mechanisms intended to lower the overall costs of emissions reductions[2] – was introduced to the Kyoto negotiations in what seemed a suitable compromise between the competing interests of the developed and developing nations. Codified in Article 12 of the Kyoto Protocol, the CDM was intended to allow developed (investor) nations to implement emissions-reduction projects in developing (host) nations where outdated technology and less-embedded infrastructure made it economically and politically easier to do so.[3] In exchange, developing nations were to benefit from transfers of technology, job-creation in relevant sectors, and revenues gained from the sale of emission reduction credits (Olsen and Painuly 2002). Due to its alleged ability to reconcile the developed nations' concerns with emission reduction costs with the developing nations' development needs, the CDM was heralded as the "key that unlocks the barrier" to global cooperation in emissions abatement under the Kyoto Protocol (Repetto 2001, 303).

To accurately understand why the CDM fails in its role as the grand compromise of the 'North-South' debate one must first understand the different sides of the debate in the context of environmental justice. Ikeme (2003) argues that developing[4] nations' view of environmental justice focuses on three basic notions; corrective/compensatory justice (consideration of the past when determining present entitlements)[5]; distributive justice (in the case of emissions abatement, an emphasis on global per-capita emissions allocations); and procedural justice (adoption of fair procedures and an inclusive framework in the process of reaching decisions). Developing nations' conception of a 'just' regime is therefore one which provides for significant transfer of wealth and technology from the wealthy nations to the poor while ensuring that compensatory, distributive, and procedural justice is achieved. Thus, in the CDM 'justice' would come in the form of significant local benefits accompanying each individual project. However, developed nations take a more utilitarian, or consequentialist, approach, defining a 'just' regime as one in which "costs and benefits are shared in such a way that overall costs are minimized and welfare maximized across the globe" (Ibid, 202). In the context of the CDM, the priority of developed nations is to maximize overall emissions reductions while minimizing costs; here, 'just' and 'efficient' are synonymous.

While the CDM seems, in theory, to support the notion that the developed nations are obligated to bear the burdens of environmental action, in actuality, the developed nations' outcome-oriented approach to climate change mitigation under the CDM tends to negate any explicit recognition of historical 'obligation', instead focusing on the forward-looking notion of 'charity' derived from the "simple notion that a world with more poor people is ethically inferior to one with less poor people" (Ikeme 2003, 203)[6]. This has the effect of decoupling the goal of emissions reductions from the compensatory transfers of 'wealth' to developing nations, creating a hierarchy of necessity (emissions reductions) over charity ('development' of the poor). It is this act of separation that then allows the market to advance 'necessity' without a parallel, or equal, advancement in 'charity'; and therein lies the root of the market inadequacy. I

refer to these different conceptions of 'justice' again in Section III when I examine the impact that the CDM's failure to reconcile these notions of justice has on its likelihood of being perceived as a 'just', and therefore legitimate, regime.

SECTION II: THE CDM IN PRACTICE

The first inequality resulting from the market mechanism of the CDM is related to project-type distribution patterns, wherein the focus on profit maximization has led to a distinct concentration of investment in low-cost, high-yield, industrial-type projects. A preponderance of CDM investment has gone towards destruction of Hydrofluorocarbon (HFC)-23 – an extremely polluting industrial gas. These projects constituted 36 percent of all CDM investments in 2004, but increased to 58 percent in 2005 (Capoor and Ambrosi 2006, 31). Projects involving such 'synthetic' or 'industrial' gases are ideal for investors due to relatively short implementation lead-times, their low-risk nature, and the substantial profits to be made ($0.75-$1.00 USD per tonne) from the carbon dioxide equivalent (CO2e) reductions (Ibid). Along with the qualitative attractiveness of these projects, the fact that HFC-23 has enormous global warming potential adds a quantitative incentive as well; four registered HFC-23 reduction projects are expected to generate more emissions reductions than 161 current CDM projects facilitating renewable electricity (Ellis, Winkler, Corfee-Morlot and Frédéric Gagnon-Lebrun 2007, 19). While undoubtedly profitable for investors able to reap immense emission reduction credits with very little capital investment, the overwhelming focus on such projects leaves much to be desired for host countries seeking sustainable development benefits. For example, in their analysis of 744 CDM Project Design Documents (PDDs), Olsen and Fenhann (2007) concluded that the sustainable development benefits associated with HFC-23 reduction projects were the lowest of all project types.

The bias of CDM investment towards large-scale industrial projects is of great concern to developing nations who fear that the high profitability of such endeavors will deter investment in smaller ventures with more potential for local benefits. In fact, many developing nations vehemently oppose the funding of HFC-23 destruction projects under the auspices of the CDM for this reason, despite HFC-23 having 12,000 times the global warming potential of carbon dioxide (Goldstandard 2006, 32). While developing nations indirectly benefit from the reduced risk of climate change resulting from such projects, the lack of additional sustainable development benefits associated with these projects still creates a fundamental problem in that the compensation for, and rectification of, historical wrongs and current inequalities that are integral to developing nations' conceptions of 'justice' are ignored.

Exacerbating the above injustices is the fact that the CDM has, in several instances, gone beyond a systematic denial of benefits to actually having net *negative* effects on local populations. For example, projects which involve the occupation and cultivation of large plots of land for carbon sinks[7] are extremely profitable under the CDM, a fact which seems to eclipse the associated destruction of local means of subsistence, biodiversity loss, water table disruption and resulting local pollution from herbicides and pesticides (Bachram 2004). Hydro projects implemented under the CDM are also notoriously disruptive to local populations; most notably, the *Sondu Miru Hydro Plant* in Kenya, which resulted in the diversion of water away from 1500 households and caused eye and lung problems amongst the local population as a result of project construction dust (Haya 2007). Similarly, the *Campos Novos Dam* in Brazil is reported to have displaced over 3000 people, and resulted in significant loss of fish stocks and floodplain fertility in the area surrounding the project (Ibid). While in both cases emission reductions are still occurring[8] – meaning host nations still benefit indirectly through reduced risk of climate change – the collateral harm suffered by host localities, in combination with the lack of direct development benefits, seem only to add insult to injury. This indicates, once again,

the tradeoffs which the market mechanism necessitates between the cost-efficiency priorities of developed nations and the development concerns of project hosts. In this instance, the CDM can be seen as actually *increasing* global inequalities by providing profit to those already wealthy, while denying development benefits – and in some cases actively causing harm – to those nations which need them the most.

An examination of instances of technology transfer under the CDM offers a more acute example of the exacerbation of inequalities to which the CDM's market mechanism is prone. In an attempt to maximize profits, CDM investor nations have shown a propensity to transfer the *results* of their advanced technological development rather than the actual *processes*, thereby limiting benefits to the host (Humphrey 2004). For example, a project that provides bio-fuel compatible engines for a host nation's public transportation sector will generate a fixed amount of both emission reductions and local benefits. However, if the investor transferred the technology *and* the technological processes and required training to reproduce it, the host nation would then be able to disseminate it nationwide, generating employment in related manufacturing sectors while at the same time allowing the host to achieve emissions reductions beyond the constraints of the isolated project. While ideal from both an environmental perspective (increased emissions reductions) and a developmental perspective (increased sustainable development benefits), the transfer of technological processes is contrary to market logic as the extra costs of training and education would not be compensated for by an increase in emission reduction credits (read: profit) for investors. As such, these transactions are unlikely to occur.[9] Lastly, the CDM's market mechanism not only fails to encourage the transfer of additional benefits as demonstrated above, but it may actually deter investors from making such transfers as doing so would reduce the availability of easy emissions reduction options for investor nations in the future – thereby reducing their potential to profit.

The market mechanism of the CDM also channels investment towards the most profitable geographic areas, typically high-growth transition economies. In 2003 approximately 66 percent of CDM investment went to Latin American countries, 30 percent to countries in Asia, and less than 5 percent to sub-Saharan Africa (Niedenberger and Saner 2005, 18). Due to the role of high levels of economic and population growth in creating an increasing abundance of cost-effective abatement options, China is expected to attract more than 50 percent of total CDM investment by the end of 2012 (Humphrey 2004, 89) while India, due to its heavy reliance on coal and increasing energy demands, is expected to become an increasingly prominent location for investments (Niedenberger and Saner 2005). In addition, without explicit incentives to counter the profit-driven tendencies of the market, the need for extant infrastructural capacities within host nations acts to channel CDM investment towards those nations which are already relatively well-off. In order for a nation to host a CDM project it must possess an established Designated National Authority (DNA) capable of approving and monitoring proposed projects – a condition which automatically excludes 67 percent of developing nations from participation (Silayan 2005, 23). Due to the high transaction and administrative costs associated with project development and implementation, only projects producing over 50,000 tonnes of CO_2 create a sizable enough profit margin to be economically attractive to investors (Ibid). The poorer, less developed nations are therefore excluded once again, as they typically do not possess the levels of industrialization required to facilitate projects of this magnitude. Both project-type and project-location distribution patterns under the CDM therefore demonstrate how reliance on market mechanisms creates a situation in which efficiency and profit maximization not only fail to provide adequate compensatory benefits to developing nations, but also exacerbate the global inequalities which caused the demands for compensation in the first place.

The CDM is also rife with procedural inequalities regarding both its initial inception and its continuing implementation. Early in the CDM negotiation process, a group of developing nations led by Brazil suggested that developed nations failing to meet their Kyoto targets should be required to pay a 'penalty' – the funds from which would then be used to support adaptation and sustainable development projects in the developing world (Repetto 2001). Developed nations, however, vehemently opposed this punitive structure, asserting that a 'free market mechanism' such as the CDM would create adequate incentives for the equitable, efficient and mutually beneficial reduction of emissions and facilitation of sustainable development. Despite their concerns, developing nations eventually capitulated to the pressures of the developed nations and submitted themselves to the whims of the market[10]; the negative effects of which are discussed throughout this paper.

This practice of heavy-handed negotiation and subsequent procedural inequality is also evident in the CDM's ongoing implementation. CDM projects are, in theory, required to correspond with the 'development goals' of the host nation, which means that the host has the power to negotiate projects which best serve their own interests. However, in actuality the market mechanism of the CDM forces host nations to 'attract' investment, leaving them with very little leverage to make demands lest investors take their money elsewhere (Humphrey 2004). One must not underestimate the importance of procedural justice to developing nations. It has been argued that much of the under-representation of developing world interests and general marginalization of the poor in international institutions today are the result of developing nations' low "representation" and "access to power" in past international decision-making processes (Ikeme 2003, 197). The continuation of this marginalization and under-representation is evident in procedural inequalities of the CDM, demonstrating again the injustices inherent within its structure.

SECTION III: THE IMPLICATIONS OF INJUSTICE

Having demonstrated the extent to which the market mechanism of the CDM both creates and exacerbates global inequalities, it is now possible to evaluate the implications of these inequalities for the continued cooperation of the developing world in global emissions abatement regimes. First, the market-led bias towards certain CDM project-types creates a problematic situation in which investors engage in 'cherry picking' or 'cream skimming' (Olsen and Painuly 2002; Millock 2002), defined as the routine and systematic investment in the easiest and most lucrative abatement options within a specific nation. While clearly compatible with developed nations' utilitarian priority of maximizing emission reductions and profit, this practice increases the average cost of remaining abatement options within host nations, leading those nations to question whether their long-term interests would be best served by saving their low-cost abatement options for use in the future when they may have to accept binding emissions caps themselves (Prum 2007).

Furthermore, by commodifying the 'right' to pollute the atmosphere and allowing developed nations to pick off the 'low-hanging fruit' of developing nations, the CDM can be seen simply as a new means of exploiting the 'cheap resources' of the developing world. This notion strikes a particularly sensitive chord with scholars from the global South who claim that "[g]lobal ... institutions are unleashing death and destruction by trying to own and commodify life. The issues are old, the instruments are new. The paradigms are old, the projects are new. The ... urge to control and own everything is old, the expressions are new" (Shiva 2005, 133). In this light, the CDM is seen not as a means by which to rectify historical injustices, but rather as a vehicle for

the continued exploitation of the developing world.

Geographic distribution patterns also replicate existing global inequalities by excluding less industrialized nations from the benefits of 'sustainable development' technologies and capabilities due to their inability to offer enough 'profit' to investors to warrant their investment. In systematically excluding the poorest nations from participation in the CDM, a new global divide is created wherein those with technology (increasingly 'sustainable technology') are more adept at attracting investment and adapting to market fluctuations than those lacking these capacities. While some may understand these patterns to be indicative only of the rational maximization of resources through the pursuance of the most cost-effective options, to developing nations they simply reiterate the incompatibility of market-led regimes with their more distributive and compensatory notions of environmental justice. Thus, while the CDM may be seen, *prima facie*, as an effective and mutually beneficial means of encouraging global sustainable development, its failure to appeal to the compensatory and distributive notions of justice held by many in the developing world make it unlikely to facilitate their continued participation.

When analyzing the impact of the procedural injustices evident in both the initial creation and ongoing implementation of the CDM, it is important to recall that the developed nations' notions of justice within the CDM tends to be that the 'ends justify the means.' However, one must realize that the desired 'ends' of the developed nations are not the same as the 'ends' which developing nations seek. Developed nations aspire towards achieving the most cost-efficient means of reducing emissions, whereas developing nations see the CDM as an opportunity to leverage development benefits. The means cannot therefore be subordinated to the ends, as the 'means' are simply tools with which each party must define, and accomplish, their respective 'ends.' Because market mechanisms are naturally profit maximizing and ancillary development benefits – as I have argued – are typically viewed as impediments to cost-effectiveness, a necessary tradeoff between investor profit and host nation benefits exists in the CDM. The need for the developing nations to actively counter these market tendencies through equal representation of their interests, therefore, heightens the importance of procedural justice in the CDM, making it essential to ensuring their continued participation.

The above analysis of the promises and failures of the CDM clearly demonstrates that developed and developing nations' conceptions of international environmental justice must be equally represented if future environmental regimes are to be met with cooperation, rather than animosity. It is therefore a valid assumption that global governance will remain viewed as "little more than 'imperial management' unless there is a significant distribution of resources from wealthier states (and individuals) to poorer ones in pursuit of environmental justice" (Stoett 2007, 10). In effect, the integration of the promised sustainable development benefits and the rectification of historical environmental injustices are the *sine qua non* of effective developing country engagement in emissions abatement regimes (Niedenberger 2006, 380). In fact, while many developed nations have already begun pushing for developing nations to accept binding emissions caps, key nations such as India and China have not only remained steadfast in their opposition to such requests because of continuing perceptions of global inequalities, but have also increased their own demands for deeper emission cuts in the developed world (Prum 2007).

While the CDM does, in theory, aim to assist developing nations with their (sustainable) development through the provision of ancillary benefits, the implicit unwillingness of the developed nations to reduce their own emissions remains contrary to developing nations' calls for a more equitable distribution of global resources.[11] The prevalence of this mentality amongst developing nations is demonstrated by the fact that they have repeatedly and explicitly demanded a reduction in wealthy nations'

consumption of resources to make 'environmental space' for them to pursue their own growth and development (Bernstein 2001). Allowing developed nations to purchase the 'right' to pollute domestically by reducing emissions in developing nations further exacerbates unequal usage of the atmosphere which many believe is a public good to which everyone has equal claim (Traxler 2002). Allowing private and public entities from the developed world to exploit the emissions abatement options of poor nations in lieu of reducing their own consumption under the "official and presumably justifiable auspices of the CDM" has therefore been viewed as simply another instance in which the institutionalization of extant global inequalities has maintained the domination of the rich over the poor (Bachram 2004, 16). From this perspective, wherein developed nations seem unable or unwilling to reduce their consumption and developing nations are increasingly soured on participating in a regime which seems only to ignore historical responsibilities, exacerbate extant inequalities, and allow for exploitation of their 'low-hanging' abatement resources, the prospect for continued global cooperation is grim. Recognizing that, despite its abundant faults, the CDM is currently the 'only game in town' for coordinating global cooperation in emissions abatement, it is important to carefully evaluate the pros and cons of its continued existence. It is to this issue that we now turn.

SECTION IV: ALTERNATIVES OR ALTERATIONS?

Free market relations are the dominant global economic practice and therefore the default conceptual basis for emissions abatement regimes. However, the failure of the CDM to facilitate the 'justice' upon which developing nation participation is contingent suggests a need to move beyond administrative provision-tweaking to question the deeper conceptual principles upon which the regime is based. Having demonstrated the inability of the CDM's market mechanism to reconcile the competing interests of cost-efficiency and global environmental justice, it is perhaps prudent to challenge, more broadly, the perceived omnipotence of market-based regimes. Sir Nicholas Stern, former Chief Economist at the World Bank, stated in 2007 that climate change was "the greatest and widest-ranging market failure ever seen" (Secretary General's Address to the UN Climate Change Conference). I argue that if the 'invisible hand' of the market does not naturally mitigate greenhouse gas emissions, it makes little sense to base an emissions abatement regime upon a conceptual model already proven to be an ineffective means of addressing the issue. However, "even while the market economy erodes nature's economy and creates new forms of poverty and dispossession, the market is proposed as a solution to the problem of ecologically induced poverty" (Shiva 2005, 112). In grappling with this systemic contradiction, many scholars have argued that it is the vested interests of the dominant individuals, classes, or global institutions which facilitate the widespread adoption of market liberal values, and not economic, social, or environmental rationality (for example, Haque 1999). This is quite arguably the case with respect to the CDM, as its market mechanism has been shown to primarily benefit those who most firmly supported it, while sacrificing the benefits promised to those who were most wary of its effects.

SECTION V: CONCLUSION

By examining the distributional and procedural biases of the CDM, I have argued that market mechanisms are antithetical to achieving environmental justice, as defined by developing nations, due to inherent inequalities resulting from the market's natural

prioritization of cost efficiency. Furthermore, since notions of equality, compensation, and procedural justice factor so heavily in developing nations' evaluations of a regime's 'justness,' the CDM, as currently structured, is unlikely to secure the continued cooperation and meaningful participation of these nations. Granted, when working within the framework of global environmental regimes which have to accommodate a wide range of competing interests, often what is 'fair' and what 'works' are not the same thing (Shue 1999, 394). In some instances, a choice will have to be made between what is most 'efficient' – and therefore most viable – and what is most 'just.' Nevertheless, in a voluntary regime like the CDM, where 'justice' is not just a lofty ideal but also a critical pre-requisite to securing developing nation participation, justice and efficiency cannot be so easily separated. While few would agree that the notion of *fiat justitia, pereat mundus* – let justice be done even if the world should perish – is an ideal approach to international climate change regimes, it is important to remember that in the context of the CDM, 'justice' is not only a moral opposition to extant inequalities. It is also a means of leverage by which the developing nations can exact much-needed development assistance from the developed world. Developing nations cannot afford to accept the consequentialist 'all's well that ends well' approach of the developed world, as often their very survival depends upon the transfer of immediate and direct benefits, making the developed nations' concern with the longer-term implications of global warming somewhat less relevant. It is this realization therefore, that provides the true 'key' to successful climate change mitigation; the creation of a regime which, instead of passively accepting the inequalities inherent in market mechanisms, actively promotes the interests of the developing world, not as a matter of optional charity but as a matter of undeniable and unavoidable necessity.

NOTES

1. See, for example, Hadjilambrinos 1999; Shue 1999; Parks & Roberts 2006; Parks & Roberts 2008.
2. Joint Implementation and Emissions Trading constitute the other 2 'flexibility mechanisms;' for a detailed account of these two mechanisms, see Prum 2007.
3. References to 'investor' nations throughout this paper refer to Annex I nations (consisting of OECD nations and a few select others) as defined under the CDM; references to 'host' nations refers to all other nations; defined as 'non-Annex I' nations under the CDM.
4. Ikeme uses the term 'southern' as opposed to 'developing' throughout his work, however for the sake of consistency with the rest of my argument I will continue to use the term 'developing' when referencing his work.
5. 'Consideration of the past' most often refers to the historically unequal use of the planet's natural resources – including atmospheric space – as justification for North-South transfers of wealth based on a "historical atmospheric asset debt" (Ikeme 2003, 201). One should note, however, that 'compensation for the past' has also been used to refer to the perception by many developing nations that their impoverishment and underdevelopment are the direct result of their former status as colonized states (Sari and Meyers 1999; Parks and Roberts 2006). While both interpretations place the onus on developed nations to absorb any costs associated with emissions abatement, the latter emphasizes more directly the moral justification for developing nations' prioritization of poverty eradication over cooperation with developed nations on issues of environmental concern.
6. The logic of the CDM adheres, in theory, to the UNFCCC principle of 'common but differentiated responsibility' which states that, due to the 'unequal burden' of climate change faced by developing nations and developed nations' 'greater ability to pay' for mitigation and greater 'historical responsibility' for emissions, developed nations are obligated to bear the financial costs of emissions mitigation (Shue 1999).
7. Carbon sinks under the CDM are large, typically monoculture tree plantations which absorb carbon from the atmosphere.
8. One should note that in these particular instances, emissions reductions may not even be resulting as the projects' claims to 'additionality' – i.e. emissions reductions additional to those which would have resulted in absence of the project – are of questionable validity (see Haya 2007)
9. As Sari and Meyers (1999) note, the transfer of 'soft' technology (increasing technological know-how, training, and education) remains undefined within the CDM because the contribution of such 'soft' technology transfers to real emissions reductions – and therefore CER generation – is "unclear" (16).
10. While admittedly the representation of support for the CDM here as being exclusive to developed nations is somewhat of a generalization, there was a marked division of interests and approaches between the G77 + China negotiating bloc and wealthy nations such as the United States, Australia and Canada during the Kyoto/CDM negotiations which, I believe, justify the use of this generalization for the sake of simplicity.
11. The export of 'Western' consumption habits through regimes meant to reduce the environmental impacts of human consumption has been widely criticized as unsustainable in itself; for further reading, see Clapp and Dauvergne 2003; Stoett 2007; Shiva 2005.

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SPY VS. SPY?: RETHINKING THE DYNAMICS OF CANADIAN FORCES INTELLIGENCE SHARING IN AFGHANISTAN

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ABSTRACT

Intelligence sharing is an operational necessity for all states, particularly so in low-intensity and asymmetric environments. With respect to the Afghanistan mission, intelligence sharing takes place within varying levels of bilateral and multilateral disclosure between Canada and the countries that comprise the International Security Assistance Force (ISAF). Employing lessons learned from the Afghanistan mission, this paper will focus on several challenges facing the Canadian Forces (CF) traditional intelligence partnerships and how such challenges may be overcome. Looking forward to the CF's future operational requirements, this paper will also examine the utility and feasibility of complimentary intelligence relationships with local security forces and non-government organizations. Addressing such issues will provide greater insight into both the dynamics of intelligence liaison as well as Canada's evolving role in the international intelligence sharing market.

INTRODUCTION

The Canada First Defence Strategy recognizes that Canada's national interests exist in an increasingly uncertain environment. The Canadian Forces (CF) must be prepared to confront a full range of threats and challenges. One mechanism through which Canada has traditionally reacted to unfamiliar operational requirements, as well as to its own resource limitations, has been its network of allies. This is particularly true when speaking of intelligence capabilities. Indeed, intelligence sharing is an operational necessity for all states, particularly so in low-intensity and asymmetric environments. However, managing intelligence partnerships within a multi-tiered, multinational environment presents unique challenges. Effective collaboration must confront the competing interests of security and disclosure. Classifications and caveats that limit an intelligence product's distribution greatly diminish its audience, and thus, its practical utility. At the same time, over-distribution can compromise sources, reveal capabilities, and completely rob an intelligence product of its value. In terms of the Afghanistan mission, intelligence sharing takes place within the varying levels of bilateral and multilateral disclosure between Canada and the countries that comprise the International Security Assistance Force (ISAF). Negotiating this balance has been challenging, even amongst the members of the North Atlantic Treaty Organization (NATO). The nature of current operations, paired with the broader post-cold war environment has challenged the relevance of NATO and its role in intelligence liaison.

Examining the dynamics of the Afghanistan mission, this paper focuses on three distinct intelligence sharing relationships the CF has confronted, and will continue to confront in future operations. First, under the overarching presence of the ISAF banner, the CF works extensively alongside both NATO and non-NATO states. NATO standardization agreements and policies, developed over decades of collaboration, provide a top-down framework to guide intelligence sharing. However, this same architecture can impose structural and subjective restrictions, which may require reconsideration. Second, as Canada inevitably draws down the presence of its combat forces in Kandahar, the CF will continue to play an integral role in training and guiding the fledgling Afghan security forces. The provision of intelligence products to Afghan forces will be one of the most valuable indirect force multipliers Canada could contribute. It will be, however, arguably the most difficult relationship to control and manage. Finally, the asymmetric nature of the Afghanistan mission requires the CF to cooperate with non-state partners, such as non-governmental organizations (NGOs), to assist in the broader development of the region. These institutions could assist both in the collection of valuable information and also benefit from the distribution of intelligence products. At the same time, members of the NGO community have expressed trepidation over the

military's encroachment into reconstruction efforts and the implication of being closely associated with military intelligence apparatus.

The purpose of this paper is to stimulate a discourse on the advantages, implications, and consequence of these three forums of intelligence sharing. Considerable literature has been written on the subject of intelligence sharing and its role in low-intensity and asymmetrical operations. However, little analysis has been devoted to the Canadian perspective. The Canada First Defence Strategy recognizes the traditional challenges of personnel, procurement, and funding which the CF must overcome. If the CF is to effectively support Canada's interests and presence globally in the 21st century, it must be prepared to navigate its intelligence sharing partnerships through unfamiliar territory. Although NATO will invariably continue to be a central pillar of Canada's foreign policy, the CF must be prepared to engage in new opportunities of intelligence collaboration to support its operations and interests.

THE DYNAMICS OF INTELLIGENCE LIAISON

According to Sims, states engage in intelligence partnerships to, "increase their access to sources, lower intelligence collection's costs and risks, enhance the timeliness of intelligence for decision makers, and establish an infrastructure for expanded joint operations" (Sims 2006, 203). Such benefits are particularly true for states with limited security and intelligence resources, such as Canada. Of course, not all intelligence sharing arrangements are created equal. The cultures, priorities, and perspectives of contributing states can greatly shape the effectiveness of intelligence sharing partnerships (Lefebvre 2003, 529). The literature categorizes international partnerships in both qualitative and quantitative terms, including the number of states involved (bilateral, multilateral or pluralistic), the conditions under which information is exchanged (simple, complex or adversarial) and the relative power of cooperating states (symmetrical or asymmetrical) (Sims 2006; Aldrich 2004; Clough 2004; Lefebvre 2003; Rudner 2002). Much like its broader foreign policy, Canada often finds itself as a "middle power" amongst its intelligence allies. These alliances range from its bilateral role in continental defence, its seat amongst its NATO allies, and its privileged position within the UKUSA signals intelligence (SIGINT) agreement (Rudner 2004b). Recent changes to both national interests and the geopolitical threat environment have elevated the importance of some of these partnerships, while questioning the relevance of others.

Despite rare successes such as the UKUSA agreement, the risks associated with intelligence sharing generally increase relative to the associated benefits as more parties join the partnership (Sims 2006, 202). Similar to the economic law of diminishing returns, the utility of each additional partner decreases relative to the risks that one's own sources, methods, and limitations become more vulnerable to compromise. Even amongst the most trusted allies, all intelligence sharing partnerships are subject to some limitations. It is quite common for agencies within the same domestic security and intelligence apparatus to closely covet the sources from which they derive their intelligence products (Walsh 2007, 159). Other precautions involve the use of caveats and limiting distribution to only those allies with a demonstrated operational requirement, or "need-to-know". This said, demand alone does not promote sharing between partners, and there is a range of structural and subjective considerations within each case. Several key areas of concern that can undermine trust and impede effective sharing between states include:
-Differing perspectives or reactions to threats;
-Unequal distribution of capabilities and power between partners;
-The poor human rights record of a liaison partner;
-Legal limitations and implications;
-Concern that sources, methods or capabilities will be compromised; and

-The unintended use of shared intelligence. (Lefebvre 2003, 534-536)

As Canada becomes more involved in the international intelligence sharing market, particularly with its leadership in Afghanistan, such concerns will become increasingly relevant.

NATO AND THE QUESTION OF COOPERATION

The political landscape of Europe following the Second World War laid the foundation for many of today's intelligence sharing relationships. For NATO, the principal challenge was to develop a means of integrating the intelligence capabilities of multiple nations to support joint military operations. As such, standardization and interoperability of intelligence was a recognized priority. A series of standardization agreements (STANAGs) on the subject of intelligence provide precise guidelines on how products should be formatted, transmitted and controlled (NATO 2008). In doing so, the alliance sought to prevent the mishandling and misuse of sensitive information. Classifications, from *unclassified* to *top secret*, define the level to which a product can be released, while caveats, such as "NATO eyes only" explicitly recognize the parties to whom it can be disseminated (Defence Research and Development Canada, 2008; Rudner 2002, 556). Unfortunately, while NATO created a structural framework for intelligence collaboration, the alliance lacked the operational impetus to fully realize the framework's potential. Without the urgency of combat operations to compel the exchange of real-time intelligence, the cold war alliance as a whole lacked a genuine "need-to-know".

Divergent intelligence agendas, along with a healthy dose of suspicion between states, have helped to erode the future prospect of intelligence cooperation within NATO (Johnson 2000, 18-20). Furthermore, the collapse of the Soviet threat and the rise of the European Union's economic power have contributed to the atrophy of US hegemony in Europe. The principles of the Helsinki Headline Goal or the Club of Berne represent an effort to lessen the dependence of European military and intelligence interests upon the US (Clough 2004, 610). This has effectively weakened the NATO intelligence market. As Walsh argues, the presence of a dominant member, as the US has been in NATO, provides the necessary trust to promote exchange between states. Without hierarchy, there is often insufficient enforcement and consequences against those states that defect or compromise the relationship (Walsh 2007, 152). For the US, tangible structural issues have also made the intelligence sharing market within NATO appear more risky. The inability, or unwillingness, of partner states to invest and maintain comparable command, control, communication, computer, and intelligence (C4I) assets presents a definite challenge for NATO interoperability and a noted barrier to intelligence sharing in Afghanistan (Aldrich 2004, 745; Clough 2004, 604). This issue is exacerbated by the fact that NATO possesses little independent collection and analytical capability. It is thus dependent on member states wilfully provide raw data or assessments to guide its decision-making (Tyrrell 2002, 3). As such, member states not only rely heavily on their own national intelligence capabilities, but also within NATO's consensus-decision making system, juxtapose intelligence provided to NATO against their own sources, policies, and perspectives. This fact was articulated by former US Secretary of Defence Donald Rumsfeld who, in response to European resistance to the invasion of Iraq in 2003, mused that, "NATO does not have common intelligence" (Aldrich 2004, 749).

Apart from such realist notions of power and perception, the world order that succeeded the Cold War also challenged the cohesion of NATO's intelligence network. Each round of NATO expansion brought with it trepidation from existing member states towards the trustworthiness of former Warsaw Pact states. This reality reflects the rule that the quality of information shared between partners will only be as strong as the weakest, or least trusted, member (Sims 2006, 202). The integration of Slovenia,

Bulgaria, and Romania required unprecedented reforms and transparency. So much so that the communist-era ties of some senior intelligence officials in these states remains a point of contention (Jane's Information Group 2003). The subjectivity of such judgments is interesting given that there have been instances in which high profile members of NATO have been faulted for great breaches of security (Alexander 1998). The inclusion of former Partnership for Peace states into the NATO fold signifies a larger movement towards the post-modernity of security and intelligence. As Rathmell notes, intelligence operations are no longer exclusively posited against hard targets and the threat of kinetic force (Rathmell 2002, 91). Terrorism and trans-national crime have become increasingly worrisome. Furthermore, several states have turned to non-kinetic actions, such as cyber-attacks and energy policy, to threaten the interests of NATO members. The changing way in which intelligence is produced, consumed, and critiqued will increasingly question the merits of existing systems and the utility of longstanding alliances (Wark 2003, 5).

This is not to say the NATO framework is entirely anachronistic. Indeed, the NATO special committee, which brings together the heads of each nation's respective security services, has found a new raison-d'être in the post-9/11 context (Rudner 2004a, 206). The special committee represents one way in which the alliance has used its existing infrastructure to responds to non-military security interests. Furthermore, given recent events in South Ossetia, new NATO members neighbouring the Russian Federation would argue that the threat of inter-state war is quite legitimate. However, in the absence of grand ideological narratives and common foreign policy concerns, member states continue to struggle with NATO's purpose and identity (Rathmell 2002, 98).

THE AFGHAN CHALLENGE

Apart from the broad, strategic concerns that have challenged NATO's intelligence cohesion, operations in Afghanistan have also revealed mission-specific tensions on the ground. First, international forces in Afghanistan do not operate under a unified chain of command. ISAF's role co-exists with the US-led Operation Enduring Freedom, which is engaged in a far more robust counter-insurgency campaign. This not only stovepipes the intelligence functions between states, but at times within states, such as Canada, which is contributing personnel to both operations simultaneously. Second, even within ISAF, the willingness of NATO members to contribute to combat operations varies significantly. The disequilibrium of these divisions has led to widespread contention amongst the major NATO allies. Some analysts have gone as far to speculate that NATO will become a tiered alliance (Jane's Information Group 2008a). Although these reports focus on the combat elements of ISAF, there are inevitable implications for intelligence operations as well. States which place caveats on their own troop deployments not only limit their operational need-to-know, but may also be excluded from intelligence distribution as a political consequence (Svendsen 2008, 666). Finally, ISAF is not an exclusively NATO-executed mission. There are several non-NATO countries participating in Afghanistan. As with previous UN operations, such as in the former Yugoslavia, NATO must engage these states operationally while maintaining them at the periphery of sensitive intelligence matters. For smaller, specialized contingents, such as surgical teams posted to the multinational medical unit at the Kandahar airfield, this task is relatively straightforward. However, the complexity of such arrangements is underscored by cases like Sweden, which has deployed an intelligence unit directly into the ISAF headquarters in Kabul (NATO 2006, 170).

In light of the above considerations, Afghanistan represents a unique challenge for Canada. In 2006, the CF took responsibility for Regional Command (RC) South, and Canadian commanders became responsible for integrating all ISAF contributors in

the region. The commander's efforts to promote inclusivity under ISAF, however, were counterbalanced by the intelligence caveats between contributing states. According to Rudner, Canada exists along the "fault lines" of intelligence collaboration, in which it is forced to negotiate a series of bilateral, multilateral, and pluralistic arrangements between participating members (Rudner 2002, 557). Canada's position within this intelligence web can be understood as a series of concentric circles, each with its own level of exclusivity and, at times, competing objectives. Although ISAF members share a common goal in defeating the Taliban, the ISAF mission does not exist in a vacuum. National governments will be hesitant to compromise their broader intelligence agendas and capabilities due to operational demands in Afghanistan (Clough 2004, 606). With joint ISAF patrols and operations a common occurrence, it is an accepted reality that some national elements must work with less information of the battle space than to others.

Although this scenario may seem troubling, it is marginal when compared to the challenge of supporting the command structure of RC South. As mentioned previously, NATO lacks its own independent intelligence capacity and is entirely dependent on products from contributing states. Following Canada's initial command, the leadership of RC South now rotates on a twelve-month cycle. When the commander has come from another UKUSA state, intelligence flow remains fluid. However, with the appointment of a non-UKUSA commander, such as Dutch Major-General Ton van Loon in 2006, certain products produced by UKUSA assets would be inaccessible. While national and multinational intelligence centres are mandated to support the ISAF commander, they must do so without compromising their own national interest, or those of their partners. Given the importance of the UKUSA partnership to the Canadian intelligence community, one can appreciate the intelligence gap that must exist to those states outside the UKUSA agreement. As such, it is not merely the decision making power of a single nation that becomes isolated, but potentially the direction of RC South as a whole.

This is not to say that ISAF commanders are left blind by their allies. One traditional solution to this problem involves "sanitizing" products by removing particularly sensitive pieces of material (Svendsen 2008, 669). This method enhances the number of recipient nations without entirely compromising the quality of the product or its assessment. This does, of course, require the explicit consent of the product's originator. The establishment of joint intelligence centres and the informal interaction of multinational intelligence personnel have helped to build the necessary relationships to expedite the process. However, with scarce and overstretched intelligence resources operating at capacity, reallocating personnel to sanitize products is not always possible and inevitably limits the timeliness, and thus utility, of such material (Svendsen 2008).

Along with sanitizing existing products, NATO has also attempted to resolve the issue of distribution caveats by producing material that is actionable at the lowest common level. In 2001 and 2002, NATO published two documents on open source intelligence (OSINT) and its potential to support NATO operations. OSINT challenges the popular notion that all intelligence must be secret (Warner 2002). The Swedish military has formally adopted this principle and have committed themselves to the field of multinational, multiagency, multidisciplinary, multidomain information sharing (M4IS) (Steele 2007). Given Sweden's status as a non-NATO ally, it is well suited for this discipline and may prove useful in shoring up existing intelligence gaps within ISAF. This approach may assist strategic-level analysis and, as will be discussed later, be ideal for collaboration with non-traditional partners. However, the tactical utility of OSINT products is limited and may be just as resistant to universal distribution as classified material. This is because OSINT, unlike generic information, is a holistic product that is greater than the sum of its parts. Though the inputs used to produce an OSINT product

may be public knowledge, the analysis of such information blends the interests and intentions of the operator to suit the commander's needs. From a counter-intelligence perspective, the information an operator chooses to assess can be just as lucrative as a classified report (Hulnick 2003, 573-574). The principles of operations security (OpSec), particularly at the tactical level, may override the possibility to disseminate such product, unclassified or otherwise, any further (DND 1998). OSINT may provide greater opportunities to collaborate between a larger spectrum of partners. However, whether such opportunities are capitalized upon will nevertheless be subject to negotiation and case-by-case discretion.

Canada's experience with new NATO allies in RC South also suggests the alliance may hold new opportunities for collaboration. Many former Partnership for Peace countries, such as Poland and Romania, have taken up a considerable burden relative to other longstanding NATO states. With soldiers in frontline combat roles, these states have a demonstrated need-to-know for timely intelligence. The courage, dedication, and competence of these soldiers have gained them the respect of their Canadian and NATO counterparts. However, while the policies and mechanisms exist for the aforementioned states to collaborate with fellow NATO allies, the quality and quantity of information passed on to these states remains limited by longstanding perceptions of untested trust. Unlike other longstanding NATO partners, states like Romania lack the decades of interoperability and familiarity needed to fully exploit NATO's intelligence sharing framework. However, if existing operations are any indication, these periphery states may play an increasingly relevant role in the alliance. Authors like Svendsen have noted the importance of joint operations, senior staff exchanges and political cohesion in promoting the social capital necessary for robust intelligence partnerships (Svendsen 2008, 666). Perhaps as CF personnel interact and serve alongside their counterparts from these states with greater frequency, the necessary interpersonal rapport will develop. These partners hold the greatest potential for expanded intelligence liaison in the future. As NATO expands its borders, coordination with these states will become more relevant than states at the core of the alliance given their strategic proximity to regions of interest.

The role of interpersonal relationships and perceptions in intelligence sharing raises the following question: do operational necessities have a greater influence on the CF's intelligence-sharing partnerships in Afghanistan than the overarching machinery and policies of NATO? If so, does this suggest a problematic disconnect between policy and action, or are the strategic considerations of intelligence sharing inherently different than at the operational and tactical level? In most instances, CF intelligence personnel will not risk their careers, criminal prosecution or the national interest by breaching security protocols and unilaterally disclosing classified information. It is important to note, however, that the quality of interpersonal relationships between these operators is likely to have a significant effect on the level of collaboration that takes place within the limits of security policies and exchange agreements. Understanding how these relationships evolve in theatre is crucial to determining the nature of intelligence sharing more broadly. Furthermore, if operational familiarity plays a critical role in developing the foundation for intelligence liaison between states, perhaps this dynamic can be extended to other relationships beyond the NATO alliance.

LOCAL SECURITY FORCES

Prior to the announcement on September 8, 2008, the Canadian government rejected the notion of a definitive date to withdraw the CF from Afghanistan. Policymakers argued that the independence of Afghan security forces was a more appropriate metric to schedule the responsible withdrawal of the CF from the country (Government of Canada 2008). To achieve this goal several ISAF members, including Canada, are involved in

the mentoring of both the Afghan National Army (ANA) and the Afghan National Police (ANP). The Operational Mentor Liaison Teams (OMLTs) embed coalition officers and non-commissioned members (NCMs) directly into Afghan combat formations and police units (Senate Committee on National Security and Defence 2008, 95). The role of the OMLTs is not simply to train ANA and ANP recruits, but to guide the senior commanders of Afghan fighting elements in actual battlefield engagements. The goal is to bring these Afghan battalions, or *kandaks,* up to the operational standard of coalition forces so they can independently support and sustain the Afghan government's integrity.

Both the ANA and the ANP have experienced shortages of equipment, training, and pay since their inception. Despite recent improvements, there remain significant deficiencies in terms of an independent logistical and intelligence capacity (Lubold 2008). In the short-term, any intelligence sharing arrangement between the CF and Afghan forces will remain asymmetrical, with Canadian intelligence flowing to Afghan consumers. The importance of this relationship is underscored by the recent prison break at the Sarposa facility in Kandahar City. Both local officials and ISAF forces bore responsibility for failing to anticipating the attack. Fortunately, in the days that followed, ISAF surveillance and intelligence assets supported mobilized ANA and ANP units. Timely intelligence coordination played a critical role in securing the region and mitigating the impact of the attack (Jane's Information Group 2008b).

The role of intelligence support to local security forces is pertinent given the impending withdrawal of the Canadian battle group in Kandahar. At that stage, the ANA and ANP are expected to continue the counter-insurgency campaign without direct support of ISAF combat elements. Although the Canadian withdrawal in 2011 will result in the departure of most CF personnel, there will no doubt remain a continued role for intelligence support. Indeed, even with the departure of the Canadian battle group, the small contingent of Canadian officers supporting the Afghan Ministry of Defence and its internal security forces through Op Archer could stay in place (DND 2008). These officers would provide an opportunity for Canada to contribute to ANA and ANP intelligence operations well into the future.

Canadian-Afghan intelligence liaison would not have to end with the construction of a self-sustaining Afghan intelligence capacity. Over time, the relationship could evolve from a single directional flow of intelligence to a more egalitarian exchange. Local security forces, along with Afghan civilians, may prove to be an invaluable source of human intelligence (HUMINT) for Afghan, ISAF, and Canadian interests alike. Additionally, the long-term, strategic benefits of developing a linguistic and collection capacity in the region are evident. Unlike foreign forces, which require cultural sensitivity training simply to avoid offending citizens of the host nation, local security forces are versed in the nuances of the environment. Local forces also hold the permanence and continuity necessary to build interpersonal relationships that foreign forces, typically on a six to nine month rotational schedule, simply cannot (Ibid, 433). Indeed, the indigenous capacity of ANA and ANP forces may become more effective at eliciting information from local populations if they can be regarded as a "national" good.

This said, those versed in Afghan demography will likely be sceptical of the potential benefits given the multitude of ethnic, tribal, clan, and familial allegiances. Afghan villagers, removed from any sort of centralized government for decades, will be unlikely to greet any armed force, national or otherwise, with deference. Even when local civilians are cooperative and provide intelligence, such information must be treated with a great deal of scepticism. In more than one instance, villagers have been known to exploit such opportunities to settle old grudges and vendettas (Hartil 2005).

It is not merely the questionable reporting from local sources that presents a challenge to local intelligence efforts. Opportunistic and corrupt members within

the ANA and ANP also present a definite threat to Canadian intelligence interest. At a tactical level, this could compromise the integrity of an operation and risk the lives of Canadian soldiers. However, and perhaps of greater concern, is the abuse of strategic intelligence provided by the CF to Afghan authorities. Even if Canada has assurances that information it shares will be used for legitimate purposes and not disclosed to third parties, it has little control over how a recipient state chooses to action that intelligence once it is delivered (Lefebvre 2003, 536). At present, Canadian advisors are directly involved in the decisions of battlefield commanders through its embedded OMLTs. However, as the CF moves to a more indirect support role, it is possible that Afghan commanders and policymakers may use Canadian-derived intelligence for unexpected ends that conflict with Canadian interests. The US was implicated in such a situation when Israel bombed the Iraqi nuclear installation at Osirak using CIA-acquired satellite imagery (Kahana 2001, 414). Canada could face serious repercussions were it to become public knowledge that the Afghan military committed acts that contravene international legal norms on the basis of CF-derived intelligence. The consequences could range from diplomatic castigation to legal action. The Government of Canada faced precisely this situation over the transfer of detainees to Afghan authorities. In the winter of 2007, whispers of prisoner abuse raised alarms that Canada could be held responsible for the torture of said detainees while in the custody of Afghan forces (DND 2008a). Similarly, the legal, financial and moral implications of intelligence sharing are evident given the damage wrought to the reputation of Canada's intelligence community following the ordeal of Mahar Arar.[1]

Canada is traditionally the minor partner in most of its intelligence sharing partnerships. As mentioned previously, its status as a "middle power" has been tied to its disproportionately smaller intelligence capacity compared to its allies, the US and the UK. However, in Afghanistan, Canada now has adopted the position of dominant partner in its relationship with Afghanistan. The management of a Canadian-Afghan intelligence sharing partnership would require an unprecedented level of oversight. The benefit of establishing a long-term intelligence relationship with a state positioned within the epicentre of Al-Qaeda's leadership could no doubt serve Canada's strategic security. However, given the risks associated with such arrangements, Canadian political interests may be best protected by limiting its engagement to the most immediate, operational level.

NGOs AND INTELLIGENCE

The aforementioned issues exist within the realm of what is expected of the intelligence-sharing paradigm. Although the security and intelligence organizations of different states may have competing strategic goals or capabilities, principles, and cultures which guide their efforts are largely the same. Even when mentoring local security forces, Canadians connect with their Afghan counterparts on a professional level. As one OMLT officer describing his relationship with his Afghan mentoree, "I speak military, he speaks military" (Davis 2007, 8-11).

The final relationship to be analyzed in this paper, state-NGO partnerships, embodies precisely what Sims would describe as "complex" intelligence sharing. Unlike "simple" exchanges of intelligence *for* intelligence, "complex" liaison requires the, "bartering of intelligence collection assets for some mix of political, intelligence, economic, military, or operational goods" (Sims 2006, 197). Based upon the drastically different capabilities and roles of these institutions, any exchange between NGOs and the military is also asymmetrical in nature. The transnational, non-hierarchical, horizontal structuring of NGOs places them at institutional odds with the military's archetypal order. Many NGOs strive to posture themselves as neutral parties, working between belligerents, and falling outside the realm of parties at war. NATO recognizes

the importance of this impartiality (NATO 2003). However, the value of NGOs in low intensity conflict is noteworthy, and NATO has sought to marry the roles of the military and NGOs more closely within the provincial reconstruction team (PRT) concept. Efforts to reconcile the goals of these institutions has been mixed, and at times, met with resistance. Given the number of organizations involved in reconstruction and development projects currently in Afghanistan, and the recognized importance of this contribution to the stabilization of the country, the CF cannot afford to marginalize the NGO community.

Strategists recognize the importance of fostering support from the civilian population in order to defeat an indigenous insurgency. Despite its branding as a novel concept, the PRT model has been in existence since the Vietnam war (McCollum 1983). In Afghanistan, the PRT program was piloted in 2003 to project the central government's legitimacy and influence into the outer provinces. Its principle goal is to rebuild communities and infrastructure by uniting development, diplomatic, and defence efforts. Although the military has been involved in some immediate reconstruction projects, its primary contribution to the PRT is security (Senate Committee on Security and Defence 2008, 50).

The return of this strategic investment is often labelled the "hearts and minds" campaign. However, the PRT may also serve the interests of the military more directly as a nexus for inter-institutional intelligence sharing. Like the PRT concept, intelligence sharing between intelligence agencies and NGOs is hardly new (DeMars 2001, 207). There are many parallels between the information operations of NGOs and those of intelligence agencies. NGOs, particularly those with transnational operations, are great consumers of intelligence and require a constant flow of reporting to support their projects. Private interests, such as the Global Intelligence Network, exemplify the private demand for intelligence in high-risk zones.[2] The hostile environments in which many NGOs operate also fosters a culture of sharing amongst agencies (Keen and Ryle 1996). Their ability to collect, analyze and disseminate information from conflict zones has proven to be a complementary tool to traditional reporting and, at times, a means of filling intelligence gaps (James 2000).

The benefit of establishing relationships with NGOs in the initial stages of any operation is evident. The experience of these agencies can provide invaluable situational awareness to troops freshly deployed to theatre. NGOs were active in documenting ethnic violence in Bosnia and were instrumental in the stabilization effort (Van der Kloet 2006, 422-433). In the case of Afghanistan, agencies like CARE International and Partners for Social Development have operated in Afghanistan for years, even throughout the Taliban's rule (American Institutes for Research 2006). Information on tribal hierarchies, cultural nuances, problem zones, and a multitude of other regional-specific topics could be used to help establish CF intelligence operations in a new area of responsibility (Charters 2001, 51).

Reflecting on Sims' notion of complexity, managing these initial exchanges would have its unique challenges. Without an established operational intelligence capacity, military liaison officers would have to depend on other capabilities or products to barter for information. The establishment of order during the United Nations Mission in Haiti (UNMIH), through the presence of armed personnel, exemplified a good the military provided that would potentially encourage greater intelligence cooperation with NGOs (Kretchik 2003, 393-413). As military intelligence collection and assessment capabilities take root, the relationship could equalize into a "simple" exchange model of equal products. This could take the form of finished intelligence, such as threat reporting, that could help NGOs in their risk assessments and decision making. Even raw intelligence data, such as geomatic imagery, has been forwarded to NGOs on the ground to complement their operations (DeMars 2001, 208). Although the

balance between NGOs and the military would be unorthodox, the principles of such arrangements would be subject to similar negotiations and restrictions as any other bilateral intelligence exchange agreement. In Afghanistan, where CF personnel have been established for an extended period of time, intelligence liaison with NGOs holds great potential. Information provided by NGOs could provide another input into the CF's all source intelligence centre (ASIC). NGOs could act as a force multiplier to supplement the CF's strategic intelligence capacity (DeMars 2001, 215; DND 1999, para. 3).

The intelligence provided by humanitarian organizations can have direct operational implications. Indeed, there have been several instances where humanitarian considerations have compromised the strategic direction of military operations. The experiences of Lt-Gen. Romeo Dallaire in Rwanda or DutchbatII at Srebrenica are two recent examples.[3] Given the CF's priority on combat intelligence and force protection, NGO reporting could help monitor this exposed strategic flank by assessing the humanitarian indicators and warnings (Charters 2001, 50-51). In his analysis of the Baltic conflict, DeMars documents the utility of "pooling" intelligence from diplomatic, military, and NGO sources to support military operations. NGO reporting from Bosnian refugees was combined with US U-2 imagery to form a more coherent picture of the atrocities taking place. When presented at the United Nations, the evidence provided a compelling case to condemn Serbian action, justified an increased bombing campaign and eventually pressured Serbian leaders to peace talks (DeMars 2001, 210-214). The importance of intelligence, particularly in psychological operations (PsyOps), is evident given Afghanistan's asymmetrical environment (Davis 2005, 2). Reporting from NGOs could help improve CF PsyOp campaigns by providing insight into the humanitarian concerns of local populations, their expectations of reconstruction efforts, their perceptions of recent insurgent activity, and even the negative effects of ISAF operations. In doing so, CF PsyOps teams could become more effective at projecting the negative aspects of the insurgency and tailoring their messaging to suit the target audience (DND 2004).

Despite the potential benefits of CF intelligence outreach to NGOs, there are several practical and ethical considerations that may impede NGOs from embracing the concept. One of the greatest barriers limiting such potential cooperation is the hesitation of some NGOs towards collaborating with a military force. The ability of NGOs to operate between belligerents in war zones is dependent on their perceived neutrality (Lischer 2007, 101). The concept of working within a PRT, or intelligence sharing agreement no less, is anathema to some organizations. In Afghanistan, insurgents have noted ISAF's PRT strategy and target schools, development projects and aid workers accordingly. In blurring the line between military and civil assistance, some see the Canadian approach in Afghanistan as irresponsible and unduly risking the lives of aid workers and recipients (Canada's Coalition to End Global Poverty, 2007).

Beyond practical considerations of security, there are also the ethical implications of militaries eliciting the support of aid organizations. The relative security of those agencies working with ISAF may increase, but the heightened profile of development in Afghanistan has reduced security for all agencies more broadly and may shift risk to those NGOs not cooperating with the military. Furthermore, some NGOs feel the allocation of aid under the auspices of military operations is dictated by strategy as opposed to need. They argue that those Afghans that provide information on insurgent activity are rewarded with greater resources, while those who do not comply may be excluded from reconstruction funds (Rohde 2004).

In light of these issues, the CF should approach NGO collaboration with caution. In many instances, it is the overt military presence in aid programs, rather than their contribution per se, which causes the most concern. Indeed, many NGOs accept lucrative financial support from western governments and donors with little hesitation (Lischer 2007, 110). As such, the CF should seek cooperation from interested NGOs

through discreet exchanges and agreements. A CF-NGO relationship, even limited to strictly unclassified information, should be approached with no less sensitivity than any other intelligence partnership to protect the integrity, efficacy and security of all sources and parties involved.

CONCLUSION

Over the course of a century, Canada's military has evolved from colonial militia to a modern war fighter. One aspect of this transformative process has involved the creation of a robust intelligence capability. Like the CF more broadly, Canada's intelligence capacity was cultivated under the supervision of its UK and US counterparts. These historical ties remain visible and part of a series of invaluable intelligence sharing arrangements. The importance of intelligence partnerships to CF operations is also reflective of Canada's wider national security agenda. The dynamics of the ISAF mission underscore some of the challenges of intelligence sharing within the NATO framework. These issues reflect the alliance's relative inexperience in executing high-intensity operations for an extended period of time. Other problems stem from longstanding strategic-level concerns and a reshaping of the alliance as whole. It remains to be seen whether NATO will benefit from the mission in Afghanistan, or whether it will further erode confidence and collaboration between members.

The Afghan mission does represent an opportunity for Canada to review its traditional understanding of intelligence liaison. Indeed, it appears that Canada's position within the intelligence market has progressed significantly: from apprentice, to partner, to mentor. Canada is no longer a passive consumer of intelligence, and as such must be prepared to play a more active role in the international intelligence market. For the foreseeable future, Canada will continue to depend on its allies to enhance its foreign policy and situational awareness. However, the CF will be well served by preparing itself for new opportunities for collaboration. Given the asymmetrical and rapidly changing threat environment, this will not only require reaching out to new states and former adversaries, but to non-traditional institutions and organizations as well. Establishing new networks of intelligence liaison will not only support the CF's immediate goals in Afghanistan, but perhaps its long-term strategic interests in the years to come.

NOTES

1. For a wider discussion on intelligence sharing, human rights and international law See Macklin 2008.
2. Though a private intelligence firm, the Global Intelligence Network specifically tailors part of its operations to be marketed to the NGO community. See the Global Intelligence Network's website at http://g-in.org/reports/NGO
3. Lt-Gen. Dallaire was the force commander for UNAMIR, the United Nations Assistance Mission in Rwanda, during the genocide which took place through 1994. Major Brent Beardsley, Lt-Gen. Dallaire executive assistant during the mission, described the inadequacy of UN intelligence as follows: "We flew to Rwanda with a Michelin road map, a copy of the Arusha agreement and that was it." See Power 2001, 87; Intelligence shortfalls and failures are also attributed to the massacre of Bosnian Muslims at the UN "Safe Zone" in Srebrenica in 1995. See Netherlands Institute for War Documentation 2002.

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THE LAW OF THE NORTH: AN EXAMINATION OF THE ROLE OF INTERNATIONAL LAW IN CANADIAN CLAIMS OVER AND POLICY TOWARDS THE WATERS OF THE ARCTIC ARCHIPELAGO

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ABSTRACT

Canada's jurisdiction over the waters of the Arctic Archipelago is an important historical and contemporary issue in terms of Canadian sovereignty. More importantly, Canada's claims over these waters are an important illustration of Canada's use and contribution to the international legal system. Canada's claims to the Arctic, given its relative military size, have relied primarily on principles outlined in international treaty and customary law. Although issues of maritime jurisdiction have a strong basis in international law, this paper will argue that, as global climate change alters the fundamental geography of the Arctic, the uncertainties surrounding the current Arctic legal regime and Canadian maritime claims in the region will come into focus. This paper will trace the historical evolution of Canada's claims to the waters of the Arctic Archipelago by outlining the key treaty and customary legal principles which guide the delineation of maritime territory. It will be argued that these principles, on the whole, provide a consistent legal framework but that significant discrepancies remain. Moreover, it will be demonstrated that it is upon these areas of contention that Canada's legal claims continue to rely. Despite the past and potential future invalidity of Canada's legal claims to the waters of the Arctic Archipelago, there are inherent policy advantages to Canada's maintaining these legal claims as part of its overall Arctic policy.

INTRODUCTION

Given the Arctic's intrinsic contributions to Canadian identity, challenges to Canadian jurisdiction over the North threaten both Canada's sovereignty and national interest. Canada has repeatedly based its jurisdictional claims to the waters of the Arctic Archipelago on principles of international law, but several members of the international community, including the United States, continue to contest aspects of these claims. Although guided by a comprehensive treaty regime and well-established customary principles, maritime jurisdictional questions are legally problematic in the Arctic due to unique geographic challenges such as shifting ice patterns and the region's remote location (Elliot-Meisel 1998, 101). With research showing a steady decline in the levels of Arctic sea ice, international commercial vessels, aided by a lengthened maritime season, will be increasingly attracted to the Arctic's untapped energy resources and the efficient maritime route provided by an ice-free Northwest Passage (Carnaghan and Goody 2006, 3). Consequently, international legal scholars and Canadian policy makers will continue to ask how climate-related increases in Arctic maritime activity will affect Canada's jurisdictional claims over the waters of the Arctic Archipelago and whether this evolving context necessitates a shift in Canada's legal position towards these Arctic maritime regions.

In order to assess these questions, a review of treaty-based and customary international law will be used to highlight the legal principles and discrepancies related to maritime jurisdictional issues in the Arctic Archipelago. Canada's historic and modern Arctic maritime claims will be evaluated in light of these principles to demonstrate the historical inadequacies, questionable contemporary validity, and problematic future of Canada's legal position. Finally, it will be argued that Canada should uphold its current claims to the waters of the Arctic Archipelago, despite questions concerning their validity, because the political advantages of Canada's legal position remain relevant irrespective of, in spite of, and because of the actual substance of these claims.

THE INTERNATIONAL LAW OF NATIONAL MARITIME JURISDICTION IN THE ARCTIC: A REVIEW

The international treaty principles underlying Arctic maritime jurisdictional issues are outlined in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which entered into force in 1994 and currently has 160 state parties including Canada (United Nations 2010). Relevant customary international law is based on widespread state practice and informed by key International Court of Justice (ICJ) decisions in the 1949 *Corfu Channel* and the 1951 *Fisheries* cases. A comparison of these legal sources highlights general consistency but also identifies three differences which underline potential contemporary legal discrepancies concerning maritime jurisdiction in the Arctic Archipelago. A review of relevant legal principles will address three critical issues: the applicable legal bases for determining national Arctic maritime jurisdiction, the identification of international straits, and the jurisdictional rights which international law grants states over particular maritime regions.

States have historically employed three unique legal rationales to claim Arctic maritime jurisdiction: the sector principle, historic waters, and straight baselines. Developed in the early 20th century, the sector principle was conceived as a mechanism for delineating Arctic jurisdiction by creating triangle-shaped national Arctic sectors which ran along longitudinal meridians to the North Pole (Pharand 1988, 5). However, there is widespread consensus that the sector principle remains outside the realm of international law as a mechanism for establishing maritime jurisdictions. For example, the sector principle is not codified in the 1982 UNCLOS nor is there evidence that the 1825 and 1867 Boundary Treaties between Russia and the United Kingdom and the United States, respectively, intended to extend meridian-based delimitation of Arctic land territories to create jurisdiction over Arctic waters (Pharand 1988, 12).

A lack of consistent supporting state practice suggests that the sector principle has never crystallized as an international customary norm. Several Arctic nations, including Norway, Denmark, and the United States, have historically either avoided invoking the principle when making their Arctic maritime claims or have explicitly rejected its validity (Theutenberg 1984, 37). As Pharand (1988, 77) highlights, one can also point to the inconsistency with which Canada has viewed this claim as legally sound as well as the historical tendency for Canadian sector claims to apply exclusively to Arctic land as opposed to maritime territories (Pharand 1988, 77). Although the sector principle has been identified as a long-standing prospective rationale for jurisdiction over the waters of the Arctic Archipelago, it does not have basis in either international treaty or customary law and, therefore, does not provide a legitimate legal foundation for Arctic maritime claims.

A second potential legal rationale for establishing national maritime jurisdictions is that of historical waters, the idea that coastal states may claim maritime areas with a particular national political, economic, or military significance. Problematically, as Elizabeth Elliot-Meisel (1998, 124) argues, international law provides no formulaic definition of historical waters. Nonetheless, a state's ability to hold historic maritime title as a legal basis for maritime jurisdiction finds general acceptance in the UNCLOS. Article 10 (6) of the Treaty excludes "historical bays" from the Treaty's general rules which consider a bay to be internal waters to a width of twenty-four nautical miles. Article 15 indicates that historic title may be used to delimit the territorial sea border between two adjacent or opposing coastal states (UNCLOS 1982, 10(6) & 15). Therefore, international treaty law establishes a narrowly applicable right to historic title but is silent on the issue of defining what constitutes historic waters.

The content of customary law, as informed by the ICJ's decision in the 1951 *Fisheries* Case (which granted Norway historical water status over the Vestfjord region off its western coast) helped to address this question of identifying historic waters. The ICJ decision suggested that customary law places a burden of proof on the claimant state to demonstrate the existence of several conditions for the presence of historic title over a maritime region (Pharand 2007, 6). First, claimants must demonstrate exclusive state authority over the maritime region in question. In general, this authority must parallel state control over land territory but remote marine territories may be subject to eased conditions. Second, a state must establish its long-term presence in and usage of the relevant territory. Finally, claimants must show that affected foreign states have either explicitly supported or implicitly acquiesced to its claim to historic maritime jurisdiction. Thus, international treaty and customary law establish a general state right to claim maritime jurisdiction over historic waters on the basis of exercised state authority, long-term use, and general foreign acquiescence.

A final potential legal method for establishing maritime jurisdiction is the drawing of straight baselines. Baselines, the point from which a state's territorial waters are measured, are usually determined by the low water marks along a coast. However, in specific circumstances a state may draw a straight baseline to enclose its internal waters. Straight baselines are an increasingly common state practice with more than sixty states, including several in the Arctic region, using them to establish jurisdiction over the waters along their coasts (Pharand 2007, 22). Article 7 of the UNCLOS establishes two circumstances in which a state may draw straight baselines: when its coastline is indented or when a fringe of islands is located in the immediate vicinity of the coast (UNCLOS 1982, 7(1)). However, international customary law, as clarified by the *Fisheries* Case, diverges from this treaty principle by identifying a coastal archipelago as an additional circumstance which enables states to draw straight baselines around an island group (Pharand 1988, 133). This customary principle reduces the emphasis on the vicinity of the archipelagic waters to the coast. Consequently, based on differences between treaty and customary principles, international law provides divergent principles concerning the geographic circumstances in which states may draw straight baselines. These principles, on the surface, offer states contradictory rationales on which they may attempt to base their legal claims over specific maritime regions such as the waters of the Arctic Archipelago.

International law provides a clearer illustration of the criteria outlining how states may unilaterally draw straight baselines. Article 7 of the UNCLOS states that straight baselines should be drawn so as to approximate the general direction of the coast and to maintain a close connection between the land and the sea which is enclosed by the baseline (UNCLOS 1982, 7(3)). States may strengthen their maritime jurisdictional claims by developing straight baselines according to specific economic interests. As Pharand (2007, 17) argues, these treaty-based criteria are a direct adaptation of pre-existing customary principles which were initially outlined in the ICJ's Fisheries decision. As Elliot-Meisel (1998, 128) highlights, the *Fisheries* decision argued that customary law places no limits on baseline length as long as the general criteria for baselines is followed. Therefore, international treaty and customary law are consistent concerning how states should draw straight baselines but are less consistent in terms of demonstrating when states are entitled to use straight baselines to establish maritime jurisdiction.

International law can also be used to identify the circumstances in which a specific maritime territory may be classified as an international strait. These legal principles remain particularly relevant to establishing the legal status of the Northwest Passage, a key component of Canada's jurisdictional claims over the waters of the Arctic Archipelago. Customary law, as informed by the 1949 *Corfu Channel* case,

identifies both geographic and functional conditions for the existence of an international strait. Geographically, a strait is a waterway (less than twenty-four nautical miles in width) that extends through overlapping territorial waters and connects two portions of the high seas or a state's exclusive economic zone. Functionally, the strait must be established as important to international maritime navigation (Elliot-Meisel 1998, 206). Customary law provides no clear criteria for this "importance" clause but the *Corfu Channel* case emphasized both the number of transits as well as the number of flag states making transits when determining that the *Corfu Channel* should be considered an international strait (Pharand 2007, 34). However, scholars such as Donald Rothwell (1996, 191) suggest that despite ongoing questions, customary law appears to support the notion that functional criteria should be based on actual as opposed to the potential extent of navigation on a given waterway. Therefore, a review of international customary law highlights the contentious functional criteria which underline the identification of international straits.

International legal principles are also used to determine the type of jurisdiction which states are entitled to exert over specific maritime territories. Article 8 of the UNCLOS indicates that water on the landward side of a coastal baseline is considered internal (UNCLOS 1982, 8(1)). As Rothwell (1996, 184) indicates, customary law tends to equate internal waters (which can be claimed through historical title or straight baseline) with sovereign territory enabling states to exercise full jurisdiction, including the right to exclusion, over these waters. However, Article 8(2) of the UNCLOS establishes an exception to this principle: when a straight baseline is used to enclose waters not previously considered internal, a right to innocent passage is retained by other non-claimant states. Article 19 of the UNCLOS defines innocent passage as a foreign vessel's passage (usually through territorial waters) which does not prejudice a coastal state's peace, good order, or security (UNCLOS 1982, 8(2) & 19(1)). Coastal states retain the right to forcibly prevent passage viewed as not innocent and may temporarily suspend innocent passage for security reasons. However, as illustrated by both Pharand (2007, 43) and Rothwell (1996, 208), customary law (as informed by the *Fisheries* case) suggests that the establishment of straight baselines does not create a residual right to innocent passage through newly-formed internal waters. Thus, there is a potential discrepancy between treaty and customary law regarding whether or not a right of innocent passage is retained through internal waters created by straight baselines. As we will see, this provides a basis for various countries to support divergent interpretations of the nature of Canada's jurisdiction over the waters of the Arctic Archipelago.

Article 38 of the UNCLOS, at the insistence of international maritime powers, including the United States, establishes, in addition to innocent passage, a unique right of transit passage which allows a foreign vessel (commercial or military) to pass through an international strait when the high seas or exclusive economic zones do not present an equally convenient route (UNCLOS 1982, 38(2) & 42). Transit passage enables a coastal state to regulate passage through safety, pollution, or prohibitive fishing measures, but the state cannot impede or suspend a vessel's transit through the strait. Therefore, relative to innocent passage, the right to transit passage grants foreign vessels significantly-enhanced navigation freedom and access while reducing the level of control maintained by the coastal state. International treaty and customary law provide substantial consistency regarding maritime jurisdiction but questions concerning the application of legal principles in a number of key issues remain prominent and complicate the assessment of Canada's claims over the waters of the Arctic Archipelago. These issues include the circumstances in which straight baselines can be drawn, the functional criteria for establishing international straits, and the residual right of passage through internal waters created by straight baselines.

THE LEGAL VALIDITY OF CANADA'S CLAIMS TO THE WATERS OF THE ARCTIC ARCHIPELAGO

Based on the previously outlined legal principles, it is now possible to assess the legal validity of Canada's jurisdictional claims to the waters of the Arctic Archipelago. Although Canada has historically based its claims on various legal principles, its central assertion, that the waters of the Arctic Archipelago constitute internal Canadian waters, has remained relatively consistent (Dufresne 2008, 2). The legal validity of Canadian claims is characterized by three distinct phases: a pre-1985 limited validity, post-1985 improved, yet tenuous, legal validity based on specific interpretations of customary law, and an impending phase of reduced legal validity as a result of the predicted consequences of climate change in the Canadian Arctic.

The first phase of Canada's legal claims to the waters of the Arctic Archipelago was centered on sector theory and exclusive historical title and characterized by questionable legal validity. As Elliot-Meisel highlights, the sector theory underlined Canadian Arctic claims as early as the 1900s. Evidence for this included a 1904 Department of Interior map establishing a Canadian sector spanning between the 141st to 60th meridians, the government-mandated Arctic claiming expedition of Canadian Captain J.E. Bernier, and a speech by sitting Senator Pascal Poirier which highlighted the need to establish Canada's Arctic sector (Elliot-Meisel 1998, 18). However, as Pharand (1988, 56) highlights, Canadian use of sector theory focused primarily on land as opposed to maritime claims and, more importantly, sector theory was never established as a treaty-based or customary principle in international law thus undermining the legality of any Canadian sector-based claims. Conversely, international law more clearly supported the United States' refusal to accept the sector theory as a legally valid mechanism for determining maritime jurisdiction in the Arctic.

Canada's pre-1985 Arctic maritime claims also drew on the concept of historic waters. According to Pharand, Canada first claimed historical title over the waters of the Arctic Archipelago as a response to the 1969 Northwest Passage voyage of the *Manhattan*, an U.S. commercial shipping vessel. However, Canada's historical claim for internal waters had limited customary validity given the criteria for effective state control, long term usage, and general foreign acquiescence (Pharand 1988, 122). First, questions remained with regards to Canada's effective control over the region given its historically limited Arctic patrol capabilities and its inability to implement regulations related to issues such as licensing. Second, despite numerous Canadian voyages to the Arctic since 1880, there was limited evidence to suggest that Canada made long-standing claims over the waters of the Arctic Archipelago dating back to the time of these voyages. Finally, the United States did not acquiesce to Canadian claims when it launched a protest of Canada's 1970 decision to extend its territorial jurisdiction by claiming that it recognized no unilateral extensions of jurisdiction into the high seas. Canada's decision to respond to the American protest with an ICJ reservation further suggested that Canada maintained doubts regarding the actual validity of its claims given the American rejection of its historical title argument. Consequently, based on sector theory and historical waters, Canada's pre-1985 Arctic maritime claims lacked legal validity for a variety of reasons including a lack of effective control in the region and the ongoing legal opposition presented by the United States.

The second legal phase of Canada's Arctic maritime claims began in 1985 when Canada decided to enclose its Arctic archipelago with a series of straight baselines and claim the landward waters as internal. The consensus among legal scholars suggests that Canada's legal claims are generally in line with international customary law (Dufresne 2008, 4). However, in three ways, these claims, although generally valid, rely on a specific interpretation of the discrepancies between customary and treaty

law as they related to the Arctic maritime context. Canada's baselines are consistent with the general criteria established in the UNCLOS because they follow the general direction of the archipelagic coast and maintain a close link between the enclosed land and sea (as demonstrated by both a 0.822 land to sea ratio and the geographic continuity provided by semi-permanent ice) (Pharand 2007, 18-19). However, Canada's claims rely specifically on the customary principle which establishes the right to draw straight baselines around coastal archipelagos which is not similarly established in the UNCLOS.

A second legal issue underlining Canada's current claims over the waters of the Arctic Archipelago connects to whether or not the Northwest Passage is an international strait subject to the right of transit. As Dufresne (2008, 2) argues, Canada views the Northwest Passage as internal waters; a position opposed by both the United States and European Union which view the passage as an international strait subject to transit rights. The United States' first openly demonstrated its position on this issue when it authorized the 1969 *Manhattan* voyage across the Passage without Canadian permission. As several authors argue, the Northwest Passage appears to meet the geographical but not the functional criteria for an international strait due to a historically low level of actual maritime transit through the Passage (Elliot-Meisel 1998, 126; Rothwell 1996, 198; Pharand 2007, 29). Consequently, Canada's position, that the Northwest Passage is not important to international navigation and is thus not a strait, appears more valid in the contemporary context compared to the American position which relies heavily on the potential maritime use of the Passage. However, once again, Canada's legal position relies on a specific interpretation of the customary law concerning the debate between the importance of potential and actual transit for identifying international straits.

A final legal question regarding Canada's claims over the waters of the Arctic Archipelago connects to Article 8 of the UNCLOS which establishes a right of innocent passage through internal waters created by straight baselines. However, Canada, having established its baselines in 1985 and ratifying the UNCLOS in 2003, is not bound to these principles (Dufresne 2008, 5). Conversely, customary law, which does not establish a residual right to innocent passage (and thus supports Canada's claims to internal waters), is all that applies to Canadian straight baselines. Consequently, Canada's current claims have validity under customary law but rely on a highly disputed argument concerning the temporal jurisdictions which applied to Canadian baseline development. However, even if Canada has promulgated straight baselines after ratifying UNCLOS, this treaty would not be applicable to any Canada-United States dispute over the Northwest Passage given that the United States is still not a party to the treaty. However, this same fact would not apply to potential disputes over the Northwest Passage between Canada and a State Party to the Treaty (i.e. one of several EU nations). Thus, Canada's contemporary claim to the waters of the Arctic Archipelago, through archipelagic straight baselines, appears legally valid but only in circumstances in which specific interpretations of customary legal principles are deemed appropriate.

A third phase regarding the validity of Canada's claims to the waters of the Arctic Archipelago may arise in the future as a result of the potential effects of climate change on Arctic geography. Specifically, climate change is likely to increase the feasibility of maritime navigation in the region by reducing the thickness of Arctic sea ice and increasing the length of the ice-free navigation season (Pharand 2007, 44). As the changes occur, the potential for increased foreign navigation through the passage will likely strengthen the functional argument that the passage is important to actual international navigation and therefore constitutes an international strait. As Rothwell (1996, 198) suggests, the remoteness and inhospitable character of the Northwest Passage means that a lower functional standard than that established in the *Corfu*

Channel case may be applicable thereby reducing the threshold needed to establish the passage as an international strait. With status as an international strait, the passage would be subject to a right to transit passage (given the lack of a similarly convenient route) which would significantly depart from Canada's current claims to internal waters. Thus, the validity of Canada's legal claims to the waters of the Arctic Archipelago can be characterized by three distinct phases: historical invalidity, contemporary support based on specific interpretations of customary law, and a potential future invalidity as a result of climate change and the increased functionality of the Passage as a route for international maritime navigation.

CANADA'S LEGAL CLAIMS OVER THE WATERS OF THE ARCTIC ARCHIPELAGO: THE FUTURE OF CANADIAN POLICY

The preceding discussion has highlighted the contemporary validity (albeit a tenuous one) and potential future uncertainty of Canada's claims over the waters of the Arctic Archipelago. In this legal context, policy makers must assess whether maintaining Canada's current legal position is beneficial to Canadian national interests and supportive of Canada's Arctic sovereignty. Based on broader understandings of the relationship between international law and political processes, there are reasons to suggest that Canada should uphold its current legal position as it offers specific political benefits irrespective of, in spite of, and because of the substance of Canada's legal claims over the waters of the Arctic Archipelago.

Irrespective of Canada's legal positions regarding its Arctic maritime jurisdiction, the use of international law as a foreign policy tool remains important to Canada's national interests. As a so-called middle power possessing limited international material capacity and committed to a rule-based international system, international law provides Canada with an advantageous political mechanism relative to traditional realist tools such as military force and economic sanctions. This institutionalist rationale suggests that Canada, irrespective of the substance of its specific legal claims, can use international law to serve its interests within and beyond the Arctic region by facilitating a non-military discourse on Arctic issues and thereby and conferring legitimacy over its Arctic polices.

The combination of a vast Arctic maritime territory and Canada's relatively limited military and law enforcement capacity suggests that Canada would be unlikely to maintain *de facto* sovereignty over the waters of the Arctic Archipelago if its jurisdictional claims were threatened forcefully. This reality is especially stark given the power asymmetries between Canada and the United States, which remains the most vocal critic of key aspects of Canadian claims over the waters of the Arctic Archipelago. Therefore, by framing the Arctic debate in legal as opposed to military terms, Canada can pursue outcomes which do not directly reflect American military dominance. This reliance on international law has been exemplified by Canada's historic tendency to respond to American advances in the Arctic, such as the 1969 *Manhattan* voyage, by invoking legal claims (Elliot-Meisel 1998, 126). Moreover, Canada could conceivably use international law in the Arctic context to cast American positions or activities as illegal or illegitimate within public discourse. In many ways, these public legitimacy arguments can be made irrespective of specific legal realities, especially in the Arctic context given the highly technical nature of the law and strong reactions among the Canadian public to the issue. Domestically, Canada may use international law to highlight its willingness to protect Canadian sovereignty while emphasizing the legitimacy of its positions in contrast to the illegitimacy of those of the United States and other opposing nations.

Thus, international law, as an institution, can be seen as providing discourse and legitimacy related benefits to Canada's attempt to serve national policy interests in the Arctic.

A second rationale for maintaining Canada's current claims over the waters of the Arctic Archipelago focuses on Canada's ability to achieve Arctic policy goals despite its legally-contested jurisdictional position. Specifically, the proponents of the "sovereignty to one side" principle argue that an exclusive focus on potentially-intractable sovereignty issues can distract Canada from other critical Artic policy issues related to environment protection, collective security, and resource extraction (Charron 2005, 109). This principle does not necessarily suggest that Canada should concede its sovereignty positions but that the government should maintain a diverse, pragmatic, and solutions-based Arctic policy. This course of action is especially important given that no major international parties, including the United States, dispute Canadian sovereignty with regards to waters of the Arctic Archipelago with the major issues related to the characterization of the Northwest Passage and the resulting international transit rights. Over the course of history, Canada has, on specific occasions, followed the spirit of this principle by setting aside ongoing Arctic legal claims to address important northern policy issues.

In 1970, Canada introduced the Arctic Waters Pollution Prevention Act. This legislation attempted to alter the environmental regulations surrounding innocent passage through the Canadian Arctic in order to reduce marine pollution. Canada emphasized the need to protect the fragile Arctic eco-system, as opposed to sovereignty claims, when it attempted to establish the legitimacy of its pollution control measures (Charron 2006). The 1988 Canada-United States Arctic Cooperation Agreement also provides evidence for Canada's adherence to the sovereignty to one side principle. The Agreement enabled Canada and the United States to cooperatively address practical Arctic challenges such as safe icebreaker navigation (Rothwell 1996, 159). The two countries agreed to cooperate despite a dispute over the legal status of the Northwest Passage by agreeing that the collaboration would not prejudice either country's ongoing legal position. Finally, Canada's participation in the Arctic Council, a multilateral body which brings together eight Arctic nations for dialogue and policy coordination, demonstrates Canada's ongoing ability to move beyond sovereignty controversies to cooperate on key Arctic issues. Thus, there is a rationale for maintaining Canada's Arctic legal claims given that they are not costly in terms of limiting Canada's ability to place sovereignty aside to pragmatically address other Arctic policy issues through domestic legislation or international cooperation.

The final rationale for Canada to adhere to its current legal claims focuses on two specific policy advantages that invalid Arctic maritime claims may bring Canada: persistent objector status and protection from the responsibilities for effective control associated with sovereignty. As Currie (2008, 200) highlights, customary law may grant persistent objector status to a state which consistently and expressly opposes a particular customary norm. Canada may, through a consistent rejection of the Northwest Passage as a functional international strait, be able to preclude the potential development of a right to transit through the Passage. Although Canada's persistent objector status would require a consistent Canadian position regarding strait identification in all cases, the maintaining of its current legal claim in the Arctic is an important component of any prospective persistent objector argument. Thus, Canada may be able to protect its sovereignty as well as its ongoing policy and legal interests in the Arctic by pursuing a jurisdictional claim over the waters of the Arctic Archipelago which lacks legal validity.

The legal invalidity of Canada's Arctic claims may also prove politically advantageous if one considers the potential costs related to the exercise of Canadian sovereignty over vast portions of the waters of the Arctic Archipelago. As Elliot-Meisel

(1998, 152) argues, the *Corfu Channel* case has been cited as evidence for the existence of a customary international principle which obliges states to maintain effective control over territories under their maritime jurisdictions (Elliot-Meisel 1998, 152). This obligation provides a significant reason why complete jurisdiction over the waters of the Arctic Archipelago may not be in Canada's policy interests. In a heightened North American threat environment, exclusive jurisdiction will reaffirm Canada's obligations to strengthen security capacity in the Arctic Archipelago in order to protect continental security (Griffiths 2003). Given Canada's limited military capacity, this may prove to be a difficult policy exercise as, despite recent efforts to increase Canada's military presence in the Arctic, Canada relative to Russia and the United States remains limited in its capacity to secure this vast maritime territory. Consequently, Canada's inability to reduce continental vulnerabilities would likely result in increased pressure from the United States with regards to securing the waters of the Archipelago and would threaten the legitimacy of Canada's sovereign jurisdiction. Thus, Canada's current legal claims allow it to maintain a strong face with regards to sovereignty without being burdened, especially by American expectations, with responsibilities related to the effective control over Arctic waters in a high security threat context.

CONCLUSION: ASSESSING CANADIAN LEGAL CLAIMS OVER THE WATERS OF THE ARCTIC ARCHIPELAGO

The Arctic region remains important to Canadian national interests and is the subject of ongoing legal claims that the waters of the Arctic Archipelago are internal and under complete Canadian jurisdiction. A review of international law demonstrates how key discrepancies between international treaty and customary law underlie the problematic aspects of Canada's claims over these waters. In this context, the legal status of Canada's Arctic claims has evolved from a position of historical invalidity to one of questionable contemporary validity based on specific and contested, interpretations of international customary law. In the future, the effects of climate change in the Arctic are likely to undermine the long-term validity of Canada's claims. However, despite current legal uncertainties and potential future disputes, Canada should maintain its current legal position over the waters of the Arctic Archipelago given the political benefits it brings for broader conceptions of Canadian national interests and sovereignty in the Arctic. As this discussion has highlighted, the evolving relationship between international law and Arctic geography will continue to challenge and empower Canada's legal and political attempts to secure national interests and sovereignty within the vast and rapidly changing maritime territories of the Arctic Archipelago.

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DEVELOPMENT EFFECTIVENESS: TOWARDS A BROADER UNDERSTANDING

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ABSTRACT

In the lead up to the 2005 Paris Declaration on Aid Effectiveness and the subsequent 2008 Accra Agenda for Action, aid effectiveness and development effectiveness have increasingly become important buzzwords for development actors. While there is considerable consensus on the meaning of aid effectiveness, a common definition of development effectiveness and its implications for development policy and practice is less clear. This paper examines the concept of development effectiveness. Taking distinctions between this term and aid effectiveness seriously, it provides a preliminary categorization of development effectiveness understandings based on how different aid actors, such as donor governments, multilateral organizations and civil society organizations, define and/or use the term. As the first phase in a broader research agenda on development effectiveness, it identifies four main categories. The typology that results has important implications for academic research and policy-making. The paper concludes by outlining future research areas on development effectiveness. It also suggests that the UN Development Cooperation Forum serve as the international body through which to identify, consolidate and promote a development effectiveness agenda. A useful starting point for this endeavor is the next High Level Forum on Aid Effectiveness in 2011.

INTRODUCTION

In the lead up to the 2005 Paris Declaration on Aid Effectiveness and the subsequent 2008 Accra Agenda for Action, aid effectiveness and development effectiveness have increasingly become important buzzwords for development actors. While there is considerable consensus on the meaning of aid effectiveness, a common definition of development effectiveness and its implications for development policy and practice is less clear. Some groups use the terms aid and development effectiveness interchangeably, giving them the same meaning. Others argue development effectiveness is different from aid effectiveness. It is not a term that refers solely to impacts resulting from aid, but rather overall development outcomes that are a consequence of aid interventions *and* other factors such as foreign direct investment, terms of trade, globalization and so on. The term has also been used to refer to a more holistic donor approach to development that takes into account the effects of non-aid sectors, such as trade, immigration and health, on development goals.

Recently, development and aid actors have attempted to create common principles and coordinate their actions on aid and development, as seen in the Monterrey Consensus, the Paris Declaration and its subsequent High Level Forums, as well as in the creation of the United Nation's Economic and Social Council's (ECOSOC) Development Cooperation Forum. These processes, among others, embody the international push for greater coherency between aid actors across aid sectors. In 2002 at Monterrey, bilateral donors, multilateral agencies and recipients pledged themselves to a broad development agenda, recognizing the need for developing countries to 'own' poverty reduction strategies and donors to continue and increase support for these endeavors. The Paris Declaration and the subsequent High Level Forums commit donors and partners to a broad, common agenda aimed at improving the effectiveness of aid. The Development Cooperation Forum, established in 2007, provides a space for various actors, (donors, partners, non-governmental organizations, corporations and so on) to come together and discuss development issues of common concern. In addition, civil society actors have begun the process of developing their own principles with respect to development and aid effectiveness.

The next High Level Forum on Aid Effectiveness is scheduled for 2011 in Seoul, South Korea, at which time the aid effectiveness agenda will be examined in terms of its

successes and failures. Importantly, civil society organizations (CSOs) will present their conception of development effectiveness to key aid actors in the hopes of reformulating the aid effectiveness agenda and shifting the international focus from aid to development effectiveness. Current international trends in aid and development provide the basis and relevancy for research into development effectiveness. Additionally, there has been very little formal academic debate on what is meant by development effectiveness to date. As such, research on this issue makes a timely entrance given the international context and serves as a preliminary starting point for initiating formal academic debate.

This paper takes the distinction between development and aid effectiveness as the starting point and addresses the following question: how do various aid actors understand and/or use the concept of development effectiveness? While some aid actors have made distinctions between types of effectiveness, understandings of development effectiveness are not consistent across multilateral, bilateral and civil society actors. This paper provides preliminary categories of development effectiveness based on how different aid actors, such as donor governments, multilateral organizations and civil society organizations, define and/or use the term. It identifies four main categories. Some actors understand development effectiveness in terms of organizational effectiveness. Internal coordination serves as a second understanding. The rationale behind this conception often stems from recognition that aid does not operate within a vacuum; external factors, such as trade and immigration, affect the development process and as such, should be coordinated with aid goals/objectives. Rather than focusing on organizational effectiveness, a third, broader understanding focuses on the concrete impacts of aid on various development outcomes. Aid interventions should be measured by their effectiveness in achieving important development goals, such as improving human rights, gender equality and environmental sustainability. Lastly, development effectiveness has been understood as a measurement of the outcomes resulting from overall development processes, including the impact of internal and external factors (for example, aid programming and trade respectively), and the actions of all aid actors in a given context.

METHODOLOGY

It is important to note from the onset that the findings presented in this paper are the result of the first phase in a broader research agenda on development effectiveness. Preliminary research included a review of selected bilateral donor reports, including evaluations of their respective aid agencies and planned programs, as well as official websites and policy documents. Moreover, while a fair amount of scholarly literature on aid effectiveness exists, analyses of what is meant by development effectiveness are limited. This is because the language of development effectiveness as it is now used in contrast to aid effectiveness is fairly new. Many academics make reference to development effectiveness; however, it is generally used interchangeably with aid effectiveness. As such, the review of scholarly literature for this paper is brief and limited to aid effectiveness.

Australia, Canada, Ireland, the Netherlands, the United Kingdom, and the United States comprise the bilateral donors examined.[1] Australia served as a catalyst for this research due to its explicit use of the term development effectiveness.[2] Later, I selected other donors if they made similar references. In addition, I examined bilateral donors if other donors made reference to how their policies were similar with respect to the principles of development effectiveness. This means that policies for countries that do not make explicit reference to development effectiveness are included in the analysis. Incorporating these countries reminds us that the use of development effectiveness as a guiding principle for donors may not be a key factor in dictating policy.

The research included emerging donors such as China, Brazil, India and

South Africa; however, information on their aid and development effectiveness policies is limited. Unlike major traditional donors, many of these governments do not have a coordinating agency for their aid, and often they prefer to keep aid policies confidential; China is a notable example. Language is also a barrier. For example, the website for the Brazilian Agency for Development Cooperation, and its respective policy documents, are available only in Portuguese. Secondary resources, while helpful, did not explicitly address areas of development effectiveness, but rather describe the history of emerging donor aid programs, areas of focus and partnerships.[3]

For multilateral aid actors I analyzed the World Bank, regional development banks, various United Nations (UN) organs, and the Organization for Economic Co-operation and Development (OECD). I selected these organizations owing mainly to their preeminence as aid and aid service providers but also due to references made to development effectiveness. Analysis included reports, concept papers, working papers and websites.

A study of reports, public statements, policy documents, websites and declarations from various civil society forums, such as the Better Aid platform, the Reality of Aid Network (RoA) and the Open Forum for CSO Development Effectiveness (Open Forum throughout), inform the understanding of civil society conceptions below. The Better Aid platform and the Open Forum are initiatives launched by CSOs within the context of aid and development effectiveness. Better Aid focuses on common principles of development effectiveness while the Open Forum specifically addresses CSO development effectiveness. The RoA, a "major north-south international non-governmental initiative that focuses on analysis and lobbying for poverty eradication policies and practices in the international aid regime," has also looked at development effectiveness in its reports (RoA 2009). In addition, the Canadian Council for International Cooperation (CCIC), which represents roughly 100 voluntary sector organizations, recently released a newsletter that explicitly dealt with the issue of development effectiveness. Members of various CSOs made contributions. This information is also included in the analysis. It is important to note that this portion of the research did not examine specific voluntary sector organizations and instead focused on aggregate level organizations. This was done for two reasons. Firstly, it is much more feasible to examine umbrella groups, which in this case, represent over 300 civil society groups worldwide. Secondly, these umbrella organizations are actively engaged in the debates on aid and development effectiveness, and have provided forums in which civil society actors collaborate on and develop common principles.

While this research serves as a starting point for understanding what is meant by development effectiveness, some methodological limitations must be noted. Firstly, as this paper represents preliminary research on the topic, it is far from exhaustive. More aid actors should be included in the analysis and more reports and other documents should also be examined. In addition, the examined documents are predominantly official reports, policy statements, and websites. A major strength of this analysis is that it consistently investigates official documents. However, this also creates a weakness because these documents do not always reflect the reality of government thinking or how such thinking plays out in practice. This research would benefit from interviews and survey data collected from key aid actor representatives regarding their understanding of development effectiveness.

Developing country perspectives have not been analyzed in this phase either. The main reason for this reflects the predominance of policies and reports coming from the developed world that make specific reference to development effectiveness. Moreover, many developing country websites provide a limited amount of information, much of which does not speak to the issue of development effectiveness. To a certain extent, this problem can be mitigated in future research through an examination of

organizations such as the New Economic Partnership for Africa's Development and the Association of Southeast Asian Nations, whose policies are more readily available. The Economic Commission for Africa, under ECOSOC, is another good starting point. It conducted a review of African development effectiveness in 2005.

AID EFFECTIVENESS VERSUS DEVELOPMENT EFFECTIVENESS

Aid effectiveness is commonly defined as how effective *aid* is in achieving stated objectives and expected outputs of development interventions. The OECD Paris Declaration on Aid Effectiveness (PD) points to the importance of ensuring that aid monies are used efficiently and effectively. Signatories of the PD include nearly 100 countries, many prominent international and regional organizations, as well as CSOs. The PD stresses "ownership, harmonization, alignment, results and mutual accountability"[4] in order to achieve aid effectiveness (OECD 2005). Aid actors often refer to the PD as the main document on aid effectiveness.[5] Given that it is one of the key documents on aid effectiveness, it is perhaps surprising that it does not actually define what aid effectiveness means.

In an independent evaluation of the progress made on the Paris Process in 2008, the authors found no clear definition of aid effectiveness, pointing out that the PD has now become self-referential (Stern et al. 2008, vii, 19). Regardless, the authors argue that it is possible to extract an understanding of aid effectiveness from the document. They claim that aid effectiveness can be defined as the "arrangement for the planning, management and deployment of aid that is efficient, reduces transaction costs and is targeted towards development outcomes including poverty reduction" (Stern et al. 2008, vii). Under this definition, aid effectiveness focuses solely on how aid is used, although Stern et al. add that it is generally assumed that aid has a development-oriented intent (2008, 20).

Scholars tend to focus on the efficiency and effectiveness of aid as well. William Easterly and Tobias Pfutze define aid effectiveness as "the extent to which foreign aid dollars actually achieve their goals of reducing poverty, malnutrition, disease, and death" (2008, 29). This conception similarly focuses explicitly on the role of aid in achieving development goals.

Much of the literature on aid effectiveness also examines various aspects of the international aid system that impact aid effectiveness. Generally speaking, and perhaps not surprisingly, many authors do not define aid effectiveness; it seems relatively commonsensical to assume that aid effectiveness refers to how effective aid is in achieving its development goals. A brief review of recent literature on aid effectiveness demonstrates this point.

David Fielding and George Mavrotas (2006) look at how aid volatility and the characteristics of donor-recipient relationships impact aid effectiveness, finding mixed results depending on whether sector or total aid figures are measured. Oya Celasun and Jan Walliser (2008) examine how the predictability of aid impacts aid effectiveness. Not surprisingly, they find that when aid is more predictable, it has the potential to be more effective.[6] In their 2007 study on aid effectiveness, Paul Mosley and Abrar Suleiman examine the success of aid in achieving poverty reduction, finding that the composition and stability of aid can affect development goals. In another study, Lauchlan Munro (2005) questions the recent push for and in some cases, shift towards more focused bilateral aid programs. Munro suggests that while some arguments for greater donor selectivity and focus may be warranted, the link between focus and aid effectiveness may not be as strong as some critics have suggested.

The authors above provide many insights into how aid can be more effective.

While their areas of focus with respect to aid effectiveness differ, one thing these authors have in common is their assessment of how, why and when aid is effective; their studies implicitly support the definition of aid effectiveness offered by Stern et al. Aid effectiveness is about maximizing outcomes from aid. In this context, the challenge for scholars is to discover what factors negatively and positively affect the efficiency of aid. This brief overview is in no way meant to be exhaustive of the vast literature on aid effectiveness, but merely to demonstrate that recent analysis of aid effectiveness focus on what conditions make aid most effective in achieving its desired development outcomes. In this sense, the focus on what forms of aid management and arrangement produce the best outcomes makes these research agendas consistent with the OECD understanding of aid effectiveness.

Many authors also use development and aid effectiveness interchangeably. For example, the Asian Development Bank argues that development effectiveness is self-explanatory. It "simply refers to the effectiveness of aid in development" (Quibria 2004, 3). The World Bank has also been conducting evaluations on its development effectiveness since the 1990s. The World Bank's conception of development effectiveness employs many of the same principles found in the PD, leading Stern et al. to argue that World Bank policies can even be seen as a precursor to the PD (2008, 7).

Despite the interchangeable use of these terms by some organizations, many others have created a distinction between development and aid effectiveness. Notable examples include bilateral donors such as Australia and the United Kingdom (UK), as well as the United Nations Development Programme (UNDP) and various CSOs. Some see the concept of aid effectiveness as too narrow to describe (and account for) the effectiveness of the overall development process. While many groups agree that aid and development effectiveness have different meanings, conceptions of development effectiveness are not consistent across these actors. The paper now turns to these inconsistencies.

UNDERSTANDING DEVELOPMENT EFFECTIVENESS: A TYPOLOGY

The typology below outlines the various conceptions of development effectiveness used by aid actors. However, it is important to note that the categories constructed below are neither mutually exclusive nor exhaustive. Some organizations may have conceptions of development effectiveness that overlap between categories; OECD evaluations and policies are one example. Moreover, most aid actors make reference to the PD and emphasize their commitment to the Paris Process. The international thrust for coordination over aid effectiveness, and the broad base of signatories is one explanation for this. The repeated references to the PD demonstrate the established nature of the aid effectiveness agenda. As such, groups that seek to broaden the international aid agenda to one of development effectiveness will likely need to present their agenda as complementary to the established order to be successful (this is the approach CSOs are currently taking, as discussed below). Another implication of PD references is that understandings of development effectiveness tend to be connected to the aid effectiveness agenda.

Another caveat to the typology below is that despite the different language agencies use on development effectiveness, when describing effectiveness more generally, organizations tend to employ the definitions outlined above with respect to aid effectiveness. This, however, is problematic because when effectiveness is understood in terms of whether interventions meet their stated objectives, it does not take into account the relevancy of the objectives and also makes development effectiveness about donor actions rather than recipient, a point also made by the Inter-American Development Bank (2002).

Development Effectiveness as Organizational Effectiveness

Some organizations use development effectiveness to refer to organizational output or performance. These groups tend to use the term in a manner very similar to aid effectiveness, emphasizing PD principles while focusing predominantly on organizational outputs. Development effectiveness is measured from the point of view of the organization, in terms of how well it is achieving its stated objectives and goals. The World Bank, reviews of the Australian development agency and early UNDP reports serve as examples of this conception.

Generally speaking, in the independent assessments of the World Bank's development effectiveness, evaluators tend to look at development effectiveness in terms of organizational effectiveness. The World Bank's 2005 and 2008 Development Effectiveness Reports measured development effectiveness on multiple levels, including country programs and individual projects, and programs (World Bank 2005, v; World Bank 2008). The 2005 report suggests that effectiveness could be improved by enhancing project monitoring and evaluations, tailoring programs, and lending to countries with improving policies and institutions (World Bank 2005, vii). It also stresses that in order to be effective, the World Bank needs to focus on fighting poverty rather than every other aspect of development (World Bank 2005, vii). While the World Bank recognizes the impact of non-aid sectors, such as trade and immigration, on development effectiveness, 2008 evaluators suggest that it should not focus on every aspect of development.[7] This is an important distinction between the World Bank and other aid institutions, which are now attempting to ensure that policies in non-aid sectors do not undermine the development process.

An independent 2007 review of the Australian aid agency, AusAID, similarly uses the language of aid effectiveness within the context of development effectiveness. While the report is entitled Australia's *Annual Review of Development Effectiveness,* it focuses predominantly on the effectiveness of Australia's aid program and examines policies, programmes and projects. Likewise, early UNDP Development Effectiveness Reports focused on the efficiency and effectiveness of UNDP programming and projects, despite distinguishing between development and organizational effectiveness. The 2001 report explains that organizational effectiveness focuses on results based management and time-bound organizational objectives while development effectiveness is defined "as the extent to which an institution or intervention has brought about targeted change..." (UNDP 2001, 7-11). Here development effectiveness measures the impact of assistance and progress towards development goals (2001, 7, 9). Despite this distinction between forms of effectiveness, the Reports' discussion of development effectiveness remains confined to the development impact of the UNDP and does not consider external factors such as the role of other development agencies, non-aid sectors, globalization and so on in the development process. The 2003 report however (discussed below), indicates a deliberate move away from this conception of development effectiveness to a broader analysis that looks at the final results of overall development processes.

Development Effectiveness as Internal Coordination

Some organizations view development effectiveness in terms of their own policies and coordinating actions. Similar to the above conception, development effectiveness is supply-side driven, however the organizational focus differs. Here it is about ensuring that actions undertaken across aid and non-aid sectors work coherently and consistently to achieve development goals. The rationale for this approach arises from the recognition that aid is not the only factor affecting development and that trade,

immigration, health, and security policies, among others, affect the overall development process. Global forces such as international trade, commodity prices and globalization also affect development.[8] For example, high tariffs on key developing country imports, such as primary commodities, works against development goals by limiting market access and any potential economic growth derived from these industries. While trade policy traditionally falls outside the aid sector,[9] development effectiveness as coordination means ensuring that these policies are favourable for developing countries and consistent with development agendas. Bilateral donors[10] tend to embody this view of development effectiveness in what are called "whole-of-government" approaches. In conjunction with these approaches, they also stress donor programs as well as donor-to-donor and donor-to-recipient[11] relationships.

Claire Lockhart, from the UK based research institution, the Overseas Development Institute (ODI), examines aid and development effectiveness with respect to fragile states. Lockhart's analysis aptly summarizes the view of development effectiveness outlined above. She argues that development effectiveness recognizes that non-aid policies may impact development processes, and as such, governments need to create coherency across departments with respect to, trade, immigration, finance, security and drug policy, for example (2005, 1). However, this can be difficult, and Lockhart explains that there is no clear guideline for meeting this kind of objective (2005, 2). It can be hard to ensure consistent government objectives across departments and at times, their goals may even clash (2005, 3).

The underlying rationale for whole-of-government approaches is found in bilateral donor reviews and policy documents. Australian,[12] Canadian, Dutch and Irish policy documents explain that external factors, such as global economic conditions (AusAID 2008, 2), trade and investment flows (CIDA 2002, 17; NEDA 2003, 9), poverty, security, migration and economic development (NEDA 2003, 9), affect aid outcomes. CIDA[13] argues that "the need to ensure that major policies which affect these areas [trade and investment] work in tandem has never been greater" (2002, 17). The Netherlands claims that these considerations must be integrated in policy (2003, 9). The Irish government recognizes that "development cooperation does not operate in isolation from other Government policies and [that] the need for greater coherence in policies across sectors that effect developing countries [exists]" (Department of Foreign Affairs [Ireland]). Development effectiveness encompasses the impact of all aspects of donor relations on a country for bilateral donors.

In response to these considerations, bilaterals stress the need for interdepartmental cooperation. Australia employs "whole-of-Australian-government approaches" (AusAID 2008, viii) and points to the use of "Strategic Partnership Agreements"[14] between departments as well as interdepartmental projects. Canada uses whole-of-government approaches in Haiti and Afghanistan (CIDA 2008, 4). NEDA (2003, 6) emphasises integrating non-aid considerations, such as security, trade and market access, with development cooperation. In its annual report, Irish Aid underscores working with many other donors and across departments. An Inter-Departmental Committee on Development was established in 2007 "to ensure that the approach of all government departments to development issues is coherent and to make best use of the expertise available across the public service in Ireland's aid programme" (Irish Aid 2007, 59). Key departments included in this initiative are agriculture, trade and investment, and immigration.

Whole-of-government initiatives have met challenges. The vertical organization of government, wherein departments operate as silos focused on certain policy areas, makes horizontal coordination and consistency across policies difficult to achieve (CIDA 2002, 17). Institutional rivalry (AusAID 2008, 26), and conflicting goals between departments (Irish Aid 2008, 4) are also problems.

While the policies of these countries can safely be seen in terms of the whole-of-government approach to development, it is important to reiterate that no donor explicitly defines development effectiveness. It is through the policies, language and actions of bilateral donors that the idea of development effectiveness as internal donor coordination is demonstrated.

Development Effectiveness as Development Outcomes from Aid

This view of development effectiveness does not centre on organizational effectiveness or coordination, but rather prioritizes development outcomes resulting from aid, such as improving human rights, gender equality and environmental sustainability. A key difference between this and previous conceptions is the focus is on more substantive issues, rather than technical considerations. Proponents of this view do not see the technical aspects of other conceptions of development effectiveness or the aid effectiveness agenda as unimportant however. They often claim that aid effectiveness and development effectiveness are complimentary and should work in conjunction with one another. CSOs widely employ this conception of development effectiveness, although the OECD and the UN Development Fund for Women (UNIFEM) also highlight the importance of development outcomes resulting from aid.

As previously mentioned, there are several forums through which CSOs are developing principles on development effectiveness. The Better Aid Platform[15] and the Open Forum both provide an avenue for Northern and Southern CSOs to come together and develop common principles on aid and development effectiveness. RoA is also looking at the issue of development effectiveness; a 2008 "Reality Check" report specifically addressed CSO development effectiveness. The 2010 Reality of Aid report will focus on "development effectiveness as the framework in aid and development cooperation through human rights, social justice and democratic development" (RoA 2009).

Prior to the 2008 Accra 3rd High Level Forum (HLF) on Aid Effectiveness, the Better Aid platform released a policy brief that outlined CSOs' position on the aid effectiveness agenda. The brief did not explicitly define development effectiveness, but rather focused on deepening the aid effectiveness agenda. It did however signal a move towards the above conception of development effectiveness. It stressed the importance of measuring aid in terms of progress on the central goals of development which include poverty reduction, gender equality, human rights, social justice and the environment (International Steering Group [ISG] 2008, 2). CSOs recommended that the PD commitment to ownership be broadened to democratic ownership which includes broad processes that take into account the input and leadership of the poor and marginalized (ISG 2008, 2-3).

Following the PD and the Accra Agenda for Action, many CSOs issued public statements and reports on the results. RoA expressed disappointment over the outcomes of Accra, claiming that policy makers ignored many of the views and recommendations in the CSO policy brief (2008, 1). The commitment to broader participation for CSOs, parliamentarians and other development actors that resulted however did indicate some progress on CSO goals (RoA 2008, 1). According to RoA, the new challenge in the Paris Process is to build on these gains at the next HLF, which should be "framed by the core issues of aid and development effectiveness" (2008, 11).

Fundamentally, CSOs want to see a more holistic approach to development and a reformulation of the PD (CONCORD 2008, 6). This means combining the aid and development effectiveness agendas. Tony Tujan, the director of the RoA, claims that "aid effectiveness must be understood in the broad framework of development

effectiveness" (2009). These agendas are mutually reinforcing and in order for aid to be effective, it must be in line with development goals, namely, human rights, gender equality, sustainability, decent work, poverty reduction and addressing inequality (Tujan 2009; Better Aid 2008, 1; ISG 2008, 1). While some CSOs criticize the technical nature of the PD's objectives, which are artificially separated from the substantive issues outlined above (ISG 2008, 2; Better Aid 2008, 1), Tujan argues that many of the principles found in the PD, such as ownership and accountability are necessary compliments to principles of development effectiveness (2009).

The OECD has also taken on the language of human rights, gender equality and environmental sustainability in terms of development effectiveness. While there is very little mention of development effectiveness in the OECD's 2007 Development Co-operation Report, which focuses predominantly on measuring the success of the PD, in April of 2007, the OECD DAC held a workshop on "Development Effectiveness in Practice". The event specifically focused on applying the PD to advancing human rights, gender equality, and environmental sustainability (OECD-DAC 2007, 1). The concept note that resulted from this workshop argued that "attention to these issues enhances development effectiveness" (OECD-DAC 2007, 1). While there is no clear definition of development effectiveness, the document points out that in addressing the above issues, development goals can be achieved (OECD-DAC 2007, 2). Overall, the use of development effectiveness here indicates that it is not so much about processes affecting the international development agenda (such as globalization, international trade, and so on) but about incorporating goals, such as improving human rights, gender equality and sustainability, into development, which is important for achieving PD objectives (OECD-DAC 2007, 9).

The United Nations Development Fund for Women (UNIFEM) has also employed the language of development effectiveness. While UNIFEM tends to use the terms development and aid effectiveness interchangeably, they also see gender equality as a determinant of development effectiveness, arguing that it must be considered in all stages of development interventions.

Development Effectiveness as Overall Development Outcomes

In this view development effectiveness is seen as a measurement of the overall development process, which means it sometimes overlaps with previously examined conceptions of development effectiveness. This understanding entails the most holistic view out of the four conceptions outlined here. It is differentiated from development effectiveness as organizational effectiveness and combines the understandings found in the second and third categories. To these conceptions, it adds that development outcomes cannot be attributed to any one actor. By focusing on overall development outcomes, it covers all factors that contribute to development, from aid interventions to domestically funded infrastructure projects and foreign direct investment. It recognizes that no one aid actor can account for changes in overall development. Outcomes are the result of various global, national, regional and local forces at play in a country; it is impossible to attribute gains or failures to any one actor. This conception shares a focus on the goals of development, similar to the view predominantly held by CSOs. However, it differs by moving past the aid sector to include traditionally non-aid areas that impact development. The UK's Department for International Development (DFID) and UNDP evaluators provide examples of this understanding.

In an independent review of DFID, Flint et al. explicitly recognize the challenge in measuring effectiveness. They broadly define effectiveness as "the extent to which a development activity or programme has achieved or is expected to achieve

its objectives," but claim that there are two forms of effectiveness: operational and development (2002, 9). Operational effectiveness is based on performance measures of the direct and attributable result of projects; intermediate outcomes are measured by outputs or deliverables, process and inputs (Flint et al. 2002, 1). However, this type of effectiveness says very little about overall development outcomes. Development effectiveness, conversely, refers to overall development outcomes which, while highly relevant in assessing any aid program, cannot be directly attributed to any one actor's activities (Flint et al. 2002, 1). For example, it is virtually impossible to illustrate any link between DFID's activities and changes in MDGs (Flint et al. 2002, 4). Similarly, UNDP evaluators argue that development effectiveness as the overall development outcome means that UNDP interventions cannot explain how the development process is doing in any given country or sector (Evaluation Office 2003, viii). As such, the UNDP's 2003 *Development Effectiveness Report* stresses a shift away from focusing solely on inward-looking measurements of organizational performance to include overall development indictors, although the problem of measurement remains (2003, viii, 2). The impossibility of attributing development outcomes to any one actor leads UNDP evaluators to stress the shared responsibility of all development partners (Evaluation Office 2003, 3); accountability for overall development outcomes is with "all governments, international agencies, civil society organizations, and the corporate sector" (Flint et a. 2002, 1).

Despite the difficulties with measurement and attribution associated with development effectiveness, the UNDP has shifted away from looking at how to maximize the value of aid towards placing development at the centre of the aid agenda. This means assessing what works and what does not, and then assessing how aid flows can complement these factors (Evaluation Office 2003, 2). For the UNDP, two questions must be asked when assessing development effectiveness: (1) Are you doing things right?; and (2) Are you doing the right things? The former question refers to organizational performance while the latter is about broader development (Evaluation Office 2003, 15). In a more holistic understanding of development, the Evaluation Office argues that "development effectiveness is (or should be) about the factors and conditions that help produce sustainable development results—to make a sustained difference in the lives of people" (2003, 3).

Unlike aid effectiveness, development effectiveness is measured in outcomes, such as meeting human development goals and generating growth (which includes the quality of growth, equity, participation, and sustainability), rather than how money is spent (Evaluation Office 2003, 6-7). The UNDP's holistic approach overlaps with conceptions found in other categories, recognizing that trade and global policies must become more development friendly in order to help meet the MDGs (Evaluation Office 2003, 3).Stern et al. add:

> The term development effectiveness is meant to describe the level of achievement of overall development goals which are affected by a host of different factors. By adding the notion of effectiveness to the term development, the idea is to assess aid against official, long term and quantifiable development goals (e.g. the MDGS or national goals). Thus development effectiveness is not solely the level of the goal of aid/development interventions (2008, 20).

SIGNIFICANCE OF THE TYPOLOGY

The typology that results provides an overview of conceptions held by various actors, and identifies similarities and differences between understandings of development effectiveness. This typology has important implications for academic research and policy-making. First, it presents a snapshot of how various aid actors understand and use the term. Moreover, the typology provides a reference point from which to begin further discussion not only on what development effectiveness is, but rather what it

should be, from both policy-making and academic points of view. The typology is also a useful starting point for more nuanced research into development effectiveness.

Secondly, this analysis demonstrates that there is indeed a lack of consistency in terms of conceptualizations, which begs the question of how the development effectiveness agenda fits into the current international agenda for coherency and policy coordination, prominently seen in the Paris Process. As previously mentioned, CSOs will present their conception of development effectiveness at the next HLF in an attempt to couple this agenda with the aid effectiveness agenda. At the very least, some agreement on what is meant by the term will be necessary for these agendas to merge. The above typology is useful for understanding where tensions may arise between the conceptions of key actors in the Paris Process. For example, bilateral donors have put considerable amounts of time and energy into the aid effectiveness agenda. They may be unwilling to shift efforts towards measuring overall development outcomes, especially when they cannot demonstrate to taxpayers their effect on these outcomes. Moreover, an agenda that specifically focuses on whole-of-government approaches is more consistent with current bilateral thinking on development effectiveness and as such, a commitment to this type of agenda would require little change to bilateral donor policies, possibly making it more favorable in their view. The implications for policy vary depending on how the development effectiveness agenda is defined. This means that various understandings have the potential to create tension between actors, especially as development effectiveness increasingly becomes an area of focus under the aid effectiveness agenda.

CONCLUSION

This paper has analysed the concept of development effectiveness. In doing so it has revealed the various ways in which different aid actors understand the term. Additionally, the paper has categorized understandings of development effectiveness in four ways: as organizational effectiveness; as internal coordination; as development outcomes resulting from aid; and as overall development outcomes.

For the most part, findings in this paper have been uncritically presented representing the first phase of a broader research agenda. A critique of the conceptions and policies employed under the framework of development effectiveness would benefit future analyses. While outside the scope of this paper, future study might also look at how and to what extent terms such as aid effectiveness and development effectiveness guide donor policies.

It is unlikely that the issue of development effectiveness will disappear any time soon. As the voices of CSOs advocating for development effectiveness grow louder, bilateral and multilateral organizations will need to more actively engage with the concept. The likely starting point for this engagement will be the next HLF in 2011. However, a broader discussion of the development effectiveness agenda requires an appropriate forum in which to engage multiple stakeholders. The ECOSOC Development Cooperation Forum (DCF), with its goal of engaging aid actors in policy dialogues, has the potential to fulfil this role.

The issue of development effectiveness should be taken up by the DCF within the context of the international thrust for policy coherence and coordination between aid actors. To date, the DCF has not addressed the issue of development effectiveness explicitly however the term does appear several times in the 2008 report of the first forum with respect to economic growth and whole-of-government approaches (ECOSOC 2008, 7, 17-8). The report also addresses many of the other concerns found above, such as the goals and outcomes of development. The DCF can serve as an important arena for engaging aid actors in debates on development effectiveness. Discussions in the DCF are non-binding in nature, which means the DCF is a well placed, non-threatening

forum to engage aid actors. Importantly, debate in this venue will help to establish, at the very least, common understandings on what aid actors mean by development effectiveness, providing a basis for forward movement in terms of agenda setting. Debate will also help to establish what parameters are necessary to obtain commitment from aid actors on a development effectiveness agenda. After all, a successful development effectiveness agenda will depend on what key players, such as bilateral donors and multilateral institutions, are willing to sign on to.

NOTES

1. The United States was examined because it is the largest aid donor internationally in absolute figures making it a very important aid actor. However, their most recent Strategic Plan (2007) makes no reference to development effectiveness and very little reference to aid effectiveness. As a result, US policies and rhetoric were not particularly relevant to the overall study and the US did not fall into any of the four categories constructed below.

2. Reviewers of the Australian aid program encourage AusAID to develop policies guided by development effectiveness rather than aid effectiveness (AusAID 2007, 41). This initial contrast between development and aid effectiveness initiated the research agenda.

3. See IDRC commissioned "Emerging Donors in International Development Assistance" (Rowlands 2008) for example.

4. Ownership means ensuring that aid programs are in line with developing country priorities derived through country-wide consultation processes. These goals and development strategies should be prioritized in a results-oriented fashion. Alignment means ensuring donor strategies are in line with developing country priorities. Harmonization means that donors are expected to work in concert where possible, through a transparent and collective effort. The focus on results commits donors and partners to employing aid resources with a specific aim at achieving results through decision-making processes based on accurate information and evaluations of aid projects and programs. Mutual accountability commits signatories to ensuring transparency and accountability within the development process and for development results (OECD 2005).

5. Notable exceptions of this view are Better Aid and The Reality of Aid Network.

6. For example, recipient governments can focus on inherently long-term projects in sectors such as education.

7. Recently the World Bank, however, has taken up the issue of fair trade.

8. Despite recognition that global forces affect development outcomes, very few aid actors advocate changing international systems as part of their policy framework, although this is changing to some extent. The Netherlands has indicated the importance of addressing these issues internationally in their most recent report, Our Common Concern (2007).

9. Recently however, initiatives that link aid and trade have been established such as Aid for Trade (2005), which is sponsored by the World Trade Organization and seeks to facilitate trade capacity building in developing countries.

10. It should be noted, however, that in the review that follows, only Canada and Australia make explicit reference to the idea of development effectiveness. This may reflect that employing development effectiveness as a guiding principle for donor development strategies is not a significant factor in guiding policy.

11. These three concerns refer to the PD principles of alignment and harmonization, as well as sustainable, long-term relationships with partners respectively.

12. As previously mentioned, some aid actors fall into multiple categories. Although the Australian review of development effectiveness tends to focus on operational effectiveness, it also mentions the importance of whole-of-government approaches.

13. It should be noted that while CIDA's policies reflect the internal coordination view of development effectiveness, in its 2008 report to parliament no clear definition of development effectiveness is provided. However, it claims that "a growing body of research into development effectiveness reflect[s] that past approaches to development cooperation were too narrowly focussed and often failed to recognize the cultural and political context in which development takes place" (2008, 16). Development effectiveness only appears once in the document, in a special topics box and is without further elaboration in terms of what it means for policy. Even the PD rhetoric of ownership

does not follow this statement on development effectiveness. In terms of "effective development" CIDA's rhetoric is the same as other aid actors in this category.

14. These agreements have not been made public however, the government website claims that these agreements "identify the shared strategic priorities for each agency and recognize the individual skills and strengths that each agency brings to the partnership. They formalise arrangements to ensure that AusAID and its government partners work in a collaborative and cohesive way at the strategic and operational levels." See http://www.ausaid.gov.au/partner/ozgov.cfm

15. Better Aid represents over 600 members from 325 civil society organisations and 88 countries. This statement was the result of regional consultations and a parallel forum to Accra involving 80 representatives.

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A NEO WORLD? NEOCONSERVATISM, INTERNATIONAL RELATIONS AND THE IRAQ WAR

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ABSTRACT

The first four years of the Bush Administration were characterized by a sea change in United States foreign policy: the hard-nosed realism of the Bush Senior Administration and the multilateralism of the Clinton years were cast aside in favour of a bold theory of American hyper power – neoconservatism. Although the term has become ubiquitous, the intellectual origins of neoconservatism remain neglected by many scholars of international relations. Despite its relative academic neglect, neoconservatism proved to be a powerful intellectual current, influencing many close to power as it swept through Washington's corridors of power. This paper discusses the intellectual roots of neoconservatism and how it engages with international relations (IR) theory. The opposing world views of realism and neoconservatism are examined using the case of the recent war in Iraq. While both are hawkish in outlook, the two theories offer remarkably different conceptions of international relations. Henry Kissinger begins his historical opus *Diplomacy* with a discussion of America's propensity for exceptionalism in foreign affairs (Kissinger 1994, 29-55). It is not America's relations with the rest of the world that are inherently exceptional, he argues, but rather its tendency to vacillate between hard-nosed realism and a starry-eyed, moral universalism. Sober calculations of national interest are followed by adolescent, messianic gambits; crusades for global justice and peace are tempered by shrewd calculations of power and national interest. Kissinger personifies America's divergent foreign policy dispositions with two American presidents: Theodore Roosevelt, the staid and cautious realist and Woodrow Wilson, global justice's messiah.

INTRODUCTION

The war in Iraq is the most recent example of America's adventurism. Wilson's League of Nations, however, has been replaced with George W. Bush's 'Coalition of the Willing,' led by prominent neoconservatives in the White House. Similar to 1919, realist voices in Washington and around the world have been muffled by the allure of perpetual peace. Again, it seems realist augury has been vindicated. Just as the League collapsed in the prelude to World War II, America's most recent invasion of Iraq has been tarnished by the sands of insurgency and sectarian strife.

Amongst the supporters of an invasion of Iraq, neoconservatives, both in the administration and the public, led the call to arms. The term "neoconservative" was originally coined by the noted public intellectual Irving Kristol, and was used as a rubric for activist conservative thinking on a variety of public policy issues. In terms of foreign policy, the neoconservatives were largely inspired by America's triumph over the Soviet Union, which they saw as the ideological victory of capitalism and democracy over the scourge of communism. In order to protect these values from future threats – authoritarianism, for example – the neoconservatives were convinced of the need to maintain America's preeminent position in the world. Moreover, they argued that an omnipotent America was in the best interest of the international community, as America's global leadership is predicated on the intrinsically good values of freedom and democracy. Domestically, without a national interest defined by virtue and actively broadcast throughout the world, so as to mobilize public support and maintain the vigour of the republic, the same strength of character that won the Cold War would begin to erode (Schmidt and Williams 2008, Halper and Clarke 2004, and George 2005). For the neoconservatives, Iraq was a key front in an ideological battle for the hearts and minds of both Arabs and Americans, not a peripheral fight against a regional pest.

The invasion of Iraq was initially popular with a large majority of Americans. In the weeks leading up to war, support for military action in Iraq stood at between sixty and seventy percent (New York Times, 2003b). Reeling from the catastrophic events

of September 11, 2001 and frightened by the link that the Bush Administration drew between Iraq and Al-Qaeda, many Americans supported deposing Saddam Hussein and his regime. The rationale for war was not accepted as a "slam dunk" everywhere, however. Internationally, support was much weaker (New York Times, 2003). The United States did not secure the support of the United Nations Security Council and many longstanding allies refused to join the coalition that America assembled on the eve of George W. Bush's decision to invade Iraq a second time. Domestically, a vociferous opposition emerged. Some of the most poignant critics of the war emanated from a traditionally hawkish corner of the American foreign policy establishment. Self-professed members of the realist school of IR were steadfast in their opposition to war.[1] They argued that Iraq was simply not the threat that the Bush Administration made it out to be and that an invasion had the potential to do much more harm to America's national interest than good.

Since the collapse of the Saddam regime at the hands of American military, Iraq became a quagmire: the death toll of Americans and Iraqi civilians continued to rise as the security situation in the country deteriorated; the Weapons of Mass Destruction (WMD) that provided a key excuse for war were never found; and the occupation of Iraq turned the attention of the US government away from other crises in the Middle East such as Afghanistan and Iran while exposing a chink in American power on the global stage. The United State's veneer of invincibility that shone so brightly after the first Gulf War has faded significantly since the Iraq invasion.

On the domestic front, support for the Iraq War took a drastic plunge in years following the initial invasion, accompanied by an erosion of popular support for George W. Bush's presidency. In May 2007, seventy-six percent of Americans thought the war was "going badly" and George Bush`s approval ratings stood at thirty percent according to a New York Times/CBS poll (New York Times 2007). The Iraq debacle forced the neoconservatives into retreat. Their influence at the White House cabinet table and in the public sphere declined significantly. Donald Rumsfeld and Paul Wolfowitz, two prominent neoconservatives in the Bush Administration, resigned. Francis Fukuyama, one of the most lucid neoconservative thinkers, penned an astringent article in *The National Interest* that offered an intellectual apology for his erstwhile support of the Iraq War (2004), while his subsequent book is a further departure from his neoconservative roots (2006).

For theorists of IR, the rise and fall of neoconservative influence in the White House is a particularly intriguing chapter of recent history. The polyvalent nature of neoconservative foreign policy thinking evades neat categorization into one of the popular schools of IR thought. Its relatively short moment in the limelight has eluded intellectual inquiry. Of the little academic work carried out on neoconservative IR thinking, it has been placed in both realist and constructivist theoretical domains by various authors.[2] Yet the intellectual origins of neoconservatism are byzantine, melding Hegel with Leo Strauss and others. Moreover, many of the most prominent neoconservative thinkers have eschewed formal academia for positions in prominent beltway think-tanks, where career advancement is not necessarily predicated on peer-reviewed publications. Consequently, it has been difficult to identify a coherent neoconservative school of thought.

This paper attempts to find a place for neoconservatism within contemporary IR theory. The paper argues that neoconservatism, despite its infatuation with the projection of force, is much closer to Wilsonian Liberal Internationalism than the realism with which it has been equated. By contrasting realism with neoconservatism, it becomes clear that the two theories describe starkly different worlds. Although both are considered hawkish, neoconservatism challenges many of realism's basic principles, including the nature of rationality, power, and morality and systemic organizational

logic. The case of Iraq, and the arguments that the neoconservatives and the realists utilized in advocating for and against the war respectively, further highlight the wide theoretical divide between these two schools of thought.

THE SLIPPERY SLOPE OF THE SHINING CITY ON THE HILL: A THEORETICAL COMPARISON OF NEOCONSERVATISM AND REALISM THINKING IN INTERNATIONAL AFFAIRS

Realism has been a preeminent current in IR theory since at least World War II. Over the past century, the school of thought has developed two primary strands. Classical realists, such as Hans J. Morgenthau, argue that the insecurity of the international system stems from human nature and man's inherent desire for power (1954). Structural or neo-realism, commonly associated with Kenneth Waltz, focuses instead on the anarchic character of the international system as a causal mechanism for state conflict (1979).

Despite the myriad variants that sit in between Waltz and Morgenthau, most realists share some basic principles. First, the most important actors in international affairs are states which are described as rational self-seeking egoists. Their primary goal is to maintain their existence and general security. Second, the international system is characterized by anarchy. Third, because of the anarchic character of the international system, states must rely either on their own faculties or on strategic alliances with more powerful states for survival. The realist world is can thus be characterized as a self-help system based on power and security dynamics. Finally, a state's interaction with other states can be largely determined by the behaviour of the other states in the system (Nicholson 1998, 67-8). The international system is thus a realm defined by security and governed by rational calculation. As John Mearsheimer writes, "states think strategically how to survive in the international system. States are instrumentally rational" (1994-1995, 10). The primary organizing principle of the international system is the balance of power. Although mistakes happen – information is never perfect – projections can be made about how states will react by discerning the relative power dynamics of the actors, states, in the system.

Drawing on these basic principles, there are a few observations about realism that are important with regards to the current discussion. First, realism is a theory about power. Power is conceived of in terms of material resources, in other words, the ability to make war. There is disagreement amongst scholars on where power is located, and what drives states to gain power, but the *ultima ratio* of international relations remains guns, treasure and the ability to use them.[3] Second, realism is a static theory. Fundamental change, short of the foundation of a substantive world government, is not possible. Power can wax and wane, but the organizing principles of the international system remain the same. Third, domestic politics are largely separate. The international sphere follows its own, separate logic.

The term neoconservative was coined in the 1970s to denote a group of erstwhile liberal thinkers that had strayed from the herd (Muravchik 2007, 19). At first, the group was primarily focused on domestic issues such as the paternalistic orientation of President Lyndon B. Johnson's Great Society. Although dissatisfied with the current manifestations of liberalism, the movement shunned the backwards-looking policies of traditional conservatives. In Irving Kristol's words, "what is 'neo' ('new') about this conservatism is that it is resolutely free of nostalgia. It, too, claims the future" (1983, xii).

The neoconservatives see a fundamental problem with liberal modernity.

Influenced by the work of the late Leo Strauss, a philosopher and classicist at the University of Chicago, they argue that liberalism's focus on rationality and individual interest has caused the decay of the integrity and virtue of the American Republic. Liberalism's exclusive focus on rational self-interest perverts social and political relations by reducing them to pluralistic hedonism and by propagating a culture of nihilism and decadence. As Williams describes it, "self-interest alone is incapable of generating an adequate vision of political obligation, of structures of social solidarity, or of commitment to the defence of the state or democratic values" (Williams 2005, 313). The ultimate goal of neoconservatism is thus to save society from irreparable degeneration by reconstituting American virtue.

For neoconservatives, there is little difference between the foreign and domestic; the national interest encompasses them both. The liberal debasement of the moral fortitude of American culture is equally alarming on the international stage as in the domestic sphere. Both contribute to the weakening of the virtue and vigour of the Republic, which in turn threatens the values that America stands for, namely freedom and democracy. Conflict in the international sphere is at its core ideological, similar to a domestic policy debate on socialized healthcare, for example (Rapport 2008, 275). Indeed, the domestic and the international reinforce each other. A strong, moral foreign policy in turn reinforces domestic moral values.

Neoconservatism's first foray into foreign policy was at the hawkish end of the spectrum during the Cold War. The neoconservatives were supporters of an aggressive anti-Soviet policy. They detested the detente of Nixon and the containment of Kennan, advocating instead a vigorous and proactive anti-communist foreign policy. Because the conflict with the Union of Soviet Socialist Republics (U.S.S.R.) was seen as ideological, the battle for ideas superseded that of material interest. At home, this meant actively developing a strong and unified national culture, without which defence against competing ideologies became impossible (George 2005, 42-43). To use a classical metaphor, the neoconservatives feared the Vandals whose success in sacking Rome was predicated not on their superior power, but on the decadence and moral decay at the core of the Roman Empire. As Kristol and Kagan write, "the main threat the United States faces now and in the future is its own weakness" (2006, 23).

From these philosophical foundations, it is possible to reduce neoconservative foreign policy to four primary axioms: 1) the necessity and benevolence of American hegemony; 2) a moral view of international politics; 3) state identity as a primary determinant of foreign policy; and 4) confidence in the efficacy of military means to accomplish foreign policy goals.

The Necessity and Benevolence of American Foreign Policy

For neoconservatives, American hegemony is both benevolent and necessary (Kristol and Kagan 2006; Krauthammer 2004). The basis of this hegemony is not only the vast asymmetry of military and economic power that the United States enjoys over the rest of the world – although it certainly plays a role. It is America's moral character, found in the values of liberty and democracy, which legitimize this authority. As Charles Krauthammer writes, unipolarity "is a foreign policy that defines the national interest not as power but as values, and that identifies a supreme value, what John Kennedy called 'the success of liberty'" (2004). America's power and legitimacy spring from its exceptional political history and culture, namely its democracy and the American Constitution's guarantee of certain inalienable and universal rights.

Because of America's preeminent position, America's interests are the world's interests. American interests are legitimate because of America's exceptional

place in history as the sole democratic superpower and as guarantor of liberty and freedom around the world (Kristol 2003, 2). As Flibbert notes:

> American hegemony, by this logic, assured not only a safer United States, but also a more peaceful world. Power was to be used not just to manage international problems, but to change the world for the better... The United States, unlike any other great power in human history, was deemed capable of playing a dominant but entirely benevolent role in world politics (2006, 332).

Realists argue that actors in the international system will act to balance any predominance of power, through alliances or other means. The benevolent hegemony theory assumes the opposite: states will capitulate in the face of overwhelming American might.

A Moral Worldview

A second tenet of neoconservative foreign policy is the central role morality plays in world politics.[4] Neoconservatives believe that the world can be defined by forces of good and evil, and that America is the embodiment of good or virtue. Muravchik defines it as an "admiration that arose not out of an unexamined patriotism ... but out of the recognition that America had gone farther in the realization of liberal values than any other society in history" (2007, 22). As such, there is a substantive claim to American benevolence, one that does not just originate from hollow nationalism. America stands for something in the world – democracy, freedom and justice – not just itself. Furthermore, neoconservatives attach a domestic importance to the necessity for moral clarity in foreign policy. A virtuous foreign policy is one that contributes to a strong national culture, in turn reinforcing America's ideological fortitude.

The contrasts here with realism are stark. For realists, the international system is a vacuum, devoid of morality. A state's interests are defined by its position relative to others in the system, mitigated by its various endowments. Survival necessitates rational egoist calculations based on available information. Furthermore, there is a significant divide between domestic politics and the international sphere. The domestic level of analysis, where morality, rights and other normative concepts have agency, is separate from the international sphere because action on this level is undertaken relative to other states.

Neoconservatives claim the opposite. First of all, the divide between the domestic and the international is immaterial; one reflects the other. A foreign policy devoid of moral purpose is a reflection of the society that creates it. Realism is a facet of the more fundamental problem of rational modernism and contributes to the endemic decay of modern society (Williams 2005, 322). Second, foreign policy is seen as a conduit for a substantive nationalism. A morally baseless foreign policy will engender a similar brand of nationalism. Conversely, a tangible and moral national interest of which citizens can comprehend and be proud of, (e.g. one that is based on the tenets of freedom and democracy) is essential to the realization of a strong national culture. Finally, belief in normative change is essential to the neoconservative world view. Whereas realists call their logic timeless, the neoconservatives, echoing Kant and others, argue that change is indeed possible. American power has the ability to change, for the better, the international system by enabling the proliferation of liberty, freedom and democracy around the world.

State Identity as a Determinant of Foreign Policy

Neoconservatives argue that the domestic character of a regime determines its external behaviour. A state's political ideology will guide it in both domestic and international affairs. Violent and oppressive regimes exhibit similar ruthless characteristics towards their neighbours. Democracies, on the other hand, are considerably more benign. Promoting democracy is thus an important tenet of neoconservative foreign policy. Neoconservatives argue that, for example, U.S. relations with China will remain strained precisely because of the authoritarian nature of the Chinese regime. Similarly, the roots of Muslim terrorism have less to do with Islam as a religious doctrine than with the political character of many of the regimes in the Middle East (Rapport 2008, 269; Mamandi 2004). Democratic regime change will thus reduce the proclivity for interstate conflict and the emergence of terrorist movements, as the values of justice and freedom that are associated with democracy are assimilated by society. Simply put, neoconservatives are strong proponents of the democratic peace theory (Ish-Shalom 2007-2008).

Democratic peace theory argues that democracies have certain shared values and interests, which serve to mitigate international conflict with other democracies (Doyle 1986). The neoconservatives describe this theory in American terms. The more democracies that populate the international system, the safer and more amenable to American interests the world will be. As Muravchik writes, "the spread of democracy offers an important, peaceful way to weaken our foes and reduce the need for force" (2007, 28-9). Neoconservatives have often pointed to the success of the post-World War II democratization of Germany, Japan and South Korea as examples of democratization fostering peace.[5]

Again realism and neoconservatism are at odds. As noted earlier, realists consider the domestic realm as predominantly separate from the international. Interests are determined with regards to other states, and not by the internal characteristics of regimes. As such, realism questions the causality of regime type as a determinant of foreign policy, or whether such factors trump traditional strategic calculations.

American Military Supremacy

The fourth element of neoconservative foreign policy is the belief in the efficacy of the American military (Flibbert 2006, 343-5). American military power is seen as a preferable policy option to accomplish a wide variety of foreign policy goals. The decisive victory in the first Gulf War is often held up as an exemplar: America's success was quick, decisive, and overwhelming (Gordon and Trainor 1995). This belief in the efficacy of military superiority is coupled with a mistrust of sanctions or other multilateral policy options. These instruments are seen as examples of the failed policies of containment and appeasement – strategies that did not work during World War II or the Cold War. Furthermore, such policies undermine the legitimacy and morality that underlie U.S. foreign policy: if we know we are right, there is little utility in hesitation (Guelke 2005, 110).

Realists agree that force is often necessary. Their conception of its utility, however, is different from that of the neoconservatives. First, the logic of the balance of power dictates that a perpetually aggressive posture will generate opposition as states feel threatened. Second, many realists have argued that military force has its limits. For example, the defensive advantage is difficult to overcome even in highly asymmetric situations. The American invasion of Vietnam and the Soviet invasion of Afghanistan are two examples of the power of the defensive advantage.[6] Furthermore, realists argue that there is a difference between limited military operations and nation-building.

George Bush Senior, who decided to withdraw troops from Iraq in lieu of a potentially costly occupation of the country, was cognizant of the high potential costs of nation building (Gordon and Trainor 1995). Although realism accepts the necessity of force, it sees its inherent limits as well. Neoconservatives, on the other hand, see a world where the unlimited projection of American power is possible and effective.

Former United States President Ronald Reagan in his last speech as president referred to America as "the shining city upon a hill." He placed America as beacon to the world, a guiding light of freedom and democracy. Earlier in his presidency, guided by his belief in America's moral superiority, he challenged the U.S.S.R, the predominant threat of the time. When the Cold War ended a few years later, many, especially in the neoconservative camp, looked to Reagan as the catalyst. The perceived foreign policy failures of the subsequent Bush presidency were proof for the neoconservatives of the limited utility of realist thinking. Although the two theories have often been conflated, neoconservatism is founded on an entirely different logic. They expound different worldviews: realism, defined by timeless rationality, and neoconservatism, concerned with realizing a global democratic utopia. Nowhere are the differences more clear than in the debate preceding the second United States invasion of Iraq. The neoconservatives saw an opportunity to transform the Middle East into another post-Soviet bloc through forceful democratization. However, realists resisted, frightened by the spectre of another Vietnam and the weakening of America's longstanding alliances. As history has demonstrated, the slope of the shining hill is slippery: the American model of democracy and freedom does not work in the same way for everyone.

THE GOOD, THE RATIONALE, AND THE UGLY: THE ARGUMENT FOR WAR IN IRAQ

On March 20, 2003, American warplanes streamed into Iraq. Laser-guided missiles rained down on Baghdad under the banner of "Shock and Awe," a military strategy designed to showcase the full power of the American military. Troops followed the bombs and two months later, in a now notorious speech aboard the U.S.S. Abraham Lincoln, George W. Bush declared the mission in Iraq "accomplished." President Bush was understandably proud, for it was the Bush Doctrine, the president's principal foreign policy strategy, which set out the rationale for war. Six years later, Iraq remains unstable and American forces still patrol the streets of Baghdad. The Iraqi army fell quickly, yet the ensuing insurgency has proven much harder to quell. Although the ultimate outcome remains to be seen, the short-term cost in blood and treasure has been enormous.

It is clear that neoconservative thinking played a key role in defining the rationale for war. Prominent neoconservatives occupied powerful positions in the White House. The *Statement of Principles* of the Project for a New American Century, a self-professed neoconservative think-tank founded in 1997 by William Kristol, features the signatures of powerful figures in the Bush Administration, including Dick Cheney, the Vice-President; Donald Rumsfeld, the Secretary of Defence; and Paul Wolfowitz, the Deputy Secretary of Defence (Project for a New American Century 1997). These figures played a dominant role in crafting the Bush Doctrine.

The Bush Doctrine redefines the national interest of the United States as the promotion of American liberty and democracy around the world. The doctrine was delineated in speeches by President Bush and others in the prelude to war and the *National Security Strategy of the United States* (NSS) published in 2002. The NSS reads as a textbook interpretation of neoconservative principles. First, it asserts that America is the world's sole superpower.[7] The maintenance of this position in the world is crucial to the continuing security of the country and the world. Furthermore, the NSS asserts

that the nature of American power is unique in that it is congruent with the wishes of the vast majority of inhabitants of this planet because of its support of and foundation in democracy and freedom (National Security Council 2002, chpt. 1).

The NSS redefines the principal threat to the Unites States as a nexus of terrorism, rogue regimes, and WMD. Rogue regimes are defined as states that brutalize their citizens, consistently disregard international law and violate international treaties to which they are party, sponsor terrorism, reject humanitarian values, and aspire to possess WMD (National Security Council 2002, chpt. 5). These regimes, coined the "Axis of Evil" in Bush's State of the Union address on January 29, 2002, are a threat to America and the world precisely because of the characteristics of their domestic political systems. Iran, North Korea and Iraq are all authoritarian governments that to aspire to, or already possess, WMD. Furthermore, the Bush Doctrine asserts that terrorism too is a function of political repression and regime type. Consequently, the Bush Administration stressed the link between Iraq and Al-Qaeda in the prelude to war. In order to eliminate the threat that these regimes pose, which was argued to be primarily ideological, the political identity of the states must be changed to something more amenable to American and global interests, namely democracy. Given the nature of the threat, the United States is justified in carrying out pre-emptive attacks on these regimes; or, "given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past" (National Security Strategy 2002, 15).

Two other ideas encapsulated in the Bush doctrine are important. First, the doctrine subscribes to the concept of bandwagoning. Active use of U.S. power will have both the direct effect, of regime change, and the indirect or domino effect, of spreading the allure of democracy. Democracy was conceived of as virulent: the process of democratization in one state would infect neighbouring countries. For example, Syria's, and perhaps Saudi Arabia's, democratization would follow the establishment of a vibrant democracy in Iraq. As Schmidt and Williams note, "bandwagoning, in this sense, is seen as a moral-political process as well as a strategic military calculation" (Schmidt and Williams 2008, 209). Second, the doctrine was self-consciously unilateral and a deliberate attack on the United Nations, which was seen as a check on U.S. power. The purpose of the invasion of Iraq was to demonstrate to full power of the United States, including its military strength and the values of democracy and freedom, values which many neoconservatives argued that the United Nations did not wholly represent (Krauthammer 2004).

Like Cassandra in Agamemnon's court, the realists argued vociferously against the Iraq War. Ultimately, their prognostications were ignored. The realists' arguments have since been vindicated, however. As Schmidt and Williams write, "realists are aware of the profound costs, both in terms of lives and dollars, that are associated with war. And unlike the neoconservatives and Bush Administration officials who presented the most optimistic assessment of both the war and its consequences, realists warned of the potential dangers of the United States' risky decision to launch a preventive war in Iraq" (Schmidt and Williams 2008, 209). First of all, the realists did not believe that Saddam posed a grave threat to the United States. Saddam's Iraq had no worse a record than Egypt or Israel in terms of regional belligerence, and even if Saddam did have WMD, they would be of little threat to the United States homeland. Iraq did not have the missile technology to hit the continental United States (Schmidt and Williams 2008, 207). Moreover, the connections between the Ba'thist regime in Baghdad and Al-Qaeda was tenuous at best (Schmidt and Williams 2008, 208). Realists argued that Iraq could be contained and constrained for a much lower cost in lives, reputation and money. Furthermore, the realists argued that Iraq could distract the United States from more pressing terrorist threats, such as apprehending Osama bin-Laden.

Realists also doubted that the United States could impose a democracy on Iraq by force –especially in the short-term. An American invasion in the heart of the Arabian Peninsula could incite Arab-nationalist fervour and produce a backlash in a Middle East already sceptical of American designs. Critics pointed to Vietnam as an obvious parallel, highlighting the cost and futility of occupying a hostile state (Mearsheimer 2005). In this regard, the realists proved to be particularly prescient. American presence in Iraq has come to be reviled, a vibrant insurgency has been entrenched in Iraq, and anti-Americanism has proliferated across the region. For example, a poll conducted by the Program on International Policy Attitudes in 2006 found that seventy-eight percent of Iraqis believe that the American presence in their country is provoking, rather than preventing conflict. In the same poll, sixty-one percent of Iraqis supported attacks on Americans (Kristof 2006).

Realism also questions the utility of democracy and its necessary alignment with U.S. interests. For example, the 2006 elections in Gaza brought to power the radical Islamist group Hamas. Similarly, popular support for the Muslim Brotherhood in Egypt has forced the government to outlaw the party, which it saw as a threat to its secular regime.

Finally, realists argued that bandwagoning is based on flawed logic (Mearsheimer 2005, 4-5). When threatened, states do not often capitulate, but instead look for ways to defend themselves. States balance power when they have the opportunity. Countries designated "evil" by the Bush Administration have not buckled in the face of U.S. power; in fact, many have stepped up their efforts to obtain WMD. North Korea tested a nuclear device on October 6, 2006 and again in May 2009 and Iran is still assumed to be seeking nuclear weapon capacity. To a lesser extent, Europe – America's foremost ally – also reacted negatively to the invasion, dragging their feet at the United Nations and drumming up noise about the need to check American military superiority. The neoconservative assumption that states in the Middle East would fall into line after a demonstration of the power of the American military was ultimately based on faulty logic.

The rationale for the second U.S. invasion of Iraq provides a case for analysis of the application of neoconservative thinking to U.S. foreign policy. It is clear the neoconservatives held influence in the Bush White House and that they predicated their rationale for the U.S. invasion on a unique conception of foreign policy. At the same time, an analysis of the various arguments against the invasion that realists expounded on demonstrates the differences between the two theories and their divergent world views.

CONCLUSIONS: THE TRIUMPH OF RATIONALITY AND MUSCULAR LIBERALS

In international affairs, neoconservatism and realism have often been conflated. Although both schools of thought argue that force is an essential ingredient in international relations, their similarities do not go beyond the cursory. An analysis of both the theoretical underpinnings and the rationale for the war in Iraq of the two theories reveals vastly different conceptions of international relations and the logic that motivates the actors in the system.

Neoconservative thinking on IR rests on four interrelated axioms: the necessity and benevolence of American hegemony; the moral imperative of foreign policy; internal state identity as a primary determinate of foreign policy; and the efficacy of using American military might to accomplish foreign policy goals. These principles were used to justify the Iraq War by the Bush Administration. Iraq, a member of the "Axis of Evil," was believed to have posed a threat to America because of what the state

represented – opposition to the proliferation of freedom and democracy throughout the world. The threat of terrorism and a desire for WMD increased the imperative for action. The most effective way to eliminate the threat, according the neoconservatives, was not through containment or isolation, but to actively foster regime change using America's unparalleled military power. Only by changing the ideological composition of Iraq would the threat to America be eliminated. Furthermore, by engaging the American public in a morally righteous foreign policy, the homeland would emerge stronger and more united.

Realism cautions against such brazen ideologizing. Realist scholars argued for prudence and restraint, recognizing that the international system is not an ideological battleground, but an anarchic system governed by the systemic logic of power. It is the nature of the international system which dictates states' actions, not the ideological composition of states. As such, regime type has little or no bearing on international politics. When threatened overtly by a great power, states will pursue balancing strategies, regardless of the internal characteristics of the regime. Peace does not arise from elections, but through effective balancing by great powers.

Theorists have tried to align neoconservative thinking on international relations with various schools of thought. Rapport draws connections between neoconservatism and constructivism (2008), whereas Williams argues that neoconservatives have more in common with the classical realism espoused by Morgenthau (2005). The neoconservative rationale for the invasion of Iraq suggests otherwise. At odds with realism, the neoconservative position more closely resembles that of a muscular liberalism. The purported goals of the neoconservatives in Iraq were a regime change that equated democracy with peace and an alignment of a strategically important region with American interests. From this perspective, neoconservatives look more like muscle-bound cousins of liberals, both espousing the noble goals of world peace through the proliferation of democracy and freedom. However uncomfortable bedfellows they may be, the liberals and neoconservatives share the basic principle that regime type correlates with peace. Indeed, prominent liberal intellectuals were vocal in their support of the Iraq War. For example, Michael Ignatieff, then director of the Carr Centre of Human Rights Policy at Harvard University and a leading public intellectual, presented his case for the Iraq War in the *New York Times Magazine* (2003). Wilsonian idealism, albeit this time with a sharp edge, had reared its head again.

The second conclusion that we can draw from the Iraq War is that the failures of neoconservative-influenced strategy in Iraq present powerful arguments in favour of realism. The realists were vindicated in their assessment of the Iraq War: The Middle East remains largely authoritarian; terrorism has not ended in the region; Osama bin-Laden still looms large; the war in Afghanistan is far from over; and Iraq has degenerated into a quagmire with no clear exit strategy. The assumptions that formed the basis of neoconservatism, that America is a force for good in the international system and that the battle for supremacy was one that must be fought on the plains of culture and ideology, have been undermined by hard realist logic.

Despite realism's timeless logic, the United States still invaded Iraq. The invasion presents a quandary for realists. Here, neoconservatism highlights a principle limitation of realism. Realism does not do a good job of explaining the strategic blunders that America made in deciding to go to war. Imperfect information is one explanation, and the intelligence reports of Iraq possessing WMD did turn out to be false. Even with WMD, however, the direct and imminent threat that Iraq posed to the United States was far from clear. Neoconservatism is useful, then, if not as a comprehensive explanatory theory, at least as an explanation of the linkage between domestic and foreign policy spheres. The neoconservatives were successful at creating a foreign policy that spoke directly to the American population and co-opted powerful interest groups therein. The

Bush Doctrine convinced a nation that has so often nourished isolationist tendencies to engage in a pre-emptive war half way around the world. This is an intriguing topic that could be the subject of further research.

If fundamentally wrong about the utility of American power on the international stage, neoconservatism proved to be effective on the domestic front, undermining strategic calculations based solely on rational definitions of the national interest. As such, it would be unwise to write off the neoconservatives completely. Their ability to excite the American people and to effectively link foreign affairs to a larger, ideological struggle will undoubtedly tempt politicians again. The pendulum of American exceptionalism continues to swing.

NOTES

1. For example, thirty-three prominent realist IR scholars took out an advertisement in the New York Times on September 26, 2002, with the headline "War with Iraq is not in America`s National Interest." Placement of the advertisement was coordinated by Harvard's Stephen M. Walt and the University of Chicago's John J. Mearsheimer (New York Times 2002).

2. Rapport argues that neoconservatives are (somewhat uncomfortable) bedfellows with constructivists in his article "Unexpected Affinities? Neoconservatism's place in IR Theory" (2008). Conversely, Williams argues that neoconservatism has more in common with classical realism in "What is the National Interest? The Neoconservative Challenge in IR Theory" (2005).

3. For classical realists, a state's desire for power emanates from human nature. For structural realists, states amass power in order to survive in a competitive and dangerous world where there is a possibility at any time that war may break out. For a discussion of power and realism, see Schmidt (2005).

4. This proposition becomes decidedly more complex if one investigates the Straussian origins of neoconservative thought in further depth. Strauss argues that good and evil are ultimately functions of power which must be disguised by noble lies for public consumption and obedience. To explore the supposed Straussian origins of neoconservatism is beyond the scope of this paper as I am trying to clarify a neoconservative foreign policy and not discuss in detail the philosophical underpinnings of neoconservative thought, however intriguing the question may be.

5. This position is often oversimplified. It is important to consider that the American military maintains a significant presence in all three countries noted. Moreover, these states are all relatively ethnically homogeneous, and relatively developed, facilitating democratization. Finally, and especially with regard to Germany, the institutional strands of constitutional democracy were already in place before the invasion.

6. For a classic realist discussion of the travails of Vietnam, see Morgenthau (1965).

7. President Bush first elucidated the Bush Doctrine in a speech at West Point Military Academy on June 1st 2002, see Bush (2003 and 2003a) and National Security Council (2002).

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FEMINIST IDENTITIES IN ARGENTINA: THE DIVERGENCE BETWEEN WOMEN'S MOVEMENTS AND FEMINISM

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ABSTRACT

Although women's goals need not be feminist, in Argentina a markedly strong division exists between the women's movement and feminism. While this pattern is not unheard of elsewhere in the world, the case in Argentina has been shaped by a history of political instability which brought women together in the formation of a new identity, shaped by civic engagement in human rights activism and the process of national democratization. Their commonalities as women and, in the case of the *Madres de Plaza de Mayo*, as mothers, eased the process of overcoming the sexist order of society and assisted in finding a new space for women in Argentina. As a result, a women's movement emerged. However, this women's movement has historically been, and continues to be, disconnected from feminist discourse and ideology.

INTRODUCTION

Sonia Alvarez defines a woman's movement as a venue through which individuals can participate in dialogue with the state, in both social and political realms, about practical gender interests (1990, 23). Feminism, alternatively, is defined as a complex ideology which projects a more structured attack against patriarchic state policy and gendered power relations in order to improve strategic gender interests (ibid.).

Although women's goals need not be feminist, in Argentina a markedly strong division exists between the women's movement and feminism. While this pattern is not unheard of elsewhere in the world, the case in Argentina has been shaped by a history of political instability which brought women together in the formation of a new identity, shaped by civic engagement in human rights activism and the process of national democratization. Their commonalities as women and, in the case of the *Madres de Plaza de Mayo*, as mothers, eased the process of overcoming the sexist order of society and assisted in finding a new space for women in Argentina. As a result, a women's movement emerged. However, this women's movement has historically been, and continues to be, disconnected from feminist discourse and ideology. In this research, I seek to understand the current classification of women's involvement in civil society in hopes to determine why such a strong divide exists between the women's movement and feminism in Latin America. More specifically, this paper asks: what are the most important reasons that explain why a majority of Argentine women are reluctant to identify themselves as feminists, especially when they are pursuing strategic gender interests?

Throughout this paper, three main reasons will be presented to explain why Argentine women are disinclined to self-identify as feminists. The first section will describe the various contradictions of feminism found in defining feminism, labelling feminists, and in the paradoxical idea of a global feminism. The second section will identify two possible reasons for this divergence. First, it will argue that Peronism co-opted Argentina's women's movement, implemented anti-feminist policies, and framed feminism as a form of imperialism. The second argument is that the formation of a political identity shaped by motherhood restricted women to traditional roles based on marianismo, created a relationship with the state that was defined by the church, and encouraged activism for others rather than for themselves. Based upon a personal interview with Nora de Cortinas, leader of the *Linea Fundadora* of the *Madres de Plaza de Mayo (Madres)* in Argentina, as well as various informal interviews with feminist academics and students in Buenos Aires, Argentina, this paper will analyse the legitimatization of the partition between women's movements and feminism, and the rationale behind Argentine women's reluctance to identify as feminists.

SECTION I: FEMINIST CONTRADICTIONS IN THE ARGENTINE CONTEXT

During this investigation in Argentina, I discovered that many contradictions exist between women's movements and feminism and that these contradictions contribute to women's disinclination to identify as feminists. Feminism is a complex ideology and, as such, it is plagued with contradictions on various levels. Specifically, contradictions can be seen in the definition of feminism, the labeling of women's actions as feminist, and in the paradoxical nature of global feminism.

First, the absence of a global, unified definition of feminism has dissuaded some women, who are uncertain about what exactly feminism entails, from identifying as feminists. Perhaps it is this misconception that a definition should exist which causes some women to evade it altogether. One way to explain feminism is as a venue through which strategic gender interests are obtained; as a formal attack on the broad issues of gender such as reproduction, labor, discrimination, equality, and violence against women (Alvarez 1990, 24). Alternatively, women's movements can also pursue practical gender interests, which are defined as a reaction to an urgent need, as seen in the case of the Madres (ibid.). The Madres are a social movement made up of the mothers of nearly 30,000 Argentineans who were tortured and disappeared during the 1976 military dictatorship in Argentina.

However, no ideology can be limited to one definition. In an interview with Nora de Cortinas, one of the leaders of the Madres, she explained that the Madres were not a feminist movement; they were a women's movement. When probed as to why this was so, Nora insisted that it was because the Madres did not understand what feminism or the "fight for women's liberation" really was, and that they believed it was a "members only club" (De Cortinas 2007). Nora explained that during her youth, she too misunderstood feminism, because she, like most Madres today, associated feminism with two things: 1) lesbianism; and 2) being better than men (ibid.). However, by becoming involved in the Madres movement, and gaining access to the public sphere and international social movements, Nora learned that "a woman does not need to be a lesbian to be a feminist; feminism is about knowing that our gender and feminism are inside of us" (ibid.), and as such, now identifies as a feminist. By acknowledging that feminism comes from within oneself but also through ones actions, Nora recognizes that there is more to being a feminist than simply being a woman.

Secondly, the contradiction between undertaking feminism and calling oneself a feminist contributes to the reluctance to define oneself as such. This contradiction prompts the following question: Is there a difference between one woman identifying and acting as a feminist and another woman acting as a feminist but not identifying as one? Is it necessary or worthwhile to identify as feminist? For instance, a female leader of a movement could believe that she is not a feminist, but her practices could be closely aligned with feminist values. This contradiction is demonstrated in the case of the Madres.

Di Marco argues that the Madres introduced a new, accessible way for women to engage in politics. They challenge stereotypes and social order, bring women into the public sphere, and act politically without needing to label themselves as a feminist movement (1997, 6). For Di Marco, feminism is not and should not be about such labels (ibid.). Two Madres, pursuing very similar, and arguably feminist, goals, Nora de Cortinas and Hebe de Bonafini, have different opinions on feminism. Hebe de Bonafini, the leader of the *Asociación Madres de Plaza de Mayo* proclaims that "I am not a feminist" (Di Marco, 2006). Her rejection of feminism is based upon the fact that she has had a good family and a good relationship with men (ibid.). In the interview she states that she has had many fights with feminists based on their political practices, admitting that the

fight for women is different for her (ibid.). This suggests that the politics of feminist identification has actually pushed women apart, rather than pulled them together. Hebe concludes her interview claiming that she wants to be remembered as a mother that did more than wash, iron and cook, but not as a feminist (ibid.).

Nora de Cortinas, on the other hand, publicly identifies as a feminist (De Cortinas 2007). De Cortinas suggests that the reason why Madres, such as Hebe, do not identify as feminists, is because they do not understand feminism and they are afraid to change, to leave their lifelong identification as mothers, and embrace something new or something "radical" (ibid.). The example of Hebe de Bonafini clarifies why the gap between the women's movement and feminism exists in Latin America and how the misunderstandings and erroneous definitions of feminism have pushed women away from the ideology altogether. Just as there is no need to declare one definition of feminism, there is also not necessarily a need to label women as feminist or non-feminist. Moreover, identification as a feminist is something that belongs to the individual themselves. Molyneux enriches this theory by arguing that feminist solidarity can be achieved without including a label of feminism (1998, 145). Furthermore, a women's movement, like feminism, cannot be limited to a single definition; rather both are understood in different ways by different people (ibid., 44). What is the difference between feminism and women's movements? Is it the abstract gaps that only exist in theory? And what do those differences really mean on a practical level? Could it be that women themselves are strategically not identifying as feminists in order to maintain support from a patriarchal state? Further, these women may simply misread feminism and reject it because extreme or liberal feminists have created a negative stereotype of feminism.

The final feminist contradiction that causes women to be hesitant in distinguishing themselves as feminists is the presence of global feminist contradictions. The previous statements have exemplified the many different meanings feminism can embody on a local and national level. However, considering the globalized nature of the world today, it is important to also reflect on the inconsistencies between feminisms all over the world. Some Latin American theorists rightfully attack Western feminists who project a "universal theory of injustice and a global vision of what is to be done" without acknowledging the distinctions between class, race, gender, politics and religion that exist between countries (Jaquette 1994, 1). In some analyses, women from Argentina are perceived as victims rather than active actors in feminist theory, which would explain De Cortinas reference to feminism as a "members only club" (De Cortinas 2007). For women who do not understand or feel accepted by that club, feminism is completely unattainable. The demonstrations beg the question: what has caused such contradictions in the Argentine context? Unquestionably, there are multiple answers to this question; however, this paper will be limited to outlining possible responses that emerged from field research and interviews in Argentina.

SECTION II: PERONISING WOMEN, A HISTORY AT ODDS WITH FEMINISM

My first argument applies a historical perspective, suggesting that the reluctance to identify oneself in the feminist movement can be traced back to Peronism. This historical framing of women's roles in society and of feminism has caused women to resist from identifying as feminists. During the 1940s, women's rights in Argentina were symbolized by Evita Peron. Evita occupied a powerful position as a woman active in her husband's politics and was passionately devoted to the working class people through her Eva Peron Foundation. Although Evita espoused women's rights and opened a space for women in politics, this process was contradictory (Alvarez 1990, 22). This section will

argue that the Peronist government of 1946-1955 contributed to the fragmentation of the Argentine women's movement and feminism. By co-opting the Peronist Feminine Party, implementing anti-feminist policies, and framing feminism as a form of imperialism, Peronism generated reluctance for of women to identify themselves as feminists.

The Peron government contributed to the division between the Argentine women's movement and feminism by firstly co-opting Argentina's women's movement into their politics through the Peronist Feminine Party (ibid., 20). While the Party was applauded by women for its immediate social reforms, such as the increase in employment opportunities and a balancing of the wage gap, the state tailored the desires of the women's movement to suit their own political needs and to rally votes (ibid., 21). These social reforms and the interactions between the party and women are subject to common critiques of the goals of liberal feminist theory. This theory focuses on changing laws to include women in politics and encourage gender equality, but it does not criticize the patriarchal state of society and is based upon the existence of a male dominated system (Castells 1996, 22). The Feminine Party provided a space for women to enter into politics but restricted them to traditionally accepted feminine identities, where they could not advocate gender consciousness. Rather, their political participation was based on their roles as supporters of the male leadership, and ultimately, as supporters of Juan Peron (Bonner 2004, 126). Considering Alvarez's definition of feminism as a challenge to patriarchic state policies, it is clear that Peronism was not at all feminist.

Secondly, the Peronist government contributed to the fragmentation between the women's movement and feminism by developing anti-feminist policies (Alvarez 1990, 21). Peron invited women to participate in politics but dissuaded political feminism by pressuring women to abandon feminist language and conform to the conventional role of women as mothers (Bonner 2004, 122). As such, in order to obtain political power, women could not publicly identify as feminists. Moreover, the Peronist Feminine Party assembled a specific group of women, and consciously excluded women's groups that that had been historically affiliated with socialism or anarchism (Alvarez 1990, 21). This resulted in a segregation of the women's movement while positioning women as passive, subordinate, and submissive actors in the political sphere (ibid., 22).

Finally, Evita's framing of feminism as a form of imperialism has contributed to the disinclination of women to identify themselves as feminists. In her book, *La Razón de mi Vida*, Evita declared that feminists outside of Argentina had conquered Latin American women's rights, had wrongly convinced women that they were better than men, and had tried to transform Argentine women into women like themselves (Peron 1952, 148). While Evita's notions were not unanimously accepted by Argentinean women, they did play a very strong role in determining the general understanding of feminism for women in Argentina. Before Peron, the women's movement was strong in Argentina but was divided by different identifications of the enemy – men, capitalism, and imperialism (Alvarez 1990, 24). Feminist literature often cites that Western feminists commit the fallacy of universalizing the experience of middle class women, while falsely identifying women from the "South" as victims, rather than actors in women's movements (Mohanty 1984, 72). As a result, feminism was appropriated by privileged women who were not faced with the struggle of many females in Argentina. Evita articulated the Western birth of feminism and linked it with imperialism in her writings, therefore deterring women from embracing feminist discourse.

Throughout this section, it has been argued that Peron's appeal to women facilitated the emergence of a women's movement under Peronism that was detached from feminism. While Evita opened a space for women in politics, it was not so much to further women's rights, but rather to ensure electoral support. The Peron government framed feminism as a radical ideology that served as a tool for imperialism, creating a fear of feminism. Moreover, the Peron government omitted certain women who were

possible advocates of formal feminism, and reinforced the traditional role that women could occupy in Argentine politics as secondary actors to men, representatives of the family, and non-feminists. Similar forms of state repression against feminism were carried out in China and the Soviet Union. In Argentina, history has maintained the separation of the women's movement from feminism through women's commitment to their role as mothers, which will be discussed in the following section.

SECTION III: MOTHERHOOD, LEAVING LITTLE ROOM FOR FEMINISM

The *Madres de Plaza de Mayo (Madres)* are a group of mothers who responded to the disappearance of their children during the military dictatorship of 1976-1985 by leaving the private sphere of their homes and publicly challenging the state. Therefore, these women, who were traditionally private actors, redefined their roles as mothers through their participation in the public sphere. Graciela Di Marco refers to this new form of motherhood as "social motherhood" (1998, 2). The Madres furthered the emergence of a women's movement in Argentina. However, like Peron, their actions were contradictory. The Madres framed the women's movement in a way that kept women close to their identities as mothers and removed from identities based on feminist values or gender rights. Although their role as women shifted, they remained reluctant to identify as feminists.

In this section, I will argue that one of the main reasons why Argentine women are adverse to identifying themselves as feminists is because motherhood is the defining characteristic of their identities as women. This confines women to traditional roles defined by *marianismo*, commits women to their role of mothers as defined by the Catholic church, and focuses women's political energy on the rights of others before their own. The examination of the Madres in Argentina demonstrates how Di Marco's concept of social motherhood has indeed empowered women and provided a space to protest gender roles but, at the same time, has dissuaded Argentine women from identifying as feminists and limited this space to patriarchic rule.

Argentine women's identification with motherhood disinclined them from identifying as feminists first because it restricted women to roles framed by *marianismo*. The culture of *machismo* – male dominance over men and women in a patriarchic state and culture – that permeates most Latin American countries fosters the emergence of a political cultural system that restrains women to their traditionally defined roles as secondary actors to men (Chant and Craske 2002, 15). Nora de Cortinas, the leader of the Línea Fundadora of the *Madres de Plaza de Mayo* and self-identified feminist, declared that "machismo is fascism", identifying men as the dictators of women's lives (De Cortinas 2007). In juxtaposition with *machismo*, came *marianismo*, which defined the female gender as being semi-divine, morally greater, spiritually powerful, and submissive to the needs of all men (Chant 2002, 9). Evelyn Stephens has argued that the Roman Catholic Church devised *marianismo* as a tool to maintain this idealized form of femininity that the church supported (Chant 2002, 9). The expectation for women to submit to their secondary role as defined by *marianismo* naturally disinclines women from associating with feminism. The Madres emergence into the public environment represents a break with *marianismo*. Still, the ongoing struggle for justice suggests a continuation of systematic suppression of these women. This, in unison with the role that the church played in framing women's identities, is the main determinants in women's unwillingness to identify with feminism and their tendency to identify as mothers.

Second, women's gender identities in Argentina have been and continue to be shaped by the Catholic Church, which for most of history defined women as mothers. During the struggle for suffrage in Argentina, women's success and the relationship

they developed with the nation state were based on defining women as mothers (Bonner 2004, 78). This narrow definition of the woman's role in the public sphere was maintained, and in response to the Madres the Catholic Church insisted that women stayed at home unless they were acting as mothers, in an apolitical, orthodox and non-feminist manner (De Cortinas 2007). A clear contradiction exists between the Catholic Church's view of the mothers and their own view.

Like Peronism, the identification with motherhood provided a space for women to organize, but this space limited political participation and was ruled by a state that silenced feminism (Jaquette 1994, 4). Michelle Bonner explains this as the "historical frame of women's political participation," where women were offered political room in civil society, but the existence of this scope was dependent on the use of motherly, non-feminist language and actions (2004, 120). Alvarez follows this logic in her argument that the mother's groups were given political space by the church, the military and the state because they were believed to pose minimal threats to state security. Through the mother's movements, women could reject military rule because their identification as mothers, not as feminists, justified their actions to the state (Alvarez 1990, 263). This does not mean they could not be feminist or should have been feminists, but reiterates the Argentinean state's resistance to feminism.

Finally, Argentine women resist feminism because they often focus their energy on campaigning for others, rather than for themselves. This leaves little room for groups, such as the Madres, to renegotiate a feminist identity. The Madres represent a group of women who have shifted from passive observers to active agents in social movements. However, their emergence, as argued by Maria Del Carmen Feijoo, was crisis driven and although they play a pivotal role in Argentina's democratization process, their role is directed towards causes beyond the scope of women's rights (1989, 74). The strategy of the Madres is to fight on behalf of their children (they are mothers who are advocates of an apolitical human rights movement for others) focused on pursuing the rights of others, particularly familial rights, before their own rights (Westwood 1996, 18). Their fight is based on securing the family and is one of emotion (Feijoo 1989, 88). The actual formation of the Madres was based upon providing support and comfort to the victims of the dictatorship (Jelin 1994, 45).

The Madres movement binds women to being just that – "madres", and prolongs the traditional definition of a woman as a mother, a caretaker, and a wife. Fiejoo critiques Di Marco's concept of social motherhood and presents her own theory of the "new *marianismo*" (Feijoo 1989, 88). This theory maintains that the Madres' involvement in the human rights movement actually placed a greater responsibility on women to care for others while the state pushed them out of the formal political process. As such, all women were identified as mothers, and these identities substituted the rights of women with the rights of the others whom they were obligated to protect (ibid.). Conversely, it could also be argued that by publicly emerging as mothers these women were, consciously or not, empowered by their new public role as advocates.

This section has demonstrated how the historical political association with motherhood has had a negative effect on women's likelihood to identify with feminism. While the Church and the Madres provided a new avenue for women to become active agents in public politics, this was built upon a patriarchic state which actually placed more social responsibility on women to take care of others. The Madres did instigate the emergence of women's movement in Argentina, but this was completely disconnected from feminism and was a movement conditioned by the state, not by the women themselves.

SECTION IV: DECONSTRUCTED IDENTITIES

One way to understand the contradictions presented throughout this paper is to use a postmodern feminist approach because it allows for these kinds of contradictions between and within theories (Baber and Murray 2001, 25). While one need not be postmodern to resist categorization, it is useful because postmodernism warns against essentialisms, and in the context of Argentina, this means departing from the desire to categorize women as feminists and rather theorize the identities women create for themselves. Bridging this with feminism means that the study of women's marginalization can still be pursued. However, this intersection of postmodernism and feminism does not come uncontested, as many theorists emphasize the practical futility in postmodernism. For the purpose of this study, postmodern feminism does prove useful.

In this paper I have analyzed the historical context of feminism in Argentina, and cited the importance of difference within feminisms as well as the vast array of choices that are available to women. Through postmodern feminism, these many contradictions can make sense and are accessible to women. These contradictory experiences that exist on a local, national and global scale are accepted because each person has their own unique experience with feminism and their distinct reasons for resisting a feminist identity. At the same time, groups of women, such as the Madres, form collective identities within which different versions of feminism are adopted. Postmodernism demands deconstruction and, in this context, there is a need to deconstruct the feminist identity that each woman embodies (ibid.). What difference does it make if a woman, or a feminist, identifies as a feminist? Moreover, if it is easier for women to enter public politics by concealing their innate political identities, should that really be challenged? The case of the Madres suggests that identification as a feminist matters most in terms of preserving the feminist movement as a collective whole. In this case, the pursuit of strategic gender interests is secondary to practical interests.

SECTION V: CONCLUSION

In Argentina, as is the case throughout the world, there are women who are reluctant to identify as feminists, even if the work that they are involved in is pursuing strategic gender interests. Throughout this paper, I have tried to discover the underlying reasons why Latin American women, specifically women from Argentina, fit so well into this category. Through an analysis of Evita and the Peronist approach to feminism, I have presented a historical basis of reasoning for the divide that exists between the women's movement and feminism, and the way in which women's interests are separated by practical and strategic goals. The research and interviews conducted in Buenos Aires, Argentina, expose the forces that maintain this distancing away from feminism, such as *marianismo*, the Church, and the fixation on the rights of others, as within the human rights movement.

These explanations, however, were not exhaustive and for this reason, the final section of this paper draws from postmodern feminism to observe the feminist contradictions that exist on various levels. Primary interviews revealed that each woman's perception of feminism is different, and it is these perceptions, which have been outlined throughout this essay, that have caused women to either claim or disclaim an identity as a feminist, regardless of their actions. While a majority of Argentine women do not identify as feminists, this does not mean they are not pursuing feminist actions. Rather, they are rejecting identification with a theoretical ideology that is unclear and unappealing to them and their everyday practices. The very language of feminism is a predominantly Western concept which has, in many cases, succumbed to universalizing the experience of the woman (Westwood and Radcliffe 1996, 2). This conclusion is important in the Argentine context where women like Nora and Hebe, and

social movements like that of the Madres, are divided over their conflicting identities. A similar distaste for feminism exists in Canada as well, where people who believe in women's rights still reject feminism because of a negative connotation associated with it. This represents a problem with feminism in general as it has developed into an ideology so plagued by misunderstandings and misconceptions that it limits the potential for feminist solidarity both within and between countries. The division of the Madres movement in Argentina demonstrates this consequence.

The Madres, although not a self-declared feminist movement, do represent a group of women who have played an important role in achieving human rights justice in Argentina and removing women from the private domain. The importance of their struggle should not be devalued by their denunciation of gender identities, and perhaps could be recognized as a counter-movement to the contradictory ideology of feminism. This puts forth many questions about what the future of women's movements in Argentina will embody if they remain disconnected from feminism, and calls for further research into the benefits and drawbacks of political action without the label.

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APPROACHING THE PALESTINIAN REFUGEE CRISIS IN LEBANON FROM A MODIFIED HUMAN SECURITY PERSPECTIVE

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ABSTRACT

This paper seeks to examine the Palestinian refugee camps in Lebanon through a modified human security framework and asks the following questions: in what way do Palestinian refugees constitute a human security dilemma? Is this particular refugee group posing serious threats to local, regional and international stability? And finally, how can these issues be appropriately addressed and resolved in a way that will ensure long term success? In order to properly answer such questions, this paper has developed a security framework that is best suited for understanding the current refugee situation in Lebanon. The securities approach presented in this paper acknowledges the importance of humanitarian issues, but places a greater emphasis on the societal, regional and international securitizations of this conflict. After providing the historical context from which the human security dilemma is being perceived, this paper proceeds to examine the refugee situation using the abovementioned societal, regional and international security categories respectively. It concludes by providing potential solutions to the protracted conflict.

INTRODUCTION

Through their existence alone, refugee camps represent a state of limbo and physical disassociation for those dwelling within their borders. Whether resulting from a concerted displacement effort or the inability to feel safe in their place of origin, many refugees flee with the hopes that these camps will provide a sense of security that has become lost to them. Though refugee camps are made to be temporary dwellings, the protracted nature of a conflict leaves many residents unable to return to their homes and left living in substandard conditions for prolonged periods of time (Loescher 2003, 34). As the atrocities brought on by the Sudanese army and paramilitary personnel raiding refugee camps in the Darfur region can attest to, these refugee camps are not the safe havens that they are often hoped to be (Loescher 2003, 36). Though it would be a worthwhile endeavour to look into the particularities of security and human rights in refugee camps all over the world, it would be beyond the scope of this particular examination. As such, a case study of the Palestinian refugee camps in Lebanon as seen from a human security context will be the primary focus of this paper. The protracted situation in Lebanon provides a particularly interesting historical and political context from which to frame such a human securities approach.

This case study will address the following questions: how do Palestinian refugees constitute a human security dilemma? Is this particular refugee group posing serious threats to local, regional and international stability? And finally, how can these issues be appropriately addressed and resolved with the aims of achieving long term success? In order to properly answer such questions, I will first develop a security framework for the current refugee situation in Lebanon. Although the original ideas put forward by the Copenhagen School are useful as a starting point, they are limited in terms of addressing human security issues found in developing countries with refugee crises. Making reference to scholars such as Susanne Schmeidl and Astri Suhrke, this approach herein will be modified to acknowledge the importance of humanitarian issues more directly, while placing a greater emphasis on the roles that security in the societal, regional and international realms hold for this conflict. It should be noted that this paper seeks to offer a pragmatic analysis of an enduring issue which does not fixate on the theoretical aspects of human security. As such, the theoretical component of this essay will be succinct so as to establish a basic foundation of understanding from which to build a comprehensive analysis from. Having established a theoretical foundation from which to work, I will then provide a brief historical account of the Palestinian refugee camp situation in Lebanon. Coupling a theoretical framework with the discussion of

historical circumstances should provide the reader with the necessary context for this human security dilemma. After providing the context, an examination of the refugee situation using the societal, regional and international security categories will follow. Ultimately, I argue that examining the case of Palestinian refugee camps in Lebanon using the aforementioned framework will provide a relevant and up-to-date approach to the contentious refugee issues while acknowledging the human security components necessary to fully comprehend the situation.

The main research problem that must be overcome when conceptualizing this issue is how to appropriately frame and analyze concepts of human security as they concern Palestinian refugees residing within Lebanon's twelve existing refugee camps. To address this problem, I will modify security approaches put forward by Astri Suhrke (Suhrke 2003, 93-95) and Susanne Schmeidl (Schmeidl 2002, 13). These scholars built upon the work of academics involved in the Copenhagen School, a group that made significant contributions to the overall study of human security. For the purposes of this analysis, the specific contributions made by the group concerning the distinction between the concepts of human and societal security will be examined accordingly. The Copenhagen School originally provided the understanding that societal security is concerned with examining the impact migration has on the receiving areas, while human security, on the other hand, examines the needs of the migrants themselves (Suhrke 2003, 99). The distinguishing characteristic between these two categories is that societal security is concerned with the security of the state or society being imposed upon by the refugee influx, while human security is concerned with the security of the individual refugee (Suhrke 2003, 99).

One of the limitations of the Copenhagen School's original concept concerning societal security is that it is founded on "the conditions of the stable and strong industrialized societies," (Suhrke 2003, 98) such as those found in Europe. Suhrke argues that this conception is analytically weak because basing a conception of societal security from the viewpoint of politically stable and strong states limits the applicability of the concept for receiving states that are politically unstable and have longstanding social identity issues (Suhrke 2003, 96). To deal with the inclusivity of the original definitions, in her article "Human Security and the Protection of Refugees," Suhrke broadens the concepts of human and societal security to incorporate the idea of vulnerability. For Suhrke, incorporating vulnerability into an assessment of a refugee crisis is important because actors involved in the refugee crisis "would then consider [the] potential damaging effects from the social and physical environment, as against mitigating factors (such as coping strategies and access to social, political, and economic resources)." (Suhrke 2003, 106) Furthermore, "a critical element of the model is the various ways in which the beneficiaries themselves can contribute to the mitigating factors that reduce vulnerability." (Ibid, 106). The responsibility for coping with the refugee situation is not centred solely on the receiving state and aid actors; refugees must take responsibility for their situation as well. Ultimately, vulnerability needs to be taken into consideration when examining the capabilities of a receiving state, but it should not excuse a refugee population from determining their own political future. For a state that is harbouring politically vulnerable refugees and suffers domestically from chronic political instability, highlighting and incorporating the idea of vulnerability into the overall assessment regarding the Palestinian refugee situation in Lebanon increases the relevance of applying a human security framework to the conflict.

In limiting her examination of security to the human and societal realm, Suhrke does not provide a holistic assessment of a particular refugee crisis. However, in her analysis of the Afghan refugee crisis, Susanne Schmeidl begins to fill this void by providing a broadened set of categories from which to conceptualize and assess a refugee crisis. Schmeidl elaborates on the concept of human security by breaking down

her evaluation of the Afghan crises into four blocks: human security; societal security; state or national security; and regional and international security. In terms of human security, Schmeidl takes the classic interpretation which concerns the bodily safety of an individual. Societal security deals with the perceived threat felt by the receiving state at a domestic and community level (i.e. how the surrounding local populations feel about the incoming refugees); state or national security deals with the internal security threats the refugees activities raise for the receiving state's government (i.e. refugee population's activities encouraging uprising against a national government); and finally regional and international security is concerned with the dispersal of the security crisis to surrounding countries (i.e. when the refugee population's activities begin to involve states other than the sending and receiving state). By expanding what constitutes a human security threat to include these categories, she is providing the opportunity for analysts to comprehensively examine a refugee crisis by invoking a relevant securities perspective. Inspired by Schmeidl's broadened human security categories, my approach argues for a reorganization of these categories to adjust the importance of each of these concepts of security as they apply to the context specific case of the Palestinian refugees in Lebanon.

Human security as an area of study is primarily focused on direct bodily harm and physical threats. Although this is an extremely important element to consider in regards to the overall security situation in Lebanon's Palestinian refugee camps, over-emphasizing this aspect would misconstrue the role it plays in Lebanon's security dilemma. This is not to say that bodily security is unimportant. Rather, the idea is to encourage a shift in the current dialogue pertaining to conceptions of human security as they concern the Palestinian refugee population in Lebanon. The reason for encouraging such a shift is to acknowledge that past theories and studies which focus their arguments on the abhorrent living conditions of the Palestinian population in Lebanon have already done an excellent job in drawing attention to the security plight of this displaced community (UNRWA 2004; Amnesty International 2007; International Crisis Group 2009). In spite of this attention, however, this emphasis has done little to foster lasting policies that can have a positive long-term effect on the Palestinian people. As such, the need for a comprehensive understanding regarding the specific nature of the refugee situation in Lebanon becomes increasingly clear.

As it stands, the Palestinian nation is not only displaced, but has been stateless since 1948. Although the politically contentious issue regarding the right of return and coexistence with the state of Israel is far beyond the parameters of this analysis, the lack of an internationally accepted homeland is a formidable consideration to be taken into account when assessing this security dilemma. While the Palestine-Israel conflict not likely to be resolved in the short-to-medium term, the security needs of both Lebanon and its Palestinian population must be understood in an appropriate manner so that viable options will be considered and lasting political solutions can be adopted. With that being said, it is clear that due to the primacy accorded to Lebanon's domestic considerations, the bodily security of its Palestinian population is a secondary concern within national and political deliberations. This is not because of an inherent dislike or distrust of this displaced population on behalf of the Lebanese polity, as the Lebanese and Palestinians do share notable cultural and linguistic affinities. However, with so much emphasis placed on demographics and confessional representation within Lebanon's consociational government, it becomes exceedingly difficult to give precedence to the human security of an "outside" population when it could compromise the current fragile state of peace which exists between Lebanon's "original" citizens. This neglect on behalf of the Lebanese government towards its refugee population is one of the major impediments that will be actively re-evaluated within this broadened human security paradigm.

Therefore, when making reference to human security in this essay, it is assumed that there exists a common understanding that there is limited human (or bodily)security for the Palestinian refugee population in Lebanon. Refugee camps in Lebanon are well known to suffer from serious problems, as they lack proper infrastructure, are plagued by poverty, and suffer from overcrowding and unemployment (UNRWA 2006). Because the utility of focusing on bodily security has proven inadequate for this particular conflict, there will be an increase in importance accorded to the role that societal security plays within this proposed human security framework. Societal security in this case will deal with the impact the Palestinian refugees have had domestically, particularly in terms of the perceived threat they pose to social identity in Lebanon. In terms of local and regional security, Lebanon's refugee camps figure prominently into the security discussion, as they have often been seen as a focal point of regional conflict (particularly with Lebanon's neighbour, Israel) (Schmeidl 2002, 3-4). They have also been a source of domestic unrest, as illustrated by Lebanese military incursions into Palestinian refugee camps to weed out Fatah al-Islam militants in September 2007 (BBC News Online 2007a).

When looking at this case from an international perspective, the focus is placed on international humanitarian initiatives in addition to the potential for international military intervention resulting from the security risks the camps present. As the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) points out, "Palestinian refugees in Lebanon face specific problems. They do not have social and civil rights, and have very limited access to the government's public health or educational facilities and no access to public social services. (UNRWA 2006). As a result, the majority of the Palestinian inhabitants rely entirely on UNRWA as their "sole provider of education, health and relief and social services." (UNRWA 2006). Sarah Lischer notes that this combination of societal and regional insecurity has resulted in "a highly politicized and militarized environment [which] has eroded the neutrality of humanitarian organizations." (Lischer 2002, 4). The potential of refugee camps to instigate conflict and the motivation for international intervention to alleviate the potential or perceived threats posed by this refugee population will be taken into consideration and examined accordingly. By working within these categories a holistic and thorough evaluation of Lebanon's current situation becomes possible.

PALESTINIAN REFUGEE CAMPS IN LEBANON

The Palestinian refugee saga began shortly after the declaration of the independence of the State of Israel in May 1948. The day after the declaration was made, a collection of Arab armies from the surrounding region came together in opposition of this declaration to wage war against the newly founded state. Thus began the First Arab-Israeli War, which would eventually culminate a year later with the embarrassing defeat of the Arab armies by the Israeli forces and a partition of the former state of Palestine into what is known as the Occupied Territories. Historian William Cleveland notes that, "during spring and early summer 1948, the flight of the Palestinian Arabs was transformed into a permanent mass exodus, as villagers abandoned their ancestral soil and city dwellers left their homes and businesses." (Cleveland 2000, 261). Once the Arab flight had started, various Israeli military initiatives such as the controversial "Plan D"[1] helped contribute to the creation of over 700,000 Palestinian refugees within the territory of Israel and surrounding states (Cleveland 2000, 261). Having nowhere else to go, these refugees were compelled to live in rudimentary camps that were meant to be of a temporary nature and located in Jordan, Lebanon, Syria, and the Gaza Strip and West Bank respectively (Khalidi 2006, 144-145).

By 1950, there were 960,000 Palestinians registered for refugee relief by the United Nations. A combination of the displacements resulting from the onset of

the June War in 1967 and natural population increases saw the number of registered Palestinian refugees rise to 1.3 million by 1968 (Cleveland 2000, 347).[2] It was the 1967 June War in particular that solidified the precarious situation of Palestinian refugees in Lebanon which remains relevant to this day. With an amalgamation of Arab states waging another unsuccessful war against Israel, the result was the loss of additional Palestinian territory to Israel and a failure to liberate Palestine (Cleveland 2000, 349). This loss saw the borders of Israel re-drawn[3] and the Palestinian refugee crisis transform from a temporary situation into a long-term ordeal. The reason for this is quite simple: rather than have the 'right of return' option available to the Palestinian population, the modified borders saw the absorption of Palestinian land and property into the Israeli economy, which in turn "made it next to impossible for Israel to consider the repatriation of Palestinians." (Cleveland 2000, 347).

With a resolution to the crisis appearing nowhere in sight, countries harbouring the Palestinian refugees (also referred to as the Palestinian Diaspora) became rather unwilling long-term hosts for these outcast communities. For the Palestinian refugees residing within Lebanon in particular, the seeming permanence of this population was not received in a positive way by the government. A number of Lebanese politicians argued - and continue to argue - that due to Lebanon's complicated social make-up, the absorption of this population into its country is unfeasible (Haddad 2003, 4). The Palestinians thus came to be viewed as an imposition on the state rather than as a community unwillingly consigned to this situation. Feeling neglected by the international community and seeing their Arab counterparts consistently failing militarily against the Israelis, the Palestinian refugee population began to look internally to address their predicament. The combination of disenchantment by the refugee population and mistreatment by host states led to the creation of a number of militant resistance organizations that were "devoted to armed struggle against Israel," (Cleveland 2000, 349) the most recognized of these groups include Yasser Arafat's Al-Fatah movement and Hamas (Knudsen 2005, 223).

This rise in militant activism and continued disinterest on the part of Lebanon to take responsibility over the refugee situation led to the direct involvement of the international community. In particular, UNRWA took over the majority of humanitarian responsibilities within Lebanon's camps and ensured that the refugees were cared for according to international standards of care (Knudsen 2005, 218). Despite their best efforts, journalist Marvine Howe observes that "those in Lebanon are said to be the most disadvantaged because of restricted access to government schools and healthcare facilities. Also, Lebanon has the highest proportion of refugees living in camps: 211,000, compared to 190,000 outside them." (Howe 2005, 148). Living conditions of the refugee camps are deplorable at best. Cramped living quarters, minimal opportunities for educational advancement, and limited access to proper healthcare are only a few of the issues faced by Palestinian refugees in Lebanon (Zeidan 1999).

With limited prospects to break from the cycle of poverty, violence becomes an attractive outlet in the face of uninhabitable conditions and the continued neglect from the Lebanese government. Although there remains an international humanitarian presence in Lebanon, the current militant tone of the Palestinian refugee struggle represents a major obstacle that humanitarian agencies must overcome. The actions that militants take against Israel from within the borders of such refugee camps puts aid workers in harm's way and compromise the UNRWA's apolitical mandate. The security and humanitarian issues these camps raise now become the central focus of this essay.

SOCIETAL SECURITY

Lebanon is a country whose history is beset with political instability stemming largely from the complex nature of its citizens' social identities. Founded as a state under French mandate in 1920, Lebanon's system of governance was created to appropriately represent the diverse religious groupings of all those residing within the newly founded state. The hope was that by providing such proportional representation, the citizens of Lebanon would not be concerned about equal representation in their government. This would allow for a simple transition towards becoming a cohesive national entity. Known as a consocial democracy, this confessional-based power-sharing government has instead created a legacy of demographically-driven politics that has engrained the primacy of religious affiliations among its citizens. Although representation in Lebanon's government is supposed to be based on the proportion of individuals associated with a particular sect, many have argued that it unfairly favours the Maronite Christian sect (Cobban 1984, 47). Muslims in Lebanon have traditionally felt underrepresented politically, which in turn has fuelled domestic conflict in Lebanon. This was most violently exemplified by the Lebanese Civil War that lasted from 1975 until 1990.

For a country such as Lebanon, whose domestic politics are so heavily centered on the demographic composition of their citizenry, the addition of this mostly Muslim refugee population has put great strains on the country's political make-up. According to the UNRWA, "the number of Palestine refugees registered with UNRWA in Lebanon is currently 409,714, or an estimated 10 percent of the population of Lebanon." (UNRWA 2006). Feeling threatened by this migrant population, the Lebanese government's reaction has translated into hostility against the refugees and led to practices that threaten the Palestinian migrants (Schmeidl 2002, 13). For example, under Lebanon's constitution the permanent settlement of Palestinians in Lebanon is outlawed, making integration of the Palestinian refugees into mainstream Lebanese society an unavailable option (Haddad 2003, 2). In 1995, legislation was passed which specifically deprived Palestinian refugees in Lebanon "of the right to work in the public sector, the professions and skilled jobs. Subsequent laws bar them from the purchase or inheritance of property or even making repairs to their homes." (Howe 2005, 146). As integration is not believed to be viable, the Palestinian population has been left to live in squalid camps on the edges of Lebanon's borders. The Palestinian community remains actively discriminated against by the Lebanese government.

The government's fears are not entirely unfounded. The propensity for members of Lebanon's Palestinian population to impinge upon its social fabric did become apparent during the Civil War, as they provided fuel to the civil conflict on the side of Lebanon's Sunni Muslims. As the Civil War occurred amidst the unabated armed Palestinian resistance against Israel, conflict began to spill over onto Lebanese soil with greater frequency. Not only did this constitute a threat against Lebanese national security, but Sunni Muslims became inspired by the determined nature of the Palestinian resistance. They soon found numerous similarities between their movement for social change and the Palestine liberation movement, which in turn encouraged many Sunni Muslims to pick up arms and participate in the Civil War (Haddad 2003, 31). It is the Palestinian population's ability to inspire domestic unrest such as this which compromises the security of Lebanon's regime, and in turn triggers negative and often detrimental collective reactions by the government against the Palestinian population. Although Lebanon's protectionist mentality is perhaps understandable within this context, the refugees should not be denied social and human rights solely because of their cultural identity. To collectively deny certain human rights to an entire population because of their propensity to change the demographics of a country or to inspire domestic armed struggle is without merit. Such denials, in Lebanon's case, ended up compromising their regional security as many of the refugees within the camps turned to militant groups for protection and representation.

REGIONAL SECURITY

In the aftermath of the 1967 War, the Palestinians began to play a fundamental role in eroding the stability of Lebanon's regime (Haddad 2003, 30). The inability – or rather, unwillingness – of the Lebanese government to take agency over the care of the Palestinian refugees fed into the resentment felt by many individuals residing in the camp. This, in turn, led to the rise of militant activism within Lebanon's camps. The Palestinian Liberation Organization (PLO) for example, turned the refugee population's feelings of neglect against host governments – such as in Lebanon – to increase their influence in the camps (Brynen 1990, 207). With the PLO as its central umbrella organization, there has been a noticeable rise in popularity and support for militant movements among Lebanon's Palestinian community (Knudsen 2005, 222-224). Most notable was the increase in support for Yasser Arafat's Al-Fatah, which openly preached the destruction of the state of Israel (Cleveland 2000, 350). With the rise in influence of the PLO coinciding with both the Lebanese government's disinterest in taking responsibility for the residents of its refugee camps and the inability of the UNRWA to ensure decent living and working conditions, the government eventually handed over control of refugee camps in Lebanon to the PLO (Cleveland 2000, 350). Initially perceived as a means to relieve the Lebanese government of responsibility, with the hope that it would lead to Palestinian capacity building and development, the actions of the PLO within the camps has since demonstrated that this was an ill-conceived decision. Having gained power and control over Lebanon's refugee camps, the PLO used the camps as a foothold to instigate cross-border raids against Israel rather than focusing on capacity building. The Lebanese government did little to nothing to stop such actions (Suleiman 1999, 67), and in effect has compromised security in the region, as these acts by Palestinian militants have led to military action by Israel against PLO strongholds in Lebanon. This is best observed by the Israeli army's reprisal against these militants during the 1982 Lebanon War (most recently renamed as the First Lebanon War after hostilities between the two countries were renewed in 2006). The 1982 War drew Lebanon into the larger precipices of the Arab-Israeli conflict, which it had been able to remain neutral towards prior to this point.

Having been drawn into a military conflict with its regional neighbour due to the actions of the militants within its refugee camps, Lebanon's Palestinian refugee population became directly responsible for compromising the country's regional security. The roots of this militancy, however, can be directly linked to the societal security dilemma. One could argue that the camps would not have provided such a breeding ground for regional violence if conditions inside Lebanon's refugee camps were more liveable and if residents were provided with some semblance of a normal existence. Moreover, if the Lebanese government had been proactive in maintaining order within the camps, it is likely that Lebanon would not have willingly mitigated responsibility of the camps to the openly antagonistic PLO. Ultimately, Lebanon's sense of regional security within the Middle East was compromised as a result of its ambivalence towards the treatment of its refugee population. Had the government been more pragmatic in its approach to the refugee crisis rather than fixating on a flawed concept of domestic security and demographic protectionism, they would not be in the precarious regional position that they remain in today.

INTERNATIONAL SECURITY

Simon Haddad notes that "although the [UNRWA] agency's mandate was intended to be temporary, its existence has been perpetuated because of the refugee problem's intractability." (Haddad 2003, 24). A lack of social and civil rights and limited access to public healthcare and education in Lebanon has led the UNRWA to become the sole

provider of these humanitarian services to its Palestinian population. This allocation of responsibility is significant to international security; by permitting UNRWA to take over humanitarian care, the Lebanese government essentially acknowledged that international intervention was necessary in order to address its Palestinian refugee dilemma. While it can be argued that humanitarian action is in the responsibility of the international community, in this particular case the Lebanese government's minimal role in the provision of humanitarian care of its refugees created a sense of resentment that motivated militancy within the camps and in turn led to regional instability. It is the nature of this regional instability that warrants further investigation within the international security perspective.

The Palestinian issue is an international issue in its very essence, particularly in regards to ideas concerning the Palestinian right to national self determination and the humanitarian issues surrounding their status as a stateless refugee population. The internationalization of the Palestinian cause and the propensity of certain militant Palestinian groups to provoke regional conflict may therefore provide the grounds for a United Nations (UN) military intervention to quell the situation and bring about longstanding regional stability. This option would be particularly appropriate for the UN if this military intervention were framed within a humanitarian discourse. Hypothetically, a significant rise in militant activities by the Palestinian refugee population in Lebanon, which contributes to the further destabilization of an already troubled region and compromises the human rights of residents or refugees within the conflict zone, would obligate the UN to respond (Loescher 2003, 39). This obligation stems from the applicability of Chapter VII of the UN Charter, which specifically outlines situations that call for actions to be taken in respect to threats to the peace, breaches of peace, and acts of aggression (United Nations 1945). As Gil Loescher points outs, "intervention would be aimed not just at the immediate relief of victims, but also at rectifying the conditions that comprise a continuing threat to the peace of other states." (Loescher 2003, 38).

The Middle East currently hosts a number of internationalized conflicts, most notably the war in Iraq. If the Lebanese national government continues to fail in dissuading militancy within its camps - which in turn contributes to the propagation of regional instability, an international body such as the UN may have to take complete responsibility for the security of the refugee population in order to provide some semblance of regional order. Moreover, should Lebanon be unable to provide security and maintain political stability within its borders, the precedent for enduring international involvement in its country already exists (albeit for humanitarian purposes). By allowing an international organization such as the UNRWA to take substantial responsibility away from the government, Lebanon has inadvertently admitted to its political vulnerability and a potential need for organized military assistance from the international community. This vulnerability should not be equated with failure, however, as the Lebanese state could use this international intervention as an opportunity from which to reinforce security and stability within its domestic sphere of influence. By allocating responsibility to an international standing force to maintain military control and ensure the human security of its Palestinian population, Lebanon's government would then be able to dedicate more time and resources to internal issues that have been affecting the country; an option that it has been trying to pursue ever since the Palestinian refugees made their way to Lebanon decades ago.

POTENTIAL SOLUTIONS

Having conceptualized the dilemma that the Palestinian refugee population of Lebanon presents in terms of a human security approach, it is now imperative to consider viable options that would provide sustainable resolutions to this highly contentious

issue. At its most basic level, open dialogue between the Palestinian population and the Lebanese government regarding their mutual concerns would be a positive step forward. Both groups are vulnerable and have reacted towards one another without truly acknowledging the other side's vulnerabilities. A government sanctioned outlet for the refugees to voice their concerns – similar to the refugee councils that were available to the Afghan refugees in Iran, would create an environment that encourages dialogue between the two sides (Lischer 2002, 70). Opportunities to engage in open-forum discussions would facilitate communication between both sides and allow for their concerns to be mutually publicized and acknowledged. A lot can be said for the symbolic importance of a refugee council in Lebanon, for it would demonstrate a concerted effort on behalf of the government towards recognizing the hardships of this group which it has previously neglected. More importantly, the emphasis on peaceful deliberations between the two sides would be beneficial in deterring the refugee population from turning to violence in order to have its grievances heard and recognized.

      While open and honest discourse between the two sides is desirable, dialogue alone will not constitute a long-standing solution to this issue. In addition to establishing outlets for refugees to voice their concerns, changes in national policies which apply to the treatment of these refugees is necessary. In particular, specific government efforts towards institutional changes to improve the living standards of the refugees are needed. While it may be easier for the Lebanese government to insist that this population must be resettled back in Palestine, there remains one major impediment to this contention: there no longer exists an internationally recognized Palestine (Sabel 2007, 156). Officially maintaining an untenable policy whose fulfilment is unlikely given the current situation of the Occupied Territories does not benefit either side in this equation. Admittedly, the motivations for applying these protectionist laws stems from the government's belief that this Sunni Muslim population will upset Lebanon's fragile sectarian balance; however such laws have instead proven to be counterproductive and compromised Lebanon's security. Therefore, given that the Palestinian refugee crisis is a long-term dilemma with no opportunity for repatriation in the foreseeable future, Lebanon's approach towards this population must be reframed and modified accordingly. Bassem Sirhan concludes that,

> The Lebanese state and the PLO should apply themselves to reviving the self-confidence of Palestinians in Lebanon and to restoring their educational standards and training levels. Primarily this requires the 'reopening' of job markets in labour-importing Arab countries, the acquisition of working rights in Lebanon, and access to employment opportunities in Palestinian business firms operating in various regions of the world. Educational opportunities should be improved and broadened through easing the restrictions on Palestinian admission into public secondary schools and technical institutes in Lebanon, and by upgrading UNRWA's educational system. (Abbas et al. 1997, 392)

      Although the complete integration of this population into a politically charged atmosphere such as the one that currently exists in Lebanon does not appear to be a viable option, a concentrated effort must be made to implement the suggestions presented above. What makes these options particularly attractive to Lebanon is that they put minimal stress on the government and encourage individuals to attain an education that will qualify them to work elsewhere in the Arab regions rather than be forced to stay in Lebanon. By improving the socio-economic status of Palestinians and allowing access to the most basic of Lebanon's public institutions, the Lebanese government would be doing a great service for the Palestinian refugees residing within its borders. Such an effort would also be in their long-term security interests, as a relaxation of Lebanon's protectionist laws could lead to a decrease in the appeal of

joining local militant groups. By providing the Palestinian residents with the opportunity to become self-sufficient and to improve their personal living situations, the government will be working to make militant appeals to destabilize Lebanon much less popular, as embracing militancy would compromise their newfound socio-economic progress.

In order for any of these solutions to become viable, Lebanon as a state must become more capable and take responsibility for its refugee population. Although the argument could be made that Lebanon is an unstable country that cannot take on such responsibility, a stronger argument can be made against this supposition. Take, for example, the situation of the Afghan refugees in Iran: when the Afghan refugees began making their way to Iran in 1979, Iran was in the throes of consolidating its government after a drastic domestic revolution (Lischer 2002, 66). The largely Sunni population that migrated to the newly established Shi'a governed Islamic Republic of Iran from Afghanistan presented a problem similar to the Palestinian migration to Lebanon. However, unlike the Lebanese reaction to their migrants, Iran took a proactive approach in dealing with their refugee crisis. Rather than assign most responsibility to international organizations and neglect the needs of the population, the government took direct control over the refugee situation. This, in turn, helped foster a benign Afghan refugee community within Iran that placed minimal strain on the newly formed government (Lischer 2002, 64-71).

Taking elements from the Iranian example and incorporating their own unique experiences into the model, the Lebanese government should place a greater emphasis on maintaining security and improving living conditions within their camps. This could be done by monitoring refugee camps more closely, and becoming much more capable and willing to enforce their restrictions against militancy within the camps. To the government's credit, Lebanon's military has occasionally taken unilateral action to quell troublesome militants in the camps. However, the collective nature of such a rebuttal hurt the general refugee population, and left numerous casualties on both sides (BBC News Online 2007b). Thus, it may be beneficial for the Lebanese government to counter the militant groups in a less aggressive manner. In order to do so, greater cooperation and coordination between the international organizations already working with the refugees in Lebanon and the central government is an appropriate first step towards discovering such options. Having worked directly with the camp population, these aid workers would have a better understanding of the needs and wants of the population than would bureaucrats far removed from the situation on the ground.

Should the Lebanese government prove incapable of changing its position regarding the Palestinian refugee crisis, a UN standing force may indeed be a desirable option for Lebanon. Since the Lebanese government has already allowed the international community to intervene with the provision of humanitarian assistance to its Palestinian refugees, the government should consider appealing for military assistance as well. While the presence of international humanitarian organizations in Lebanon is an admittance of vulnerability, this admittance should not be seen as a threat to the legitimacy of the Lebanese state. Rather, the request for a temporary international standing force to help monitor its refugee population should be framed as the Lebanese government prioritizing the security of its state and the Middle East region. This said, Loescher notes that "there exists significant objection to the 'right' to intervene and to the use of force to resolve human security problems, including refugee crises...consequently, it seems likely that intervention on human rights grounds, even when there is a clear link to security, will continue to be a highly contested issue among states." (Loescher 2003, 41). However, if the Lebanese government makes a direct request for military assistance, the reluctance of the international community to intervene is far less likely. Finally, sovereignty issues are an inherent challenge when dealing with the issue of an international military intervention. Within the frameworks

previously mentioned, Lebanon's sovereignty would not be infringed upon as the parameters for intervention would be decided upon through consultations between the government and the international body in question, rather than imposed upon Lebanon by the international community.

CONCLUSION

Debates regarding how the Lebanese government should handle its Palestinian refugee population are ongoing. It is hoped that by examining the case of Palestinian refugee camps in Lebanon using through a human security framework has provided a relevant example of a better approach for this highly contentious issue. In particular, the proposed shift in emphasis from the bodily security of the Palestinian refugees to a stronger consideration of the role that societal security plays within this proposed human security framework should resonate most prominently for the reader. By modifying our interpretation of human security to include societal, regional and international security categories respectively, the ideas presented provide the foundation for sustainable solutions that will allow for Lebanon to break from the current pattern of political and social stagnation that currently exists for its Palestinian population.

Some of the solutions proposed include, but are not limited to, the creation of an official forum for dialogue between the Palestinian refugee population and the Lebanese government, the re-evaluation of laws in Lebanon that limit the social mobility and absorption of its Palestinian population, as well as an internationally coordinated military intervention. Admittedly, some of the recommendations are highly contentious and will draw criticism, most notably from those who disagree with the use of an international military force for both humanitarian and strategic purposes. Although acknowledging this concern, such perceptions fail to take into consideration the broader implications of military intervention within the realm of human security; specifically that intervention is a valid preventive strategy unto itself. Invariably, disagreements will surface when controversial solutions are being proposed. In the end, however, reconceptualising the way in which a protracted refugee crisis such as the Palestinian case is perceived is required in order to make progress towards ending unnecessary suffering and to establishing the foundation for long-term peace and stability in Lebanon.

NOTES

1. Plan D refers to the campaign approved by leaders of the collection of Israeli forces (particularly the military group known as Haganah) which "provided for the conquest and permanent occupation, or levelling, of Arab villages and towns." (See Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947 – 1949*. Cambridge: University of Cambridge, 1987. Pg. 63)

2. It is worth keeping in mind that these numbers reflect only those who were able to register with the UNRWA, therefore making the total number of Palestinian refugees somewhat higher in total.

3. The re-drawn borders resulting from the June 1967 War continue to be one of the most contentious issues for all sides involved in the Arab-Israeli conflict. Not only did the re-drawn borders increase the size of the state of Israel, but it also led to the occupation of the West Bank, Gaza Strip, East Jerusalem, the Golan Heights, and the Sinai Peninsula by Israel and its military forces. Despite calls by the United Nations and various states in the Middle East for Israel to withdraw to its pre-1967 borders, only the Sinai Peninsula situation has been resolved with a peace agreement signed between Israel and Egypt which saw Israel give back the territory in 1979.

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REVOLUTION OR DISAPPOINTMENT? EARLY PROSPECTS FOR THE IMPLEMENTATION OF ADVANCE MARKET COMMITMENTS FOR VACCINES IN DEVELOPING COUNTRIES

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ABSTRACT

Vaccines have revolutionised health care in the last two centuries, and some of the most recent and dramatic gains have taken place in developing countries. Despite strong evidence about the cost-effectiveness of immunization, millions of people in the developing world die every year of vaccine-preventable diseases, and millions more fall sick and suffer from after-effects that may last for the rest of their lives. The absence of an attractive vaccine market in developing countries is the main reason for this enduring health toll; the problems of depressed prices, research free-riders, and small market size make developing country markets unappealing to vaccine procedures. These hurdles can be overcome by innovative financing mechanisms, such as a pilot Advance Market Commitment (AMC) for pneumococcal vaccines that is currently in its early stages. This paper will argue, that, although the rationale behind Advance Market Commitments is sound, the early implementation of the pneumococcus pilot departs from this rationale in key areas and in ways that may hinder the project's ability to clear the abovementioned hurdles. This has implications not only for the possible success of the current pilot, but also for the prospects of future AMCs for other vaccines.

INTRODUCTION

Vaccines have revolutionised health care in the last two centuries, and some of the most recent -- and dramatic -- gains have taken place in developing countries. Despite strong evidence demonstrating the cost-effectiveness of immunization, millions of people in the developing world die every year of vaccine-preventable diseases, and millions more fall sick and suffer from after-effects that may last for the rest of their lives.

The lack of an attractive vaccine market is the main reason for the lack of comprehensive vaccination in the developing world. The inter-related problems of depressed prices, research free-riders, and small market size make developing-country markets unappealing to vaccine producers. These hurdles can be overcome by innovative financing mechanisms, such as a pilot Advance Market Commitment (AMC) for pneumococcal vaccines that is currently in its early stages.

This paper will argue that, although the rationale behind Advance Market Commitments is sound, the early implementation of the pneumococcus pilot departs from this rationale in key areas and in ways that may hinder the project's ability to clear the abovementioned hurdles. This has implications not only for the possible success of the current pilot, but also for the prospects of future AMCs for other vaccines.

Section one of this paper looks more closely at vaccines and their use -- or lack thereof -- in developing countries. Section two examines the economics of vaccine development, including specific conceptualizations of Advance Purchase Commitments (APCs) and AMCs. Section three analyses the early efforts to implement the pilot AMC against pneumococcus and critiques how these efforts do not always follow the economic rationale to encourage vaccine development. Section four offers concluding thoughts about the future of the pilot project.

VACCINES: CHARACTERISTICS AND COST-EFFECTIVENESS

Mass routine vaccination is one of the most important health interventions that can be introduced in a country's health system. Vaccination does have potential drawbacks: immunizations are administered to healthy individuals, so a vaccine-associated adverse event could create a health problem that would not have taken place otherwise (Beutels 2005, 5-6). Additionally, vaccination requires logistic capabilities (especially since the main targets of vaccination are children, and they must receive the vaccine in a somewhat

timely fashion to maximize its effect) and some degree of physical infrastructure (for example, to keep vaccines sufficiently refrigerated at every point of the process) to achieve useful coverage rates (Beutels 2005, 6; Chokshi and Kesselheim 2008, 750-753). However, these drawbacks pale in comparison to the advantages offered by vaccination: the savings in treatment costs alone are substantial (Plotkin and Robinson 2005, Fig. 1); vaccination requires neither diagnosis nor specialized training for delivery, and; full immunization can be conferred with a small number of doses (Barder, Kremer and Williams 2006, 1). Finally, addressing the question of infrastructure, it must be said that the requirements are not excessive – for example, vaccines can (and have been) distributed in coolers mounted on the back of motorcycles (Wolfson et al. 2008, 33), which is a negligible cost compared to most forms of road infrastructure and transport. Additionally, there is evidence that vaccine introduction often helps develop and strengthen the health infrastructure that is necessary to deliver that and other services (Chokshi and Kesselheim 2008, 750).

Taking all of the above characteristics into account, vaccination emerges as one of the most cost-effective interventions in developed countries, and probably the most cost-effective intervention in developing countries (Beutels 2005, 14). Routine immunizations contained in the original Expanded Program on Immunization (EPI: a World Health Organization vaccination schedule that immunized against tuberculosis at birth, diphtheria, pertussis, tetanus, measles and poliomyelitis) can cost between USD $15-30 per disability-adjusted life year (DALY[1]) (Tulchisky and Varikova 2000, Table 11-2). This is a fraction of the cost per DALY for other important health interventions in developing countries, such as anti-retroviral therapies, which can cost upwards of USD $100 per life-year saved, while vaccination costs USD $16-22 (Barder, Kremer and Williams 2006, 2).

There are two principle reasons for the high cost-effectiveness of vaccines in developing countries. First, cost-effectiveness is evaluated by measuring intervention cost against disease burden indicators (e.g. DALYs). Vaccines usually reach children, which in developing countries suffer from high mortality and high morbidity, with morbidity effects often enduring into adulthood (Grantham-McGregor et al. 2007, 60-70). Any intervention that targets children in this environment will drastically increase productive life-years, as well as life-years in general.

Second, the cost of most EPI vaccines has fallen dramatically in recent years, mostly due to expiring patent protection for the vaccines that had been developed with rich country markets in mind. This allowed additional firms to enter into the market, which in turn increased supply and reduced prices. Additionally, some suppliers have accepted a two-tiered price system, where they sell EPI vaccines at different prices in developed and developing countries, though it must be noted that U.S. companies withdrew from this arrangement not long after its inception (Plahte 2005, 58). Eventually, prices were lowered enough that they became affordable for developing country markets, creating a feedback loop: lower prices meant that developing countries could afford to buy vaccines, which led to more production, lower prices, and even more developing country purchases. This lowered prices even further, to around USD $0.10-0.15 per dose of EPI vaccine (Barder, Kremer and Levine 2005, 8). Finally, although it relates only tangentially to cost-effectiveness, mass vaccination programs are likely to be equitable, and can play a role in reducing health inequalities related to socioeconomic status (Beutels 2005, 16).

Beyond EPI: Underused and Nonexistent Vaccines in Developing Countries

Although EPI vaccines have allowed developing countries to successfully fight some diseases and drastically reduce their burden (Barder, Kremer and Levine 2005, Fig. 1.1), the challenges posed by other potentially vaccine-preventable diseases have not yet been met by immunization schemes. The ensuing relationship between vaccine developers and manufacturers and the developing world has three concrete manifestations.

First, some vaccines do exist, but are still too expensive for developing countries to afford. For example, in the case of the vaccine against *Haemophilus influenzae* type b (Hib), coverage in the developed world is close to universal (92 percent), while in the developing world coverage is much smaller (42 percent), and in least developed countries it is minimal (8 percent) (Morris, Moss and Halsey 2008, 435). Hib is a leading cause of meningitis and pneumonia in children, but the exact burden of Hib infections is hard to pin down, because it is not the only cause of those illnesses (WHO 2005). Estimates put yearly Hib infections at around 3 million, and yearly Hib-related deaths at around 400,000, mostly in developing countries (Morris, Moss and Halsey 2008, 436). Despite the fact that a vaccine has been available since the late 1980s (Barder, Kremer and Levine 2005, 35), and is part of routine immunization schedules in North America and Europe (Jodar and Clemens 2005, 55), Hib vaccination has not taken root in most developing countries. While some of this discrepancy has to do with the difficulty of diagnosing Hib infections and therefore identifying it as a public health problem, most of it has to do with price: for a developing country, one regime of Hib vaccinations (typically three doses) can cost USD $7 per child, compared to USD $1 to vaccinate one child against *all* EPI diseases (WHO 2005).

The second problem is that vaccines designed for developed countries can be less useful (sometimes close to useless) in developing countries. This is the case with rotavirus, a leading cause of diarrhoea in children that is responsible for 5 percent of child deaths worldwide (Glass et al. 2006, 323). Vaccine candidates that did well in trials in the developed world fared poorly in developing countries, especially Africa, likely due to the biology of children in poorer settings being different enough to reduce the effectiveness of the vaccine (Glass et al. 2006, 329). Another example is pneumococcal disease. The bacteria pneumococcus - the leading case of pneumonia, which is in turn the leading worldwide cause of child morality - has different serotypes depending on its geographical location. Vaccines that have been designed to counter the strains of pneumococcus prevalent in North America are often ineffective against the variants of the disease that exist in Africa (Barder, Kremer and Levine 2005, 35).

Lastly, there is the problem of diseases endemic to developing countries for which no vaccine exists at all. Malaria is a prime example of this phenomenon. Although there have been efforts to find a vaccine for malaria, these have run into two obstacles. The first is the technical complexity of developing such a vaccine, since this complexity adds to the cost. The second is the lack of will to conduct research on a disease that, devastating as it may be in the developing world, has been eradicated in the developed world through vector control (Jodar and Clemens 2005, 56; WHO 2008, 1).

Vaccines and Developing Country Markets: Price, Research Incentives and Market Size

The above examples all point to a common trend: vaccine-preventable diseases persist in developing countries because private vaccine manufacturers – pharmaceutical companies – have little commercial incentive to invest in research, development and manufacture of products, such as a malaria vaccine, that would only be attractive to developing country markets. A 2002 study tracking the new drugs – including vaccines –

introduced to the marketplace between 1975 and 1999 found that only about 1 percent (16 out of 1,393) of these products tackled tropical diseases (Touiller at al. 2002, Table 2).

Three private companies – GlaxoSmithKline, Aventis and Merck – produce about 80 percent of global vaccine supply, and because of their participation in the two-tiered system, 88 percent of vaccine sales volume is concentrated in developing countries, while 75 percent of sales revenue is concentrated in developed countries (Beutels 2005, 5-6). Under these conditions, profit-driven private vaccine manufacturers have a strong economic incentive to maximize their sales in developed countries rather than create products that can only be used in developing ones, because the purchasing power of developing country markets simply cannot compensate for the cost of research and development. For example, U.S. companies – which make up almost half of the world's private investment for pharmaceutical R&D – spend 80 percent of their research funds domestically, with less than 2 percent going to less developed countries (Burke & Matin 2008, Table 2.5).

Another related characteristic of vaccine markets is the relatively small number of vaccine purchasers. Some of these, such as international vaccine procurement organizations, buy very large amounts of stock and therefore wield a high degree of power in the market (Barder, Kremer and Williams 2006, 2). These purchasers use this power to drive vaccine prices as close as possible to the marginal cost of production (Berndt et al. 2006, 492). Since the cost of producing vaccines is almost negligible compared to the sunk cost of developing them (Glennerster, Kremer and Williams 2006, 70), vaccine manufacturers would actually lose money if they manufactured a product to deal with a developing country-specific disease.

A second issue that drives vaccine producers away from developing country markets is research incentives. Research is a global public good, and therefore suffers from the free-rider problem inherent to non-excludable goods, and in this case the non-excludable good is successful research.[2] No developing country will want to shoulder a higher bill that would encourage companies to do more research if they can wait for another country to do the same, and subsequently enjoy the benefits of an available vaccine without incurring in the full cost of developing it (Berndt et al. 2006, 492).

A last problem with developing countries is their market size. As technical knowledge and capacity grow, especially within the context of a biotechnology and genetic engineering boom, and researchers run out of 'easy' diseases to tackle, vaccines will become increasingly expensive to research and develop (Beutels 2005, 16). Even with prices that are two-tiered or driven down by international procurement organizations, it is still likely that developing countries will not be able to afford them, even with generous contributions from foreign aid. Given their relative high development costs and low market price, size becomes an absolutely crucial element in a manufacturer's decision to engage a market (Olesen and Hoeveler 2005, 55; Plotkin and Robinson 2005, 25). If developing country markets do not buy a vaccine in large enough quantities, then it is very likely that the vaccine will not be developed at all. While this situation is likely to improve with the growth of middle-income markets, such as China, India and Brazil, it is currently too early to tell whether this will result in final products specifically for developing country diseases.

Overall, vaccines have played a key role in health improvements in developing countries over the last few decades (Olesen and Hieveler 2005, 37). However, as the remaining vaccine-preventable diseases become more expensive to deal with and more localized, it is clear that developing countries will emerge as losers in terms of access to newer vaccines, mainly because drug manufacturers have no incentive to develop and produce items for their markets. The question then becomes: under what conditions would developing country markets become attractive enough to warrant the interest of private vaccine manufacturers?

ECONOMIC INCENTIVES FOR PRODUCT DEVELOPMENT: PUSH VS. PULL

Incentives that would achieve the afore-mentioned goal can be categorized into two large groups: push incentives and pull incentives. Push incentives subsidize research inputs (Glennester, Kremer and Williams 2006, 71), and include both direct financing and indirect incentives, such as tax breaks or the use of legislation to regulate clinical trials and subsequent product licensing[3] (Skolnik 2008, 287-288). Pull incentives reward product development *after* its completion, thus shifting some of the burden of risk from the researcher to the producer, and include direct (prize money, mass product purchase) or indirect (co-payment, market assurance) monetary rewards for the product in question (Skolnik 2008, 289).

In the case of vaccine development, two problems quickly emerge with push strategies. First, vaccine development is an expensive enterprise, reaching up to USD $800 million per product (Plotkin and Robinson 2005, 34). Second, research has no guarantee of success, nor of further product development upon successful completion of basic research; even dead-end or useless research is expensive, especially if it progresses to the trial stages and this may force funding agencies to 'pick winners', thus constraining the course of innovation. While this does not mean that push strategies should not be employed in vaccine development, it does speak to their limits.

Pull strategies create a more solid incentive structure to encourage research, development and production. For example, market size and stability has been found to have a large positive effect on the decision-making process of pharmaceutical research companies (Acemoglu and Linn 2004). Additionally, limited experience with concrete implementation of pull mechanisms, such as the U.S. Orphan Drug Act -- specifically created to encourage drug research for diseases that have a limited market (Glennerster, Kremer and Williams, 2006, 71-72) -- confirm the potential of pull mechanisms to encourage research and development through manipulation of market incentives (Towse and Kettler 2005, 302).

From Advance Purchase Commitments to Advance Market Commitments

An advanced purchase commitment is a pull mechanism that has gained increased popularity among donors and international procurement organizations in the last few years. In essence, an APC involves a commitment by a third party (usually a donor country or organization) to purchase a particular amount of a product that meets certain preset specifications, if and when such a product is developed (Towse and Kettler 2005, 301-302). Characteristics that purchasers would specify include price, disease(s) targeted, and technical specifications (safety, effectiveness, delivery mode, etc.).

The concept of APC was quickly identified as a means to overcome some of the problems inherent to the research, development, and production of vaccines for developing countries. Price guarantees would assuage manufacturers' fears that they would be forced to sell at the marginal cost of production, thereby not recouping research costs, while quantity guarantees would prevent free riders from immediately benefiting from another manufacturer's research by making a cheaper equivalent product. The combination of both guaranteed price and guaranteed quantity would, in theory, create a large enough "pot" to cover the risk-adjusted costs of research.

In 2005, the Center for Global Development fleshed out and expanded the idea of an APC for vaccines, calling it an Advance Market Commitment (AMC). An AMC would be based on the principle features of an APC: a procurement organization would formulate the specifications of a desired vaccine that tackles a health issue in developing

countries and the first firm to produce a vaccine that meets the requirements would be guaranteed the sale of a given amount of product at a predetermined price that would allow it to recoup research costs (Barder, Kremer and Levine 2005, 30). Various estimates agree that the size of the AMC (number of guaranteed doses multiplied by the guaranteed price per dose) would need to have a net present value of about USD $3 billion to lure manufacturers into developing the desired product (Berndt et al. 2006, 496-497; Barder, Kremer and Levine 2005, 30).

AMCs also include a number of new features. The most important is an element of co-payment. Recipient countries could be required to pay part of the guaranteed price of the vaccine, although this amount would be small (Barder, Kremer and Levine 2005, 30) and countries could ask for donor assistance to cover their payment commitment (Tremonti 2005). Additionally, in exchange for the guaranteed initial market (which should be enough to cover research costs) companies would, upon expiry of the AMC, commit to continue providing the vaccine at a lower cost, closer to the marginal cost of production (Barder, Kremer and Levine 2005, 30).

The introduction of co-payments and post-AMC conditions goes to the root of the third problem of marketing vaccines in developing countries: market size. The rationale behind combining these two new mechanisms with the original APC concept is that they would encourage developing countries to keep purchasing and using the vaccine even after they stop receiving funding. This further enlarges the "pot" for firms by creating permanent (if non-guaranteed) markets so that their products will continue to be profitable after recouping research costs. It also ensures the sustainability of the public health gains achieved by the AMC-funded vaccination efforts, and it incentivizes developing country input and participation in the process of determining vaccine specifications.

The last improvement of AMCs on the APC concept is the creation of an Independent Adjudication Committee. This Committee addresses the greatest weakness of the APC mechanism: the time-inconsistency quandary of promises made today for products that will take years to develop. The Independent Adjudication Committee's function is to oversee all arrangements and agreements between donors, purchasers, firms and, if applicable, developing countries, providing a degree of credibility and legal enforceability to the mechanism (Barder, Kremer and Levine 2005, 30).

ADVANCE MARKET COMMITMENTS IN PRACTICE

An AMC for pneumococcal vaccines was designed in 2006, and is currently in its early phases of implementation. The pilot involves GAVI Alliance, a vaccine-focused international health organization that takes care of the programmatic and operational functions of the AMC, and the World Bank, which provides financial and administrative support (World Bank/GAVI 2006, 8). Additionally, UNICEF has a role as the procurement agency that will ultimately sign the purchase agreement for the prospective vaccine (AMC 2008b, 10). An Independent Assessment Committee determines desired product specifications and acts as guarantor of the legally binding accords between GAVI, the World Bank, UNICEF, donors, and manufacturers (World Bank/GAVI 2006, 9).

The pneumococcal AMC features most of the characteristics of the AMC concept outlined by the Center for Global Development. The scheme calls for the development of a multivalent vaccine against pneumococcus that covers the strains of the bacteria that are more common in developing regions of the world, especially Africa (World Bank/GAVI 2006, 17-18). The AMC creates two pre-agreed prices at which the manufacturer commits to sell the vaccine: the short-term "AMC price" (p_{amc}), which should be high enough to incentivize research, and the longer-term "tail price" (p_t),

which would kick in when the AMC period expires. Donors (mostly developed countries, but also the Gates Foundation) commit to pay the difference between these prices (p_{amc} - p_t) for the duration of the AMC, while p_t would be co-paid between GAVI Alliance and the recipient country. This co-payment scheme would be progressive: the first year, GAVI Alliance would shoulder the burden of most of p_t ; by the last year of the AMC, the recipient country should be shouldering most, if not all, of it. When the AMC period expires, the manufacturer will be considered to have recouped its research and development costs and donor contributions will cease, so the price will fall from p_{amc} to p_t . By this point the developing country will pay all of p_t (AMC 2008a, 9).

Critique: Will AMCs do in practice what they are supposed to do in theory?

The pneumococcal AMC pilot is in its nascent stages, so its outcome is still uncertain. There are, however, several early design and implementation issues point to a potential disconnect between the economic rationale behind the AMC concept and the way it is translated into practical terms, as well as concerns over the pilot's objective of evaluating the feasibility of the AMC concept for other vaccines.

The first potential problem is the size of the "pot." As described above, the present net value of a market that would compensate for research is USD $3 billion. Despite a USD $1.5 billion commitment by donors (which is still quite short of the USD $3 billion target), the net present value of received donations is merely USD $828 million (AMC 2008c, 2). While this amount is generally considered adequate by the project's internal review system (AMC 2008a, 4) it is possible that this smaller "pot" will be insufficient to attract firms to the market. While this is not a major concern for the pneumococcal AMC, falling short of funding targets may become a grave problem when applying the lessons learned in the AMC pilot to other diseases.

A second problem relates to the protection of intellectual property, which was a key item in the success of another previous pull mechanism, the Orphan Drug Act (Towse and Kettler 2005, 304). As described, one of the problems of incentivizing production of developing-country-specific vaccines is the tendency of parties to free-ride on pharmaceutical firms' research and development efforts. The Center for Global Development proposed a system that balanced intellectual property protection and competition: entrants into the market would only be allowed if their products were judged by the Independent Assessment Committee to be superior to that of the first entrant (Barder, Kremer and Levine 2005, 47). This would leave the door open to competition and encourage firms to make the best vaccine possible. However, the actual AMC pilot assumes that the "pot" is generous enough to allow second and third profitable entries in a situation of pure competition (World Bank/GAVI 2006, 26-27).

A third set of problems relate to the minimal participation of developing countries in the process. Although developing countries were consulted in the lead-up to the AMC pilot announcement, it is clear that their role will be minor. Most notably, demand, which is a crucial input to determine market size, will be estimated by composite forecasts and estimates, and not determined by signed commitments from the health authorities of developing countries. Demand modeling at this scale is an inexact science, which gives rise to the possibility that actual demand will not meet the supply commitment of the purchase guarantees (World Bank/GAVI 2006, 24). The AMC pilot project would deal with this eventuality by freeing the manufacturer from the difference between its supply commitment and any demand shortfall, allowing it to sell in other markets (AMC 2008b, 22-23). While this is a reasonable compromise, it is not the best way to incentivize manufacturers to invest in underserved markets.

Additionally, building the model on the foundation of guaranteed purchases

based on predicted market conditions instead of on actual market demand runs the risk of prioritizing sponsor preferences over market preferences (Berndt and Hurvitz 2005, 660). Insofar as both preferences may be aligned with the help of forecasting tools, this need not be a problem. However, sponsors may not necessarily align these preferences, and may instead choose to offer a big enough "pot" to attract firms and increase the possibility of successful basic research regardless of whether the ensuing product is actually sold. If vaccine companies conclude the process with warehouses full of unsellable stock, it will be harder to re-engage them in future AMCs.

Also related to the lack of developing country participation in the design of the AMC pilot is a potential problem of price feasibility. While countries do have to express their intent to participate in the project, determination of price is based on calculations made by AMC partners, and not necessarily on the ability or intent of countries to pay (AMC 2008b, 14-15; World Bank/GAVI 2006, 27-28). To compensate for this, as well as for the general difficulty of setting prices years in advance, pt can be paid in full by GAVI Alliance with donor funds. This would adapt copayment to the abilities and constraints of each country (AMC 2008b, 37). While this gives firms further assurances of adequate market size in the short-term, it hinders the long-term sustainability of the program. Without a clear roadmap to gradually transition from GAVI Alliance co-payments to country payments, manufacturers (and sponsors for that matter) will not know if there will still be a market for their products post-AMC. It is possible that, because of the higher price of more technically complex vaccines, countries will not even be able to afford pt (which, from the point of view of the manufacturer is already too low) in sufficiently large quantities to make the prospect appealing to producers.

AMCs are designed so that the AMC price period will cover research and development, regardless of post-AMC events. However, the need for sustainable, long-term markets was one of the most salient points of the Center for Global Development report originally describing AMCs (Barder, Kremer and Levine 2005, Table 2-1 and pp. 25-26). Sustainable, long-term markets have the dual goal of sustaining health gains in developing countries and further engaging the interest of manufacturers, especially for vaccines whose development involves large, high-risk investments. This prospect of adequate markets still exists in the pilot AMC, but its foundation is weaker than that of other aspects of the project. Given the importance of prospective market size in research and development decision-making, properly addressing the post-AMC period should be a major priority.

A final problem relates to the achievement of the pneumococcal AMC pilot's objective of evaluating the feasibility of the AMC concept for other vaccines (AMC 2008a, 7). These other vaccines would likely including the big three: tuberculosis, malaria and HIV (see Tremonti 2005, 16). However, pneumococcus is not the norm among the vaccine-preventable diseases that affect developing countries. Pneumococcus is exceptional because multivalent vaccines already exist for strains found in richer countries, and the development of vaccines that cover developing country strains was already quite advanced by the time the AMC was announced, and was fuelled by demand from middle-income countries (World Bank/GAVI 2006, 4). Under those conditions, while the smaller "pot" of this pilot project may be enough to encourage further research on the remaining steps in pneumococcal vaccine development, it is unclear whether the results of the pneumococcal pilot can be extrapolated to vaccines that need more basic research and have less developed markets.

CONCLUDING THOUGHTS AND PROSPECTS FOR THE FUTURE

The idea of an AMC for vaccines is based on a simple and conceptually sound principle: given the current structure of pharmaceutical research, in order to get vaccine manufacturers to invest in products for developing countries, they need to have a market incentive to do so. A reward that would be granted only if and when a suitable product is developed that achieves a reasonable balance between developing country need and manufacturer self-interest.

The AMC pilot has raised a remarkable amount of money and has enough merit to have attracted considerable interest from donors, manufacturers, developing countries, and the academic world. In general, it is a faithful reflection of the idea of building markets and incentivizing research. Additionally, the pilot is in its early stages of implementation, so potential problems identified here may not progress to worst-case scenarios, or can be corrected before they manifest completely.

However, as happens with the implementation of any new idea, the devil is in the details. In the case of the AMC pilot, it appears that the project has developed the core idea of creating a sufficiently large market to attract pharmaceutical firms, but has failed to take into account subsequent implementation issues, such as the sustainability of long-term markets, actual demand for committed supply, and the conditions for the entry of additional firms into the market if the pilot is successful. These flaws are not inherent to the AMC concept, but are rather the result of implementation choices. While none of the flaws will actually kill the idea, it is worth noting how they may at times contradict the underlying rationale for having AMCs in the first place. These contradictions can and may yet be overcome by the positive aspects of the project, but they should not be dismissed; this is especially true if upon the success of the pilot project, future AMCs tackle comparatively more difficult diseases than pneumococcus. For those future AMCs, all incentives and disincentives – even comparatively minor ones – are likely to count.

A parting thought concerns the level of participation of developing countries in the whole process. Consulting the ministries of health of each country interested in a pneumococcal vaccine so that they can provide complete calculations about demand, capacity to pay, vaccine delivery, etc., would be a long and expensive process. However, this does not mean that it would be a useless one, even without taking into account the benefits of more accurate information for participating firms. Immunization does not happen just because a vaccine has been researched, developed and delivered to the ministry's doorstep. Countries then have to integrate the vaccine in their health systems, hopefully for the long run, which will be difficult if their concerns have been tangential to the process. If the ultimate objective of an AMC is to improve health outcomes, developing countries should have a more prominent place on the table. To do otherwise is to let vaccines, which are merely a means, become the end of the process.

NOTES

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CONFLICT MANAGEMENT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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ABSTRACT

The last two decades have witnessed the use of peace accords as an increasingly popular international response to armed conflict. This means that peace agreements are used more and more as a tool in conflict management. However, the involvement of numerous actors with countless grievances and a need for credible security guarantees has challenged the effectiveness of this mechanism. As a result, certain approaches in the conflict management literature are questioning traditional knowledge and have proposed different strategies to deal with these challenges. This paper critically analyzes the value of three approaches of peace agreements as a tool in conflict management. In particular, this article focuses on Desiree Nilsson's "partial peace", Susan Woodward's "root causes" and Barbara Walter's "credible commitment" approaches and applies them to a case study of the civil war in the eastern Democratic Republic of the Congo (DRC) and the Global and All-Inclusive Peace Agreement (GAIA). By studying these particular approaches, this paper demonstrates why this negotiated settlement was an ineffective tool in managing the conflict in the DRC. It argues that the GAIA failed because it excluded some parties of the conflict, ignored the participants' grievances and did not provide credible security guarantees. Ultimately, it concludes that international efforts in the DRC should not be wasted on certain approaches for peace accords that are destined to fail.

INTRODUCTION

Since the end of the Cold War, international efforts to manage conflict have moved toward negotiated peace settlements. However, the involvement of numerous actors with countless grievances and a need for credible security guarantees has challenged the success of this mechanism. As a result, the conflict management literature has questioned conventional wisdom and debated the importance of including all the warring parties, addressing the root causes (grievances) of the civil war and having credible security guarantees. The literature has proposed more feasible approaches for peace agreements in an attempt to deal with these challenges and improve the effectiveness of accords (Collier 2007, 201).[1] For the purposes of this paper, a successful peace accord is one where the parties adhere to a peace agreement for more than five years and where the majority of the terms of the settlement are successfully and effectively implemented within the specified time period (Human Security Brief 2007, 27, 29).[2]

This debate has repercussions for both policy and practice. For instance, the internationally-negotiated Global and All-Inclusive Peace Agreement (GAIA) of December 2002 failed to end the fighting in the eastern provinces of South Kivu, North Kivu and Ituri (the Kivu Conflict) in the Democratic Republic of the Congo (DRC).[3] The ongoing conflict amongst numerous rebel groups and government troops, despite the GAIA, illustrates the challenges to international efforts to manage conflict. How has excluding warring parties from the peace agreement affected the success of international efforts to manage the conflict in the DRC? Has ignoring the root causes of the warring parties had any discernible effect on global attempts to deal with this war? In what ways have the lack of credible security commitments affected the success of the peace agreement?

The goal of this paper is to better understand why the negotiated settlement in the DRC ultimately failed to contribute to the Congolese peace process. This paper critically analyzes the value of three different approaches to peace agreements as a tool to deal with the conflict in the DRC. In particular, this article focuses on Desiree Nilsson's "partial peace", Susan Woodward's "root causes" and Barbara Walter's "credible commitment" arguments and applies them to a case study of the civil war in the eastern DRC and the GAIA. By studying these particular approaches, this paper

sheds light on why the GAIA was ineffective in resolving the conflict in the DRC and provides recommendations for future peace negotiations in this country. This article ultimately argues that the Congolese peace process failed because it excluded certain parties of the conflict, it did not address the participants' grievances and it fell short of providing credible security guarantees to the participants. The following discussion will investigate the three selected approaches, analyze the context of the Kivu Conflict and the GAIA, and apply the approaches to this case study. Finally, this paper will provide analysis and recommendations on how to reform international efforts dealing with the conflict in the DRC.

PEACE ACCORDS AND THE APPROACHES
Peace Agreements as a Tool in Conflict Management

Negotiated settlements are one of many mechanisms for international efforts to manage conflict. These tools of mediation and negotiation allow for a third party to deal with a civil war without directly using force or supporting one of the participants (Zartman and Touval 2007, 437). Through these non-violent interventions, the warring factions may build enough trust in one another to be prepared to negotiate (Hampson 2006, 14). The desired outcome of these negotiations is to reach a settlement that is mutually acceptable to the warring parties so that they lay down their arms (Ibid; Kriesberg 2007, 14). Upon signing the settlement, the participants commit the groups that they represent to execute the terms of the agreement. Moreover, peace accords may encompass more than the establishment of cease-fires between warring parties. They may also include the integration of belligerents into the national army and/or in political and judicial positions, as well as providing for democratic elections within a certain time period.

The last two decades have witnessed the increased use of peace accords as a response to armed conflict (Bell 2006, 373). From 1950 to 1999 there were eighteen negotiated agreements, yet from 2000 to 2005, there were ten such settlements (Human Security Brief 2007, 30). Interestingly, "the big increase in negotiated settlements during this period suggests that this strategy has been effective" (Ibid). From a policy perspective, peace negotiations and accords may be a high-impact and resource-efficient approach to managing conflict. Peace settlements may not have the same unintended consequences as other conflict management tools, like international peacekeeping missions or economic sanctions.[4] Certain approaches to negotiated settlements suggest that excluding warring parties, overlooking root causes of the conflict or refusing to provide credible security guarantees may still produce successful peace agreements. Yet, traditional wisdom suggests that variation in these components negatively affects the adherence to the accord and the overall peace process. Using a deductive approach, the following section will examine three pertinent theories that will later apply them to the case study.

"Partial Peace", "Root Causes" and "Credible Commitments"

Three approaches in the conflict management literature have proposed different strategies to obtain a peace settlement. Specifically, Nilsson (2008, 479) questions conventional conflict management wisdom that parties excluded from the agreement can jeopardize the peace process by increasing the risk of violence and influencing the signatories' commitment to peace. Defining a "partial peace" as an agreement that excludes certain warring parties, this proposition holds that, while excluded actors

may continue to fight, an all-inclusive peace agreement is not required for establishing peace. Leaving out one or more rebel groups may not necessarily make the signatories more likely to return to war (Ibid, 495). This theory maintains that the signatories would have calculated the non-signatories' possible use of violence into their decision to sign the accord. Since the signatories are aware that another armed group is not signing the peace agreement and they are still committing themselves to peace, the signatories are thus implying that they will deal with the excluded armed group in a manner that complies with the agreement. Therefore, this theory holds that the excluded rebel groups' engagement in conflict does not affect the signatories' commitment to peace (Ibid, 492).

Woodward (2007, 145) contends that addressing the root causes of a conflict will not improve the outcomes and effectiveness of peacemaking interventions. This hypothesis challenges traditional thought that the breakdown of peace is due to "the failure to address the root causes of the conflict" (Ibid). Arguing that a sustainable peace needs to attend to the situation created by the war, this proposition holds that the outcomes, rather than the causes, must be the point of focus (Ibid, 155). In other words, concentrating on the warring parties' grievances will not improve the result of the agreement and may be counterproductive to establishing a sustainable peace. Woodward argues that conventional wisdom is incorrectly based on research from the 1990s that has been largely discredited and that the choices of decision-makers will always take priority over the causes of a particular conflict (Ibid, 154). Thus, Woodward holds that concentrating on root causes will not improve the outcome or increase the likelihood of peace and may even produce additional problems. It is important to note that Woodward argues that focusing on the participants' grievances will not increase the likelihood of peace while this paper tests how ignoring the participants' grievances may negatively affect the adherence to the peace accord.

Lastly, Barbara Walter's (1999) "Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace" refutes conventional wisdom that civil war negotiations fail because combatants overvalue winning the war, will not cooperate or compromise their goals, withhold private information about their relative power, or have made irreversible commitments to their supporters. This theory highlights how, after signing the settlement, the implementation of the internal political, military and territorial terms of the agreement requires a credible third party. According to Walter, in order for these internal commitments to last, four conditions must be satisfied: first, rebels must be given control of key political positions so that they have greater incentives to support a new government; second, former rebels must be integrated into the new military to reduce the potential for dictatorships to oppress or overpower other groups; third, rebels must be able to maintain some regional autonomy so that they have an important fallback position if they do not control the central government; and fourth, promises and guarantees must be used to help opponents distinguish which groups are serious about power-sharing. As a result, the terms of the agreement, such as disarmament and demobilization, make the participating groups vulnerable to security threats from their adversaries. This means that a successful implementation process also requires credible external security guarantees to convince the combatants to adhere to the settlement (Walter 1999). Overall, Walter argues that combatants who are able to resolve their underlying issues will still return to war if credible commitments on the terms of their agreement cannot be guaranteed.

In sum, three approaches drawn from the conflict management literature will be applied to the GAIA. This test aims to better understand why this settlement failed. Nilsson's "Partial Peace" theory will be applied to the case study to investigate the relationship between excluding warring parties from the GAIA and the included parties' adherence to the settlement. Woodward's "Root Causes" argument will be used

to test how ignoring the warring parties' grievances has affected their observance to the agreement. Finally, Walter's "Credible Commitment" will test the relationship between the lack of credible security commitments and the effectiveness of the GAIA.

CASE STUDY: THE KIVU CONFLICT AND THE GAIA

The Kivu Conflict: Background Information

Since the beginning of the colonial era at the end of the 19th century, the DRC has been ravaged by one-sided violence, instability, and armed conflict. In a *coup d'état* in 1965, Colonel Mobutu Sese Seko seized power (CIA World Fact Book 2009). His regime was characterized by corruption and ethnic strife. These difficulties, coupled with a massive influx of refugees from the genocide in Rwanda in 1994, ultimately led to uprisings in the east. In 1997, Laurent-Désiré Kabila, backed by the Rally for Congolese Democracy (RCD) and Rwanda, ousted President Mobutu Sese Seko (MONUC 2009). Soon after, the RCD, made up of Rwandese Tutsis and Congolese Banyamulenge Tutsis, accused the new Congolese president of tribalism and of betraying his people. Backed militarily by Rwanda and Uganda, the RCD emerged in opposition to President Kabila, who enjoyed support from Angola, Zimbabwe and Namibia (Autesserre 2008, 4). The rebel group seized half of the country by 1998. At the same time, other rebel movements emerged, such as the Liberation Movement of the Congo (MLC) which was led by Jean-Pierre Bemba and backed by Uganda (MONUC 2009).

The Lusaka Peace Accords of 1999 established a ceasefire among these state actors and called for their withdrawal from Congolese territory. This agreement also created the United Nations Assistance Mission in the Congo (MONUC) which was tasked with implementing the ceasefire – disarmament, demobilization, and the reintegration process – and facilitating the political transition. In 2001, President Laurent-Désiré Kabila was assassinated. His son, Joseph Kabila, became the new president and continued to oppose the Tutsi and Banyamulenge groups in the east which further fuelled their rebellion (Autesserre 2008, 4).

Despite the Lusaka Peace Accords, fighting in the eastern provinces continued. The situation deteriorated into a civil war involving multiple disputants including government troops, the RCD, Democratic Forces for the Liberation of Rwanda (FDLR),[5] indigenous fighters such as the Mai-Mai,[6] the Movement MLC, and a variety of other armed groups. These various militia groups, having splintered further into factions and umbrella organizations, continue to fight in the eastern provinces, known as the Kivu Conflict.[7]

The Global and All-Inclusive Agreement

Despite its complexity, the international community has attempted to moderate the Kivu Conflict through both peace negotiations and accords. Global efforts to deal with this civil war have included various tools of conflict management, such as international intervention, sanctions on small arms, and negotiations and peace settlements. The GAIA, signed in Pretoria, South Africa in December 2002, tried to establish a ceasefire among the implicated actors to end this conflict in the eastern DRC (Amnesty International 2007, 8). Mediated by the United Nations, this agreement went beyond a ceasefire as it attempted to address key issues affecting the stability of the Congo, such as the deterioration of governance, the breakdown of political order, the corruption and tribalism in the security sector, and the weak and undemocratic national political institutions. MONUC was again responsible for disarmament and disengagement of armed parties (Durch 2006, 247-248). The GAIA formed a transitional government from

among the warring parties which was established in June 2003 (MONUC 2009; Onana and Taylor 2008, 501; Amnesty International 2007, 6). This settlement was a power-sharing arrangement that focused on disarmament, demobilization and reintegration of Congolese combatants, integration of the armed forces, and a variety of other security sector reforms (Onana and Taylor 2008, 501).

MONUC was unable to successfully implement the political and military reforms which were the terms of the GAIA. The transitional government was plagued by deep and systematic tribalism, factionalism, parallel command structures, rampant corruption, military and ethnic rivalries inherited from the war, and prolonged weak institutional capacities (International Crisis Group, 2009). As a result, in early 2004, rebel leaders, such as General Laurent Nkunda of the RCD, refused to take up their political positions and report to Kinshasa. Other militias, like the Mai-Mai, refused to accept the command of military leaders who represented various components of the government (MONUC 2009). By June 2004, the fighting in the eastern provinces of the DRC had reignited. The RCD, for instance, did not agree with the transitional process and rebelled by invading Bukavu, the capital of South Kivu. Other armed groups, such as the FDLR and the Mai-Mai, expanded their hold on certain territories of this province. According to the United Nations Group of Experts on the Democratic Republic of the Congo, these rebel groups have continued low-level fighting ever since the ceasefire broke down in 2004 (Group of Experts 2008, 7-10 and 19-20).

By November 2008, fighting amongst the RCD, the FDLR and the FARDC intensified. The RCD increased their stronghold over a series of towns and villages near Goma, the capital of North Kivu, and the FDLR and Mai-Mai also expanded their presence in the province of South Kivu (BBC November 10, 2008). The situation is further complicated by the presence of natural resources, such as coltan, cassiterite, gold, diamonds, copper, and colbalt. The armed groups are allegedly financed by the profits from this illegal mining industry (Global Witness 2009).

As a result of the civil war and the Kivu Conflict, over 5 million people have been killed, 1.2 million have been internally displaced, 370,374 have become refugees, and approximately 17 million people are presently malnourished (Thomson Reuters Foundation 2008; Alertnet 2008). The deaths from the conflict are the direct consequence of fighting and the indirect result of other factors such as disease and starvation. With ongoing one-sided violence and massacres of civilians, the conflict in the eastern provinces of the DRC is said to be the deadliest conflict since the Second World War (Thomson Reuters Foundation 2008; BBC March 19, 2009).

APPLYING THE APPROACHES TO THE KIVU CONFLICT

This section will critically analyze the effectiveness of the GAIA in the Congolese peace process. To investigate why the GAIA failed, this section will test three approaches in the conflict management literature, specifically, Nilsson's "partial peace", Woodward's "root causes", and Walter's "credible commitment" arguments. The analysis below demonstrates that the GAIA was an ineffective tool in conflict management because it did not include all of the parties to the civil war, address the root causes of the conflict, or provide a credible third party to ensure security and enforce the internal political, military and territorial terms of the settlement. The following section will now apply these theories to the case study.

a) Nilsson's "Partial Peace"

Nilsson's "Partial Peace" models will be simplified for the purposes of this research. The author outlines the negotiation process in terms of bargaining, whereby, as strategic actors, the participants of negotiations try to anticipate the actions of all other actors in the conflict, including those outside of the peace agreement. For this reason, the signatories have an idea of the violent challenges that they may face and are thus taking these possibilities into account when signing the deal. Therefore, the independent variable is the rebel group's inclusion or exclusion in relation to the GAIA and the dependent variable is the duration of this peace accord, defined by the signatories' adherence to the settlement (Nilsson 2008, 485-486).

The independent variable may be determined by investigating which groups were included in the GAIA, which ones were not, and which of those groups returned to fighting. The Agreement was signed by the Government of the DRC, the RCD, the MLC, the political opposition, civil society, the Congolese Rally for Democracy/Liberation Movement (RDC/ML), the Congolese Rally for Democracy/National (RCD/N), and the Mai-Mai (GIAT in the DRC 2002, 2). Pertinent rebel groups active in the region did not sign the GAIA, including the National Congolese Army (ANC), Congolese People's Army (APC), and the FDLR, among others (Democratic Republic of the Congo: Factfile 2007).

Despite the GAIA, a number of rebel groups continued fighting in the eastern conflict. By 2004, the tenuous peace arrangement had collapsed and clashes occurred between groups that were both included and excluded from the settlement. One excluded party, the FDLR, is responsible for low-level fighting, massacres, one-sided violence and the arson of entire villages. These incidents have provoked the signatories to return to conflict (OHCHR 2007, 13). By early 2004, three signatories in particular, the RCD, the FARDC, and the Mai-Mai, resumed fighting against the FDLR and amongst themselves. In May and June of 2004, the RCD invaded Bukavu, the capital of South Kivu. Among other incidents, the RCD has been involved in low-level fighting with the FARDC (Autesserre 2008, 4). Thus, regardless of their commitment to the GAIA, some signatories continued fighting with each other and with an excluded party. The evidence shows that the partial peace was unable to hold, providing no support for Nilsson's (2008, 480) "partial peace" approach which maintains that even if parties are excluded and continue to fight, they will not affect the signatories' commitment to peace.

b) Woodward's "Root Causes"

The second approach to be considered is Woodward's "Root Causes" argument which holds that root causes may have cultural, economic or political dimensions. For instance, an identity group may feel culturally repressed, economically deprived or politically marginalized in relation to the other group. Woodward's theory holds that addressing these grievances will not bring greater success in ending civil wars. The independent variables, in this case, are the peace accords' disregard for the root causes of the war, defined as the rebel group's grievances. Nkunda claimed that he must "better protect his ethnic community" which he believed was threatened by various local and national Congolese armed groups (Autesserre 2008; 4). This rebel commander deeply mistrusted the national government in Kinshasa and feared "that the Banyarwanda community in eastern DRC may be the target of Kinshasa-inspired ethnic violence..." (Amnesty International 2007, 32). Such statements illustrate that Nkunda's principal grievance was the insecurity of his ethnic Tutsis and Banyamulenge communities because they had been the target of the FDLR's massacres (OHCHR 2007, 13). Moreover, the FARDC was equally responsible for "reprisal killings ... against Banyamulenge (Tutsi) soldiers and civilians" (Onana and Taylor 2008, 508).

The GAIA explicitly dealt with the political exclusion of the armed groups and their fear of judicial proceedings by integrating them into the transitional government

and granting general amnesty (Amnesty International 2007, 10 and 24). However, grievances of the involved ethnic communities were by no means the focus of the GAIA, which dealt with the building of national unity through the inclusion of all actors in the political realm rather than addressing the grievances of specific parties, such as Nkunda's RCD. Indeed, the GAIA failed to address the explicit grievances of any particular armed group (GIAT in the DRC 2002, 3-5).

Moreover, the dependent variable for Woodward's "Root Causes" is the signatories' adherence of the peace accord. Despite the signature of the GAIA in 2002, a number of rebel groups resumed fighting by June 2004. The peace settlement collapsed as various signatories, such as the RCD, the FARDC, the Mai Mai, and the FDLR clashed amongst themselves. One signatory in particular, the RCD, escalated its fighting. The RCD claimed that its grievance, the protection of the Tutsi and the Banyamulenge communities, was ignored by the GAIA and that the FDLR and the FARDC threatened these ethnic communities (OHCHR 2007, 13). Nevertheless, this case counters Woodward's proposition that addressing the root causes of a conflict will not improve the outcomes and effectiveness of peacemaking interventions. In fact, it showed that neglecting the warring parties' grievances may worsen the peace accords' likelihood for success.

c) Walter's "Credible Commitments"

Lastly, Walter's "Credible Commitment" argument contends that internal political, military, and territorial commitment and credible third party security guarantees are required to persuade combatants to implement the terms of the peace agreement. This means that the independent variables are the credible internal commitment to implementing the political, military, and territorial terms of the agreement and the external security guarantees. The dependent variable is adherence to the GAIA.

The first test involves the independent variable of political, military, and territorial terms of the agreement which is made up of four conditions, as discussed earlier. When applying these conditions to the case of the Kivu Conflict, it is clear that two out of the four have not been met. First, the rebel groups must be allotted control of key ministries. In the case of the Nkunda-led rebellion, his faction was given significant representation in the chambers of parliament and one out of four vice presidencies (GIAT in the DRC 2002, 16-17).[8] However, in the winter of 2004, RCD Commander Nkunda refused to "take up his appointment as a regional military commander in the transition" which contributed to a crisis and the initial escalation of violence (Onana and Taylor 2008, 508). Next, Walter claims that military integration is required for peace. Although, the GAIA established a restructured and integrated national army, the RCD and the Mai-Mai refused to integrate into the new army because it was plagued by corruption, tribalism and parallel command structures (Onana and Taylor 2008, 501-503). Thus, complete military integration did not happen. Third, the GAIA allowed factions to maintain some regional autonomy over areas previously under their control. Lastly, the signatories of the agreement were able to distinguish which groups are serious about power-sharing by determining whether competing factions signed the GAIA or not. Therefore, only two of these four conditions have been met. This means that the test was the inverse of the argument. Walter's proposition argues the implementation of the political, military, and territorial terms of the agreement are a necessary condition for peace. This is the case for the Kivu Conflict, which re-ignited in 2004 when Nkunda refused his appointment and invaded Bukavu. Therefore, this test supports this part of Walter's theory.

The next part of the "credible commitment" theory requires that a credible third party guarantee the security of the signatories in order for peace to last. In the post-signing disarmament process, the parties were faced with a security dilemma. Disarmament made them vulnerable to other warring parties who may not have laid

down their arms, such as the FDLR in the case of the Kivu conflict. This created the need for a third party to guarantee security and implement the political, military and territorial terms of the agreement. For the Kivu Conflict, this third party was MONUC. When the GAIA was signed in 2002, MONUC's strength was only about 5,000 which was insufficient for a country the size of the DRC (Onana and Taylor 2008, 502). MONUC was generally unable to deal with the conflict. For instance, after the GAIA was signed, a crisis arose in the Ituri province in May 2003. In fighting between ethnic Hema and Lendu militias, "more than 400 people were massacred in two weeks. MONUC was barely able to protect its own personnel, let alone the population of Bunia" (Berkman 2006, 161). Incidents like this illustrated that MONUC was incapable of guaranteeing the security of the various groups in the disarmament process (Berkman 2009, 161). Likewise, "MONUC's efforts to create a buffer zone to block Nkunda's advance failed" (Onana and Taylor 2008, 508). The thinly-spread and "limited deployment of MONUC forces had failed to restore security" (Amnesty International 2007, 47). Therefore, although the argument holds that credible third party security guarantees may constructively contribute to the peace process, the Kivu conflict illustrates that these guarantees are a necessary condition for peace. Without them, the peace process will be hampered which upholds Walter's hypothesis.

Summary

In sum, in order to understand the ineffectiveness of the GAIA as a tool to manage the Kivu Conflict, the "partial peace", "root causes", and "credible commitment" approaches have been tested. The first application found that the excluded party was responsible for low-level fighting which provoked the signatories to return to conflict (OHCHR 2007, 13). This shows that the signatories defied the partial peace agreement, undermining Nilsson's "partial peace" approach. The second test of the Kivu Conflict failed to support Woodward's proposition that addressing the root causes of a conflict will worsen the outcomes and effectiveness of peacemaking interventions. Rather, the test illustrated that the opposite may be true. Finally, the third application found that the peace agreement would fail if the political, military, and territorial terms of the agreement could not be guaranteed. This test also found that without credible third party security guarantees, warring parties fell in to the security dilemma trap. This lends support to Walter's theory.

However, a competing variable or explanation of these theories may be the illegal extraction and trade of natural resources. According to the United Nations' Panel of Experts, "[i]llegal exploitation remains one of the main sources of funding for groups involved in perpetuating conflict, especially in the eastern and north-eastern regions of the Democratic Republic of the Congo" (Panel of Experts 2003, 14). This means that the profits of the illicit industry of natural resources could be one of the rebel groups' motivations to continue fighting. Nevertheless, not including all parties of the conflict, failing to address the root causes of the signatories and the inability to provide credible external and internal guarantees has negatively affected the success of the GAIA. It is important to note, however, that the results of this single case study are only generalizable to future Congolese peace processes and not to other conflicts. The next section will make some suggestions for peacebuilding practitioners.

RECOMMENDATIONS FOR CONFLICT MANAGEMENT IN THE DRC

Recommendations for international efforts to manage conflict in the DRC can be deduced from the above-mentioned findings. The tests illustrate that the success of the peace

settlement in the DRC may depend on certain aspects of the agreement, such as if the accord included all the warring parties, addressed the actors' grievances or established an effective third party to enforce and monitor the settlement. The results show that an excluded party may provoke the signatories to return to fighting. This suggests that, to increase the likelihood of success, the Congolese peace process should include all warring parties. Secondly, the analysis demonstrates that ignoring the warring parties' grievances may not improve the success of the peace accords. As a result, addressing root causes should be a priority in future peace negotiations and settlements in the DRC. Finally, the evidence indicates that the agreement will not hold if the security, political, military and territorial terms of the agreement cannot be guaranteed by a credible third party. This means that international efforts to manage conflict in the DRC should ideally aim to ensure that political, military and territorial terms of the agreement are implemented and the signatories have credible third party security guarantees.

Operationalizing these recommendations may be a great challenge. What if a party refuses to participate in the negotiations? If the grievance is not divisible, how could one resolve the conflict? What if no legitimate and credible third party commits to implementing the agreement? What if these challenges are interlinked and a party refuses to join the peace process until its security can be guaranteed by a third party – which never comes? These are only some realities that challenge practitioners on a regular basis. Obviously, these hurdles cannot be overcome with ease, but the results of this test indicate that practitioners should not settle for 'partial peace' accords that ignore 'root causes' or do not provide 'credible commitments' on security and the terms of the agreement. With limited resources and time, peacemakers in the DRC should strive to include all the warring parties, address their grievances, and commit to long-term third-party engagement to implement and monitor the accord and not waste time settling for less.

CONCLUSION

In sum, the approaches taken to establish the GAIA contributed to the failing peace process in the DRC. This paper has tested the "partial peace", "root causes" and "credible commitment" arguments to investigate how these approaches affect the success of peace agreements. The results provide support against the "partial peace" and "root causes" theories by highlighting the importance of including all warring parties in the agreement and addressing root causes to achieve sustainable peace. This test provides support for the "credible commitment" theory by highlighting how an ineffective third party cannot credibly implement and monitor the terms of the agreement. Therefore, GAIA was an ineffective tool in conflict management because it did not include all parties of the conflict, address the root causes of the signatories, or provide credible external and internal security guarantees; failing to incorporate these elements into the GAIA has ultimately hindered the Congolese peace process. This unsuccessful peace agreement illustrates the challenges posed to international efforts to manage conflict. The international community should not waste its resources on certain approaches of negotiated settlements that are destined to fail.

What if the DRC is an anomaly? Would these approaches be more successful in a simpler conflict? Further research needs to be conducted about the value of these approaches in conflict management efforts in other situations. Secondly, more research is required to find feasible approaches for managing the conflict in the DRC. Further research in this field could look at successful peace accords in other countries and see if their approach would be appropriate for the Congolese peace process. All in all, future research needs to guide conflict management practices to ensure a sustainable peace process in this war-torn region. Despite the failure of the GAIA, it is not too late to establish peace in the DRC.

NOTES

1. For the purposes of this paper, a civil war is defined as one or more dyad where the government and rebel groups use violence that reaches at least one-thousand battle-related deaths per year.

2. The Human Security Report uses a five year benchmark to determine the effectiveness of negotiated settlements.

3. As a result of using a single case study, this paper will only make recommendations that are applicable to this case study and not any other conflict or peace process.

4. For example, peacekeeping and military intervention can cause unintended death to civilians. Economic sanctions can lead to decreased socio-economic development for the civilians in the targeted countries, for instance, United Nations Resolution 661 imposed intense economic sanctions on Iraq in 1990. These sanctions are blamed for increased child-and-infant mortality, poverty and suffering by Iraqi people (Oudraat 2007, 339-40).

5. The FDLR is composed of former interhamwe of the 1994 Rwandan genocide.

6. The Mai-Mai is a term used to refer to a broad variety of indigenous or community-based militia groups formed to defend their territory against both domestic and foreign armed groups.

7. From January to February 2009, the Rwandan Armed Forces actively pursued the FDLR. Allegedly in the DRC on invitation from the government in Kinshasa, the Rwandan military has arrested the leader of the Congress for the Defence of the People, Gen. Laurent Nkunda. The army continues to pursue the FDLR which has started to disarm and repatriate back to Rwanda. Although Rwanda, withdrew from the DRC in February 2009, the dust has yet to settle. The current situation on the ground is uncertain, so this paper will focus on the Kivu Conflict from 1998 to 2008 (BBC, January 28, 2009; BBC, February 25, 2009). The conflict is further complicated by the rebel forces controlling important mining areas. This gives "...them access to funds to sustain the conflict. This was done with the backing of foreign armies who also had financial interests in these enterprises" (Bariagaber 2006, 19).

8. The following entities were given by the corresponding number of seats in the National Assembly: the RCD (94), MLC (94), government (94), political opposition (94), civil society (94), RCD-ML (15), RCD-N (5), Mai-Mai, (10). The following entities were given by the corresponding number of seats in the Senate: RCD (22), MLC (22), government (22), political opposition (22), civil society (22), RCD-ML (4), RCD-N (2), Mai-Mai (4).

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CONFLICT, DISPLACEMENT AND CYCLONE NARGIS: UNDERSTANDING BURMA THROUGH A STUDY OF ITS COMPLEX HUMANITARIAN EMERGENCIES

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ABSTRACT

Burma serves as a microcosm of the most significant and current global challenges and trends. While it is tempting to attach the label of 'chaos' to the context of Burma, David Keen, professor of Complex Emergencies at the London School of Economics, argues that "chaos is really a kind of non-explanation – the label of 'chaos' may serve as an effective cover for all kinds of political and economic manipulation" (2008, 13). Studying Burma as a 'complex emergency' offers the opportunity to conduct a more productive analysis of the Burmese context so as to uncover the roots of political manipulation that the label of 'chaos' often conceals. The understanding that comes from such a study will influence the way in which the international community engages with Burma's leaders and people, and will ultimately affect the course of Burma's future.

INTRODUCTION

It is tempting to complete a study of present-day Burma and declare that it is in chaos. The country is a microcosm of the most significant global challenges and trends that the world is grappling with today: the shift from inter-state wars to intra-state wars; the increasing involvement of non-state actors; growing masses of internally displaced peoples with no durable solutions; the disappearance of humanitarian space; the presence of transnational crime syndicates engaged in drug and human trafficking; the global HIV/AIDS epidemic; child soldiers; identity politics; and unpredictable, despotic leaders. However, while it may be tempting to attach the label of 'chaos' to the context of Burma, David Keen, professor of Complex Emergencies at the London School of Economics, argues that "chaos is really a kind of non-explanation – a confession of bafflement…Meanwhile, the label of 'chaos' may serve as effective cover for all kinds of political and economic manipulation" (Keen 2008, 13). In contrast, studying Burma as a 'complex emergency' offers the opportunity to conduct a more productive analysis of the Burmese context in order to uncover the roots of political manipulation that the label of 'chaos' often conceals. The understanding that comes from such a study will influence the way in which the international community engages with Burma's leaders and people, and will ultimately affect the course of Burma's future.

Described as a 'failed state' or a 'fragile state', Burma (renamed Myanmar by the current military junta) has never existed as one cohesive, stable state. Rather, it has been governed by various leaders (royalty, colonial powers, national governments and military juntas) which have ruled from the capital. Yet these various powers have generally failed to exercise determinative control over the state's regions which are distant from the capital's locus of power. In these outer regions, traditional tribal leaders, warlords or drug lords have tenaciously held power over their ethnically-delineated territories. This remains the predominant reality today.

Historically, rule from the center has had little negative effect on the tribalistic social structures which dominate the rest of the country; however, with the rise of the Burma Socialist Program Party (BSPP) and its leader General Ne Win in 1962, all of this changed. General Ne Win and his successor, General Than Shwe, pursued a policy of national sovereignty through isolationism, brutal autocratic, militaristic domination and identity politics. This has created conditions that the international community now regards as an on-going "complex humanitarian emergency."

Three events have transformed Burma from the "Albania of Asia" to the "South Africa of Asia" (Smith 2003, 621). The first was a shift in political power in 1992 that ended the state's extreme isolationist policies. The second was that this new window into Burma enabled the world to witness the extreme suffering that had been wrought by the socialist regime's disastrous economic policies. The third event was Cyclone Nargis in May 2008: the regime's decision to block aid related to the disaster gripped

global media attention and helped to raise the international community's determination to assist the devastated country.

Now a year after Cyclone Nargis, the international community is beginning to grasp the magnitude of the on-going complex humanitarian emergencies taking place in Burma. This paper will analyse these emergencies using David Keen's approach to complex emergency analysis provided in his book *Complex Emergencies* (2008). This approach will be utilised in an effort to draw out the multi-causal forces underlying Burma's multifaceted situation so as to better analyse possible strategies for constructive change.

To set this on-going emergency in context, this paper will first give a brief overview of Burma's history, economy and demographics. Second, a conceptual understanding of complex humanitarian emergencies will be provided. Third, the complex emergency typology will be employed to discuss the various types of humanitarian crises facing Burma. Finally, the multi-causal factors behind the emergencies will be examined, including the use of identity politics by the military junta since the early-1990s to further its goals, the positive functions of war, and an assessment of the actors that are enabling and benefitting from the war. Based on the understanding that this analysis provides, policy recommendations will be suggested to key actors with vested interests in Burma's future.

53 million Burmese citizens have long been effectively silenced by their leaders and their suffering is immense. The following analysis will look beyond the unproductive label of 'chaos' in order to broaden our understanding of the dynamics that influence Burma's present and future possibilities.

THE CONTEXT
A Colonial History: 'Divide and Rule'
Although Britain's rule began in lower Burma in 1824, the British did not conquer upper Burma until 1885 when a short and dispassionate military campaign succeeded in evicting King Thibaw Min, the last of the Buddhist kings of Burma. Following this conquest, the British ruled Burma as a province of India through a combination of direct and indirect rule following a classic 'divide and rule' strategy. This strategy involved favouring some ethnic groups (the Karen, Chin and Kachin people) over others (ethnic Burmans) and left an enduring mark on a country composed of 135 distinct ethnic groups. Under the British administration, the country was divided into "Burma Proper", which was under colonial administration, and the "Frontier Areas" which were made up of Burma's ethnic minority groups who were controlled by traditional leaders. The "Frontier Areas" were further divided into "Partially Excluded Areas", which had some rights, and "Excluded Areas", which were under the direct control of the British governor. The legacy of these divisions persists today.

Independence
In 1941, the Japanese invaded Burma in what became known as the World War II "Burma Campaign." Following this invasion, the balance of ethnic power in Burma shifted when Aung San, an ethnic Burman, allied with the Japanese in order to oust the British. The Japanese and their Burman forces declared victory in 1942, but the Burmese quickly tired of being a Japanese colony. Together with the British and ethnic minorities, Aung San's Burman forces successfully engaged in the 1942-1945 resistance campaign and forced the Japanese to retreat. Following this, the British worked with Aung San towards Burmese independence and the development of a modern constitution. However, during negotiations, ethnic tensions were high. Groups that the British had favoured for their loyalty (primarily the Karen people) competed for power with the Burmans who

had been excluded from Britain's favour and had supported Japan and the Axis powers during World War II. Although the 1947 Panglong Agreement gave ethnic minorities the option of secession after one year, this option never materialised when the Burmans took power (Walton 2008, 9). Shortly after the Agreement was signed, Aung San was assassinated on July 19, 1947, and the power struggle that ensued marked the beginning of Burma's ongoing civil war.

The short period of independence from 1948 to 1962 was politically unstable as ethnic groups fought for sovereignty and Burmese communist groups fought the socialist government in Rangoon. Burma's first Prime Minister, U-Nu, was finally ousted in 1962 by a military coup after two years of a "caretaker" government headed by General Ne Win. This successful coup ushered in a second reign of control by a junta, this time under General Ne Win's Burma Socialist Program Party (BSPP) (Smith 1999, 15).

General Ne Win ruled with an iron fist. His government's persistent non-accommodation policy towards ethnic minorities institutionalised armed conflict between the government and the insurgents who controlled the ethnic states. Many of these insurgents went on to become war or drug lords over these territories (Lintner 2000, 17). Ne Win also pursued a policy of economic and political isolation from the international political economy which enabled him to consolidate political control within Burma without international interference. This policy of isolation, however, also led the Burmese economy to the brink of collapse (Stover 2007, 6).

In 1987, General Ne Win made the ill-advised move to demonetize much of the currency (the kyat) (Smith 1999, 26). A significant proportion of the population lost their wealth overnight, and the August 8, 1988 (8-8-88) "8888" uprising ensued in which thousands of Burmese protesters were killed. A bloody military coup by the State Law and Order Restoration Council (SLORC) ended the uprising on September 18, 1988 and General Ne Win was forced to step down.

In 1990, SLORC held elections, apparently in an attempt to return the country to a military-headed parliament. However, the junta was very removed from the population, and was shocked when it lost the election to the National League for Democracy (NLD) led by Daw Aung San Suu Kyi (daughter of the assassinated Aung San). Despite the NLD's landslide victory (over 80 percent of the seats), SLORC retained control through martial law, and in 1992 a triumvirate of generals (Generals Than Shwe, Khin Nyunt and Maung Aye) emerged to replace General Ne Win (Clapp 2007, 3).

In 1997, amid accusations of corruption and economic decline, the military government reorganised and emerged as the State Peace and Development Council (SPDC) (Smith 1999, 433). With time, General Than Shwe has succeeded in rising to the top of Burma's triumvirate. He has also cultivated the reputation of being a brutal but colourful despot with illusions of royalty and a fondness for taking guidance from his wife's astrologer.

The Economy

After General Ne Win demonetized the currency in 1987, the economy nearly collapsed and Burma was given "least developed nation" status by the United Nations (UN). However, despite this title Burma is a country of great wealth: it has vast natural resources including oil and natural gas, precious stones and metals, timber, and agricultural and fishery products. It also enjoys significant foreign direct investment (FDI): it is estimated that in 2007 alone Burma had a net trade surplus of USD $3.2 billion and enjoyed strong economic growth (Stover 2007). Paralleled with these positive aspects is a flourishing black market, as Burma is the world's second largest exporter of heroin, the largest producer of meth-amphetamines along with China, and a "Tier 3" country for human trafficking according to the United States Department of State (United States Department of State 2009a).

Prior to the gross economic mismanagement by the SLORC and the SPDC, Burma was the largest rice exporter in the world. Yet today the country receives substantial food aid, rates 138th out of 182 countries on the 2009 United Nations Development Program (UNDP) Human Development Index (HDI), has a healthcare system that rates 190th out of 191 countries with 32 percent of its children under five underweight for their age, and has an annual per capita gross national income of just USD $220 (UNICEF 2007). The official SPDC expenditure on health is about USD $0.70 per capita per annum, or 3 percent of national GDP, making it one of the lowest in the world (John Hopkins et al. 2009, 5). Due to the SPDCs isolationist policy, the people of Burma also receive the least humanitarian aid per capita in the world - about $3 per person per year. This amount is quadruple what the junta spends on health for its own people (USD $0.70 per year). Meanwhile, the junta spends an estimated 40 percent of GDP on military expenditures (Stover et al. 2007, 25). Consequently, Burma provides a complex case study of national development that has been arrested by decades of corrupt, isolationist military rule.

BURMA: A "COMPLEX HUMANITARIAN EMERGENCY"

While most of Burma can be defined as a 'complex emergency', the regions that are in the highest state of emergency are outside of 'Burma Proper'. These include the country's seven states, all of which are located on the Thai-Laos-Burma border, the China-Burma border and the India-Bangladesh-Burma border. These geographic regions are variously referred to as the 'excluded areas,' 'borderlands,' 'periphery,' 'frontier areas,' or the 'ethnic minority territories.' The primary focus of this study will be on this region, as well as the Irrawaddy (Ayeyarwady), Rangoon (Yangon), and Pego (Bago) Divisions that were most affected by Cyclone Nargis in 2008.

How Our Understanding of Complex Emergencies Informs Our Approach

The concept of a "complex emergency" is relatively new, and its definition tends to vary somewhat with the user and the situation. The term first came into use in the mid-1980s when it provided the UN with a way to speak about the war in Mozambique without having to use the term 'war': by calling it a "complex emergency", the UN was able to speak of the conflict without apportioning responsibility. Thus, a "complex emergency" was understood to be multi-causal, and political instability was understood to be a byproduct of underdevelopment. This made "complex emergencies...essentially apolitical...Although the notion of a complex emergency acknowledged the actions of the warring parties, their responsibilities were subsumed beneath the permissive mantle of a pervasive developmental malaise" (Duffield 2007, 85). This politically neutral concept was useful to advance peace negotiations, and helped relief organizations to gain humanitarian access to non-government controlled zones. This approach and its accompanying benefits have certainly been seen at play in Burma following Cyclone Nargis.

Less concerned with being apolitical, medical epidemiologists Toole and Waldman make the important observation that "The evolution of complex humanitarian emergencies follows a relatively consistent sequence: domination of government by one political faction, discrimination against minority ethnic or religious groups or against majority groups by ruling minorities...widespread human rights abuses, leading to civil unrest, violence, and open armed conflict" (Toole and Waldman 1997, 283). This observation perfectly describes the chronology of events in Burma.

Keen also recognizes both the political and humanitarian dimensions of complex emergencies in his definition: "humanitarian crises that are linked with large-scale violent conflict [such as] civil war, ethnic cleansing and genocide" (2008, 1). However, Keen dislikes the term "humanitarian" because of possible assumptions of altruism that may mask the political roots of the emergency.

For the purposes of this paper, the definition for "complex humanitarian emergency" provided by Keely et al. in Forced Migration and Mortality (2001) will be used as it clearly represents the experience of Burma's population while emphasizing both the political roots of the emergency and the mass humanitarian suffering that it has caused:

> A situation in which a large civilian population is affected by a combination of civil or international war, or a gross attempt to restructure the state or society (such as genocide), leading to large-scale population displacement with accompanying deterioration of living conditions (such as food, potable water, shelter, and sanitation) creating the potential for a significant increase in mortality typically during some limited period of time, but sometimes lasting much longer. (Keely et al. 2001, 1)

This essay will employ the complex humanitarian emergency typology to three different types of complex humanitarian emergencies facing Burma. Discussion of their causal factors follows. While there is some overlap between types, it is helpful to use these divisions as each type of emergency necessitates a different response by the international community.

A Complex Humanitarian Emergency Due To Conflict

The first type of complex humanitarian emergency is due to conflict or war. In the context of Burma, the national military forces known as the Tatmadaw have been engaged in conflict with ethnic minority militias since 1948 (Smith 1999, 109). During this time, conflict has caused death and injuries to thousands along with the secondary effects of war such as disease and collateral damage. According to the 2009 Uppsala Conflict Database, there have been 160 different Burmese conflicts since independence (Uppsala Conflict Data Program 2009). While 17 of the 18 non-state armed groups signed cease-fire agreements with the SLORC/SPDC from 1989 to 1995, the war between the Karen National Army and the Tatmadaw has continued in Eastern Burma (Smith 1999, 440-453). To further complicate the matter, the Tatmadaw has also been accused of breaking ceasefire agreements with other non-state armed groups, further escalating the conflict.

Assessing the severity of this emergency is also difficult as data for Burma's ethnic minority states is scarce: published health indicators do not exist for these regions (Beyrer et al. 2006, 1119), nor are there statistics for how many have been killed in these ongoing conflicts. However, data regarding the landmine use of both the Tatmadaw and non-state armed groups is available. In the 2007 report of the International Campaign to Ban Landmines, there were 243 landmine casualties and 10,605 survivors reported. These numbers rank Burma as having one of the highest number of landmine injuries in Asia (International Campaign to Ban Landmines 2007, 44).

While there is very little health data available from these regions, conflict is known to negatively affect health outcomes. The key health indicator used to estimate the overall health of populations in complex emergencies is the crude death rate and crude mortality rate.[1]

In a 2003 study of Eastern Burma, Back Pack Health Worker Teams surveys found that the infant mortality rate was 122 per 1000 live births, the under-five mortality

rate was 276 per 1000, and the crude death rate was 25 per 1000 in these regions (Beyrer et al. 2006, 1122). The same study estimates that the rates are much higher in active conflict areas, with the infant mortality rate at 170 per 1000, the under-five mortality rate at 346 per 1000 and the crude death rate at 29 per 1000. These rates are significantly higher than the conservative rates reported for the whole of Burma (infant mortality rate=71, under-five mortality rate=98, crude death rate=10), or those from neighbouring Thailand (infant mortality rate=13, under-five mortality rate=14) (UNICEF 2009, 9-10).

In the report "Crimes Against Humanity in Eastern Myanmar", Amnesty International argues that there is sufficient evidence to prove that the military junta is committing war crimes and crimes against humanity in the eastern Burmese states. Amnesty International, along with numerous other organizations, have also collected significant evidence of extrajudicial killings, enslavement, forced labour, forced displacement of civilians, torture in conjunction with arbitrary arrests, widespread rape (as a weapon of war) by Tatmadaw forces, as well as other inhumane acts such as the use of landmines and the destruction of property and food. (Amnesty International 2008, 27-28). As well, Human Rights Watch reported in 2002 that the junta uses an estimated 70,000 child soldiers as young as eleven years old (Human Rights Watch 2002); there is also strong evidence of non-state armed groups using children as young as six years old as child soldiers.[2] These allegations give credence to the argument that this situation is an "emergency" warranting the attention and intervention of the international community.

Complex Humanitarian Emergency Due To Rural Famine or Refugee Paradigm

"Complex" is an apt description for the refugee situation in Burma which has been ongoing for over five decades. Internal displacement has occurred primarily because of conflict as well as development issues, both of which have led to severe human rights violations and health emergencies. The effects of Cyclone Nargis as well as the current famine in the Chin State have made Burma home to one of the world's longest protracted refugee situations (Internal Displacement Monitoring Centre 2009).

The devastation caused by this situation has been immense. From 1996 to 2007 alone, at least 3,200 villages in Eastern Burma were destroyed, forcibly relocated or abandoned (Thailand Burma Border Consortium 2008, 18). In 2008, community organisations documented the destruction, forced relocation or abandonment of an additional 142 villages and hiding sites. In the same year there were at least 66,000 new internally displaced persons (IDPs) in Eastern Burma, culminating in at least 450,000 IDPs in the region. Community organizations estimate that 224,000 of these IDPs are living in temporary settlements in ceasefire areas administered by non-state armed groups, 101,000 are hiding in areas affected by conflict, and 126,000 have moved to SPDC-designated relocation sites (Ibid 2008, 20). Notably, the SPDC does not recognise the existence of IDPs resulting from conflict or development failures or human rights violations within its borders, let alone its responsibility to prevent or address the situation according to recognised international standards.

Information on the situation in Western Burma is scarce, but local community groups estimated in 2007 that there were approximately 80,000 IDPs in hiding or living in temporary settlements in the jungles and mountainous areas of northern Rakhine State. Most of these IDPs are stateless Rohingya, assumed to be Bengali citizens by the Burmese junta. The Rohingya are the poorest of the world's poor. Those who live in hiding exist in packed, squalid conditions with rampant disease, no food supplies and little if any clothing (Internal Displacement Monitoring Centre 2009, 96). Stateless and

without identification cards, the Rohingya are unable to travel, work or marry without the permission of the state, and many have had their land and property confiscated. The SPDC is using much of this land to forcibly resettle ethnic groups from other parts of the country in SPDC "model villages" in an effort to change the demographics of the state (Centre on Housing Rights and Evictions 2007, 71). The United Nations High Commission for Refugees (UNHCR) is making small inroads into this region in an effort to improve the situation, but the junta severely limits their capacity.

In addition to the current IDP situation, no durable solutions have been found for the millions of Burmese ethnic minorities who were displaced during the conflict that occurred prior to the ceasefire agreements of the early 1990s. The Thailand Burma Border Consortium estimates that there are actually closer to one million IDPs in Burma, and hundreds of thousands of Burmese refugees in neighbouring countries (Thailand Burma Border Consortium 2008, 8). The impact of this refugee situation on the health status of IDPs has been immense. As a result of increased mobility and a lack of health care, HIV/AIDs has now spread to the general population: Médecins Sans Frontières estimates that there are at least 240,000 infected people who need treatment (Médecins Sans Frontières 2008, 1). Burma also has some of the highest rates of tuberculosis and malaria in the world. From surveys completed in Eastern Burma in 2004, Mullany et al. estimate that forced displacement is likely to increase child mortality by a factor of 2.8, child malnutrition by a factor of 3.22 and landmine injury by a factor of 3.89 (Mullany et al. 2007, 911) . The Burmese refugee situation thus constitutes an on-going complex humanitarian emergency of the greatest magnitude.

COMPLEX HUMANITARIAN EMERGENCY DUE TO SHORT-ONSET, SHORT-DURATION NATURAL DISASTER: CYCLONE NARGIS

The extensive damage generated by Cyclone Nargis was also exacerbated by the choices and actions of the Burmese authorities: it was not simply natural disaster-induced 'chaos.' When the cyclone hit the Irrawaddy Delta 220 km southwest of Rangoon, it packed peak winds of 215 km/h and was rated as a category four storm (International Crisis Group 2008, 8). Two days prior to the cyclone's arrival, the Government of India gave the SPDC numerous warnings of the impending natural disaster, but the junta did nothing to avert the impending loss of life. The cyclone made landfall on May 2, 2008. In total, at least 146,000 lives were lost or are still missing, 3.4 million people were severely affected, and of these, 800,000 were initially displaced (John Hopkins et al. 2009, 5). Cyclone Nargis was the most costly tropical cyclone in the region's recorded history (Georgia Institute of Technology 2009).

The damage and loss of life caused by Cyclone Nargis did not need to be this extensive. The junta's failure to warn, failure to respond, and failure to allow international aid into the region during the first days of the disaster greatly intensified the impact of this catastrophe and transformed it from a natural disaster into a complex humanitarian emergency (Selth 2008, 388). After nearly a month of blocking aid and harassing relief groups, the junta came to an agreement with the Association of Southeast Asian Nations (ASEAN) and the United Nations to form the Tripartite Core Group (TCG). This mechanism was established to work on logistics and develop policies to govern the humanitarian response program in the Irrawaddy Delta. This mechanism has since been hailed as an "unqualified success" by most agencies working in the Delta (Kurtzer 2009). In February 2009, the SPDC announced that the TCG would be extended for an additional year, and the UN and other aid agencies celebrated what they referred to as "unprecedented cooperation" from the regime (International Crisis Group 2008, i).

However, recent reports produced earlier this year by John Hopkins University and Burma Economic Watch (BEW) do not support this positive analysis, and recent developments within the Burmese bureaucracy also cast doubt on the depth of the TCG's "success" (Irrawaddy 2009). In the 2009 John Hopkins report "After the Storm", relief workers documented "systematic obstruction of relief aid, wilful acts of theft and sale of relief supplies, forced relocation, and the use of forced labour for reconstruction projects, including forced child labour" by the military junta (John Hopkins et al. 2009, 2). The report also documents acts of discrimination between victims on the basis of ethnicity, religion, age and gender, showing preference for Burmans, Buddhists, adults and men. The report suggests that there are grounds for charging the regime with crimes against humanity through the International Criminal Court (ICC) (Ibid, 12).

The 2009 BEW report evaluates the TCG's Post-Nargis Recovery and Preparedness Plan (PONREPP) report published in February 2009. This report found the TCG to be "deeply disappointing" - a "throwback to the top-down, state-driven, planning mindset that, in the 1950s and 60s, condemned countless developing countries to stagnation and retreat" (Burma Economic Watch 2009, 1). According to BEW, PONREPP's approach would result in cyclone-damaged homes being replaced in just under one hundred years, an unacceptable benchmark by international humanitarian standards. To date, the state has completed a mere 6 percent of irrigation repairs, a process that is critical for the recovery of this food production and rice-growing region (Ibid, 3). The BEW report also questions PONREPP's funding requests of USD $690 million given recent trade surpluses of USD $3-4 billion (Ibid, 2), and notes that there is a USD $5.4 billion discrepancy between cyclone loss and damages estimates given by the Post-Nargis Joint Assessment (PONJA) and the SPDC report. BEW comments in its blog that this is deemed to be "another sign of the insanity of...increasing the flow of international financial resources into their [SPDC] hands" (Burma Economic Watch 2008).

Finally, since the junta agreed to extend the mandate of the TCG, it has emerged that the junta has transferred the TCG's chairman, the Deputy Minister of Foreign Affairs, into a defunct portfolio. The regime has also halted a program established by the TCG to expedite the visas of foreign aid workers (The Irrawaddy 2009). This represents a significant setback for the future of relief efforts and it appears unlikely that this complex humanitarian emergency will be resolved in a short space of time. However, the regime has the power to set the pace for full recovery and to determine whether the region will "build back better." (Tripartite Core Group 2008, 8). The international community must hold the junta accountable to its commitments in this regard.

KEEN'S MULTI-CAUSAL FORCES AT WORK

In light of these complex humanitarian emergencies, the intractable nature of the military junta may be defined as confounding. Yet Mary P. Callahan, perhaps the leading expert on political authority in Burma, makes a telling observation: "On the surface, the Burmese state appears to be one of the strongest in the world...However, if the SPDC were indeed so strong and omnipotent, it would be difficult to explain the emergence of the multilayered political complexes that organise life in Burma's ethnic states" (2007, 8). Keen's approach to analysing conflict through the complex emergencies lens is helpful to understanding these 'multilayered political complexes'. By considering the multiple causes and functions of war and conflict, one can determine who benefits from maintaining a state of conflict. Only after understanding the multi-causal roots of the complex emergency can one begin to consider how to reduce the suffering it causes, as well as how to move towards an effective peace agreement.

The following section will first consider the causes and functions of war and conflict in Burma. The essay will then consider which parties may benefit from the prolonging of conflict, and in what ways. Based on these insights, modest

recommendations will then be made as to how the international community can work towards mitigating the complex humanitarian emergencies that are occurring on multiple fronts in this battered land.

IDENTITY POLITICS

The military junta has used identity politics to systematically perpetuate conflict against Burma's ethnic minorities since the early 1990s. The regime took this action in response to the 1988 uprising and the 1990 election results which shook the junta's confidence to the core and profoundly impacted the junta's attitude towards ethnic minority populations in Burma. Prior to 1988, ethnic minority groups were barely on the junta's radar. However, their involvement in the '8888' uprising and 1990 election has altered this and they have been increasingly viewed as a threat to those in power.

In order to eliminate the collective threat presented by the state's multiple ethnic groups, the military junta initiated policies to create a new "radicalised definition of citizenship...aimed at rebuilding the state and pacifying the population" (Callahan 2004, 101). What had previously existed as a solid division between 'Burma Proper' and the 'Excluded Areas' became permeable as the junta developed "an unprecedented state-engineered redefinition of the terms of belonging in Burma. This redefinition entails the most concerted government effort at minority assimilation and disempowerment in the twentieth century" (Ibid, 100). To achieve this, the regime banned schools from teaching ethnic languages, made Buddhism the state religion, created ethnic identity cards, and banned citizenship to some minority groups. According to the SPDC, the populations of the ethnic minority states needed to be remade into "Myanmars" by being taught to "think correctly." By doubling their number of battalions in these states, the Tatmadaw, and its arm for mass social organisation, the 'Union Solidarity and Development Association' (USDA), is also ensuring that this happens.

THE FUNCTIONS OF WAR

The SPDC argues that the purpose of war in Burma is to keep the ethnically diverse country unified and intact. However, stated goals and objectives are often very different from implicit ones. The following section will review the unstated goals and objectives of the SPDC.

In Making Enemies: War and State Building in Burma, Callahan observes that war, as much as peace, can serve as a catalyst for institution- and state-building (Callahan 2003). In the context of post-independence Burma, there are many instances in which this has been true: the most critical instance is the way in which the Tatmadaw has grown and expanded from being a military force to a "state within a state" (Smith 2003, 622). In building this military institution, the SPDC has expanded the reach of the Tatmadaw from its traditional defence roles (the "military as institution") to include non-traditional defence roles, such as law enforcement and economic regulation (the "military as government") (Ibid, 626). This transition was formalized in the new 2008 constitution, which mandates "disciplined democracy" in which the Tatmadaw is to hold at least 25 percent of the seats in any new parliament. Thus, war has played a critical role in entrenching the military as the governing party of Burma for perpetuity (or until the constitution is rewritten). War has also served the purpose of limiting dissent to the benefit of the military junta. By negotiating cease-fire agreements with most of the ethnic minority militias, the Tatmadaw is limiting its need to engage in those territories, either with warlords and ethnic insurgents or with their competition. However, this strategy of the Tatmadaw is changing as the military appears to be systematically expanding and consolidating the territory under its control throughout the country. Furthermore, there are many "local and immediate functions of violence" that can be

observed in Burma (Keen 2008, 19). Burma's conflict provides economic benefits to many parties, as will be seen in the next section. War is also providing physical and political safety for the country's elite, especially the SPDC/Tatmadaw and non-state militia leaders. Finally, conflict is providing employment for an estimated 375,000 Tatmadaw forces, as well as for the thousands who are fighting for non-state armed groups. Keen argues that in many cases, war is not the 'end' with abuses being the 'means', but rather, sometimes "the 'end' is to engage in abuses or crimes that bring immediate rewards, while the 'means' is war and the perpetuation of war" (Ibid, 20). This may certainly be the case in Burma where conflict is perpetuated in order to facilitate trafficking in narcotics, illegal goods, and people, while also serving to legitimise crimes against humanity which would not be acceptable in peacetime (i.e., rape, torture, child soldiers, expropriating land for development, etc.). This activity creates a context of chaos, but the label of 'chaos' is not helpful to understanding the productive function of this chaos.

Finally, war also has political functions. The "8888" Uprising in 1988 and the "Saffron Revolution" in 2007 has had the desired effect of weakening political and moral opposition to the regime, namely the National League for Democracy (NLD) led by Aung San Suu Kyi, minority ethnic parties, and protest groups including university students and Buddhist monks. War has also served the political function of maintaining the power of the SPDC and the warlords and drug lords who control much of the territory in the ethnic states. There are many parties benefiting from the state of emergency in Burma and the next section will look at these issues more closely.

ENABLING FORCES: WHO BENEFITS FROM THE WAR ECONOMY, AND WHAT ARE THEIR MOTIVES?

The Military Junta

The military junta would be unable to retain power in Burma without multiple enabling forces providing it with everything from a source of foreign exchange to opportunities to cleanse its collective conscience. In fact, the military junta enjoys a symbiotic relationship with several interest groups operating within its borders: the drug/warlords, non-state armed groups, and multinational corporations (MNCs). Each entity offers some benefit to the junta and, in exchange, receives space in which to operate.

Within the regime, few benefit from the war economy like General Than Shwe's elite inner circle. However, Tatmadaw officers also benefit financially from questionable land deals and resource extraction licenses. The junta also benefits from the profits of the drug trade in exchange for allowing the drug lords to conduct operations in their respective territories. The extent to which the junta benefits from the drug trade is not known, but it is speculated that these profits fund major infrastructure projects throughout the Burmese state (Transnational Institute 2009, 60) and personally enrich the junta's leaders (Lintner 2000, 21).

Warlords, Drug Lords, and Nationalist Militias

Historically, Burma's non-state armed groups began as ethnic minority militias who had an argument with 'Burma Proper'. Over time, General Ne Win's "Four Cuts" policy isolated these groups off from any legitimate means of supporting their 'cause' or their families and villages. Yet these groups were powerful geographically: they were border states, and they evolved to effectively control the borders of a country in deep

economic troubles - at one time, even salt was not available outside of the black market (Smith 1999). Consequently, the black market grew quickly, and the militias benefited by charging levies on every good that passed through their territory. This funded their war with the growing Tatmadaw.

Today, the black market has expanded to include Burma's thriving illicit drug, sex and human trafficking trade. International drug 'king pins' and crime syndicates control this trade from both inside and outside Burma's borders. They rely on the atmosphere of chaos that accompanies conflict and war to provide cover for their work, and they rely on the regime to look the other way; and of course, the junta is generously rewarded for its cooperation (Lintner 2000).

Multinational Corporations (MNCs)

MNCs have legitimate operations in Burma. Yet as their subsidiaries generate profit for the military junta, they are indirectly involved with enabling its continued reign. MNCs in Burma benefit financially from operating in an environment with extremely low labour standards: the Burmese minimum wage is $0.38/day, the age requirement is thirteen years old, and labour unions are banned (United States Department of State 2009a; Ibid 2009b).

Regional Partners

Foreign aid and investment by other states has also played a significant role in enabling the regime's hold on power. Up until 2004, both Japan and the United States had significant investments in Burma: Bertil Lintner, a journalist and an expert on Burma, argues that General Ne Win's regime would most likely have collapsed without Japanese aid (Lintner 2008). However, the Japanese ended their support in 2004 following the murder of a Japanese journalist and the sacking of General Khin Nyunt, with whom the Japanese had made significant progress on plans for macro-economic reform. The United States also pulled out and imposed sanctions on the regime following the Deypayin assassination attempt on Aung San Suu Kyi in 2004.

These withdrawals made space for China and other neighbouring countries, Thailand, India, Singapore, Malaysia and South Korea, to move in with a combination of FDI, aid and financial services. These countries benefit from access to Burma's rich natural resources, and particularly from oil and natural gas, as well as FDI opportunities for their countries. Singaporean-registered financial institutions and trading companies (Asia World, owned by Burmese (Kokang) drug kingpin Lo Hsing Tang's family, in particular) also benefit from money laundering for the drug trade and significant security contracts (McKenna 2005; McCartan 2009).

However, it is China that has become the most important foreign actor in Burma, taking advantage of Western boycotts (United States and European Union) to wield significant economic power over its smaller neighbour. According to an unnamed diplomat in China, the relationship is Machiavellian: since the early 1990s, China has been an economic, political, and military lifeline for the SPDC (Jagan, 2009). Research from the University of California, Berkeley and Johns Hopkins Bloomberg School of Public Health argues that "without China's $1.6 billion in military assistance and naval modernisation, Burma would not have been able to create the second largest military, behind Vietnam, in Southeast Asia" (Stover et al. 2007, 25). In exchange, China seeks natural resources to maintain its economic growth. As well, China wants to "secure its security capabilities by expanding its access to the Bay of Bengal and the Andaman Sea thus allowing for greater protection of its...trade routes and the development of a modern maritime reconnaissance system" (Ibid, 26). So far, both parties – the SPDC and China – appear relatively happy with the relationship.

RECOMMENDATIONS

Based on the insights gained through analysing the situation in Burma's ethnic states as complex humanitarian emergencies, a number of recommendations can be made:

1. With regard to the complex humanitarian emergency due to Cyclone Nargis, it is apparent that the junta is attempting to deceive and undermine the United Nations and ASEAN. In light of this, it is not appropriate for the international community to administer funds through the state's administration. The functionality of the Tripartite Core Group must also be re-evaluated by the United Nations and ASEAN.

2. With regard to the role of non-state armed groups, the international community should find a way to broker deals in which the non-state armed groups desist from human rights violations in exchange for humanitarian assistance. There is hope for this option because of the groups' lack of interest in state control, as well as past constructive efforts the non-state armed groups have made to involve the international community in their affairs.

3. With regard to the military junta, it is difficult to see how power could be taken back from the Tatmadaw if its power becomes entrenched in Parliament following national elections in 2010. The international community, the United States in particular, should therefore cooperate to pressure the junta to reopen the constitutional process before 2010.

4. With regard to the complex humanitarian emergency stemming from the protracted refugee crisis, the international community should pressure and support the Thai government to provide meaningful support services to Burmese refugees entering Thailand, as well as to Burmese who cross over to access support services. Thailand should not be left on its own to either finance or manage this situation. Furthermore, non-governmental organisations already serving the population within Burma should be given financial assistance by the international community in order to expand their work as much as possible.

CONCLUSION

Burma is indeed both "complex" and an "emergency"; to deem it anything less would confuse and hence detract from the attention that the international community needs to give it. By describing Burma's disaster situations using the complex humanitarian emergency framework, this research has sought to disregard problematic and limiting labels such as 'chaos' that have been used to describe Burma. Instead, it has been argued that the political and economic causal dynamics that have perpetuated the status quo must be understood. Only then will the international community be equipped to make informed decisions regarding how best to target relief and assistance. And only then will state leaders understand how to engage Burma's leadership in order to bring about positive change for the people of Burma.

Despite the fact that aspects of Burma's complex emergencies have been going on for decades, the sense of urgency that is embodied in the word "emergency" must not be lost. For Burma's ethnic minorities daily life is very uncertain: adults have a 19 percent chance of not surviving past the age of forty (UNDP 2009), and women have a 1 in 12 chance of dying in childbirth (Internal Displacement Monitoring Centre 2009, 150). While Mark Duffield uses the phrase "permanent emergency" to describe such situations (Duffield 1994), complacency can quickly set in where there is a notion of permanence. Similarly, if there is a sense of confusion or chaos, futility can set it and undermine the desire for action. Neither must happen.

Burmese citizens around the world are calling for the international community to help them regain agency over their lives. While there is much international good will for this to happen, until now the international response has been divided. In order to

bring effective positive change to Burma's minority groups, the international community must present a unified front to the seemingly intractable Burmese government. Herein lies the only possibility for success.

NOTES

1. The crude mortality rate most accurately represents [in a single measure] the health status of emergency-affected populations" (Toole and Waldman 1997, 286-87). The crude death rate (CDR) refers to a rate of deaths per 1,000 per year, while the crude mortality rate (CMR) refers to the number of deaths per 10,000 people per day. A CMR of 1.0 indicates an elevated rate which is equivalent to a CDR of 36.5 per 1,000. In developing countries, the median CDR is 9 deaths per 1,000 per year.

2. From author's private correspondence and images with an organization working in Shan state, March 2009.

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