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# Letter from the Editors

As the editors of the *Paterson Review of International Affairs*, it is with great pride that we present our latest volume. The *Paterson Review*, based out of the Norman Paterson School of International Affairs (NPSIA) at Carleton University in Ottawa, Canada, is a double-blind peer-reviewed journal published annually to disseminate the research of the brightest graduate students in the field of international affairs. Its focus on policy-relevant research presents the next generation of policy leaders and scholars with a platform to showcase their innovative ideas for resolving challenging real-world predicaments. Of the 52 submissions received in the fall of 2013 from a dozen renowned North American and European schools of public policy and international affairs, six were selected for publication.

Although it was a long process, it was a privilege to have been able to engage with experts in the field, as well as our peers from other student-managed journals. For instance, we had the distinct privilege of representing the *Paterson Review* during a review weekend at Princeton University's Woodrow Wilson School of Public and International Affairs by invitation of the editorial team of the *Journal of Public and International Affairs*. Despite the long drive and snowy conditions, we were excited to have the opportunity to collaborate with such an impressive gathering of editors from the top public and international affairs schools from around the world.

Volume 14 of the *Paterson Review* is the culmination of many hours of hard work of a dedicated team of graduate students and expert reviewers. We are proud of the final product and hope that it has lived up to the high standards set by previous editions. The authors have dissected the complexities of new and ongoing events in international affairs and raise important considerations for policy development. We would like to express our sincere gratitude and appreciation to the authors, expert reviewers, associate editors, and blind reviewers who dedicated their time and expertise to this publication.

In addition, we would also like to thank the staff at NPSIA for their administrative support, *Diplomat & International Canada* for its continued partnership, and our sponsors NPSIA, the NPSIA Students' Association and Carleton's Faculty of Graduate and Postdoctoral Affairs. The success and advancement of this journal would not be possible without your continued support.

Daniele Bozzelli, Anne Durning and Fred Ninh  
Editors-in-Chief

# For the US-ROK Alliance, Less is More

**Justin Chapman**

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## **Abstract:**

To celebrate remarkably strong ties in recent years, the United States and the Republic of Korea have declared a mutual interest in expanding their 60-year-old alliance. In a Joint Vision statement in 2009, both countries signaled the desire to adopt new post-Cold War roles, such as combating terrorism, piracy, organized crime, climate change, poverty, human rights abuses, and public health pandemics. Scholars and policy makers are nearly unanimous in praising this expansion as a long-overdue solution that gives the alliance relevance for the 21st century and recognizes South Korea's emergence as a middle power. Drawing on alliance and deterrence theories, however, this paper will argue that expanding the alliance creates several problems. It increases fears of abandonment and entrapment, undermines the alliance's mutual defense credibility, distracts from the continuing problem of deterring North Korea, and alienates China. This paper recommends a limited scope for the alliance, while offering concrete proposals for bilateral cooperation on other issues that do not invoke the mutual defense treaty.

## Introduction

United States (US) and Republic of Korea (ROK) bilateral relations have been notably warm in recent years. Observers noted a “man-crush” between President Barack Obama and former President Lee Myung-bak as the two displayed both close personal ties and a mutual commitment to deepening the US-ROK security alliance (Landler 2011).<sup>1</sup> The alliance seemed to reach new heights in 2010 when President Obama referred to South Korea as the “linchpin” of security for the Asia-Pacific region. The “linchpin” description seemed to signal a shift among US policy makers toward viewing South Korea as the new, most important ally in the region. Bruce Klingner, Senior Research Fellow at the Heritage Foundation, believed this shift was due in large part to Lee’s “more forward-looking” approach and willingness “to transform the alliance into having broader responsibilities” (Klingner 2010). Alliance relations appear poised to remain strong under President Park Geun-hye’s administration. President Obama welcomed her to Washington in May 2013 to commemorate the 60<sup>th</sup> anniversary of the mutual defense treaty. In another joint statement, both leaders affirmed that relations have never been better and that they share the same vision for the alliance’s future trajectory (White House 2013). Scholars have joined policy makers in praising the expansion of the US-ROK alliance as a move toward greater dynamism and relevance, being more reflective of South Korea’s emerging global role.<sup>2</sup>

Joint statements about alliance expansion have been light on specific policies, however, and this ambiguity is more likely to weaken the alliance than strengthen it. The 2009 Joint Vision for the alliance features a long list of new missions, including combatting: terrorism, piracy, organized crime, climate change, poverty, human rights abuses, and public health pandemics (White House 2009). But the vision lacks a description of the ways in which US and ROK interests align on all these issues, and more importantly, how a *security* alliance could or should respond to these problems. Closer bilateral cooperation is positive, but it does not require invoking the security alliance. In this paper, I argue that broadening the alliance is misguided, as this opens each party to new risks of abandonment and entrapment, undermines the alliance’s credibility, distracts from the primary mission of deterring North Korean aggression, and alienates China, a necessary partner for regional security. As such, the alliance should limit its focus to deterring North Korea.

The structure of the paper is as follows: first, I analyze US and ROK descriptions of the alliance’s new missions; next, I make the case for why such broadening is bad policy, drawing on alliance and deterrence theories as well as empirical data to support my position; I conclude by recommending mechanisms for bilateral cooperation that



are not tied to the alliance, yet are more specific than what policy makers have thus far outlined.

## **Expansion of the US-ROK Alliance**

To measure expansion of the alliance, it is necessary to first look at its original text. The 1953 Mutual Defense Treaty, especially the US addendum, is highly specific:

*It is the understanding of the United States that neither party is obligated [...] to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present Treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States or lawfully brought under the administrative control of the Republic of Korea (1953, emphasis added).*

The treaty states explicitly that only an external armed attack on South Korean soil will trigger the mutual defense alliance. It is thus restricted to a type of aggression and a finite geographical area, mechanisms that political leaders have long employed to protect themselves by limiting their obligations (Kim 2011). Nigel Thalakada (2012, 92), former senior advisor in the Canadian Department of National Defence, noted that the United States utilized the alliance to both guarantee protection of and restrain its ally, as US leaders in 1953 sought to prohibit a Kim Il-sung invasion of the South as well as a Syngman Rhee invasion of the North.

The alliance remained virtually unchanged until the September 11, 2001 terrorist attacks prompted the George W. Bush administration to begin modernizing and redefining it.<sup>3</sup> American military leaders complained that the US defense posture was still based on a Korean War mentality, and that US Forces Korea was unsuited to meet 21<sup>st</sup> century challenges (Nam 2007, 171). Bush's defense team stressed the need for a more agile, mobile force that could fight scattered networks of enemies (Nam 2007, 169-70). The modernization of equipment and armaments coincided with a reassessment of the alliance's strategic logic. In the Global War on Terror, Bush often pressured President Roh Moo-hyun<sup>4</sup> to be more active in support of US counterterrorism missions abroad. While Roh was initially wary of engaging in far-flung missions unrelated to Seoul's direct interests, he eventually supported American operations in the Middle East, sending over 3,000 troops, engineers, and medical workers to Iraq and Afghanistan, as well as military vehicles and equipment (Snyder 2012, 8).

While counterterrorism missions represented a new form of bilateral cooperation, the alliance was not formally expanded until the 2005 Joint Statement in which Presidents Bush and Roh announced: "The alliance not only stands against threats, but also for the promotion of the common values of democracy, market

economy, freedom, and human rights in Asia and around the world” (White House 2005). The Joint Statement, therefore, formalized a broader strategy that expanded both the alliance’s mission and geographical scope. It represented a significant departure from the alliance’s genesis as a defense treaty aimed primarily at North Korea.

Presidents Barack Obama and Lee Myung-bak broadened the strategic logic even further in the 2009 Joint Vision Statement: “Our security Alliance has strengthened and our partnership has widened to encompass political, economic, social, and cultural cooperation” to maintain security and stability “on the Korean Peninsula, in the region, and beyond.” The statement listed several new missions, including the “global challenges” of terrorism, proliferation of weapons of mass destruction, piracy, organized crime, narcotics, climate change, poverty, human rights abuses, energy security, and epidemic disease. It further set as goals the enhancement of peacekeeping and post-conflict stabilization operations, and coordination on development assistance and multilateral mechanisms for the global economic recovery (White House 2009). In many ways, the Joint Statement was a central piece of both presidents’ foreign policy priorities. President Lee assumed office championing a vision of a “Global Korea” that would be more active diplomatically and contribute to international peacekeeping and stabilization efforts (Snyder 2012, 10). He also campaigned on a policy of tougher relations with North Korea, ending a decade of “Sunshine Policy” and bringing his country’s North Korea stance more in line with that of the United States.<sup>5</sup> Meanwhile, one of President Obama’s signature foreign policy initiatives has been the “pivot” to Asia (since rephrased as a “rebalancing”), whereby the United States intends to shift additional resources and attention to Asia to account for the region’s growing security and economic importance (Manyin *et al.* 2012). The Joint Statement provided substance to both presidents’ priorities, and the alliance has grown to encompass a plethora of missions, many of which are not directly related to traditional areas of security.

In a rather remarkable consensus, scholars have joined policy makers in supporting the broader strategic vision.<sup>6</sup> Ralph Cossa (2009) of the Center for Strategic and International Studies argues that the alliance should not only deter North Korean aggression, but also serve as the regional driver for peaceful reunification. Others such as Victor Cha (2009), Scott Snyder (2012), and Daniel Twining (2009) stress that the US-ROK alliance needs to be “relevant” beyond North Korea. Broader missions give the alliance “intrinsic value” in that they stand not only *against* a threat, but *for* commonly-held values. Taking a broader geopolitical view, Randy Schriver (2009, 59) of the Project 2049 Institute argues that the alliance had been “myopic,” and in addition to the above reasons, notes the need to manage the rise of China. He also advocates using the alliance as a foundation for bringing other actors like Japan and India into a regional framework. In a similar vein, Kurt Campbell, Lindsey Ford, Nirav Patel, and Vikram

Singh (2009, 59), writing for the Center for a New American Security, claim that the alliance had suffered from “an unhealthy feeling of strategic drift,” because it lacked a broader rationale beyond the peninsula.

However, broadening the alliance to encompass virtually every major challenge facing the global community is a recipe for, not solution to, “strategic drift.” Snyder (2012, 240) appropriately asks: “Are all of these interests ‘special’ or ‘deep’ enough to justify invoking the alliance framework, or does the alliance begin to lose meaning?” Indeed, it is unlikely that both the United States and South Korea will assign all of these issues similar levels of priority. Such a broad array of missions will only weaken the alliance as the two countries see their interests diverge on a number of challenges. Diverging interests increase the likelihood that one or both parties will experience fears of abandonment or entrapment. They also decrease the likelihood that the allies will aid each other when a threat arises, as one party may not see the issue as being exceptionally important or could argue that the threat does not trigger mutual defense. Thus the alliance loses credibility among both friends and potential enemies. I discuss these issues in greater detail in the following section.

### **Alliances: Autonomy, Entrapment, and Abandonment**

At their core, alliances are tradeoffs between autonomy and security. Each state that enters into an alliance assents to forfeiting a certain amount of autonomy in the hope that it will ultimately gain greater security (Morrow 2000, 65; Ehrhardt 2004, 669). These autonomy costs depend on the way the alliance is written and interpreted by the allies. A treaty that essentially declares, “If either of us fights, we both fight” is extremely vague and risks restricting the allies’ autonomy because future, ill-defined events may or may not place obligations on their behaviour (Ehrhardt 2004, 668). To combat this problem, leaders employ various parameters to narrow the scope of their potential obligations. These can include specifying an adversary and/or location; requiring that the allies be defenders rather than initiators of aggression; and placing an expiration date on the alliance requiring leaders to renegotiate the terms in order to maintain the treaty (Kim 2011, 353).

Autonomy costs are restrictive during times of war and peace. During war, they limit a state’s choices about how or even whether to intervene. In some cases, including the North Atlantic Treaty Organization, a state may have to submit its military forces to the command of a foreign power. In peacetime, a state may find its foreign policies constricted by alliance obligations (Ehrhardt 2004, 669). Examples may include military advising and cooperation, trade of certain items like dual use technologies, the creation of new treaties or alliances, or even the ability to diplomatically recognize another

country. In sum, alliances can close off policy options and prevent a state from doing what it otherwise would do to fully serve its interests.

The question of interests is critical to alliance formation. Alliances should not just specify mutual obligations; they should also clarify degrees of shared interest among allies (Morrow 2000, 64). Ideally, an alliance is designed so that it is only triggered when each ally equally perceives its interests to be at stake and thus equally commits to defending against the aggression. However, this is rarely the case in reality because even the interests of close allies do not always align perfectly. Even when interests overlap, allies may have different priorities, different solutions, or different expectations of their partners regarding the manner in which to act (Scott Snyder 2012, 244; Glenn Snyder 1984, 467).

The US-ROK alliance, even before its recent expansion, struggled with the challenge of divergent interests. According to Jinseog Yu (2008) of Sookmyung Women's University, the alliance has oscillated between periods of convergence and divergence, usually on whether to adopt a hardline or conciliatory approach toward North Korea. More specifically, American and South Korean leaders have often differed in their assessments of North Korea's intentions, the nature of its demands, and the relative costs of concessions versus military conflict (Yu 2008, 261). The costs of military conflict have been a particular sticking point because Seoul, South Korea's government headquarters, economic hub, and cultural centre, lies within range of North Korean rocket attacks. As a result, any military conflict is certain to create overwhelmingly higher costs for South Koreans than Americans.

Yu contends that between 1992 and 1994, the allied leaders converged on a hardline strategy, including reinforcing military postures and threatening sanctions and preemptive strikes. From 1994 to 1998, US policies became more dovish as President Bill Clinton was more trustful of North Korea's promises to shut down its nuclear weapons program. President Kim Young-sam, however, retained his doubts. Between 1998 and 2001, Kim Dae-jung's "Sunshine Policy" of greater contact and cooperation with North Korea aligned more closely with Clinton's aims, signaling another period of convergence. But interests diverged again between 2001 and 2005, as George W. Bush included North Korea in the "Axis of Evil" and Roh Moo-hyun emphasized greater autonomy within the alliance (Yu 2008, 260-95). Yu's research confirms that even when the alliance was limited to the North Korean threat, the allies often struggled to see eye-to-eye on the issue.

Furthermore, although both countries agree on the importance of managing the North Korean challenge, they often prefer different approaches. The United States

generally prioritizes denuclearization and wants to lead with that demand during negotiations. Washington further likes to demand nuclear concessions from North Korea in exchange for increased political and economic engagement (Cha 2009, 22). Seoul understands Washington's concerns about nuclear proliferation, but because it already views North Korea's conventional forces as an existential threat, Pyongyang's nuclear program does not create the same heightened sense of urgency among South Korean policy makers as it does among their US counterparts (Sheen 2003, 98). As such, Seoul prefers to treat nuclear and economic issues separately, reflecting its higher level of trade and economic cooperation with the North. Finally, Washington has a history of discussing human rights issues with Pyongyang while Seoul prefers to avoid that subject altogether (Cha 2009, 22). The case of North Korea demonstrates that even when allies agree on an issue's importance, their policy preferences do not always align.

Divergent interests are also problematic because they exacerbate the twin fears of any alliance—abandonment and entrapment. Abandonment refers to instances when a state is threatened and expects assistance from its allies. If the allies choose not to intervene to protect the state, they have effectively abandoned their ally, at least in the eyes of the threatened state. Entrapment is a related concern whereby a state fears it will be obligated to intervene in a situation in which it would not otherwise intervene. As international relations scholar Glenn Snyder defines it, entrapment is “being dragged into a conflict over an ally's interests that one does not share, or shares only partially” (as quoted in Kim 2011, 354). Abandonment and entrapment fears are closely tied to the way states view their interests. When allies differ in defining their core interests or external threats, the more vulnerable state may fear that its stronger partner will not support it, and the stronger state may fear it will be obligated to intervene in an issue of lower strategic importance (Snyder 2012, 474).

All else being equal, broad or vague alliance terms increase risks of abandonment and entrapment. Broad terms encompass a wider variety of threats and interests, meaning allies may differ dramatically in the ways they view a particular issue. Such instances increase the likelihood that a threatened state will seek aid from an ally that views the same event as a non-issue, or at least not worthy of direct intervention (Morrow 2000, 63). Furthermore, vague terms mean that the legal triggers designed to induce mutual intervention can be interpreted differently. In such cases, an ally that was already hesitant to react to a crisis may cite ambiguity in the treaty's terms to justify inaction (Snyder 2012, 473). Conversely, broad alliance terms increase the universe of possible events that would trigger an allied intervention. A state may fear that its ally could demand support in a wider variety of unpredictable situations, increasing the risk of entrapment (Morrow 2000, 69). In the simplest possible terms,

vague alliance conditions create uncertainty among states about whether or when they can rely on their allies, and uncertainty breeds fear.

The US-ROK alliance has struggled with abandonment and entrapment fears. South Korea has feared abandonment at numerous points in the alliance's history, particularly when the United States has considered troop reductions or realignments. When President Jimmy Carter entered office in 1977 with plans to significantly reduce US troop levels on the peninsula, South Korean leaders joined Carter's domestic opponents in predicting instability and a greater risk of North Korean aggression (Oberdorfer 2001, 84). Carter's opponents from both countries cited the North's supposed military superiority and accused Carter of abandoning America's ally (Choi 1978, 189-91; Rich 1982). More recently, many officials in the South Korean military and Ministry of National Defense feared that proposed US troop reductions in the mid-2000s foreshadowed an eventual full withdrawal from the peninsula (Campbell 2009, 68-9, 81). These officials were also worried when the United States and South Korea agreed to relocate US Forces Korea farther south to avoid Seoul's urbanization. They feared that if fewer US troops were stationed immediately at the border, a North Korean invasion would not create enough American casualties to force a US military response (Nam 2006, 617; Yu 2008, 295).

For its part, the United States has feared entrapment, especially during periods of high tension on the peninsula. According to Thalakada, the American framers of the alliance stressed the defensive nature of the treaty to restrain President Syngman Rhee, whom they feared might attempt an invasion of the North (2012, 92). The United States found itself in a particularly difficult position during the 1996 Gangneung submarine incident. A North Korean spy submarine ran aground in South Korean waters near the town of Gangneung. Surviving crew members attempted to sneak back to the North, triggering a 49-day manhunt that left all but one North Korean spy killed or captured and 12 South Korean military personnel and four civilians dead. During the crisis, facts emerged indicating North Korean espionage, but Washington urged restraint from "all parties." At the time, Washington was nurturing a budding relationship with Pyongyang and had reached a tentative agreement to freeze North Korea's nuclear program (Oberdorfer 2001, 388-9). Angry South Koreans interpreted the statement as a neutral position rather than a strong condemnation of North Korean aggression (Yu 2008, 280). Two incidents in 2010 similarly tested US commitment to its ally. In March, the South Korean submarine *Cheonan* mysteriously sank, leaving 46 dead. Investigations strongly suggested that a North Korean torpedo had caused the sinking. In November of the same year, the North bombarded the South Korean island of Yeonpyeong with over 100 artillery shells, killing four and injuring several more. The engagement caused several American and South Korean officials to declare peninsular

tensions the highest they had ever been since the Korean War (CNN 2010). Washington's condemnations of the North were much firmer in the wake of these crises, but US leaders continue to urge restraint during such periods of tension. Indeed, American leaders still fear that future crises could lead to stronger ROK responses that have the potential to draw the United States into a general conflict (Snyder and Byun 2011, 78).

Finally, South Korea may develop its own fears of entrapment as it continues to gain economic and military strength. While the United States is accustomed to defining its interests globally, South Korea has only recently sought to play a larger role on the world stage. At the height of the Global War on Terror, President Bush pressured the Roh Moo-hyun administration to support more actively US counterterrorism missions abroad. Roh was initially wary to engage in far-flung missions unrelated to South Korea's direct interests. But as described above, Seoul eventually sent troops, engineers, medical workers, and equipment to support stabilization efforts in Iraq and Afghanistan (Snyder 2012, 8). As South Korean power continues to grow, the United States may call on its ally to support other missions in which South Korea would not otherwise engage.

The above analysis provides both theoretical and empirical evidence that supports keeping the US-ROK alliance limited. Greater autonomy serves both countries, as each must manage complex foreign relations in a volatile region. The United States must balance its obligations to Japan and Taiwan while managing a delicate relationship with China in the context of an overall strategic shift to the Pacific. South Korea has challenges of its own, including territorial disputes with China and Japan and the perpetual balance it seeks in its relations with China and the United States (Sutter 2006, 129). Such complex relations demand that each country maximize its autonomy wherever possible, and a focused, specific alliance serves this end. Furthermore, despite today's close bilateral relations, history shows that the US-ROK alliance has often struggled to translate shared interests into cooperative policies, with fears of abandonment and entrapment arising periodically. Broadening the alliance only creates new problems, especially given the vague rhetoric from Washington and Seoul. As I describe in the next section, this trend also threatens to distract from and undermine the alliance's chief concern: deterring North Korea.

## **Deterrence and Credibility: North Korea is Challenging Enough for Any Alliance**

Advocates for expanding the alliance cite the need to extend its relevance beyond North Korea. But why the rush to identify new goals for the alliance while the original

mission remains unresolved? Indeed, the Kim regimes in North Korea have shown remarkable durability. Meanwhile, policy makers and scholars alike have yet to find a reliable strategy for deterring North Korean provocations.

Indubitably, the nature of the North Korean threat has changed since the alliance's founding. The likelihood of a full-scale North Korean invasion has decreased considerably as the North's economy has plummeted, it has lost its Soviet patron, and South Korea's military and economic strength continue to grow. North Korea appears increasingly isolated and weak compared to its neighbors. David Kang, Professor of International Relations and Business at the University of Southern California, contends that the North recognizes its unenviable position, and the shifting balance of power drove Pyongyang to adopt a defensive mentality and pursue nuclear weapons (2003, 45). The contemporary threat to the alliance is no longer an invasion, but what Victor Cha calls "pinpricks" — limited acts of aggression involving ballistic missiles and nuclear attacks (2000, 587). And while the alliance's deterrence was remarkably successful during the Cold War, it has failed consistently to deter North Korea's recent "pinprick" strategy.

There is an entire school of academic research devoted to studying the problem of deterring "rogue" regimes,<sup>7</sup> but despite the intense interest, silver bullets remain elusive. The fundamental goal of deterrence is persuading an adversary that the costs of a particular action outweigh the benefits (Smith 2006, 17). According to deterrence theory, three conditions are essential to making deterrence successful: states must *signal* to the adversary what types of behaviour are unacceptable; they must possess the coercive *capability* to make contraventions of acceptable behaviour dangerous for the adversary; and they must retain *credibility* so that the adversary believes that unacceptable actions will be punished (Lupovici 2010; Lantis 2009; Paul 2007).

There is little doubt that the US-ROK alliance possesses sufficient capability to inflict considerable harm on the Kim regime and the North Korean state. The alliance has also clearly signaled to North Korea what behaviour it considers unacceptable. Throughout the nuclear crises of the 1990s and 2000s, American and South Korean leaders negotiated with North Korea to cease nuclear reactor activities and conduct regular inspections for verification purposes. More recently, attacks on South Korean citizens and ballistic missile tests have been met with strong condemnations. The problem is that North Korea has crossed these "red lines," but the United States and South Korea have mostly responded with rhetoric (Smith 2006, 85). Deterrence has failed, therefore, not because of insufficient capability or signaling, but because of low credibility. North Korea has learned that it can create the "impression of irrationality" to achieve rational gains like food and energy aid as well as increased diplomatic



attention (Smith 2006, 71-2). Bad behaviour has led to benefits, not punishment, exposing a credibility problem for the alliance.

Theoretical frameworks offer suggestions as to how the alliance can regain its credibility. One emerging theory of interest is the concept of tailored deterrence. Whereas traditional security studies treated deterrence as universal, tailored deterrence argues for adapting approaches specific to each adversary (Lantis 2009, 468). As US Strategic Command noted in 2004, deterrence policies should be “tailored in character and emphasis to address [...] fundamental differences in the perceptions and resulting decision calculus of specific adversaries in specific circumstances” (as quoted in Lantis 2009, 470).

Jeffrey Lantis, Professor of Political Science at the College of Wooster, proposes three criteria for evaluating whether or not a state makes a good target for tailored deterrence. First, tailored approaches are more likely to be effective in deterring states with strongly established national cultural identities. North Korea fits this criterion given its highly focused *juche* ideology<sup>8</sup> that emphasizes self-reliance (Lantis 2009, 472; see also Yang 1999). North Korea is also an ethnically homogeneous nation. Lantis argues that these factors contribute to a strong cultural narrative, and that this narrative provides clues to understanding an adversary’s behaviour (2009, 472-3). Second, tailored deterrence may be more effective against leaders who align themselves closely with historical narratives and cultural touchstones to define their own policies and legitimize their rule (2009, 473-4). North Korea is again representative, as the Kim family has ruled the country throughout its entire existence, and Kim Il-sung’s successors continually draw on the “Great Leader’s” cult of personality to consolidate and legitimize their own power (Yang 1999, 676-7). The third criterion is a strong military organization that sustains a militarized national culture. This standard also applies to North Korea, which has been described as “one of the most militarized countries in the world,” and whose military elite put enormous pressure on the state’s dictators (Gause 2006, 37-48).

Lantis’s outline suggests tailoring deterrence based on a clear understanding of North Korea’s cultural narratives, how the Kim family draws on these traditions to legitimize its rule, and the powerful influence of the military on politics. North Korea’s military and political elite are not a monolith. Kim Jong-un’s December 2013 purge and execution of Jang Sung-taek, his uncle and a senior leader within the regime, was unprecedented for its publicity (Fisher 2013). While North Korea’s leadership is famously opaque, US and South Korean intelligence officials are already gathering and assessing information on North Korean political elites. There may be opportunities to

send highly specific signals to North Korean leaders, exploiting fissures and improving deterrence.

However, Van Jackson, an official in the US Department of Defense and researcher at Catholic University, argues that the US-ROK alliance should not seek a highly specific strategy of tailored deterrence because the new Kim regime is too opaque to make tailoring effective (2012, 290). Instead, he suggests basing deterrence on international norms and close cooperation between the United States, South Korea, and Japan. These allies must come together so that they speak with one voice to North Korea, emphasizing concrete, limited goals (303). Jackson proposes communicating with the North through “subversive engagement,” a method that would allow allies to convey messages regarding unacceptable actions while at the same time learning what they could about internal North Korean power dynamics (303). Jackson’s approach is thus similar to Victor Cha’s recommendations for coercive bargaining. According to Cha, isolation is ineffective in deterring North Korea’s limited aggression, and engagement is necessary to demonstrate that the alliance has exhausted all possibilities for a peaceful resolution (Cha 2003, 87-9). The exhaustion of peaceful options helps generate consensus among the region’s key actors that more coercive policies are in order (Cha 2003, 89).

Indeed, deterring North Korea has become a regional effort. As such, there is great value in University of California, Irvine scholar Patrick Morgan’s models of collective action deterrence. Collective action is important because it expresses the shared interests of a community in trying to uphold and inculcate behavioural norms (Morgan 2009, 163). Morgan’s “concert model” is especially useful because it resembles the Six-Party Talks, the recurring diplomatic meetings between China, Japan, North Korea, Russia, South Korea, and the United States that seek a peaceful resolution to North Korea’s nuclear program. In the concert model, a small number of dominant states build a coalition intended to manage international security. Membership is based on their great coercive capabilities and decisions are made by consensus (163). Working by consensus enhances the coalition’s legitimacy and credibility as the group’s actions are supported unanimously. The major drawback of the concert approach is that each state’s autonomy is limited since actions must conform to the group’s shared agreements (166-7). Morgan’s model of a small coalition with common and specific goals has obvious implications for the US-ROK alliance and the broader Six-Party Talks. Whereas the United States, Japan, and to a lesser extent, South Korea, have consistently favored stronger measures to put pressure on North Korea, China and Russia have challenged many of the toughest policies. Like Jackson and Cha, Morgan argues that one way the United States and its allies can mitigate this problem is to coordinate closely so that they present a unified front in Six-Party negotiations. The United States,

Japan, and South Korea can only bring Russia and China on board if they are able to establish a shared set of specific goals, and can demonstrate that previous measures have failed to achieve them. While Japan, South Korea, and the United States have often struggled to coordinate during previous talks, strong US leadership that brings its two allies together around their many common interests is a realistic goal.<sup>9</sup>

As the above synthesis demonstrates, there is little consensus regarding the best methods for deterring rogue regimes. Nonetheless, scholars agree on a few key points. First, deterring rogue regimes is uniquely difficult and requires focused, determined policies (Lupovici 2010; Jackson 2012). Since the alliance seeks to change North Korean behaviour around its core interests, namely its self-preservation and its nuclear program, coercion will be extremely difficult (Jervis 2009, 144; Kang 2003, 43, 93). Second, deterrence is more likely to be successful if the US-ROK alliance is selective in its goals and agrees in prioritizing them. Morgan stresses that the alliance must agree on what concretely is most important and what specific actions are considered intolerable. Trying to do too much adversely affects cohesion, effectiveness, and credibility (2009, 178). Cohesion is critical, furthermore, because the United States and its allies must be able to speak with a unified voice at the Six-Party Talks.

Where scholars' outlooks converge in the literature, they often point to focused goals and unified interests. The US-ROK alliance is more likely to achieve these requirements if its own internal missions are narrow and clearly defined. The current broadening of the alliance is a move in the opposite direction. New missions distract from the primary goal of deterring North Korea, and make it harder to set a cohesive policy. Finally, achieving success through the Six-Party Talks requires cooperation with China, but as I demonstrate in the next section, the broadened alliance only alienates this key partner.

## **The Need for Chinese Cooperation**

Recent North Korean provocations, especially the *Cheonan* and Yeonpyeong incidents, highlighted several stark realities regarding the North Korean threat. First, they were a reminder that events on the peninsula can trigger tensions throughout the region (Snyder and Byun 2011, 80). The attacks also harshly exposed the US-ROK alliance's limits when it comes to deterring North Korea. Amid overwhelming international sympathy for South Korea and condemnation of North Korea, China's response to *Cheonan* was muted because Beijing feared a strong condemnation would only escalate the conflict. While President Obama railed against China's "willful blindness," Chinese officials continued to reaffirm their "fair and irreproachable" position (Snyder and Byun 2011, 77). In the face of such intransigence, Obama

recognized he had limited options. The *Cheonan* and Yeonpyeong incidents brought the US-ROK alliance closer in its joint condemnation of North Korea, but they exposed the alliance's dependence on China for any satisfactory solution.

Whether it is through Six-Party Talks or other means, China will continue to be an integral player on the North Korean issue. China's reluctance to employ harsher measures against North Korea, and US-ROK hesitation to unilaterally take action in ways that may provoke China stand as the major barriers that undermine the alliance's credibility in deterring aggressive behaviour (Snyder and Byun 2011, 74). US policy makers clearly understand the need for Chinese cooperation. US Forces Korea Commander General Walter Sharp has stated that the alliance "needs more from the entire international community and all countries in the region, in particular China. We believe all countries in the region and China need to work in cooperation in addressing North Korean aggressive behaviour" (as quoted in Snyder and Byun 2012, 79). US Navy Admiral Michael Mullen echoed the same sentiment: "China has unique influence. Therefore, they bear unique responsibility" (as quoted in Snyder and Byun 2012, 79). Most recently, US Secretary of State John Kerry said during an official visit to Beijing that "China has an enormous ability to help make a difference [on the North Korean nuclear issue]" (as quoted in Gordon 2013). Kerry further suggested that the United States would consider removing advanced missile defense systems from the region, a move seen as a concession to China, to gain greater support on North Korean initiatives (Gordon 2013). Thus US policy makers clearly understand China's value in effecting solutions on the Korean peninsula.

Given this understanding, it is all the more confounding that the same policy makers simultaneously seek to broaden the alliance, a move that alienates China. Fundamentally, Beijing hesitates to help the US-ROK alliance isolate North Korea because it wants to preserve North Korea as a buffer state. A reunified Korea on South Korean terms and with US backing would potentially mean American forces positioned as close as the China-Korea border. To prevent this, Beijing often supports Pyongyang economically and diplomatically, even when the latter is a thorn in China's side.<sup>10</sup> The US-ROK alliance's broader terms exacerbates China's concerns, making Beijing question the alliance's true goals. In the 2009 Joint Vision Statement, for example, the United States and South Korea declared their intent to "promote human rights, democracy, free markets, and trade and investment liberalization in the region" (White House 2009). Since China bristles at criticism of its human rights record, and has conservatively pursued political and economic liberalization at its own pace, it views each of these goals as a threat to its internal stability. The 2012 US Defense Strategic Guidance represents a further provocation, as the United States names China as one of the

countries against which it intends to project power and build its anti-access/area denial capabilities (US Department of Defense 2012, 4-5).

China perceives the broadening alliance as a form of containment. It fears that the United States seeks to check its military and economic strength, encircle and contain it, and separate it from its strategically important neighbours (Manyin *et al.* 2013, 8). China's Ministry of Defense explicitly stated its concerns in an April 2013 white paper: "Some country has strengthened its Asia-Pacific military alliances, expanded its military presence in the region, and frequently makes the situation tenser" (as quoted in Perlez and Buckley 2013). While the white paper's authors decided against naming the United States explicitly, the message is clear. The authors point specifically to the United States' strengthened alliances as a military threat that destabilizes the region.

Thus Snyder is incorrect when he argues that expanding the alliance around mutual interests "provides a rationale for the alliance *that is not threat-based*" (Snyder 2012, 247, emphasis added). While American and South Korean leaders may view the promotion of shared values as a universal force for good, China sees the same actions as a threat of containment. US-ROK attempts to convince China to the contrary are unlikely to be effective, so the basic policy choice for the alliance is simple: expand the alliance and accept strained relations with China, or restrict the alliance and seek greater cooperation. Since the alliance's focus should remain on North Korea, I recommend the latter.

### **Conclusion: A Dual-Track Approach for Smarter Cooperation**

In the above analysis, I argue that the trend toward broadening the US-ROK alliance is harmful because it exacerbates the problems of entrapment and abandonment, distracts from cohesive deterrence policies, further erodes credibility, and alienates China, which US policy makers understand to be a crucial partner in achieving a positive North Korean resolution. I do not recommend, however, that US policy makers issue immediate, public declarations of their intent to roll back the alliance's missions. Such an abrupt reversal would only serve to confuse South Korea and incite abandonment fears, which is what should be avoided. Rather, US officials should begin having discreet conversations with their South Korean counterparts, signaling their intent to ensure that the alliance's attention and resources remain focused on North Korea. American leaders should emphasize that as a *military* alliance, the US and ROK combined forces are better suited for dealing with military challenges, and that given North Korea's recent provocations, deterring increased aggression and maintaining peninsular stability should be the top priority.

Concurrently, US policy makers should begin outlining specific ways in which US and ROK *civilian* agencies can increase cooperation. My contention throughout this paper has not been to denigrate the other missions outlined in the alliance's joint statements. Cooperation on issues like climate change and public health are both necessary and encouraging. But invoking a military alliance with a mutual defense agreement is an inappropriate tool for addressing such issues. In addition, the joint statements provide no insight into the manner in which such visions should translate into specific policies. Conversations about rolling back the military alliance's new commitments should be coupled with suggestions on ways to increase cooperation in these other areas of interest. Offering specific blueprints would both better address the issues themselves, while reassuring South Korea that the United States remains committed to cooperating with it.

On the issue of climate change, for example, the two countries could implement senior-level cooperation between the US Environmental Protection Agency (EPA) and the South Korean Ministry of Environment (MOE). Such efforts could build upon the newly-implemented US-Korea Environmental Affairs Council and Environmental Cooperation Commission. These groups were created by the US-Korea Free Trade Agreement to monitor environmental issues related to the increased commerce expected from the agreement, and they concluded their first meeting in February 2013 (US Department of State 2013). To deepen this cooperation, the United States could propose annual meetings between the EPA Secretary and the MOE Minister, rotating between Seoul and Washington. Meetings at the ministerial level could serve as a platform for discussing broader environmental issues. They would also present an opportunity to identify areas of shared interests and best practices for designing policies to lessen environmental impact. If desired, the United States and South Korea could engage other states in the region to broaden the cooperation. Such expansion would allow the two countries to leverage their friendship and mutual interests to generate wider cooperation and demonstrate leadership on this key subject.

Similar arrangements could be reached between the US Department of Health and Human Services and the ROK Ministry of Health and Welfare to prepare for global pandemics. Or if the alliance seeks to jointly fight organized crime, it should initiate cooperation between the Federal Bureau of Investigation and the National Police Agency. Such arrangements may not make sense in all cases, but they are certainly more feasible than using the military alliance to tackle challenges it was never meant to solve. In the end, the key for US policy makers is to remember — and to emphasize to their South Korean counterparts — that the military alliance was designed to protect the countries from the North Korean threat. That the alliance has grown into friendship is

exceedingly beneficial, but it is the friendship that should serve as a foundation for cooperation on other issues, and not the mutual defense treaty.

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## Notes

<sup>1</sup> Landler first coined the “man-crush” phrase, but it has since been adopted by scholars including Katz and Cha. Katrin Katz and Victor Cha, “South Korea in 2011: Holding Ground as the Region’s Linchpin,” *Asian Survey* 52.1 (2012): 53.

<sup>2</sup> Including Campbell, Cha, Cossa, Ford, Sung-han Kim, McGoldrick, Patel, Perry, Schriver, Schoff, Shepard, Singh, and Twining.

<sup>3</sup> Thalakada notes that although Presidents Clinton and Bush (prior to 9/11) made statements in support of “strengthening,” “broadening,” and “enhancing” the alliance, no formal, joint statements were made until the 2005 Joint Declaration (2012, 94-5).

<sup>4</sup> Roh Moo-hyun was South Korea’s president from 2003 to 2008. He should not be confused with Roh Tae-woo, president from 1988 to 1993. Only Roh Moo-hyun is discussed in this paper.

<sup>5</sup> Kim Dae-jung, South Korean president from 1998 to 2003, instituted the Sunshine Policy in an effort to create engagement and warm relations with North Korea. The Sunshine Policy increased inter-Korean trade and lowered restrictions on investing in North Korea’s economy. Diplomatic ties also warmed, culminating with the historic 2000 summit between President Kim and North Korean leader Kim Jong-il. Roh Moo-hyun succeeded Kim and continued the same policy until losing office to Lee Myung-bak in 2007. Lee criticized the Sunshine Policy for easing pressure on the North Korean regime without producing a noticeable change in North Korean hostilities (Moon 2012).

<sup>6</sup> Each of the following scholars favors the broader alliance for at least some of the reasons summarized in this paragraph: Campbell, Cha, Cossa, Ford, Kim Sung-han, McGoldrick, Patel, Perry, Schriver, Schoff, Shepard, Singh, and Twining. The only firm detractor of whom I am aware is Doug Bandow (2010), who advocates the dissolution of the alliance altogether, a position I do not share.

<sup>7</sup> I am referring to the “fourth wave” of deterrence literature. See Amir Lupovici, “The Emerging Fourth Wave of Deterrence Theory—Toward a New Research Agenda,” *International Studies Quarterly* 54 (2010): 705-32; Jeffrey W. Knopf, “Three Items in One: Deterrence as Concept, Research Program, and Political Issue,” in *Complex Deterrence*, 47-8.

<sup>8</sup> *Juche* is a set of political principles developed by Kim Il-sung that stresses the importance of North Korean self-reliance, including the use of domestic resources and a strong military stance. It also proposes a unique form of North Korean socialism that places supremely powerful “Great Leaders” at the forefront of popular masses and blends elements of socialism with historical Korean dynastic sensibilities. Gi-Wook Shin, *Ethnic Nationalism in Korea: Genealogy, Politics, and Legacy* (Stanford: Stanford University, 2006), 90-5; *Juche Strong*, directed by Rob Montz (2013: New York, Moving Picture Institute), <http://www.juchestrong.com>.

<sup>9</sup> A full discussion of each country’s priorities and detailed accounts of previous Six-Party Talks is beyond the scope of this paper. However, lessons from past talks demonstrate that Japan, South Korea, and the United States share a remarkable overlap in interests when it comes to the North Korean issue. Strong US leadership to coordinate between its two allies, and more sensible, sensitive negotiations by American and Japanese diplomats would help resolve areas of previous disagreement. Gilbert Rozman, *Strategic Thinking about the Korean Nuclear Crisis: Four Parties Caught between North Korea and the United States* (New York: Palgrave Macmillan, 2007); *North Korea’s Second Nuclear Crisis and Northeast Asian Security*, eds. Seung-Ho Joo and Tae-Hwan Kwak (Burlington: Ashgate, 2007).

<sup>10</sup> This buffer state logic has traditionally been a strong motivation for Beijing to support North Korea, but there are also economic and military benefits. See Dick K. Nanto and Mark E. Manyin, “China-North Korea Relations,” *Congressional Research Service*, 28 Dec 2010, accessed 15 Apr 2014, <http://www.fas.org>.

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# Changing Realities: Private Security Contractors as Combatants

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## **Abstract:**

Driven by the downsizing of professional armies since the end of the Cold War, states have increasingly turned to private military contractors to perform a full spectrum of roles on the battlefield, ranging from staffing mess halls to guarding critical personnel and infrastructure. The body of international law governing armed conflicts has, however, failed to keep pace with states' growing reliance on private contractors. There is, as a result, significant ambiguity about the legal status of military contractors operating in international conflict zones, particularly when it comes to armed security contractors. Addressing this ambiguity, this essay examines the benefits of situating private security contractors (PSCs) under an array of different legal categories. Based on this analysis, it then argues that private security contractors ought to be recognized as combatants rather than civilians, which has been the default status typically assigned to them. While this change will require some minor shifts in state and contractor behaviour, it would better align the duties performed by PSCs with international law and help clear up much of the ambiguity surrounding their status on the battlefield.

## Introduction

Over the past decade, private military contractors have become a ubiquitous feature of the modern battlefield, as national militaries have contracted out an increasing number of services to civilian firms. Operating in conflict zones across the globe, private military contractors now perform a full spectrum of functions, ranging from staffing mess halls to maintaining weapons systems and from guarding personnel, facilities, and convoys to engaging in combat missions (Singer 2004). This expansion of private contractors into what have traditionally been military domains has not been without controversy, as there have been significant debates over both contractors' legal status and the best way to ensure that they respect international humanitarian law. Generally speaking, it has been the second topic that has commanded the most scholarly attention, as the involvement of American contractors in the Abu Ghraib prison scandal and the Nisour Square massacre elicited considerable public and scholarly outcry (see, for example, Donnelly 2006; Gatson 2008). Less has been written about the first and arguably more fundamental topic: what, exactly, is the legal status of contractors? It is a somewhat vexing question to answer, as the very nature of private military forces means that they often sit at the legal nexus of mercenaries, combatants, and civilians. While the current tendency is to situate the majority of contractors as civilians, there is considerable disagreement among states and scholars as how to best categorize them. This disagreement is particularly acute when categorizing those contractors hired to perform security related functions, as they sit closest to the nexus of all three categories (Hansen 2011-2012).

The current ambiguity about the status of contractors hired to perform security related functions—often referred to as private security contractors or PSCs for short—is not a question that should go unresolved. Although it has yet to become a major issue—as most security contractors are currently deployed in internal conflicts, which are not as stringently governed by the law of armed conflict<sup>1</sup>—it is only a matter of time until PSCs once again find themselves operating in interstate conflicts. Under such circumstances, the ambiguity over their legal standing is likely to raise a number of pressing issues (Bosch 2007; Schmitt 2004-2005). First, opposition forces will need to know when and if they can target PSCs on the battlefield. Second, PSCs need to know whether or not they can legally participate in hostilities and under which circumstances. More specifically, they will need to know if they can only act in self-defence or if there are other circumstances under which they may legally use force. Finally, PSCs need to have a clear understanding of their status in order to appreciate the legal consequences of actively participating in combat, as this may influence the duties they choose to perform.

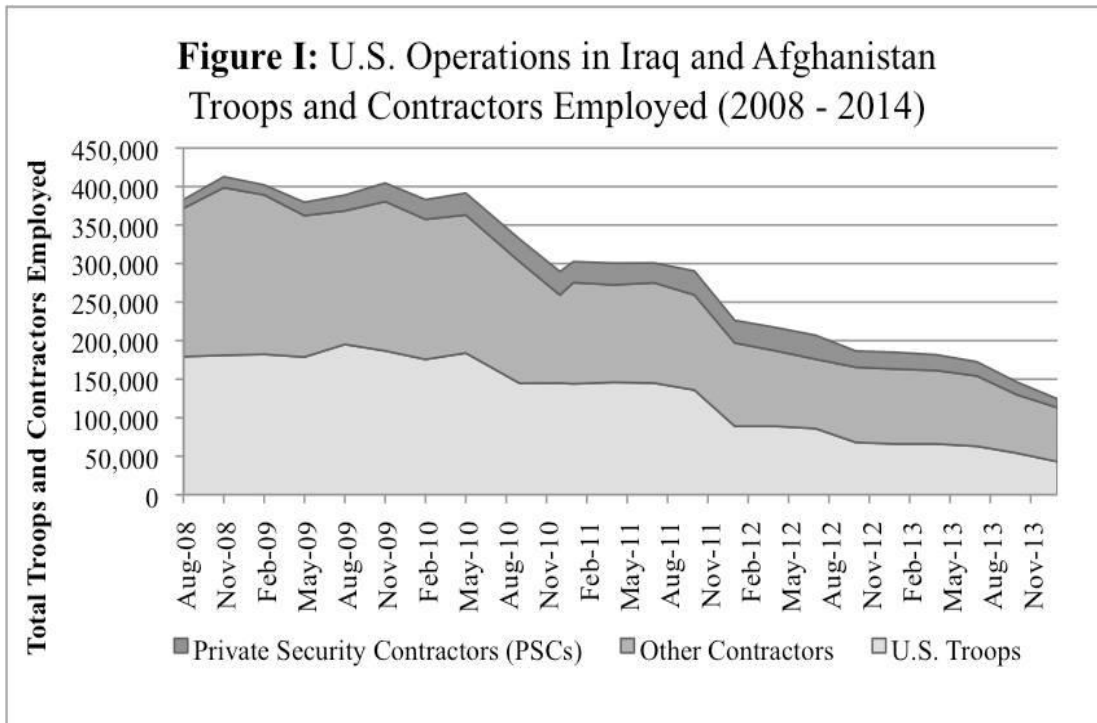
Focusing on the debate over the legal status of PSCs hired by states, this paper makes a number of linked points. First, it argues that PSCs that are contracted by a government to engage in hostilities—or to perform duties that will put them at a high risk of becoming involved in hostilities—should be recognized as legal combatants. This recognition would better bring international law into line with current state practice, as militaries frequently hire armed contractors to perform duties that would potentially involve direct participation in combat, despite officially classifying them as civilians. Second, this article contends that the simplest way for states to recognize PSCs as legal combatants is to utilize Article 4A(2) of the Third Geneva Convention, which defines non-incorporated militias and volunteer corps. As PSCs already share a number of commonalities with these groups, it would only require some minor shifts in the practices of both PSCs and the states that hire them to recognize security contractors as falling into the same category, thus granting them the status and protections of being legal combatants.

In order to make these interconnected points, this paper proceeds in a number of distinct steps. First, it briefly covers the rise of the modern military contractor industry and argues that current trends suggest that the industry is here to stay. Second, it moves to cover the traditional legal categories that govern international conflicts—combatant, mercenary, and civilian—and examines the possibility of situating PSCs under each of these categories. Finally, it argues that PSCs are best situated as combatants and concludes that the simplest way to achieve this is by grouping them with non-incorporated militias and volunteer corps.

## **The Industry**

The modern private military industry was born in the aftermath of the Cold War, as converging trends led to the creation of both the supply and demand necessary for the industry to thrive (Singer 2003, 49). When the Soviet Union crumbled, many nations cut the size of their militaries and flooded the market with ex-soldiers (Kemp 2010, 495). As part of these cuts, major nations also scaled back their international security commitments. This led the flow of weapons and defense aid to nations in the developing world, and Africa in particular, to slow to a trickle. Despite these cuts, many of these developing nations, which had been long accustomed to receiving military aid from either the United States or the Soviet Union, continued to face pressing security threats. In order to fill this sudden gap between threats and capabilities, these nations turned to private military contractors to provide the services and expertise that had previously been supplied by their former benefactors. In this environment, the number and size of private military firms grew rapidly (Singer 2007).

If the end of the Cold War created the conditions responsible for the emergence of these firms, it was Iraq and Afghanistan that cemented their importance on the modern battlefield. Strained by the demands of fighting on two fronts, the United States employed some military contractors during the initial invasions of Iraq and Afghanistan and a rapidly expanding number of them during the subsequent occupations; by the height of deployments in Iraq and Afghanistan, there were upwards of 230,000 contractors employed in support of 180,000 American soldiers (see Figure I below). Roughly 15,000 of these contractors were of the armed variety. The number of armed contractors would later peak at just over 30,000 in December of 2010. These armed contractors engaged in a wide spectrum of activities, which ranged from providing security for diplomats and public officials to guarding facilities inside Baghdad's Green Zone; from training the Iraqi army to protecting convoys in Afghanistan (Schmitt 2005). Unsurprisingly, many of these duties brought contractors into contact with enemy forces. In one dramatic example, employees of Blackwater, an American company, expended thousands of rounds of ammunition and hundreds of grenades in a running battle with Iraqi insurgents, during which the company used its own helicopter to resupply its forces (Schmitt 2004-2005).



**Note:** Total U.S. troop figure includes all forces deployed in Iraq and Afghanistan as part of Operation Iraqi Freedom, Operation Enduring Freedom, and the International Security Assistance Force. The contractor figure is composed of all private contractors employed by the Department of Defense in Iraq and Afghanistan. The private security contractor figure only includes personnel specifically contracted to perform personnel, convoy or static security missions, while the other contractor figure includes those personnel contracted to assist with base support, construction, logistics, and other non-security related tasks. Most, but not all, security contractors are armed. Data for this chart was drawn from reports prepared by Belasco (2011), Livingston and O'Hanlon (2014), and CENTCOM (2014).

While Iraq and Afghanistan provide the best-known examples of the growing use of PSCs, such contractors have also been active in a number of other contemporary conflicts, including Somalia and Syria. In an effort to protect their oil tankers, the United Arab Emirates has spent millions on private contractors hired to train and advise an antipiracy army in the semi autonomous region of Puntland in Somalia (Mazzetti and Schmitt 2012). The U.A.E also maintains an 800-strong force of foreign contractors, who conduct special operations inside and outside of its borders (Mazzetti and Hager 2011). The Syrian government, meanwhile, has also hired security contractors, including a number of Russians, to help fight rebel groups opposed to Assad's rule (Weiss 2013). Nor are these the only examples. As Peter Singer (2005) has documented, private military contractors have operated in over 50 countries and on every continent but Antarctica. Given this trend, it seems likely that contractors will play a key role in a wide variety of future conflicts, including those between states.



## Combatants

If PSCs are likely to become a regular feature of international conflict, it becomes important to determine whether PSCs should be regarded as combatants or civilians — the two main categories of individuals in armed conflict (Hansen 2011-2012). Under the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (hereinafter referred to as the Third Geneva Convention), being a combatant confers a number of benefits, including the right to prisoner of war status if captured. Combatants also have “a right to directly participate in hostilities,” as laid out in Article 43(1) of the 1977 Protocol Additional to the Geneva Conventions (hereinafter referred to as Protocol I). This also means, however, that they can become the legitimate target of military attacks. There are a number of different groups who qualify for combatant status, as laid out in Article 4 of the Third Geneva Convention (1949) and Article 43 of Protocol I (1977). This next section will lay out a number of categories armed PSCs may potentially fit under and discusses the merits of their inclusion under each.

### A) Article 4A(1)

The first category of combatants, as set out in Article 4A(1) of the Third Geneva Convention (1949), is composed of “members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.” This is generally the largest category of recognized combatants, as it captures the members of a nation’s regular armed forces. There are, however, strong reasons to doubt that PSCs would fit under this category. Although there are no international standards establishing steps that must be met in order to incorporate an individual into a nation’s armed forces, there is usually some sort of formal recruitment procedure (Schmitt 2004-2005, 514; Cameron 2006, 583). It would, however, be difficult to argue that a contractual relationship between the military and a private contractor, such as Blackwater, would be tantamount to a formal incorporation of said contractor. Instead, it would probably be more accurate to characterize contractors as existing alongside, rather than within, the military.

Article 43(3) of Protocol I (1977) provides further evidence against the inclusion of armed contractors, as the article suggests that “whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency it shall so notify the other Parties to the conflict.” Presumably, states wanting to officially incorporate PSCs into their ranks should make a similar declaration, as one’s opponents have a right to know who does and does not belong to one’s armed forces. The majority of states have, however, stressed that they consider PSCs to be ‘civilian contractors,’ which suggests that they do not consider them to be incorporated members of their armed forces (Cameron 2006, 584).

## **B) Article 4A(2)**

The second category of combatants set out in Article 4A is composed of “members of other militias and members of other volunteer corps...belonging to a Party to the conflict” (Third Geneva Convention 1949), who fulfill the following four conditions:

- (a) that of being commanded by a person responsible for his subordinates;*
- (b) that of having a fixed distinctive sign recognizable at a distance;*
- (c) that of carrying arms openly;*
- (d) that of conducting their operations in accordance with the laws and customs of war* (Third Geneva Convention 1949, Article 4A(2)).

While this category’s original teleological purpose was to capture partisan groups, such as those active during WWII, it may be possible to repurpose this article and apply it to PSCs (Cameron 2006, 584). The first challenge with trying to fit PSCs under this category is defining ‘other militias and volunteer corps’. Although not explicitly defined in the Geneva Conventions, the International Committee of the Red Cross (ICRC) commentary on Article 4A(2) suggests that there are two criteria groups must meet in order to be classified as a militia or volunteer corps: (1) the group must be fighting on behalf of a party to the conflict, and (2) the group must be independent (Preux 1960, 57). Most PSCs contracted by the military would generally meet the first criterion, as they are explicitly hired to fight on behalf of a party to the conflict and their efforts clearly compliment that of government forces.

It is, however, disputed as to whether PSCs would meet the independence criteria. Michael Schmitt (2004-2005, 519), for example, argues that most contractors would not be “meaningfully independent” enough from the armed forces to qualify, as they are in a direct contractual relationship with said forces. They are, for example, largely reliant on the military for financial support, which hardly fits with conventional understandings of ‘independence.’ Daniel Ridlon (2008, 222-223), however, disagrees with Schmitt, and argues that in the context of the commentary the phrase about ‘independence’ was only meant to distinguish militias and volunteer groups belonging to the armed forces, as laid out in Article 4A(1), from groups not incorporated into a nation’s armed forces. It was not intended, he argues, to set out a substantive requirement for such groups to have a certain level of independence. Ridlon’s argument is fairly persuasive. It would seem odd if a category of illegal militias and volunteer corps existed in the cracks between the incorporated groups laid out in Article 4A(1) and the independent groups laid out in Article 4A(2), simply because such groups were only partially independent. Nor does it make any sense given the historical context under which Article 4A(2) was set out, as the resistance groups that the article was

created to capture were, themselves, partially reliant on the military, just like PSCs. As the ICRC commentary on Article 4A(2) notes, these resistance groups were often commanded by officers from the regular armed forces (Preux 1960, 59). Given this understanding, it seems relatively clear that PSCs would meet the independence criteria by simple virtue of not being formally incorporated members of a state's armed forces.

Do, then, PSCs meet the other four criteria set out in Article 4A(2)? In many cases, they do not. Although most of the armed PSCs that currently operate on the battlefield have a responsible commander and openly carry arms, they often lack a distinctive uniform. As one senior marine officer notes, PSCs operating in Iraq typically wore a "bewildering and amusing hodgepodge of 'tough guy' attire" (quoted in Schmitt 2004-2005, 530). If this practice were to carry over to an international conflict, it would be difficult to distinguish PSCs from regular civilians, which would hardly be conducive to the lawful conduct of warfare. PSCs also have a mixed record of compliance with international humanitarian law. As previously noted, American PSCs operating in Iraq and Afghanistan were frequently criticized for not respecting international humanitarian law (Cameron 2006, 576). At the root of the problem, private military companies have generally offered their employees very little training about their international human rights obligations, unlike their military counterparts who typically receive fairly extensive training (Donnelly 2006, 240; Bina 2004-2005, 1245). This has changed somewhat in recent years, as a number of nations have put an increasing emphasis on human rights compliance as an integral part of operator's contractual obligations.<sup>2</sup> However, it remains to be seen how effective these efforts will be. As things stand today, the lack of stringent adherence to all four of Article 4A(2)'s sub requirements means that most PSCs could not be considered under this category, though there is clearly scope for such a consideration under the right conditions.

## **Mercenaries**

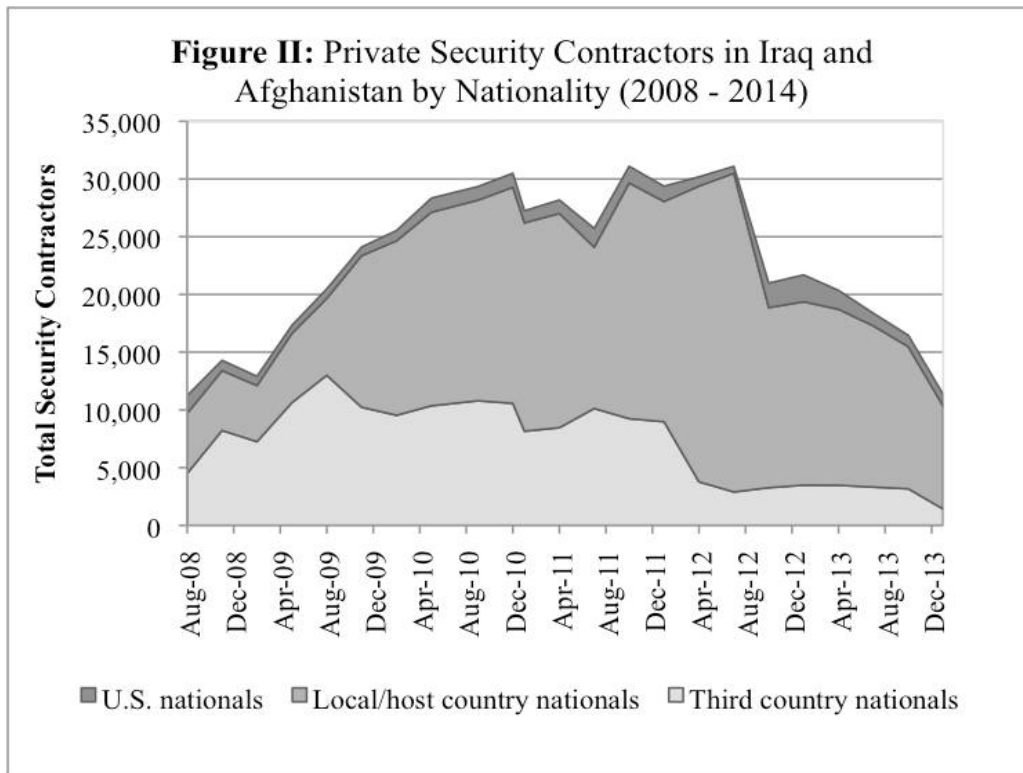
In addition to defining combatants and civilians, Protocol I to the Geneva Conventions also carves out a specific designation for mercenaries. The designation was initially crafted to discourage mercenary involvement in post-colonial Africa by denying them the right to take advantage of combatant or prisoner of war status (Milliard 2003, 5). Mercenaries can, as a result, be prosecuted for participating in hostilities. Article 47 of Protocol I defines a mercenary as a person who:

- (a) is specially recruited locally or abroad in order to fight in an armed conflict; (b) does, in fact, take a direct part in the hostilities;*
- (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;*

*(d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;*  
*(e) is not a member of the armed forces of a Party to the conflict; and*  
*(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces (Protocol I 1977, Article 47).*

As the evolutionary successor to the mercenary groups that once wreaked havoc across Africa, some commentators have suggested that military contractors should be classified as such.<sup>3</sup> It is unlikely, however, that contractors could be classified as mercenaries, as the conditions set out in Article 47 are cumulative and must all be met in order for a person to be categorized as a mercenary (Sandbox et al. 1987, para. 1804).

There are a number of reasons that modern military contractors are unlikely to meet all six criteria. First, the large majority of contractors are not ‘specifically recruited’ to fight in an armed conflict, as set out in condition (a). Nor do they actually participate in conflict, as per condition (b). As Figure I illustrates, the vast majority of contractors are generally employed in supporting rather than combat roles. Generally, it would only be private security contractors, which perform roles that put them at risk of direct participation in combat, that would satisfy conditions (a) and (b). Second, the nationality requirement set out in condition (d) would exempt a great number of the contractors who operate in contemporary conflicts. Most of the PSCs employed by the United States in Iraq and Afghanistan, for example, were either local nationals or from the United States (see Figure II). If a similar mix were to be deployed in an international conflict, only a third of all the security contractors would be at risk of being classified as mercenaries.<sup>4</sup> Third, and perhaps most decisively, it would be difficult to prove that such contractors were essentially motivated by financial incentives, as required by condition (c) (Bales and Govern 2008-2009, 85; Milliard 2003, 42). Proving such a subjective motivation would be practically challenging, as there may be a mix of factors behind an individual’s decision to become an armed contractor. It could easily be argued, for example, that the individual was merely a thrill seeker or was patriotically or religiously motivated. Cumulatively, these difficulties suggest that Article 47 is of limited value in determining the legal status of contractors, even when specifically hired to perform security related roles. As such, most commentators dismiss it as largely irrelevant (see, for example, Milliard 2003, 56; Gatson 2008, 228-229).



**Note:** Contractors employed in security roles include all personnel contracted to perform personal, convoy, or static security missions by the Department of Defense. Most, but not all, security contractors are armed. Data for this chart was drawn from reports prepared by CENTCOM (2014).

## Civilians

If they are not combatants or mercenaries, PSCs are by default civilians and are endowed with all the benefits and limitations of civilian status. The primary advantage to being classified as a civilian is that civilians are considered non-combatants and cannot be the legitimate target of attack. They retain this protection “unless and for such time as they take a direct part in hostilities,” as per Article 51.3 of Protocol I (1977). Civilians who do participate in hostilities also expose themselves to prosecution under the jurisdiction of the country that they are operating in, which can have serious consequences. In many cases, being convicted of illegal participation in combat can result in serious jail time or even death. The question then becomes: what kinds of activities constitute direct participation? Direct participation has not yet been defined in treaty law, but the commentary to Protocol I suggests that “direct participation in hostilities implies a direct causal relationship between the activity engaged in and the harm done to the enemy at the time and place where the activity takes place” (Sandox et al. 1987, para. 1679). Although it is beyond the scope of this paper to conduct a comprehensive examination of the concept of direct participation—as it is subject to much debate in the legal community—an examination of the duties carried out by

armed PSCs suggests that a significant portion of these activities would put them at risk of directly participating in hostilities.

### **A) Guarding Military Objectives**

Private security contractors are often contracted to guard facilities or personnel that would constitute legitimate military objectives. Military objectives, as Article 52.2 of the Protocol I (1977) notes, are objects that “make an effective contribution to military action and whose total or partial destruction...offers a definite military advantage.” In addition to including military equipment, personnel, and facilities, legitimate military targets also include civilian objects that are making a direct contribution to enemy military activity. The Baghdad International Airport, which PSCs helped guard during the Iraq war, is one example of such a target (Ridlon 2008, 244). If a military target, like an airport, were to come under attack by enemy combatants, two important questions would need to be answered: (1) Would the PSCs guarding such a facility be considered civilians and thus have to be factored into the attacker’s proportionality calculations? (2) Would the PSCs be able to legally respond to hostile fire?

In situations where PSCs have been contracted to guard facilities that would clearly constitute valid military objectives, there is a clear nexus between the act of guarding the objective and the ongoing hostilities, as protecting these facilities preserves them for use by military forces (Schmitt 2004-2005, 538-541). This means that PSCs performing guard duty at these installations would lose their protected status and be a legitimate target of attack. PSCs stationed at these installations would not, however, be able to respond to enemy attack without risking potential prosecution, as civilians cannot claim self-defence in response to lawful attacks (Ridlon 2008, 238-239). This puts PSCs guarding such facilities in a difficult position, as they have both contractual and self-interested reasons to defend themselves from attack (Hansen 2011-2012, 719).

### **B) Guarding Civilian Facilities**

PSCs are also frequently contracted to guard civilian facilities and personnel, like hospitals and diplomats. PSCs guarding such facilities would typically retain their civilian status, as long as the buildings in question were purely civilian sites (Bosch 2007, 45). If attacked—or if under imminent threat of attack—PSCs guarding such sites would generally be able to respond, as self-defence can be exercised in response to unlawful attacks against one’s self, essential property, or protected personnel (Ridlon 2008, 246-247). Examples of unlawful attacks would include attacks carried out by unlawful combatants or in instances where a military force illegally attacked a civilian facility.

The distinction between military and civilian objectives is not, however, always clear cut, particularly in combat environments. In the course of combat, the status of a target may rapidly shift (Cameron 2006, 590). A civilian target could, for example, become a legitimate military objective if occupied or utilized by combatants during the course of a firefight. In such situations, PSCs have few good options. If they stay at the facility and actively defend it against all attackers, they become unprivileged combatants. They might also choose to stay but only engage with looters and illegal combatants. They would, however, still risk coming under attack—though they would have to be factored into the combatant’s proportionality considerations. Meanwhile, if they simply walk away and leave the facility undefended, they risk their jobs. As Daniel Ridlon notes, these competing pressures usually lead PSCs to defend the facilities they are contracted to defend, regardless of who the attackers are and how the status of the facility they are defending changes (Ridlon 2008, 247). There is, as a result, a significant risk that PSCs guarding civilian facilities could be drawn into direct participation and lose their protected status.

### **Recognizing PSC’s as Combatants**

As things currently stand, states are hiring PSCs, insisting that they are civilians, and then asking them to perform duties that put them at risk of losing their civilian status. This is unacceptable. Not only does the status quo have the potential to create confusion on the battlefield—thus reducing the chances that international humanitarian law will be respected—but it also exposes PSCs to serious criminal liability for doing the tasks that they are hired to perform. The insistence that PSCs are civilians also fuels the perception that they are illegal combatants, which undermines the public image of the states that employ them (Ridlon 2008, 252). This perception is not in their employer’s interest, as winning hearts and minds has come to play a large role in contemporary military campaigns, particularly during counter-insurgency operations (for a full discussion, see Singer 2007). While some have suggested that the obvious solution is for states to not employ PSCs, current trends suggest that the practice of hiring PSCs is unlikely to change. The costs of maintaining extensive, full-time military forces have simply grown too prohibitive. As such, it makes sense for militaries to rely on private military contractors to supplement their forces during times of conflict. As a result, efforts to ban PSCs are liable to flounder.

If it is unlikely that the practice of contracting out dangerous functions to security contractors will change, states should make an effort to ensure that PSCs are legal combatants, as this will help clarify what activities PSCs can engage in and whether or not opposition forces can target them in combat. As explored above, there are two potential routes to recognizing PSCs as combatants. The first is to formally incorporate

PSCs into the military under 4A(1) of the Third Geneva Convention. Incorporating security contractors into the military would, however, require them to be subject to a formal recruitment or enlistment procedure, which would usually entitle them to a variety of domestic benefits, like healthcare coverage and pensions. This requirement makes formal incorporation into the military somewhat of an awkward fit, as avoiding paying benefits is one of the reasons states have turned to contractors in the first place. Circumventing the need for formal enlistment, it would be far easier to recognize PSCs under Article 4A(2), as PSCs would meet the conditions for being part of a non-incorporated militia or volunteer corps—having a responsible commander, wearing a distinctive sign, openly carrying arms, and following the laws of war—with only a couple of minor changes. In some cases, it would be as simple as adopting a consistent uniform and complying with international humanitarian law.

In order to encourage compliance with these criteria, states should write these requirements into the contracts that they sign with armed PSCs. Encouragingly, some states have already begun to do so. In the 2008 *Montreux Document*, a number of major states, including the United States, outlined a number of good practices for employing PSCs. Although not legally binding, the document recommends that states should take a company's record of compliance with humanitarian law into account when hiring them (ICRC 2009, 17). It also suggests that states should require PSCs to wear clearly visible identification and provide their personnel with sufficient training in international humanitarian law prior to and during deployment (ICRC 2009, 18). This is a major step in the right direction, as ensuring compliance with these requirements will help confer combatant status upon PSCs hired by states. Promisingly, the document is now supported by forty-four states, including major states such as the U.S., the United Kingdom, France, Germany, and China. Other major states, such as the Russian Federation, should follow suite, as compliance with this document will help resolve much of the uncertainty over state-contracted PSCs participating in international conflicts. Pushing even further, states would also be well served by codifying the voluntary recommendations laid out in the *Montreux Document* into a legally binding treaty. This codification would help ensure standardization and compliance among states, thereby eliminating much of the potential confusion over the employment of contractors on the battlefield.

## **Conclusion**

Given the trend set by Iraq, Afghanistan, and other contemporary conflicts, it is likely that security contractors will play a key role in future interstate conflicts. Currently, however, the use of PSCs puts both states and security contractors in a delicate position, as their categorization as civilians is often at odds with the contracts



they are hired to fulfill. This discrepancy is a significant issue for both contractors and states. By performing the duties they are contracted to perform—whether that is defending a bridge or a VIP—security contractors often risk being categorized as illegal combatants and exposed to potential prosecution. States, meanwhile, suffer from the perception that their private security contractors act without regard to the law, which can complicate efforts to win hearts and minds. The ambiguity surrounding the legal status of security contractors also raises the potential for confusion when confronting PSCs on the battlefield, thereby diminishing the odds that international humanitarian law will be respected. As such, the current ambiguity over the status of PSCs serves neither the interests of states nor contractors.

As this essay has argued, the best way to resolve the current contradictions between state practice and international law is to recognize armed contractors performing security related duties as combatants under Article 4A(2) of the Third Geneva Convention. This change would have at least two major benefits. First, it would better align the legal status of PSCs with the duties they are hired to perform. This alignment would help bolster the legitimacy of employing security contractors and ensure that contractors enjoy the protections of being legal combatants, such as the right to prisoner of war status. Second, it would help clarify the status of security contractors on the battlefield, which would eliminate confusion on the front lines and make compliance with the law of armed conflict simpler. Best of all, capturing these benefits would only require minor changes in the practice of states and contractors. In some cases, it would be as simple as requiring PSCs to wear clearly visible identification and taking contractor's human rights record and training into account when tendering contracts. There is, as a result, little reason for states and contractors to not adopt such changes and push for a treaty codifying such requirements into law, as it would bring some much-needed order to an ambiguous area of international law.

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## Notes

<sup>1</sup> Of the four treaties that comprise the Geneva Conventions of 1949, only Article 3, which is common to all four treaties, applies to conflicts of a non-international character. While slightly augmented by the addition of Additional Protocol II in 1977, which introduced further rules governing non-international conflicts, the laws governing internal conflicts remain considerably less stringent than those governing interstate conflicts, largely out of respect for state sovereignty.

<sup>2</sup> See, for example, the *Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict* (International Committee of the Red Cross 2009), which is a set of best practices for employing private security contractors that has been endorsed by a number of major nations, including the United States.

<sup>3</sup> Up until 2004, for example, this was the position of the United Nation's special rapporteur on mercenaries (Bosch 2007, 40).

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<sup>4</sup> This figure probably overstates the potential for exposure, as some of the third country nationals employed by the Department of Defense in Iraq/Afghanistan were from other states party to the conflict, so they would also be exempt from being classified as mercenaries.

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# Should Non-Lethal Chemical Agents be Authorized for use by Military Forces?

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## **Abstract:**

In the context of the lead-up to the Iraq War in 2003 some suggested, including Secretary of Defence Donald Rumsfeld, that non-lethal chemical weapons (NLCW) would be useful tools for US forces to employ. While in the end this did not lead to a change in US policy towards the use of NLCW in that conflict, the circumstances Secretary Rumsfeld and others indicated made NLCW appealing (irregular forces mixing with civilians, crowd control by military units, and the overall objective of winning “hearts and minds”, etc.) remain potential facets of future conflicts that western militaries could be engaged with. This paper looks at the prohibition of NLCW in international law, the recent arguments in favour of their use in modern conflicts, and the case of the Iraq War (2003). Ultimately it finds that, despite the theoretical utility of NLCW in certain circumstances, the potential damage to the international chemical weapons control regime would be too great to justify the limited expected benefits of equipping military forces with NLCW.

## **Introduction**

In February 2003, the Secretary of Defence of the United States Donald Rumsfeld characterized the Chemical Weapons Convention (CWC) as a “straightjacket”, limiting the United States' military options when trying to protect civilians in conflict zones (US Congress 2003). This essay will weigh the possible utility of non-lethal chemical weapons (NLCW) in scenarios such as those envisioned by Secretary Rumsfeld, against the possible harm such a change in practice could cause to the chemical weapons control regime. It is important to note that NLCW can encompass a wide range of chemical agents. These include more familiar substances such as Riot Control Agents (RCAs), for example “tear gas” (or CS), and cross a spectrum to incapacitating agents like Agent 15 (or BZ), which can induce confusion and hallucinations. Between these two ends, one could also include malodorants, anti-traction materials, obscurants, barrier forming foams, anti-material chemicals, and defoliants (Lewer, Davison 2005). The CWC specifically defines RCAs and prohibits their use as a means of warfare.

Key to this analysis will be consideration of the international legal structure that controls chemical weapons in all forms, including non-lethal varieties, as a method of warfare. This paper will proceed by providing an overview of the applicable international law and expanding upon the reasons why NLCW might be useful tools to employ. It will then provide a brief overview of the United States' recent conflict in Iraq as a scenario where NLCW could plausibly be used as suggested by Secretary Rumsfeld, before providing policy options and recommendations. Ultimately, it will be found that the potential damage to the international chemical weapons control regime would be too great to justify the limited expected benefits of equipping military forces with NLCW.

## **Applicable International Law and a History of the Chemical Weapons Control Regime**

Chemical weapons (CW), of all forms, are clearly prohibited under a variety of international legal instruments, not the least of which is the Chemical Weapons Convention of 1993. The consideration of chemical weapons in international law goes back, in the modern era, to the Hague Conventions of 1899 and 1907. These conventions, along with the annexed Regulations Respecting the Laws and Customs of War on Land and the 1899 Hague Declaration Concerning Asphyxiating Gases, established and extended the core principle of the laws of armed conflict that belligerents do not have unlimited power to injure an enemy with weaponized chemical agents. Specifically, the Declaration Concerning Asphyxiating Gases required states “to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases” (Zanders 2003, 395). Of course, this prohibition did

not hold up in the First World War where German forces first used chlorine gas by allowing it to waft over the battlefield from barrels in their trenches. Soon after, all parties to the conflict were using chemical weapons, including those delivered by projectiles (ibid., 395).

The next major effort to ban chemical weapons came in the 1925 Geneva Protocol. Zanders argues that while many states were thoroughly repulsed by the effects of chemical weapons use in the First World War, they were unprepared to tackle the difficult issues posed by regulation of chemical precursors for these agents. Some states also felt that they should not be left without a retaliatory capability in case CW were used against them (ibid., 396). For these reasons, the Geneva Protocol became fundamentally, in the language of arms control, a commitment to “no first use”. While this declaration was violated a number of times, for example during the Iran-Iraq War, this protocol formed the basis of the chemical weapons prohibition regime until the signing of the CWC (ibid., 396).

The Chemical Weapons Convention was signed in 1993 and came into force in 1997. This treaty represented a significant development in the CW control regime (ibid., 399). First, it went beyond all previous agreements by prohibiting the development, production, acquisition, stockpiling, and retention of chemical weapons, as well as the transfer (directly or indirectly) of CW to “anyone” (OPCW, 1997a). The CWC also compels states parties to declare and destroy existing stockpiles of CW, establishes extensive schedules of controlled chemicals, and creates an international organization (the Organisation for the Prohibition of Chemical Weapons [OPCW]) to administer an intensive verification program, among many other significant developments (ibid.). Illustrative of the CWC’s thoroughness, it runs over 160 pages in length, while the Geneva Protocol was a single page. Particularly relevant for the purposes of this paper, any chemical is prohibited by the CWC if “through its chemical actions on life processes it can cause death, temporary incapacitation or permanent harm to humans or animals” unless it is intended for purposes not prohibited under the CWC, and so long as the types and quantities “are consistent with such purposes” (The CBW Conventions Bulletin 2002, 1). This broadly comprises what is known as the ‘general purpose criterion’ that bans all forms of CW, whether or not they are listed specifically in the annexed Schedules of controlled chemicals.

Specifically on the subject of non-lethal chemical weapons (NLCW), the CWC explicitly states that “Each State Party undertakes not to use riot control agents as a method of warfare” (OPCW, 1997a). This raises the fundamental question of how “riot control agent” and “method of warfare” are defined. Regarding RCAs, Article 2 of the CWC states they consist of any chemical not listed in a Schedule, which can produce



rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure (OPCW, 1997b).

The CWC is less clear in its definition of a “method of warfare” in that it does not provide a specific clarification in its text. However, referring again to Article 2, one can infer a rough definition by examining the purposes not prohibited. The convention states that “Purposes Not Prohibited Under this Convention” include:

- “(a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- (d) Law enforcement including domestic riot control purposes.”

The military purposes alluded to in (c) of this definition are clear enough in that chemicals, writ large, play a significant role in a wide range of everyday activities, and are important to the functioning of a modern military. However, more relevant for the purposes of this paper is the exception in (d).

One potential interpretation of this clause means domestic riot control *and* other law enforcement purposes, which could include counter-terrorism operations for example, are accepted uses of chemical agents. Michael Crowley of the Bradford Non-lethal Weapons Research Project notes there is continuing ambiguity as to the type and specifications of those means of delivery that are prohibited under the Convention. He writes, “This ambiguity has potentially dangerous consequences, allowing divergent interpretations, policy and practice amongst State Parties to emerge” (Crowley 2013, 2). The dangerous consequences he alludes to include: employment in armed conflict, potential use as part of a CW program, proliferation to non-state actors, employment of inappropriate munitions in law enforcement, and misuse to facilitate large scale human rights abuses by either state or non-state actors (ibid. 213, 6). While Article 2(d) has not been cited by a State to justify their use of NLCW by military forces outside their borders to date, the existence of this ambiguity may provide a crucial gap in the CW prohibition regime proponents of NLCW and RCAs could use to advance their position.

For now however, it will suffice to conclude that there is a legal argument to be made against the development and use of NLCW by military forces in any international armed conflict scenario on the basis of the CWC. While the CWC does provide for the

use of RCAs for domestic law enforcement, it also contains a general purpose criterion banning CW in all forms as a method of warfare (The CBW Conventions Bulletin 2002, 1). Furthermore, the issue of NLCW was considered in the design of the CWC and is not simply an unaddressed technological development or oversight (OPCW 2014). In this way, it would seem that any state party to the CWC advocating the use of NLCW in the context of an international armed conflict would, *prima facie*, have a weak legal justification for their action.

## **Why Consider the Use of Non-Lethal Chemical Weapons?**

One of the most prevalent arguments advanced in support of the use of NLCW (and other non-lethal weapons) in modern armed conflict is the hypothesis that the nature of conflict in the 21<sup>st</sup> century has changed since the ending of the Cold War. In the context of the Cold War, militaries had little apparent need for NLCW as a conflict between Eastern and Western blocs would have almost certainly been an existential war. Similarly, modern militaries are generally well equipped with counter-CW defensive measures that would have likely made even the most widespread use of these weapons ineffective (Allison, Kelly, Garwin 2004, 59). In the time since the end of the Cold War, the armed forces of Western and other states have decreasingly been preparing for 'conventional' warfare, and have increasingly been deployed on non-traditional peacekeeping, peace-enforcement, and counter-terrorism missions. These missions have included more complex operating environments such as urban areas with large numbers of civilians present and irregular combatants interspersed with them (Sossai 2010, 8). Continuing in this line of thinking, it becomes much easier to imagine how the use of non-lethal weapons could be advantageous to both military forces and civilians in conflict zones. Ballard states that, "the development and use of non-lethal weapons is a legitimate approach to this new security environment and military structure. In order to be prepared for the full-spectrum of conflict, soldiers and law enforcement officers must be equipped and trained to deal with non-state actors and their tactics. The pressure to do this in a humane way leads logically to a desire for non-lethal weapons" (Ballard 2007).

An example of how wars being fought by modern militaries are evolving might be found in the challenges faced by NATO and coalition forces conducting counter-insurgency (COIN) operations in Afghanistan and Iraq. These missions must consider the protection of civilians in urban areas, the protection of military forces, the significant role of military forces in maintaining general civil order, and the operational desire to win over the "hearts and minds" of the civilian population. NLCW can plausibly address these concerns by providing an alternative to lethal force when soldiers are faced with civilian crowds or the identities of combatants are ambiguous, and they can

therefore help in the battle for “hearts and minds” by reducing civilian casualties (ibid.).

An additional reason states and militaries might be taking a second look at NLCW is the enhanced focus placed on counter-terrorism (CT) missions since the attacks of September 11, 2001 (Rosenberg and Wheelis 2002). CT missions, like the operations discussed above, are also likely to involve irregular combatants and civilian populations or hostages. They also operate in a more legally ambiguous area, as CT operations could be seen as either a law enforcement action or a military action. This is particularly relevant in the Canadian context as Canada has re-assigned primary responsibility for conducting CT operations outside of Canada away from the Royal Canadian Mounted Police to a military unit, Joint Task Force 2 (National Defence 2014).

Important however, are the particular reasons why non-lethal *chemical* weapons might be desirable in these conflicts, as distinct from other forms of non-lethal weapons. Many of these reasons are analogous to the reasons these types of agents are used in domestic law enforcement contexts, such as crowd control. For example, chemical agents that can be dispersed over wide areas, such as CS gas, perform a role that other non-lethal weapons cannot in the context of a riot. NLCW have also been explored as an option for specialized military forces for their ability to stealthily neutralize threats and avoid non-combatant casualties in urban combat (Wheelis 2007). In 2003, a US committee under the Naval Studies Board of the National Research Council carried out an assessment of non-lethal weapons science. They identified NLCW as particularly of interest in terms of crowd control and clearing facilities (Davison 2007, 14). The Moscow Theatre Siege of 2002 has, in the view of some analysts, demonstrated the potential of incapacitating chemical agents to resolve difficult hostage situations (despite the unfortunate number of casualties in this specific instance) (CBWNP 2002). The Chemical and Biological Weapons Nonproliferation Program of the Monterrey Institute of International Studies wrote about the siege stating, “In such a context, the Russians were facing a ‘no-win’ situation and were therefore probably right to act when and as they did. Knowing the extreme nature of Barayev and his followers...it is difficult to envision any response that could have ended this takeover without resulting in significant numbers of casualties” (ibid.).

Ultimately, it would appear there are legitimate humanitarian reasons to explore the potential benefits of incorporating the use of NLCW into military doctrines. The core problem then becomes the tension between two valid yet, in this case, competing principles: the anti-chemical weapons norm, and the desire to limit unnecessary suffering (particularly to non-combatants) in armed conflict.

## The Case of Iraq

A case that illuminates this tension is the US-led coalition War in Iraq that began in 2003 and ended in 2011. While the initial invasion and conventional conflict with Iraqi forces consisted of a more traditional military action and are therefore of less relevance to this paper, the subsequent occupation of the newly liberated Iraq are highly relevant. In the second phase of the Iraq War, the US and coalition partners were dealing with a broad based insurgency. This included a very chaotic situation marked by looting, sabotage, and ethnic conflict (Allison, Kelly, Garwin 2004, 59). In testimony to the House Armed Services Committee, the US Secretary of Defence Donald Rumsfeld characterized the CWC as a “straightjacket” that limited the options of US forces in cases where protection of civilians was a key concern (Hay 2003). Rumsfeld also made reference to Executive Order 11850 issued by President Ford, which outlined, among other things, certain exceptions the US interpreted as valid regarding the use of RCAs. These are:

- “(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.
- (b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.
- (c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.
- (d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations” (Ballard 2007).

Based on the applicable law of the CWC outlined above, it is clear some of these circumstances could pose serious issues of legality to the US. Ballard notes the US understood when it became a party to the CWC that it would be subject to all provisions of the treaty and not subject to any reservations (ibid.).

As the US occupation began to take shape at the end of the conventional conflict with Iraqi forces, no coordinated COIN strategy was imposed by US military leadership leading to different approaches under different regional commanders (Kahl 2007). In Kahl's analysis, enemy-centric search and destroy tactics were often counter-productive and alienated the Iraqi population. As the conflict continued, commanders were increasingly persuaded to employ COIN strategies that focused on winning the “hearts and minds” of the Iraqi population (ibid.). In these sorts of missions, the use of RCAs in circumstances such as those described in Executive Order 11850 (b) and (d) seem much more likely.

Ultimately, it does not appear the US or its coalition partners employed NLCW or RCAs in a significant way in Iraq, though there are reports tear gas was used in controlling a prison riot in 2007 and it is known that CS and pepper spray were shipped to the Gulf (Lewer and Davison 2005, 49). The involvement of US and coalition forces came to a conclusion in December 2011 after a surge in troop levels, and in combination with a variety of other factors, came together to reduce levels of violence to a point where Iraqi forces could assume responsibility for security in the country (Gabrielsen 2013). How NLCW might have influenced the course of the 8-year conflict cannot be known. It would appear however that operating in a context of an insurgency, internal sectarian conflict, and regional separatist movements, the use of NLCW could plausibly provide useful capabilities to de-escalate situations and prevent the creation of new grievances.

## **Key Considerations**

The considerations highlighted by the preceding discussion are crucial to guiding any policy recommendations that might be made in the following analysis. At the broadest level, a change in policy in this area should have no (or a minimal) impact on weakening the CW control regime and have a clear benefit in terms of contributing to the humane treatment civilians in conflict zones. The impact of allowing NLCW use in some conflict scenarios on the CW control regime is perhaps the more difficult of the two priorities to measure. For the purposes of this paper, focus has been placed on the CWC and its role in prohibiting the use of CW in war. Therefore, a key concern would be how a policy change might affect the CWC.

Another concern relates to consideration of the practical steps that would lead up to NLCW actually being placed in the hands of front line soldiers. While on the surface it is easy to imagine scenarios where NLCW could be usefully employed, it is important to consider the implications of *all* the steps necessary to make those scenarios a reality. For example, states would presumably conduct research, create production lines, and supplement stockpiles of NLCW if they were to be allowed in conflict zones. The Federation of American Scientists (FAS) has warned in a position paper that, among other issues, these activities would encourage an arms race of sorts in this field; could be used as a covert CW program by states who develop synergistic pairings of NLCW that when combined created a lethal CW; and, could conceal a true CW development program because the production, testing, and delivery systems would be difficult to distinguish (ICRC 2010). Clearly, these issues could have significant implications for the CWC and particularly the inspection and verification programs of the OPCW.

Regarding situations where NLCW might provide unique capabilities, the

counter-insurgency or occupation context exemplified by Iraq, and a counter-terrorism context similar to the Moscow Theatre Siege where hostages are being held captive in a building, appear the most favourable examples. The FAS has noted however, that insurgent or terrorist groups have already been known to have innovated devices that could defeat NLCW tactics. For example, wearing gas masks or employing dead-man switches on their explosives (ibid.). Presumably, if the use of NLCW became widespread, non-state groups would not face significant barriers in adjusting their tactics to counter NLCW use.

It also cannot be ignored that the side-effects of the use of a potent incapacitating agent could be very severe for hostages, up to and including death. This calls into question the designation of these weapons as “non-lethal”, as variables such as pre-existing medical conditions and control of dosage come into play (ibid.). Lastly, the Moscow Theatre Siege is also emblematic of the issue of precisely how these weapons would be used. Even though NLCW are supposed to be an alternative to lethal force, in this case they were simply used to make lethal force easier. Similarly, in Vietnam, the US employed CS gas to flush combatants out into the open to more easily kill them (Allison, Kelly, Garwin 2004, 58-59). This is not to say that the use of NLCW in either of these cases was necessarily unethical as there are legitimate concerns about civilian and force protection, however they show that non-lethal weapons can still be used for entirely lethal purposes.

## **Policy Options**

Broadly then, there are three options to be considered. The first is to amend the CWC to allow for the use of NLCW in limited circumstances, such as post-conflict occupation or peacekeeping scenarios where crowd control and the protection of civilians would be important concerns. This option however, is likely not desirable because of the fundamental changes it would require to the CWC and the risk it would pose to the entire CW control regime. The general purpose criterion and the wide ban on the use of RCAs as a method of warfare are written directly into the core articles of the Convention. The renegotiation of these articles poses a serious risk to the overall CW control regime. In addition, the practical steps leading up to the equipping of front line soldiers with NLCW is also a great risk, as demonstrated by the FAS. In sum, an amendment to the CWC to allow for the limited use of NLCW would be potentially very disruptive for a small expected benefit.

A second option would be to conclude an international understanding that in peacekeeping and/or other types of missions that might contain significant crowd control or civilian protection elements that the use of RCAs would be permitted. This

could be concluded on a mission by mission basis, and would likely have the most legitimacy if this agreement applied only to UN mandated missions. It would also not go as far as to allow the use of incapacitating agents. As the US has already made a reservation to the CWC along these lines, there is less of a risk to the fundamental international understanding of the CW control regime. Furthermore, if these exceptions are only given to UN mandated missions with clear civilian implications, greater legitimacy would be accorded to the deployment of RCAs. The main drawback to this however is that it still presents the problem of encouraging the development and stockpiling of these weapons. This could still cause damage to the CW control regime by obscuring covert CW development programs, among other issues associated with the practical steps involved with equipping these weapons (ICRC 2010).

The third option is to maintain the status-quo. This is the option that is ultimately recommended by this analysis, primarily because this option maintains the maximum integrity of the CW control regime. Though there are legitimate humanitarian reasons to consider the use of NLCW, it is not clear their niche capabilities are worth the potential damage to the CWC. Furthermore, a wide range of other non-lethal weapons have been developed that provide similar effects. Part of this policy option could be to encourage the development and incorporation of these other NLW into missions where they would be useful. As exemplified by the Moscow Theatre Siege example, NLCW are not entirely non-lethal and their widespread employment would likely simply lead to further innovations by terrorist groups to defeat them. In summation, the recommended option is the maintenance of the status-quo with regard to NLCW. The potential damage to the CW control regime far outweighs the marginal benefits to be gained by opening the door to the development and use of NLCW by military forces.

## **Conclusion**

In closing, this paper has examined the potential costs and benefits of deploying NLCW in certain international conflict scenarios. While even a cursory reading of the applicable international law suggests that NLCW are roundly prohibited, there are legitimate humanitarian considerations that suggest they might be usefully employed in certain circumstances. These include international peacekeeping missions and counter-terrorism operations. Practical experience in these situations suggests however that the use of NLCW carries a great deal of risk, or provides only niche capabilities. In this context, this paper has argued that maintenance of the status-quo regarding NLCW is the best policy option at this point in time. It has also found however that equipping forces with other non-lethal systems present an opportunity to achieve many of the humanitarian aims of proponents of NLCW, without the associated risks.

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# The Reintegration of Girl Soldiers in Sierra Leone: Special Considerations

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## **Abstract:**

The reintegration of child soldiers is critical for long lasting peace in post-conflict societies. Reintegration of former girl soldiers is especially important, as they are an essential part of securing the future of post-conflict nations. They may have children of their own and it is important that these girls and their children are able to contribute to a stable society so that they are not drawn into recurring violence. This paper examines the Disarmament, Demobilization and Reintegration (DDR) process in Sierra Leone and finds that few girls participated and that those that did were not satisfied with help they received. The main objective of this paper is to recommend adjustments that can be made to DDR programmes to reach more girls and to adequately address their unique needs.

## Introduction

The use of child soldiers in armed conflict has become a global concern. There are an estimated 250 000 child soldiers in the world, of which 40% are girls (War Child 2014). Sierra Leone has one of the worst records of child soldier recruiting, with a significant proportion of child soldiers being female. It has been estimated that between 4,500 and 10,000 children were employed as non-state soldiers by the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC), and the Civil Defence Forces (CDF) from 1992 to 1999, throughout Sierra Leone's civil war. Furthermore, it has been estimated that a third of these child soldiers were female (Malan 2000).

There is a significant gap in knowledge on how to successfully reintegrate *female* child soldiers into post-conflict society. Although boys and girls both fall into the same legal category of rights and protections, female child soldiers often have very different experiences compared to their male counterparts and thus have distinct needs. Many have been victims of forced displacement, sexual assault or HIV/AIDS, while others become pregnant or have been married over the course of a war (Fox 2004). This is all on top of probable severe physical and emotional abuse, forced displacement, and lack of access to food, shelter, healthcare and education (Machel 1996, 10). Girl soldiers typically experience social exclusion and face stigma upon trying to re-enter former communities, because of their involvement with armed forces, the sexual experiences they have had, and the fact that many have had "rebel children" (MacKenzie 2009, 257). These experiences compound the challenges that female ex-combatants face in rehabilitating after war, by eroding perceived legitimacy within communities and negatively affecting capacity to take part in peaceful society (UNSC 2008, 2).

One of the core programmes introduced to assist ex-combatants in post-war rehabilitation and reintegration is Disarmament, Demobilization and Reintegration (DDR). The DDR process seeks to establish security and stability in post-conflict states to make way for recovery, peacebuilding, and development. The process begins with removing weapons from the hands of combatants, separating combatants from the military structure, and providing assistance for social and economic reintegration to society (United Nations Disarmament, Demobilization and Reintegration Resource Centre 2005). Many girl soldiers do not qualify for Disarmament, Demobilization and Reintegration (DDR) programmes, or are left out of the programmes in some way. Experts have argued that DDR officials, western government donors and the international actors tend to inadequately recognize the special needs and the rights of girls involved in armed conflict (Denov 2008, 814). Even in cases where girls qualify for

DDR programmes, the evidence shows that DDR interventions lack the proper design to meet the specific needs of girl soldiers.

This paper addresses the following question: “How can future DDR programmes more effectively integrate the special needs of former female child soldiers in order to improve reintegration outcomes?” Through evidence provided from girl soldiers’ experiences in Sierra Leone, the paper aims to provide recommendations on how DDR programmes can be improved to meet the particular needs of females. This paper is divided into four sections. Sections II) and III) review the characteristics of the Sierra Leonean conflict and the role of DDR in war-peace transitions. Section IV critically examines Sierra Leone’s DDR programme in order to understand how well it reached girls and the level to which former girl combatants were able to benefit from it. Section V provides a set of recommendations for improving DDR programmes in the future.

## **The Importance of Reintegration in Sierra Leone**

Since the civil war from 1991 to 2002, a constitutional democracy has been established in Sierra Leone, and the country has successfully held three democratic national presidential, parliamentary and local council elections. The military has played a key role in maintaining security and stability since the departure of the UN’s peacekeeping unit towards the end of 2005 (CIA 2013). In 2010, satisfied that the government had established control over its territory and former soldiers had been disarmed, demobilized and reintegrated, the UN Security Council lifted the last sanctions against Sierra Leone (UNSC 2010). Given strong signs of peace and progress in Sierra Leone, the UN’s Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) closed in March 2014, putting an end to over 15 years of UN peacekeeping in the country and signaling the beginning of a new phase of long-term development support from the UN. Sierra Leone has been hailed as a successful case in post-conflict recovery by UN Secretary-General Ban Ki-moon, and an example of good international practice in post-conflict peacebuilding (UN News Centre 2014).

Despite Sierra Leone’s overall recovery, and substantial economic progress in recent years, the economy is far from strong. Institutions were destroyed in the conflict and the country relies on mining exports, such as diamonds, gold, bauxite, rutile and iron ore, which are vulnerable to fluctuations in international commodity prices. Foreign aid makes up a quarter of the country’s total revenue, and almost half of the country’s working-age population engages in subsistence agriculture (EITI 2011). Sierra Leone faces other development challenges including poor infrastructure, low capacity, high maternal and infant mortality, rural poverty, youth unemployment and “lapses in public financial management and governance” (World Bank 2013).

The high incidence of poverty in Sierra Leone's post-conflict society makes sustainable reintegration of child soldiers—both male and female—extremely challenging. The country's youthful population has been affected the hardest by these economic challenges. Unemployment remains a significant challenge in Sierra Leone, as approximately 60% of youth are unemployed (ibid.). A high proportion of young people has been found to contribute to insecurity and likelihood of conflict, when a large, unemployed and disaffected mass of youth is dissatisfied with the opportunities provided by its homeland. Economic hardship can contribute to disillusionment, encourage civil unrest, and threaten peace in post-conflict society (Munive 2010).

### **The Youth Unemployment Challenge**

In order to comprehend the importance of successful reintegration of youth for a peaceful Sierra Leonean society, one must understand the integral role that youth played in the origins of Sierra Leone's conflict. Within Sierra Leone's first three decades of independence, the country experienced a decline in annual economic growth, from an average of 4 per cent in the 1960s to 1.5 per cent in the 1980s. In this grim economic context, the All People's Congress (APC) government, led by Major-General Joseph Saidu Momoh, had little choice but to agree to the structural adjustment programme (SAP) offered by the International Monetary Fund (IMF) and World Bank (Rashid, Abdullah, Goakai 2009, 16). Rather than stabilizing the economy, the structural adjustment programme negatively impacted country's population and the annual economic growth rate fell to -4.5 percent. The failure of the nation's formal economy led to growth in the illicit extraction, smuggling and sale of diamonds and other primary commodities (ibid., 16).

The country's economic decline had been accompanied by an ethnic-dominated competition for political power, and the APC party was slowly eliminating all opposition and transforming the country into a one-party state by preventing other candidates from participating in the national elections of the 1970s and 1980s. State power became concentrated in the hands of APC leader, Siaka Stevens. Stevens' corrupt reign led to the hollowing out of state institutions, and a culture of unaccountability and impunity penetrated state and social establishments.

The youth were coming of age in a massive economic downturn and found themselves with few opportunities for education, employment or recreational facilities. There was also little option to participate meaningfully in the political forum that had become a one-party dictatorship under Stevens (ibid., 17). A rebellious culture was developing in Sierra Leone, and this culture included university students as well as their uneducated peers. Because of the economic downturn, the social and economic

gap between university students and historically marginalized youth had narrowed and both groups began to embrace the same radical culture shaped by pan-Africanist and leftist ideology. This new rebellious culture was decidedly anti-mainstream and representative of the youth's rejection of the one-party government and the political elite (ibid., 18).

Sierra Leonean students led a series of student protests in 1977 and in the early 80s, using the platform of student politics to oppose the corrupt and authoritarian APC rule, and demand democracy. When these protests were violently repressed by the regime, the growing mass of unemployed youth began to speak openly about revolution. Armed struggle was discussed as an option, and eventually, some youth began to seek out insurgency training in Libya (Abdullah 1998, 211).

Foday Sankoh, a former corporal who had been imprisoned for attempting a coup against President Siaka Stevens, would become the best-known leader of the Revolutionary United Front (RUF) (ibid., 220). The majority of the undisciplined RUF were under the age of thirty-five, and had a limited understanding of what revolution was and how it might be achieved. The group's "vague populist formulation about foreigners and rural development" failed to convince the majority of the population and the RUF was left to recruit an army of vulnerable and uneducated youth to which their mission seemed appealing (ibid., 226).

The Revolutionary United Front was born from a rebellious youth culture in search of a radical alternative to the ruling APC party. Thus, for post-conflict stability, it is of the utmost importance that former soldiers are able to participate meaningfully in post-conflict society so that they are not drawn back into a cycle of violence or a life of marginalization. Without government efforts to maximize work opportunities, paired with well-designed locally-tailored reintegration programmes, Sierra Leone is at risk of descending into another civil war, provoked by a youth frustrated with a failing government.

## **Reintegration in Sierra Leone**

The mere existence of girl soldiers and child soldiers in general is indicative of a large-scale breakdown in local state institutions. In civil wars, the government simply lacks the capacity to protect and enforce basic human rights. Sierra Leone was left with a destroyed health and education system, damaged infrastructure, and an overabundance of small and light weapons. Additionally, Sierra Leoneans faced a range of emotional and psychological difficulties in overcoming trauma, due to the loss of family members, and the lived experience of the violent civil conflict (Fox 2004, 476).

DDR programmes have been conceived and implemented by the international community in partnership with local government and non-state actors to stabilize post-war contexts by collecting weapons from combatants. DDR involves three broad components: while disarmament involves the collection and safe disposal of arms, ammunition and other weapons, demobilization aims to officially discharge combatants from their respective armed forces and prepare them for re-entry into society (UN Peacekeeping, 2014). The disarmament and demobilization components are short-term in nature and emphasize stability. Reintegration, on the other hand, is a long-term, developmental component that emphasizes a “process by which ex-combatants acquire civilian status and gain sustainable employment and income”, and allows for the incorporation of former soldiers into a peaceful society (ibid.). Scholars now speak of two phases within the reintegration stage; that of immediate, transitional reinsertion and the longer-term social and economic process of reintegration. Reinsertion is meant to cover basic needs of ex-combatants, such as security allowances, medical services, short-term skills training and education, employment, tools, food and clothes, while reintegration is the process through which former fighters receive civilian status, gain employment and access sustainable income. Reintegration has an open time frame and tends to occur within communities, as part of the overall development of a post-conflict state. It is also generally considered a national responsibility which may require international assistance (Ball, Van De Goor 2006, 3). This paper will focus on early and immediate reintegration efforts, also known as reinsertion.

Although DDR programmes can contribute to lasting peace through reintegration of former soldiers in society, it is important to understand that DDR does not seek to address the root causes of war, and is part of a broader government strategy to build peace. Alone, DDR cannot prevent conflict from recurring, singlehandedly produce development or guarantee successful reintegration of all ex-combatants (ibid., 3). In Sierra Leone, plans for disarming, demobilizing and reintegrating children affected by war were made explicit within the Lomé peace accord, signed in July 1999 between the government and rebels. The accord states, “The Government shall accord particular attention to the issue of child soldiers. It shall, accordingly, mobilize resources, both within the country and from the International Community...to address the special needs of these children in the existing disarmament, demobilization and reintegration processes” (Lome Peace Accord 1999). The post-war government partnered with international actors such as the Economic Community of West African States (ECOWAS) Monitoring Group and the United Nations Mission to Sierra Leone (UNAMSIL) to design a DDR programme (Denov 2006, 330). Other processes contributed further to the human security agenda of post-conflict Sierra Leone, such as the truth and reconciliation commission and the state’s tribunal to punish war criminals (Denov 2006, 329).

Ultimately, the DDR process disarmed and demobilized over 70,000 combatants, and collected 42,300 weapons and 1.2 million rounds of ammunition in Sierra Leone (African Development Bank 2010, 6). While the disarmament phase was considered relatively successful, the reintegration process was not. The reintegration plan called for integrating a few thousand ex-combatants, while the rest would be integrated as civilians. However, since economic conditions were dire and few alternative livelihoods were available for reintegrated civilians, some ex-combatants migrated to neighbouring Liberia and Côte d'Ivoire to find work as mercenaries (ibid.).

The reintegration of child soldiers in Sierra Leone was difficult due to the nature of the RUF and how the movement operated as a rebel force. The organization rejected national political structures and trained its recruits to do so as well, immersing child soldiers in an anti-societal, anti-peace environment (Restoy 2006, 3). The RUF was known for forcing child soldiers to commit atrocities against their own family members and neighbours in order to sever community ties and leave children with no option of returning home (Betancourt et al. 2010, 20). Additionally, RUF leaders actively sought to prevent their fighters from entering the DDR programme in the hopes of continuing to the war (Mitton 2008, 200). Many fighters chose to stay with the forces, because of the status and resources they had enjoyed during the conflict; similarly, higher ranking officers were unlikely to exhibit faith in new democratic processes and were less likely to break ties with their factions (Humphreys, Weinstein 2007, 563). Other combatants were abducted at a young age and had no memory of their biological families (Denoy, 325). The concept of peace would be completely foreign to these children, as would the norms and rules of a stable society (Mitton, 197). For child combatants like these, a (re)-*introduction* to society is necessary. Breaking ties between ex-combatants and their commanders is a significant challenge for DDR programmes aiming to reconcile former soldiers with their victims and the rest of society, as former soldiers were at odds with the very social system into which they were to be reintegrated (ibid., 194).

## **The Role of the Girl Soldier**

Girl soldiers played many roles in Sierra Leone's conflict. Many were under-aged wives and mothers, domestic workers, camp followers, sex slaves, and combatants. The term "bush wife" is used frequently to describe women associated with the conflict, and it is important to understand the many roles this title encompasses, and how this title covers young girls. Bush wives were abducted by rebels and terrorized as domestic workers, cooks, maids and sexual slaves. The term "wife" was used to reflect the fact that bush wives "belonged" to one particular rebel and was expected to be "loyal" to him in exchange for protection from the other soldiers (Mazurana, Carlson 2004, 14). Despite having to endure abuse from her commander/husband, bush wives had



important powers within the fighting forces. In her commander's absence, she could command troops, distribute weapons and control distribution of food and looted items within compounds (ibid., 14). According to Solomon and Ginifer, bush wives were also armed (Solomon, Ginifer 2008, 21).

The roles that female combatants played during war is often poorly understood by DDR programmes. DDR tends to assume that female combatants were passive victims of war-time experiences rather than active participants. Almost half of the respondents in McKay and Mazurana's study of 50 girls and young women who participated in Sierra Leone's conflict reported receiving training in the use of weapons (McKay, Mazurana 2004, 94). Mackenzie argues that DDR programmes make gendered assumptions about the security threats of females vis à vis males, and the focus on their victimization throughout the conflict takes away from the fact that many female combatants were perpetrators of crimes as well (Mackenzie, 245). In the Mackenzie (2009) study, over 75 percent of women interviewed reported being involved in active combat duties. When asked what roles were carried out during the war, female combatants' responses included 'Leading lethal attacks', 'screening and killing pro-rebel civilians', 'combatant', 'poison/inject captured war prisoners with either lethal injection or acid', 'I trained with [the AFRC] bush camp [on] how to shoot a gun', 'killing and maiming pro-government forces and civilians', 'gun trafficking', 'killing', 'planning and carrying out attacks on public places', 'do execution on commanders of my age group', 'fighting', 'murdered children', and 'weapon cleaner' (ibid., 249). Mackenzie's study provides evidence that women and *girls* participated in fighting and in many cases and were considered soldiers and even commanders. The implication of these findings is that the role that females played is not always fully understood by DDR officials and practitioners, and that the lived experiences of females during war are not sufficiently acknowledged in reintegration programmes.

In "Impact of Armed Conflict on Children", Graça Machel (1996) addresses the effects of sexual violence and explains that girls have different physical and psychological needs because of the sexual abuse they have often endured. Girls may have become pregnant, suffer birth complications aggravated by lack of proper health care, have high incidence of sexually transmitted diseases and suffer severe physical injuries due to sexual abuse. Young girls are especially at risk for birthing complications because of their physical immaturity. In a conflict environment, young girls do not have appropriate support systems or the economic means to raise a child. In conflict zones, public health infrastructure is usually destroyed or severely damaged, which prevents access to appropriate health care and treatment for pregnant girls. Sexually abused girls are at high risk for suicide because of the shame and embarrassment they harbor over their experiences (ibid.). In Sierra Leone specifically, it was estimated that 70-90% of

rape survivors carried sexually transmitted diseases, and girls who had been abducted and lived in the fighting forces were at a higher rate of risk due to repeated sexual abuse by multiple perpetrators (UNICEF 2005, 23). Young girls often died as a result of rape, and pregnant girls were often forced to abort, or underwent violent and unsafe abortions (Machel 1996, 17). During their reintegration in society, many female ex-combatants suffered from psychological effects such as stigmatization resulting from sexual abuse and war-time atrocities in their communities (ibid., 16). Young girls with babies were especially vulnerable, since they became a visible reminder of the “bush wives” phenomenon (ibid., 16).

Reintegration of female combatants is particularly challenging given the patriarchal nature of Sierra Leonean society. Sierra Leone ranked 141 out of 187 countries on the Gender Equality Index in 2014, with only 9.5% of females 25 or older having at least some secondary education, compared with 20.5% of males (UNDP 2014, 175). Girls face a discriminatory legal system, as well as structural societal discrimination on a day-to-day basis, harmful traditional practices such as early forced marriage and female genital cutting, barriers to accessing education, and damaging public attitudes towards sexual violence. Rape is frequently prosecuted under customary law in local courts rather than under general law, sexual violence is commonly justified by society<sup>1</sup>, and shaming and stigmatization of victims is accepted (Human Rights Watch 2003, 21). Additionally, women are unable to access credit, or own land, and leave the conflict with few skills and little education, making economic reintegration particularly difficult (Solomon, Ginifer, 22).

## **Problems with DDR in Sierra Leone**

The UN Department of Peacekeeping Operations (UNDPKO)<sup>2</sup> is the body in charge of providing political and executive direction to UN peacekeeping operations. UNDPKO is mandated to address gender through several UN Security Council Resolutions. These resolutions call on member states to ensure that women are involved in all areas of peacebuilding, to address the unique impact of conflict on women, to recognize the impact of sexual violence on the maintenance of peace and security, and to recognize the fact that sexual violence during conflict is a war crime (UN Peacekeeping 2014b). Nevertheless, UN Women explains that they do not adequately deal with psychosocial trauma of former soldiers. Two international NGOs with trained psychologists did provide counseling support, but this was only available in Freetown, and UNICEF acknowledges that there was insufficient attention to the need for gender-specific services for girls (UNICEF 2005, 16). Addressing these effects in females is especially important since sexual and gender-based violence is prominent during civil conflicts and, as previously discussed, can result in sexually transmitted diseases,

stigmatization, children born of rape, and post-traumatic stress (Douglas et al. 2010, 10). Using a data-set on experiences of ex-combatants in Sierra Leone, Humphreys and Weinstein found that aspects of a combatant's experience in conflict should be taken into account much more in the design of DDR programmes (Humphreys, Weinstein, 563).

In Sierra Leone, the DDR programme was praised as very effective in increasing the nation's security, and has been hailed as a successful example for other programmes to emulate (Denoy, 330). The DDR in Sierra Leone was executed between 1998 and 2003 and its reintegration phase focused on economic reintegration. Programming, which also aimed to promote forgiveness and reconciliation, included information and community sensitization campaigns coupled with monitoring and evaluation systems to try to ensure effectiveness (UN Conference Report 2005, 23).

The reintegration phase of Sierra Leone's DDR programme offered vocational/apprenticeship skills training alongside formal education. However, the skills/trade options provided for female ex-combatants and for females in general were limited and were not selected in consultation with Sierra Leonean communities or beneficiaries. Options offered by UNICEF's 'The Girls Left Behind' program and even local organizations targeting female ex-soldiers included gara tie-dyeing, tailoring and weaving, catering and soap-making (Mackenzie 2009b, 209). These trades which tend to be popular in rural areas limited trainees to finding work in rural regions and are far less profitable than the training options provided for men. Female ex-combatants that were asked about how to improve reintegration programs pointed to training for more lucrative jobs and sustained assistance in their job search (ibid., 211).

The UN DDR Resource Centre claims to include "All those who are found to be members of an armed force or group...whether they were involved in active combat or in support roles (such as cooks, porters, messengers, administrators, sex slaves and 'war wives')" (UNDDR 2005). However, only 8 percent of the child soldiers officially reintegrated in Sierra Leone were girls (Mackenzie 2009, 245). UNICEF estimates that about 3,000 girls who would have been eligible for the DDR programme did not come forward to register. This figure does not include those that were "associated" with the war, and not considered combatants, such as bush wives, cooks and camp followers. (UNICEF 2005, 16). UNICEF has publicly addressed the fact that many girl soldiers were overlooked and recognizes that, "DDR programmes have consistently failed to attract female combatants" (Mackenzie 2009, 245).

This paper will classify challenges in a slightly different way, covering the issues of breaking commander-girl combatant ties, misinformation and misperceptions,

perceived lack of legitimacy, and socio-cultural barriers to reintegration.

### **Commander-Girl Combatant Ties**

Breaking the ties between commanders and girl soldiers was a key challenge to DDR programmes in Sierra Leone. Girls played integral roles in Sierra Leonean fighting forces, and their labour and presence was valued by commanders. They helped to maintain and sustain forces and played a much wider range of roles in the ranks than their male peers possibly could. During peace talks, as a sign of good faith, the RUF released 1088 males and only 15 girls, which may be indicative of the value the front placed on its females (Mckay and Mazurana, 121).

Evaluations of Sierra Leone's DDR process have found that many girls were not allowed by their commanders or 'bush husbands' to present themselves for DDR (Williamson 2004, 12). Furthermore, girls who had played "support roles" as bush wives, spies or messengers, cooks and camp followers for the various irregular factions were not eligible to join the DDR programme (Mackenzie 2009b, 251). Even when girls had been part of the fighting forces and had possessed weapons, these were often taken away deliberately by commanders to disqualify women from the programmes, given to males, or sold for cash (ibid., 251). Since the children's DDR program did not provide cash transfers in exchange for weapons, commanders had little incentive to release abducted girls, and they may have been kept from accessing DDR assistance (UNICEF 2005, 7).

The power that commanders hold over their combatants was still evident five years after the conflict in Solomon and Ginifer (2008) case studies. Former commanders led group discussions and acted as liaisons with the researchers, allowing access to their "ex-combatants". Attendance lists created by the commanders used former ranks to organize respondents (Solomon, Ginifer, 12). A DDR programme that focuses too strongly on disarmament for entry without incentives for commanders can prevent the release of abductees and girls in support roles and foreclose access to a large percentage of former girl soldiers (ibid., 12).

Despite the fact that many commanders kept their combatants from participating in DDR by force, interviews of former girl soldiers revealed that some stayed willingly. Some girls had held high ranks within the RUF and believed they would be well taken care of, or had developed emotional attachments to commanders, while others had children with commanders and felt obliged to stay in hopes of receiving some degree of economic support (ibid., 22). Others cited not having family or a support network to return to, and not trusting the DDR process to provide for them. Some interviewees

even cited not wanting to be associated with former soldiers from lower ranks within the DDR programme as a reason for avoiding the process (Mackenzie 2009b, 255).

### **Misinformation and Misperceptions**

To be eligible for the DDR programmes run jointly by the UN and the Sierra Leonean government, combatants were required to turn in a weapon and pass a basic weapons test. Eligible children were defined as age 7 or above and who learned how to 'cock and load' a weapon, who were trained in war tactics, and who spent 6 months or above in the fighting forces (ibid., 250). While child soldiers were supposed to be exempt from having to turn in a weapon, misperceptions about the programme were widespread and children often believed they had to turn in a weapon to be eligible (ibid., 250). Additionally, there may have been confusion amongst officials carrying out DDR programmes, as all of McKay and Mazurana's (2009) interviewees that participated in DDR had been asked to turn in a weapon and pass a basic weapons test. McKay and Mazurana (2009) found that 46 percent of the girls who had been excluded from the DDR process were excluded for not having a weapon.

By the end of the conflict, many females that had been abducted as children were considered women, and did not qualify for the children's DDR programme. Although they may have fought in the conflict, many did not qualify for the adult or child DDR programme without handing over a weapon first (Mackenzie, 251). Another problem related to the concept of eligibility is self-perception; women legally under the age of 18 often do not consider themselves to be children, having lost their parents and/or having children of their own, and thus did not consider themselves to be minors qualified for the children's DDR programmes (ibid., 254).

Surprisingly, a significant proportion of women *chose* not to participate in DDR programmes. Mackenzie interviewed young women who viewed themselves as "above" DDR, referring to their good looks and considerable popularity as reasons why they did not need assistance from DDR programmes (ibid., 254). Other female youth combatants explained that they did not need handouts (ibid., 254). Other girls made the choice not to participate in DDR based on fear and distrust of the Sierra Leonean government and the organizations involved, of the process itself, of stigmatization, and of the dangerous environments within DDR camps.

### **Perceived Lack of Legitimacy**

Another common sentiment that many girls shared was distrust of the new Sierra Leonean government and the organizations involved in the DDR process, likely due to a perceived lack of legitimacy of the programme. Former girl soldiers have

reason to distrust the new Sierra Leonean government and may perceive the UN officials as foreigners that lack knowledge about their culture or on the nature of the conflict (ibid., 253). Former combatants participating in DDR programmes also had to register and have their picture taken, and interviewees expressed discomfort with the idea of having their names and photos recorded by immigration officials (ibid., 253). Other participants had broader complaints about inefficiency, bureaucratic incompetence and even corruption through the stages of DDR programming (Solomon, Ginifer, 13). Some girls accused the process of being corrupt and directing funds to families of individuals working for the programme, while others were critical of how DDR was being implemented (Mackenzie, 209).

Safety and weak rule of law in DDR camps was another problem contributing to fear and distrust amongst ex-female child soldiers. Ex-combatants in demobilization camps were not separated by gender, and females were not provided with adequate gender-specific sanitary facilities (Solomon, Ginifer, 12). According to accounts from focus groups performed by Solomon and Ginifer (2008), as well as from interviews performed by Denov (2008), females were exposed to sexual harassment by male ex-combatants, particularly from different factions, who could not be adequately controlled by camp security officers. Close proximity between former girl soldiers or “bush wives” and their former commanders caused fear, distrust and a lack of security. This insecure environment caused some former female child soldiers to leave the DDR programme entirely (Mackenzie, 209). UNICEF also contends that despite written policies for priority female treatment, females were treated like their male counterparts (UNICEF 2005, 22).

### **Socio-Cultural Barriers**

Culture can have an important impact on how a public perceives former girl soldiers and the social norms of a country should play an important role in the design of a DDR project, to ensure that these programmes are benefiting males and females equally. Although the DDR process explicitly taught ex-combatant children that their involvement in the conflict was outside of their own control, and community sensitization campaigns were implemented in communities of ex-combatant children, stigmatization was still a significant problem. A survey of former adult and child soldiers in Sierra Leone found that higher rates of exposure to violence were associated with lower levels of community acceptance (Betancourt et al., 3). Betancourt et al. found that community stigmatization can affect the mental health of ex-combatant children and lead to fewer opportunities and reduced access to “protective resources” like support from family and communities (ibid., 3).

Many female ex-combatants avoided the DDR process because they were afraid to be labeled as having taken part in the conflict and feared stigmatization upon returning to their communities, or even potential prosecution (Denov 2006, 335). Former child soldiers were often labeled and negatively stereotyped, leading to discrimination from community members. Female ex-combatants in Sierra Leone, often victims of rape and forced marriage (as well as having committed atrocities and been considered 'complicit' in a violent conflict), were seen by civilians as defiled or promiscuous, and were distrusted by community members (Betancourt et al., 5). Additionally, since being involved in the DDR process marks girls as ex-combatants, many feared violent retaliation from their community members or other rebel groups. Some former girl soldiers were not convinced that the war was really over and did not want to label themselves as former combatants out of fear for their own safety (Mackenzie 2009b, 253). Others who had managed to escape the armed forces no longer self-identified as combatants and did not want to re-establish a connection to the conflict (ibid., 252).

UNICEF's report on DDR Lessons Learned in Sierra Leone found that although there were efforts to fund partners for community sensitization, these partners had little capacity to evaluate the impact of this work. Additionally, there was little community consultation to determine attitudes towards combatants returning, and there was no coordination between the NCDDR and other members of civil society to consolidate information and sensitization efforts (UNICEF, 2005, 7). In relation to former girl combatants in particular, the lessons learned report acknowledged that there had been little sensitization with communities on the victimization of girls in the conflict (ibid., 16).

## **Reaching Former Girl Soldiers**

According to the available literature on reintegration of girl soldiers in Sierra Leone, there were several barriers that prevented girls from accessing DDR programmes. These barriers can be presented in four categories; commander-combatant ties, misperception and misinformation, lack of legitimacy, and socio-cultural barriers. More broadly, reintegration programming did not adequately address the unique experiences of girls during conflict, nor was it sufficiently linked to longer term reintegration efforts to ensure sustained assistance for female ex-combatants.

This section presents recommendations on how to more effectively address the challenges of female combatant reintegration. A broad re-evaluation of the girl soldier's role in conflict and in post-conflict society is needed to inform the design of future reintegration programmes and adequately address the unique war-time experiences of female ex-combatants. These recommendations seek to tailor programming to meet the

specific needs of former girl soldiers in particular, and address barriers to their access and eligibility. Existing donor contributions must be better spent on effective and targeted interventions that separate girl soldiers from their commanders and address socio-cultural barriers to reintegration. Simultaneously, information about programming must be clear and easy to understand, and programming must be perceived as legitimate by its target beneficiaries.

## **Recommended Adjustments**

- 1) Increase legitimacy by patterning with community based organizations, religious groups, and community leaders in advertisement of DDR programmes and information campaigns.** Since reintegration programmes are usually ephemeral in terms of time and resources, leaders of community-based organizations (supported by funding from international NGOs) can build the skills and capacity to sustain reintegration efforts after programming has officially ended. It is important to note that post-conflict, it can be difficult to find credible, non-partisan organizations to partner with, a challenge cited by the Sierra Leonean government's report on its DDR programme (UN Conference Report, 23). Alternatively, DDR programmes might enlist the help of religious groups, community leaders and well-respected individuals to advertise and promote reintegration programmes. This was attempted to some extent in Sierra Leone, but could be improved upon in other post-conflict states (ibid., 22). Community organizations, civil society and religious groups can be of assistance by helping to advertise programme information such as eligibility requirements and benefits of DDR programmes for young girls, in local languages and in locations where the information will reach them. Cooperation with health care providers, child protection agencies and education facilities where girls may already be seeking help can decrease misperceptions amongst girls about the programme and help to disseminate information for programme operators. This recommendation is based on an assumption that if girls better understood that they were eligible for the programmes and learned of the benefits they could reap, they would be more willing to participate. Clear advertising and partnership with legitimate organizations can also be a means of tackling the ties between commanders and ex-combatants. If girls clearly understand eligibility requirements and see that they will receive assistance, they may be more likely to leave the fighting forces and undergo disarmament, demobilization and reintegration.
- 2) Support communities directly to build absorption capacity and address community stigma and negative perceptions of female soldiers.** Reinsertion programmes should be linked to longer term more extensive reintegration



programming that is designed to prepare communities to accept former combatants. These would build community capacity to absorb returning soldiers, and attempt to change community attitudes through sensitization and education programming. These types of community-focused efforts would ease the transition to civilian life for former girl combatants, build close-knit and supportive communities, and further dispel the common claim that DDR programmes reward combatants over communities affected by the conflict (SIDDR 2009, 27). Additionally, early partnership with communities for this type of programme would lay the foundation for establishment of further post-conflict programming (ibid., 27). Support to communities may also support the building of new, credible, non-partisan community based organizations to aid in peacebuilding and reconstruction efforts.

- 3) **Link education and skills training to longer term reintegration programmes and offer a wider variety of trades and skills.** Education and skills training also plays an important role in integration by allowing women to generate independent incomes and providing routes other than violence, providing physical, psychosocial and cognitive protection, re-establishing a sense of self-confidence and normality in children, and making up “lost ground” (social capital and capacity) (Smith Ellison 2014, 191). Scholars consider education as a fundamental component for reintegration and can be a platform in post-conflict societies to contest social inequities and promote the rights of girls and women in particular (Denov, Maclure 2009, 615). More obviously, education is necessary to develop a skilled workforce that can contribute to a strong economy and support overall development. Empowered, educated girls are better able to provide for themselves and their families and contribute to a peaceful society. The skills and trade training offered should be designed in consultation with communities and beneficiaries rather than imposed from the top down. Moreover, it is important that these programs are linked to longer term reintegration efforts to avoid an abrupt discontinuation of support and to aid female ex-combatants in search of jobs that can support them.
- 4) **Better address unique psychological effects of sexual abuse.** Education and skills training should be accompanied by therapy to address the psychological effects of sexual abuse in conflict. McKay and Mazurana describe a sense of “transition despair” felt by girls who have escaped conflict (Mackay, Mazurana, 51). These girls feel like they have been left behind, with few choices, few skills, and no assistance. They may also have to care for their own children, experience stigma within their communities due to the abuse they have endured, and fear that they are no longer desirable for marriage (ibid., 51). Reintegration programming should create a safe space for female ex-combatants to address psychological effects of sexual abuse. Group therapy and support groups

composed of girls with similar experiences may be helpful in providing a sense of belonging and empowerment through discussion of shared experiences.

- 5) **Provide specialized support for young mothers.** Girls with children are especially vulnerable post-conflict; they have often been left by their “husbands” throughout the conflict and have difficulty providing for themselves and their babies. Their children are evidence of the rape they have suffered which only contributes to the stigma they may face upon returning to their communities. The health of both mother and child are also at risk. Furthermore, the burden of having a child often prevents former girl soldiers from attending school. There are also incidences where girls who have become pregnant have undergone unsafe abortions, committed infanticide or abandoned their babies. These situations contribute to emotional and physical struggles for former girl soldiers. Programmes should be designed to attract girls who may have children with them and extra economic support should be allocated to these girls. Educational programmes should be developed to reach out to girls with children, with special curricula to educate them in childcare along with formal education.
- 6) **Improve security in DDR camps.** This adjustment is necessary to ensure that girls will be secure in DDR environments. A safe environment must be provided to attract girls that managed to escape from the armed forces as well as girl soldiers who fear further sexual violence. This must include separate sleeping quarters, toilets and shower facilities for girls and added security personnel for secure camps. Additionally, female Military Observers should be present in DDR camps.

## Conclusion

To promote a lasting peace and economic development within a post-conflict society, former girl soldiers must be reintegrated into society. In patriarchal post-conflict societies, girls are often left out of DDR programmes, sometimes by choice, and sometimes because the design of the programme itself excludes females by labeling them as “associated” with the conflict rather than as direct participants. These girls, who often have children of their own, are the future of their post-conflict societies and can contribute to sustained peace, healthy society, economic wellbeing and a higher standard of living. In order to contribute to their societies, they require short-term assistance from DDR programmes as well as longer term assistance provided by national government. This short-term reinsertion assistance must take into account the differing roles played by each girl and her unique war-time experience.

Through the examination of the DDR programme implemented in Sierra Leone, it is clear that there is a need for better understanding of the role of the girl soldier and

the unique challenges she faces in reintegrating into a peaceful society. Future programmes should make specific adjustments to reach more girls and to improve the quality of gender-specific support these girls receive. DDR programmes can expand coverage by partnering with local organizations to better advertise eligibility requirements and to increase the perceived legitimacy of programming. DDR programmes can take into account the special needs of former female child soldiers by focusing on the psychological and physical effects of sexual violence inflicted upon girls and by providing specialized programmes for young mothers. Finally, DDR programmes should improve security to ensure that girl participants feel safe from sexual violence and to ensure that no child is deterred from participating by fear of violence. In order to make these adjustments, new governments and their international partners must recognize the importance of female ex-combatant reintegration and be willing to re-design the process with her gendered experience in mind.

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## Notes

<sup>1</sup> The 2014 Human Development Report found that 73.3% of Sierra Leonean women in 2014 believed that wife-beating was justified in cases where a wife burned food, argued with her husband, went out without telling him, neglected her children, or refused sexual relations.

<sup>2</sup> The Department of Peacekeeping Operations also maintains contact with the Security Council, troop and financial contributors, and parties to the conflict in the implementation of Security Council mandates. The Department works to integrate the efforts of UN, governmental and non-governmental entities in the context of peacekeeping operations. DPKO also provides guidance and support on military, police, mine action and other relevant issues to other UN political and peacebuilding missions.

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# Mali's Smoldering Insurgent Threat: Confronting Islamic Extremism in Africa's Turbulent North

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## **Abstract:**

In early 2013, French military forces comprising Operation Serval deployed to Mali and successfully halted the rapid advance of Islamic extremists headed south toward the capital of Bamako. In response to this conventional military assault, the insurgency shifted its strategy, transforming into a covert guerrilla force to pursue its Islamic fundamentalist ideology from the shadows. Despite being scattered across the remote, rugged terrain of northern Mali, these transnational extremists nonetheless pose a distinct threat to both regional states and distant nations around the world. An in-depth examination of the insurgency's structure and the underlying regional and political factors that spawned its creation are essential in developing an effective counterinsurgency (COIN) strategy to address this lurking peril. In the short term, a successful approach requires cultivating meaningful external support from regional and international partners, effectively training security forces on the ground inside Mali, and denying access to crucial safe havens where insurgents can regroup and reorganize for future operations. In the longer-term, a political settlement for the restive north must be negotiated and meaningful investments to spark economic development and cultivate effective national infrastructure should be pursued in a region that has been neglected for decades. While the radical Islamic insurgency is presently operating in a distant corner of northwest Africa, the threat such transnational groups pose to nations all across the globe must not be overlooked.



## Introduction

On March 21, 2012, decades of stable democracy in Mali were wiped out in a few hours as a military coup ousted the democratically elected President, Amadou Toumani Touré. The main catalyst for the coup was Touré's ineffective strategy for confronting the National Movement for the Liberation of Azawad (MNLA). The coup only exacerbated political disarray in the southern capital of Bamako, opening the door for further rebel gains and the MNLA's declaration of independence on April 5<sup>th</sup>. The MNLA's triumphant insurgency was quickly hijacked by Islamic extremists, who ruled the region under strict sharia law. For the remainder of 2012, this transnational Islamic insurgency effectively governed an area the size of France with virtual impunity (Tran 2013). Only when the insurgent force seemed poised to advance southward and threaten the capital, did decisive action take place. In January 2013, the French military launched Operation Serval, successfully routing the insurgents from occupied cities and scattering the retreating fighters across the Sahel-Sahara.

The military intervention thwarted the insurgency's advance and rule, yet northern Mali remains unstable and despite several positive political developments (i.e. largely successful presidential election), violence has continued to persist. In fact, this May, an ill-advised prime ministerial visit to Kidal sparked a fierce battle where government forces were again routed by MNLA separatists. The United Nations (UN) and African Union (AU) helped to broker a tenuous ceasefire agreement, yet the event claimed dozens of lives and represents a serious political setback for a nation struggling to overcome its recent tumult (The Economist 2012). This serves as a dire reminder that Mali's insurgents have not been wholly defeated or integrated into a new, peaceful political society, but have adjusted their tactics and taken temporary refuge in the north.

Designing an effective counterinsurgency (COIN) strategy to confront this lurking danger requires an in-depth examination of the insurgent force and the underlying regional factors that helped spark its growth. French intervention effectively confronted this burgeoning threat, but this success must be augmented by a strong security presence in the north, inclusive democracy, and a substantial commitment from regional and international partners to cultivate stability and rout-out regional extremism.

This paper proceeds in five parts. Part I examines the impact of regional and historical developments on the security situation in Mali. Part II strives to understand the insurgent enemy by analyzing its structure and strategy, which encompasses aspects of Mao's protracted people's war. Based on this in-depth analysis, Part III strategically outlines exigent measures that must be taken to confront the guerrilla

insurgency and Part IV presents two vital, longer-term strategies to stabilize Mali. Part V concludes the paper by reiterating that although this radical Islamic insurgency is presently operating within the remote confines of a distant African nation, the threat such transnational movements pose to all nations around the world is ignored at their own peril.

## **The Seeds of Insurgency**

The 2012 outbreak of insurgency in Mali was not a detached phenomenon, but the predictable consequence of long-term political neglect and economic underdevelopment in the country's northern region. Implementing a successful COIN strategy in Mali will require a thorough understanding of the underlying seeds responsible for cultivating insurgent activity.

As the insurgency gained momentum throughout 2012, journalists and experts pinpointed the 2011 Libyan conflict, which ousted long-time dictator Muammar Gaddafi, as the primary source of the turmoil in Mali. Chivers argued that "weapons cast loose in Libya" by the NATO-led intervention were being funneled into conflict zones and "contributing to instability" in nations like Mali and Syria (Chivers 2013, 3). He asserted that following Gaddafi's toppling, hordes of Tuareg fighters that had fought for Gaddafi returned to Mali toting huge caches of deadly weapons (Chivers 2013, 2).

A recent UN Security Council report confirmed that illicit flows of weapons from Libya are "fueling existing conflicts in Africa and... enhancing the arsenals of a large number of non-state groups, including terrorist groups," (Politico.com 2013). Additionally, Belgian manufactured NR-160 antitank munitions found in Mali were verified as having originated from Gaddafi's stockpiles (Chivers 2013, 2). While this weaponry certainly exacerbated a tenuous situation, pinpointing the influx of weapons as the key causal spark oversimplifies other underlying factors that had been fanning the flames of instability for decades.

Keenan convincingly argues, "Libya was the catalyst of the Azawad rebellion, not its underlying cause" (Keenan 2013, 13). Although the insurgency was "precipitated by the return to the Sahel of thousands of angry, disillusioned and well-armed fighters," this was only the final spark in a conflict that had been smoldering in Mali for decades (Keenan 2013, 13). In order to identify the foundational causes of insurgency it is essential to look beyond Libya and examine the turbulent history of Mali's Tuareg.

An estimated 1.2 million Tuareg live in the Saharan and Sahelian regions of Africa, ranging from Mali, Niger, and Algeria to pockets in Libya, Burkina Faso, and even the northernmost tip of Nigeria (UNHCR 2012). A nomadic people, the Tuareg are not a united group, but a loose alliance of disparate clans and castes with a complex history of sporadic infighting. Notably, the Tuareg do not enjoy a majority population in Mali's north, but are a minority group, sharing the region with many other ethnicities. Even so, since Mali won its independence in 1960, the Tuareg have been the region's strongest force opposed to the central government, mounting occasional rebellions. Due to its chronic political weakness and location in the far southern capital of Bamako, the Malian government has been largely incapable of projecting meaningful authority across the massive northern territory or providing public goods and services to its residents. Thus, in addition to being "marginalized economically and disenfranchised politically," the Tuareg have also remained largely unencumbered by interference from the national government, creating an environment that has proven ripe for the cultivation of insurgency (Elischer 2013, 2).

O'Neill contends that where "relatively deprived ethnic groups live in distinct areas and have their own class-stratification systems, the ultimate goal of insurgency is usually secession," (O'Neill 2005, 25). As Bamako struggled to right itself after the coup, the MNLA exploited this golden opportunity to realize their enduring national dream. Thus, a new country was declared in a historically neglected region, controlled by a brazen group of separatists, many of whom were now armed and battle-tested. Having experienced several failed rebellions in the past, the MNLA insurgency was aware that boldly declaring *de facto* secession was not synonymous with winning formal recognition from Bamako or the international community. To strengthen its position, the MNLA made the ill-fated decision to forge an alliance of convenience with Islamic extremists. While the MNLA hoped this alliance would supplement their military strength and bolster their political ability to negotiate for an independent Azawad, their decision turned out to be a dire mistake.

To solidify this doomed alliance, MNLA leaders compromised with Ansar Dine, a radical Islamic group in Mali, and agreed that Azawad would become an Islamic state. Many moderate Tuareg viewed this concession as a "betrayal of a core principal of the decades-old-rebellion: a secular state offering freedom of religion and lifestyle," fracturing the MNLA (The Economist 2012). Ansar Dine opened the door to additional extremist organizations that applied further pressure on the MNLA, including al-Qaeda in the Islamic Maghreb (AQIM) and its offshoot, the Movement for Oneness and Jihad in West Africa (MUJAO). Within weeks, the secular MNLA were forced out of this nascent alliance as the more radical elements hijacked the insurgency, transforming a domestic, secessionist rebellion into a transnational insurgency spearheaded by

extremists propagating a state ruled under sharia. The MNLA's attempt to fortify its gains in the north certainly backfired, sidelining the group in its own insurgency and handing over territorial control to radicals.

It is important to note that this Islamic insurgency in Mali is not a single united force, but a shaky alliance of disparate radicals bound by similar ideological beliefs. Together, they form a harrowing movement that seeks to "re-establish the ancient political system that they idealize as a golden age" (O'Neill 2005, 21). As the government dithered in Bamako throughout 2012, the insurgents actively strengthened their presence in the north, capturing more territory, implementing ruthless sharia, and tirelessly preparing to launch an offensive.

### **The Strategic Stalemate**

After hijacking the rebellion, the radical Islamists employed a military-focus strategy. O'Neill asserts that proponents of the military-focus strategy understand the value of garnering popular support for their cause, yet make "no systematic, sustained effort to acquire it through extensive political organizing efforts," (O'Neill 2005, 56). Since the Malian tradition of moderate Islam made converting the masses to their radical ideology an unrealistic goal, they instead relied on the use-of-force to establish its supreme authority.

While the extremists eschewed recruiting locals, their insurgency nonetheless exhibited aspects of Mao's protracted war strategy. In mid-2012, the movement was operating within a *strategic stalemate*, the second phase of Mao's famed strategy, as they achieved "further escalation and victories," against the national government by conquering and ruling immense tracts of territory in the north (O'Neill 2005, 50). In order to "institutionalize support," the insurgency deftly constructed "shadow government structures" and parallel hierarchies to fortify their power across these subjugated areas and demonstrate their absolute control over the local population (O'Neill 2005, 50). The relentless growth of the insurgency's power served as a perpetual illustration of the Malian government's incapacity to control its own territory, effectively contrasting "the regime's ephemeral authority with the guerrilla's permanency" – a defining feature of the *strategic stalemate* phase (O'Neill 2005, 52). Despite its indifference toward garnering public support, the insurgency's strategy encompassed aspects of Mao's protracted people's war strategy, a fact that became even more evident during its late 2012 transition to phase three, the *strategic offensive*. In fact, this transition marked the final spark that ignited France's swift decision to militarily intervene.

Insurgencies can be meaningfully analyzed by inspecting three key structural dimensions: scope, complexity, and cohesion. The Islamic extremists in Mali have low scope and cohesion ratings, yet their complexity rating is quite high. First, since their forces comprise imported foreign fighters and minute clusters of local radicals, the insurgency lacks a diverse membership of local officials, businessmen, and other high-level members operating “across the political spectrum,” rendering their scope low (O’Neill 2005, 115). Although they share fanatical ideological beliefs, the MNLA, Ansar Dine, AQIM, and MUJAO are not a unified, close-knit movement, but an “uneasy alliance” of disparate factions that is “inherently unstable,” resulting in a low level of cohesion (Campbell 2013, 1).

Despite its low scope and cohesion, the insurgency demonstrated a surprisingly high level of complexity. O’Neill argues that complex insurgencies create “political structures or institutions to administer, organize, and rule the population,” (O’Neill 2005, 117). The insurgency did precisely that, establishing an expansive shadow government and implementing a functional system of sharia law to effectively, albeit harshly, administer governance to the local population. Wing explains, “Although over 90 percent of Malians and a vast majority of Tuareg practice Islam, most Malians... refuse to be governed by sharia law” (2013, 2). The movement’s ability to effectively implement sharia among an unfriendly, resentful population certainly illustrates its high level of cohesion. In fact, this complex administrative structure was so successful it rendered the task of cultivating public support and winning over the critical mass of local Malian citizens completely unnecessary.

Mali’s tolerant and largely secular version of Islam virtually ensured that the extremists would never attain what Fall calls the “essential element” of a successful insurgency – the critical mass of the people (O’Neill 2005, 93). Instead of attempting in vain to transform popular opinion, the insurgents utilized the tactics of coercion and demonstrations of potency to instill fear in the local population and illustrate their supreme authority across the region.

The implementation of cruel sharia law was a highly effective coercive tactic with dual intentions – to operationalize the insurgency’s ideological beliefs and to provide a mechanism to command authority. Following the French liberation, harrowing accounts of rapes, murders, amputations, and other atrocities surfaced detailing the brutal nature of this stringent legal system (Gladstone 2013, 1). O’Neill warns that such coercive tactics are the least effective insurgent tool because of the “resentment it causes and the weak commitment of those who are directly victimized” (2005, 109). Since the insurgents were not attempting to convert public opinion, their liberal use of coercion was highly successful in terrorizing the population into submission.

Additionally, the insurgents were able to strongly demonstrate their unrivaled power in the region, especially in comparison with the vacuum of meaningful authority left by Bamako. O'Neill argues that a strategy based on the demonstration of potency must meet the "needs of the people through an administrative apparatus" while also "gaining the military initiative" (2005, 106). While the insurgents had clearly attained the latter, the severe system of sharia law certainly represented a functioning administrative apparatus in the conquered territory. Although extreme and often brutal, the implementation of sharia supplied a functioning mechanism for law and order, even providing citizens with limited social services – most notably a court of redress for civil conflicts. For the local population, this defined structure paired with the complete absence of the national government served as a prevalent and fearful reminder that the insurgents had absolute control over their lives.

While the national government in Bamako had struggled to manage the restive north for decades, the March 2012 coup and subsequent MNLA secession only further inhibited its ability to project federal authority into the region. O'Neill explains that such safe havens are extremely important to insurgent groups as "concealed, permanent base areas allow insurgents to plan, train, rest, recuperate, marshal equipment and organize the people in relative security" (2005, 74). Thus, when Islamic extremists hijacked the MNLA's rebellion, the boundless tracts of territory in the desert north of Bamako provided a welcome sanctuary where the fledgling insurgency could strengthen, expand, and strategize for the future.

O'Neill posits that vast, open spaces like the northern Malian desert are historically unfavorable terrain for guerrillas since "air surveillance and attack make insurgents susceptible to detection and destruction" (2005, 72). However, the non-existent military air capability of the Malian government left the insurgents free to conduct their operations with virtual impunity. Furthermore, the porous borders with Niger and Algeria allowed the insurgency to enjoy a steady flow of fighters, weapons, and other resources from these states and those further afield (Morgan 2013, 2). Apart from a few sporadic skirmishes, the woefully unprepared Malian military was quickly routed by the surging forces and swiftly retreated. The military's utter incapacity to address this burgeoning threat inside Mali's borders allowed the insurgency to develop into a fortified, menacing force that began to look southward.

O'Neill contends that insurgents within the final stage of Mao's *strategic stalemate* phase become "devoted to seizing and securing large areas and preparing the physical battlefield for mobile conventional war" (2005, 53). As 2012 closed, the insurgents had secured complete control over the regional population and were effectively governing towns, cities, and tremendous expanses of territory. Bolstered by this, the insurgents

fatefully decided to expand their military operations. They commenced their very own version of Mao's third stage of protracted war, the *strategic offensive*, and began conducting "conventional attacks on a large scale" on their doomed push south toward Bamako (O'Neill 2005, 50).

This shift in strategy indicates that the insurgency no longer considered itself as operating on an asymmetrical battlefield, but believed its strength had become sufficient enough to directly challenge Bamako. This bold maneuver alarmed both regional powers and the wider international community, convincing the UN Security Council to approve an intervention force of 3,300 troops from the Economic Community of West African States (ECOWAS) in December (UNSC 2012). This deployment was hopelessly delayed and the insurgency continued its rapid advance toward the capital. Sensing the overwhelming destruction the advancing fighters would inflict across Mali, the French government made the unilateral decision to confront the insurgents with a conventional, overwhelming, and ultimately successful military intervention.

The insurgency's bold advance south exhibited a remarkably fierce ambition to propagate their fundamentalist ideology on a larger scale. While it is unclear whether the group had the manpower, supplies, and capacity to successfully dislodge the central government and assume control of Mali, their offensive would certainly have caused the grisly deaths of innumerable civilians and exacerbated an already significant refugee problem, especially had they reached Bamako. Despite Operation Serval's success, it is vitally important to note that the insurgent threat is still very much present in northern Mali. Although the insurgency has devolved from a conventional army to a lingering guerrilla force, its mission to spread Islamic extremism at all costs remains both intact and inherently dangerous to Mali and the wider world.

Mao contended that "a careful study and estimate of the situation and arrangement of the military and political factors involved" was vital before taking concrete action to expand an insurgency (Mao 2007, 101). While the Islamic extremists had certainly proven their might throughout the north, their ultimate mistake was misjudging the strength of Mali's colonial ties to France, and therefore failing to anticipate the intervention. Although Malian forces played a very limited role, it was the overwhelming external support provided by the French military that rapidly dispersed advancing insurgents and reverted the conflict back to an asymmetrical battlefield, between a tenuous alliance of Islamic extremists and a superior military force.

Campbell asserts, "Rather than resisting the Franco-Malian onslaught, the Islamists are melting away into the mountains and deserts of the north where they may

regroup and bide their time” (2013, 1). In essence, Campbell is describing a key strategy in Mao’s playbook, “When encircled by the enemy, guerrillas disperse to withdraw” (Mao 2007, 102). In the face of such a staggering conventional force, the insurgents swiftly reverted back to the early stages of the *strategic stalemate* phase and quietly dissolved into the rugged landscape to continue their war as an asymmetrical guerrilla force.

While Operation Serval was extraordinarily successful in achieving its military goals on the conventional battlefield, Mao’s teachings coupled with the Tuareg’s rich history of insurrection and guerrilla warfare in northern Mali serve as a stark warning that the insurgents remain a threat. For instance, the French intervention has done very little to bolster a feeble national government that remains utterly incapable of projecting its authority into the emancipated areas. In July and August of 2013, Mali held its first elections since the military coup, which were peaceful and widely viewed as being free and fair (BBC News August 2013). Even so, the new President Ibrahim Boubacar Keïta and the broader Malian government have largely failed to convert these successful elections and military victory into meaningful political progress in the nation’s vast north. In fact, Mali’s precarious parliamentary elections in November 2013, as well as sporadic violence between rebels and government forces, have consistently illustrated the region’s political fragility and continued need of a French military presence. Within such an environment, confronting the threat posed by the guerrilla insurgency presents an exceedingly difficult challenge to Mali and its international partners – most notably, France and the fledgling UN peacekeeping force MINUSMA. However, failing to effectively address this threat will have consequences that reach well beyond the borders of one struggling nation in the north of Africa.

### **Devising a Short-Term Strategy**

While building on France’s military victory requires long-term commitments and strategies, there are three exigent measures that must be pursued in the shorter-term to address the lingering insurgency: accumulating external support, training competent local security forces, and denying the insurgent element access to safe havens in the region. Following the French intervention, de Durand argued convincingly that France now faces a “more daunting task of converting tactical achievements into an enduring victory or exiting smoothly” (2013, 1). In a nation that remains extremely vulnerable, the immediate priority is not to simply retain French support, but to expand it by drawing on regional partners and the international community for assistance.

Drawing on poignant lessons from Vietnam to Afghanistan, the French government is wise to be wary of overstaying their welcome in Mali. Just as France’s



external support was the decisive factor in dispersing the advancing insurgents, support from abroad will be critical to every aspect of Mali's continuing COIN strategy. Whether it is eliminating safe havens, training professional security forces, promoting economic development, or building a stable foundation for democracy, the Malian government is dependent on continued international assistance.

First, the professional French military must continue to play a leading role in conducting operations against the obstinate insurgency. Despite the outpouring of local support for French soldiers initially, history has shown that the longer foreign troops remain in an occupied country, the more the local populations resent them. Thus, security operations in Mali must be steadily handed over to Malian and regional forces. Furthermore, the region's extremely porous borders necessitate close collaboration among regional forces, most notably from Algeria and Niger. Mali must persuade its neighbors that the smoldering insurgency is not only a domestic menace, but a viable threat to the stability of the larger region. Forging meaningful partnerships to share the onerous military burden of confronting an evasive guerrilla insurgency will be essential.

Moreover, the military transition to Malian and regional troops will require a large amount of resources, equipment, and training from French and MINUSMA forces as well as the U.S. military, which has been active in Mali for decades. While ground forces should be increasingly staffed by Malian and MINUSMA forces, the continued deployment of French air power will be necessary for the foreseeable future to patrol the vast northern territory. Although the U.S. does not have ground forces in Mali, it must continue its support under the auspices of its Africa Command (AFRICOM) by providing key intelligence collected by surveillance drones based in Niger (Whitlock 2013). Such continued external support from regional partners and key Western allies is vital in creating the political space Mali's government requires to fortify control and project legitimate authority.

It is absolutely critical that Malian and regional security forces are professionally trained to carry out their mandate without utilizing heavy-handed tactics or resorting to indiscriminate violence. In addition to being repulsive, such methods only exacerbate existing grievances and further radicalize already disaffected populations. In concert with international partners, the French military must focus on adequately training Malian and regional forces to avoid using such undisciplined, often criminal tactics, that have proven counterproductive in quashing persistent insurgencies. de Durand posits that the most vital "short-term task for France is to prevent acts of revenge and massacres against Tuareg and other minorities in the north at the hands of the dominant ethnic groups or factions of the Malian military" (2013, 2). According to

Human Rights Watch, Malian military forces executed suspected Islamic supporters in January 2013 (Human Rights Watch 2013, 1). The organization also describes one atrocity where suspected insurgents were summarily executed and their lifeless bodies unceremoniously dumped in a well (Human Rights Watch 2013, 1). Such violations of human rights are both reprehensible and inherently counterproductive in cultivating the atmosphere of trust that is crucial to restoring security in the region.

A population living in constant fear of ethnic reprisals and other unqualified violence is unlikely to pitch in with the hard work of restoring stability and participating in democracy building. The appalling abuses already witnessed in northern Mali must be immediately halted and justice for victims must be pursued. This will not only require intensive training, but also the implementation of sanctions for soldiers and units found guilty of such horrid crimes. This undertaking is inestimably easier to propose than it is to accomplish. In fact, as elite U.S. military forces have been training Malian soldiers since well before the 2012 coup, the fragile state of the Malian military combined with expanding evidence of heinous human rights abuses certainly raises valid questions about the value of such training. Addressing this very issue, former AFRICOM Commander General Carter Ham stated, “We were focusing our training almost exclusively on tactical or technical matters... We didn't spend probably the requisite time focusing on values, ethics and a military ethos” (BBC News January 2013). General Ham's statement is a bleak reminder that training professional, disciplined military forces requires much more nuance than, “simply teaching a soldier to discharge his weapon” (BBC News January 2013). If done holistically and systematically, the professional forces this training will produce will foster much-needed security in a historically tumultuous region, inspiring trust in the local population and making the task of maintaining security exponentially less challenging for the force itself. Ultimately, attention must focus on the rugged desert and mountain redoubts in northern Mali where lingering insurgents are biding their time, recouping their losses, and strategically plotting for the future.

Journalist Andy Morgan convincingly argues that the Malian government's decades-long “laissez-faire policy” toward the restive north created a smoldering foundation that ignited into a full-throated insurgency with the ousting of Touré (Morgan 2013, 2). The complete absence of authority in the region produced a massive safe haven where insurgent forces enjoyed the freedom to organize and strengthen without molestation from the government. While French and regional forces are actively engaged in eliminating these safe havens, the pure size of the region and presence of insurgent-friendly terrain make this an enormously demanding mission.

Elischer rightly warns that in order to “prevent the Sahel from falling hostage to Tuareg and Islamic militants, longer-term military and financial engagement is urgently required,” (2013, 3). Hammes concurs, arguing that any effective COIN strategy requires an extended time horizon to patiently and systematically snuff out the cinders of extremism (2006, 152). Due to the colossal size of the target area, security forces must establish a permanent presence in northern cities and towns. These population centers will serve as integral bases from which to conduct regular patrols out into the surrounding countryside. This strategic deployment among the local inhabitants of northern Mali underscores the absolute necessity that these security forces are professional and worthy of the local population’s trust. This will not only help in routing out pockets of insurgents, but will also play an active role in demonstrating the potency of the national government while earning the respect of a historically recalcitrant population.

Despite the success within Mali’s borders, Abderrahmane warns there is a strong probability that routed insurgents “could simply flee to the different neighboring Sahelian countries with notoriously porous frontiers” (2012, 1). Therefore, while confronting insurgents on Malian soil is important, this alone will not be sufficient in quelling the insurgency in the long-term, if besieged fighters can simply slip across the border to safety. Recruiting neighboring states to collaborate actively in denying these safe havens is crucial to the long-term stability of the region. Insurgent movements are not inhibited by the invisible boundaries of political borders and regional governments must not allow political maneuvering and historic border disputes to hamper the pursuit of these dangerous insurgents. Neighboring governments must open their airspace to French warplanes and U.S. surveillance drones, as patrolling the boundless desert is simply not possible with ground forces alone.

Not only is this mission to deny safe havens vitally important for the future stability of regional governments, but all nations have a stake in preventing a massive safe haven from ably nurturing transnational Islamic insurgents. While the recent insurgency in Mali primarily targeted the domestic government in Bamako, the ultimate mission of AQIM, MUJAO, and similar extremist groups is global in scope. While restoring a legitimate, authoritative government in Bamako is a key first step, the region’s incapacity to sufficiently curb the threat of transnational insurgency must be addressed holistically. The January 2013 attack at the In Amenas gas facility in Algeria exemplifies the capability of radical Islamic elements to launch devastating attacks across the region. Even more unnerving, Western governments fear that these vast territories in the Sahel and Sahara are degenerating into anarchic sanctuaries where transnational Islamic extremists are able to plot attacks abroad with impunity.

Targeting and eliminating these physical habitats where insurgents regroup and plan future assaults is paramount to the success of any COIN campaign.

Harnessing potent air power and deploying skillful ground patrols are ultimately short-term tactics in a long-term strategy. The enduring solution to the instability that has plagued Mali for decades requires more than military force. Kilcullen asserts that the role of the military in COIN operations is “to dominate the environment and reduce the energy in the insurgency, taking it ‘off the boil’ to allow other elements of national power to become effective” (2005, 39). In essence, Kilcullen is rightly asserting that the short-term tactic of military engagement is only as good as the long-term political solution that engagement helps to produce. The ultimate role of military might in Mali is to create a viable space for the national government to establish an effective, legitimate, and robust political infrastructure in the nation’s capital. Abderrahmane agrees, arguing that the “durable solution to the Malian crisis remains and will remain in Bamako” (2012, 2).

### **Stabilizing Mali in the Long Term**

While ongoing military operations create the “pre-conditions for non-military measures to succeed,” Malian authorities and the international community must concentrate on building a stable foundation for the nation’s future, which begins with the Tuareg (Kilcullen, 2005, 39). After five tumultuous decades, the Malian government must finally settle the ‘Tuareg question’ and negotiate a mutually beneficial settlement with the MNLA. Campbell concurs, asserting that meaningful engagement with the MNLA will further “separate them from the more radical elements” active in the region (Kaplan 2013, 1; Campbell 2013, 1). In May of 2013, disparate MNLA fighters formed the High Council for the Unity of Azawad (HCUA) in order to present a united front during upcoming political negotiations (Dakono 2013). Despite initial successes, failure to convene regularly scheduled negotiations and sporadic clashes between MNLA fighters and Malian authorities have further exacerbated an already turbulent path forward. To halt this occasional violence and address the north’s enduring grievances, international and regional partners must actively work to reconvene and preside over negotiations which aim to establish a consequential and lasting political covenant.

A sovereign, independent Azawad is not a realistic outcome, yet the Malian government should demonstrate flexibility and offer limited political autonomy in the region, buttressed by concrete political and economic support. The Tuareg are only one minority group within a diverse population; therefore this autonomy must be adeptly negotiated to include input and influence from all affected groups. While attaining this optimistic goal will be difficult, successful negotiations could help create a legitimate

institution to fill the political vacuum of the north. This arrangement would respect the political rights of Tuaregs and preserve their nomadic way of life and rich traditions, which would help to foster and attract the cautious allegiance and cooperation of the potent Tuareg minority. When paired with a stable central authority in Bamako, this would be critical to fostering security and development in an area of the world that has received little of either since the colonial era.

Cautioning against confusing “a country in a democratic transition with a truly democratic state,” Penney argues that even before the uprising, Mali was not the democratic success story the West perceived it as (2013). In fact, despite its two decades of democratic governance, the March 2012 coup in Mali clearly revealed that the state of Mali’s democracy was weak, inherently unstable, and corrupt. Therefore, the peaceful administration of Mali’s elections in 2013 must not be conflated with a functioning democratic system. Mali’s central government continues to be plagued by rampant corruption and lack the necessary capacity to project meaningful authority. A successful COIN strategy for stable governance in Mali requires more than a simple restoration of its pre-coup democracy, but a significant strengthening of democratic institutions and active efforts to ensure that the remote north is never again relegated to an existence of dangerous political and military neglect.

As outlined above, military force alone cannot eradicate an abiding insurgency and restore long-term stability to a tumultuous region. Therefore, the widespread dissemination of security forces to cities and towns across northern Mali must be supplemented with effective government institutions staffed by civil servants. The harsh, yet efficient shadow administration the extremists implemented across Mali’s north must be replaced with just, equitable, and dependable institutions that seek to incorporate and employ the local people in collaborative governance. UN Secretary-General Ban Ki-moon argues that chronic instability in areas like northern Mali is directly related to the government’s inability “to exert full authority over its territory and to provide basic services... to the population,” (UNSC 2013, 3). An expansive civil infrastructure will be pivotal in addressing this negligence by providing social services and public goods, including access to health care, clean water, and education. This infrastructural development has the potential to create jobs and provide steady income to a familiar element of any endemically unstable region – unemployed young men. To augment these jobs, aggressive economic policies must also be implemented to spark meaningful development and create opportunities for gainful employment. While humanitarian aid must play a crucial role in the near-term, a stable foundation for sustainable economic growth in the longer-term can be laid by investing in local businesses, industry, and state institutions. This groundwork will not only buttress the short-term strategy, but will be essential in aggressively addressing the underlying

issue of economic underdevelopment that foments instability and fosters resentment in affected populations.

While the government in Bamako must spearhead Mali's transformation, this strategy will require an enormous financial investment from the international community. The historic and regrettable examples in nations like Afghanistan and Somalia have proven the vital importance of confronting the foundational causes that give rise to instability and extremism in the more restive regions of the world. In the case of Mali, confronting both endemic poverty and the enduring political neglect of the Tuareg will be crucial in sowing the seeds for future peace.

## **Conclusion**

Following the French intervention, a manifesto written by a senior al-Qaeda official surfaced in Mali that warned insurgents not to implement a radical form of sharia too quickly (Doyle 2013, 1). The official realized this drastic action would further alienate the locals and disrupt the establishment of a secure safe haven for the extremists. Instead, he argued, the strategy should be "to include local Malian activists to share the management of the Jihad" and create an environment where "our Mujahedeen are no longer isolated" (Doyle 2013, 2). The official is essentially channeling Mao, asserting that any successful insurgency must actively engage in converting popular opinion and attaining a healthy "unity of spirit between... troops and local[s]" (Mao 2007, 93).

This is a harrowing illustration of both the expanding networks between radical Islamic organizations and the disconcerting level of intelligence, competence, and expertise displayed by their leaders. In order to obstruct this global threat, the international community must collaborate to confront budding insurgencies and cultivate stability in chaotic regions globally. While the people of Mali certainly deserve functional democracy, enduring peace, and access to meaningful economic opportunities, the battle being waged in the north extends far beyond its borders. Mali and its international partners must confront these challenges swiftly and intelligently if they want to sufficiently contain the very real threat transnational Islamic insurgencies represent.

Arguing for a strategy of disaggregation, Kilcullen asserts that "victory does not demand the destruction of all local insurgents" but requires a "de-linking of local issues from the global insurgent system" (2005, 38). He is arguing that successfully defeating global insurgent networks is most efficiently achieved within individual theaters, like Mali. He contends that isolating and defeating distinct local groups will effectively

disrupt insurgent networks and sever the integral links between cooperating affiliates, thereby dismantling the larger threat. Kilcullen accurately likens these transnational insurgencies to complex biological systems that rely on the collective functioning of many disparate organs – if numerous organs are confronted and defeated at the individual level, the wider symbiotic system will inevitably fail (2005, 22). With this sage advice in mind, the international community would be wise not to view Mali as a small, rather insignificant nation in a neglected part of the world, but as a key battlefield in a global war to thwart the expanding threat of transnational Islamic insurgency.

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# Understanding State Failure: A Two-Stage Empirical Analysis of the Influence of Exogenous Shock Events in Fragile States

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## **Abstract:**

Failed states are characterized by widespread violence and outright war. They pose a threat not only to the livelihood of the millions of people living in them, but also to broader international security and stability. This empirical paper uses a two stage large-N rare events logistic regression analysis to, 1) create an estimate of a state's structural fragility and 2) test the effect of four exogenous risk factors on state failure onset. It investigates how states at various levels of fragility respond to shock events such as economic growth shocks, refugee influxes, terrorist attacks, and natural disasters. Findings indicate that high fragility scores lead to an increased propensity of state failure. Moreover, the study observes that the probability of state failure depends on the type of exogenous shock experienced. The results of the study indicate that incidents of terrorism have a maximum likelihood effect of 57.6 per cent, economic growth shocks have up to a 13.7 per cent effect, refugee influx shocks have up to a 7.6 per cent effect, and, finally, disaster shocks have maximum likelihood effects of 30.8 per cent. These results have key policy implications for international engagement in fragile states, indicating that greater attention must be paid to both the level of fragility and the nature of shock events in unstable environments.

## **Introduction**

Interest in fragile and failed states has expanded substantially in recent years, with numerous indices having been developed that quantify and rank fragility levels of states. Yet very little research has been conducted into whether fragility actually matters for conflict onset. What does it mean to say that a state is “fragile”? What effect does this have on a state’s capacity to function in the face of emergencies? Moreover, are fragile states more susceptible to failure onset than non-fragile ones? This study empirically tests whether the ability of a state to absorb externally induced shocks is related to fragility, and whether fragile states have a higher propensity for failure onset. In doing so it elucidates the causal effects of shock events on the onset of state failure in fragile states, drawing out policy implications for effective engagement.

The Political Instability Task Force (PITF - formerly the State Failure Task Force) divides state failure into four categories: revolutionary wars, ethnic wars, adverse regime changes, and genocides/politocides (Goldstone et al. 2010, 192). The relatively recent separation of the nomenclature between “civil war” and “state failure” has been unfortunate, in the sense that a vast number of scholars and relevant studies tend to bypass and ignore one another while discussing similar phenomena. This study’s use of PITF’s security-centric definition of failure bridges the gap between these concepts, recognizing the importance of political stability and the relative absence of internal violence as characteristics of a functioning state. Given that PITF defines failure in terms of the presence of political instability and civil war, for the purposes of this analysis, the terms state failure, political instability, and civil war will be used interchangeably.

With this point in mind, this study examines the connection between exogenous shock events and state failure onset. To do so it uses a two stage large-N rare events logistic regression analysis to 1) examine the structural causes of state fragility, and 2) test the effect of four exogenous risk factors on state failure onset. The four shock events investigated in this study are economic growth shocks, refugee influxes, terrorist attacks, and natural disasters. In addition to providing evidence of the importance of the type of shock event experience as a determinant of failure, the statistical evidence provides valuable insights into the linkages between increased fragility and the onset of political instability. These results have key policy implications for international engagement in fragile states, indicating that greater attention must be paid to both the level of fragility and the nature of shock events in unstable environments.

## **Exogenous Shock Events and State Fragility**

The potential causes of state failure can be divided into two main categories: structural and proximate. The structural factors refer to those variables which do not

change a great deal over time. Examples of structural variables which have been linked to civil war include infant mortality, GDP, ethnic fragmentation, mountainous terrain, dependence on primary commodity exports, and many more (Blattman and Miguel 2009, 22). Most of the major studies on state failure have focused primarily on such factors. However, by focusing solely on structural data, they miss the second aspect of political instability: proximate exogenous shock events. Such events are unexpected and can trigger a cascade leading to state failure; indeed, this is intuitive – most conflicts, both modern and historical, are precipitated by an unexpected external shock which serves to destabilize the internal balance of power. A thorough discussion of the effect that exogenous shocks have on instability is thus warranted.

### **An Empirical Examination of Shock Events in Fragile States**

This study is focused on the effects that exogenous shock events have on fragile states. To date there have been relatively few empirical studies on this proximate causes of civil war, with most models using structural variables to account for state fragility and failure. The lack of emphasis on proximate events is surprising as there is no lack of readily available data. The studies on proximate events that have been conducted have often concentrated on economic shocks and have shown contradictory results. A number of studies have shown a direct link between economic shocks and civil war onset (Alesina et al. 1996, 190; Bruckner and Ciccone 2010, 519; Miguel, Satyanath and Sergenti 2004, 725) while others have found no such evidence (Bazzi & Blattman 2011, 2). Along with economic growth shocks, three additional exogenous shock events are tested for their effect on conflict onset. These independent variables were chosen on a theoretical basis. Refugee influx shocks act as a proxy for conflict in neighbouring countries, which has been highlighted as having an influential effect on state failure (Goldstone et al. 2010, 194; Iqbal & Starr 2008, 315). Moreover, influxes of refugees have been shown to have a destabilizing effect on the host country because of the increased strain on resources, spread of ideology and volatile relationship between refugees and host country (Gleditsch 2007, 293; Salehyan and Gleditsch 2006, 344-347). Terrorist events have also been linked to political instability, yet the evidence on whether they are a cause or a symptom of conflict is still unclear; this analysis hopes to shed light on this issue (Howard 2010, 982; Piazza 2008, 468; Tikuisis 2009, 66). Unforeseen natural and human caused disasters have also been cited as a driver of state fragility and failure, and represent one of the true unanticipated “shocks” a country can experience (Rotberg 2002, 89).

The empirical analysis consists of a two-part procedure of 1) determining the general propensity for failure based on authority, legitimacy, and capacity scores, and 2) testing whether various accelerators such as incidents of terrorism, economic growth

shocks, natural and man-made disasters, and refugee inflows from neighbouring countries determine the relative propensity of a state to fail given a particular fragility level. A panel dataset comprising 197 countries and regions from 1980 to 2010 is utilized.

### Relationship of Fragility and Onset

The debate on civil war has primarily focused on structural factors which rarely exhibit dramatic shifts from year to year. This assumption implicitly indicates that slow deterioration of a situation over time will lead to conflict. Fearon and Laitin (2003, 75) go beyond this conjecture by recognizing that weak states are the key causal factors of civil war, noting that political grievances are common, but only when opportunity for a successful rebellion is present will conflict break out. The recognition that fragile states are more likely to enter civil war is a critical first step. However, this notion alone cannot account for the sudden and unpredictable onset of civil war. It is unwise to assume that there are no triggers for onset and that it is purely based on structural factors. Indeed, many weak states resist conflict rather effectively. Conversely, many states that are relatively strong cannot do the same. This article argues that the onset of failure is a result of the state’s inability to react effectively to exogenous shock factors, and that this phenomenon is magnified as states become more fragile. This argument rebukes those who dismiss measures of state fragility and failure as not being useful (Call 2008, 1491; Easterly and Freschi 2010) and calls for a more explicit recognition of the role of discreet shock events in precipitating intra-state conflict. The role fragility plays can be visualized as in Figures 1 and 2 below.<sup>1</sup>

Figure 1. Mean Fragility Scores for Failed States

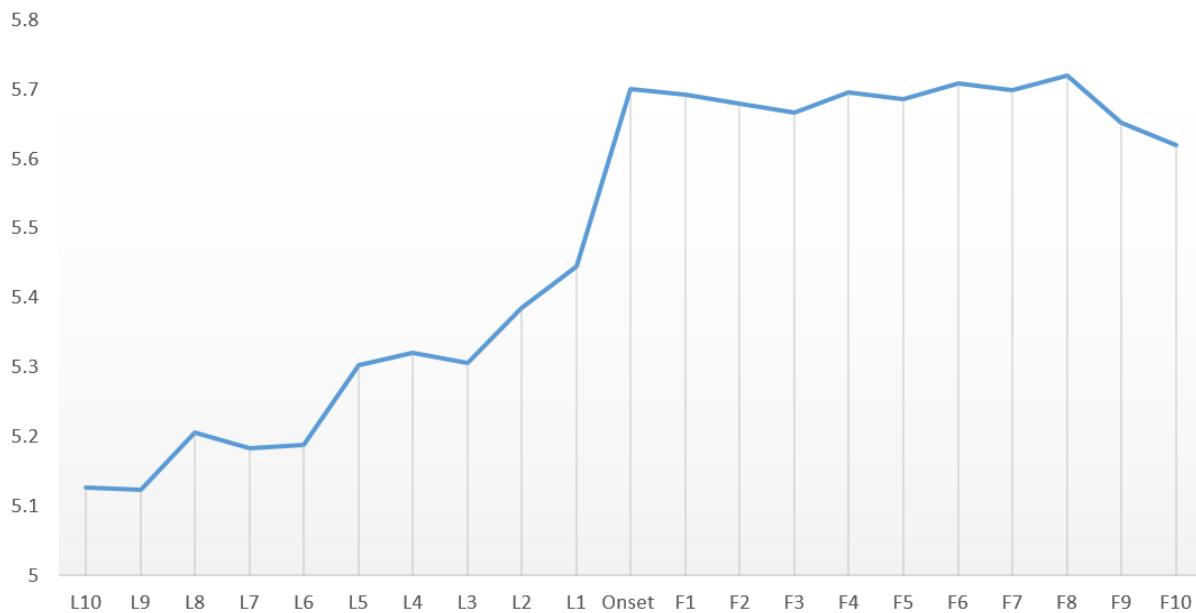


Figure 2. Fragility Score Difference for Conflict States



Figure 1 plots the average fragility scores of all countries experiencing a failure onset from 1980 to 2010. Figure 2 plots the differences in fragility scores from one year to the next for states experiencing a failure onset. The values on the x-axis are labelled as L (lag) and F (forward), with onset as the base year. From these two figures it is clear that a jump in fragility is associated with state failure onset. In Figure 1, the mean fragility score increases gradually until one year prior to onset where it increases significantly; thereafter it plateaus and shows no sign of decreasing until approximately nine years after onset. This evidence illustrates that failure onset is related to a sudden increase in fragility as opposed to steadily drifting above some threshold that triggers a label of “failed,” as well as the fact that countries tend to remain highly fragile for many years following the onset of failure. The relationship exhibited in Figure 2 provides further evidence that sudden increases in fragility scores are associated with failure onset, as there is a five times larger increase in fragility scores between the year before onset and year of onset when compared to the change in fragility from L2 to L1. These results are critical in understanding the relationship between fragility scores (based on the CIFP ALC variables) and the onset of political instability. Overall, these two graphs demonstrate that failure onsets are related to sudden upward shifts in fragility scores in the year prior to instability occurring. This result has strong implications relating to the causes of state failure, indicating not only that fragility is undeniably important, but also that there are other proximate factors driving onset. The remainder of this paper examines several hypothesized exogenous shock events to determine if indeed such events can act as “triggers” for state failure. Proximate shock events as precipitants of

state failure have been underexplored in the extant literature and hence merit further examination.

### **Step 1: Determining the Propensity of Failure**

The *Country Indicators for Foreign Policy* (CIFP) triad model of authority, legitimacy and capacity (ALC) scores is utilized in this estimation. CIFP has been cited by one report as “the most comprehensive policy-oriented project that assesses the capacities for good governance and democratic processes and the risk of violent conflict and fragile statehood” (Wulf & Debiel 2009, 9). This project is a risk and capacity assessment framework with an early response component based on events data. It defines fragility as a continuum whereby states are indexed by their strength or weakness in three major areas: *authority*, *legitimacy* and *capacity* (ALC) (Carment, Prest and Samy 2009, 86-88). *Authority* represents “the extent to which a state possesses the ability to enact binding legislation over a population, to exercise coercive force over its sovereign territory, and to provide a stable and secure environment to its citizens and communities” (86). *Capacity* refers to “the potential for a state to mobilize and employ resources towards productive ends,” and, finally, *legitimacy* denotes, “the extent to which a state commands public loyalty to the governing regime” (87-88). Consequently, it should be noted that all states are fragile to some degree, and it is merely a matter of to what extent. The full CIFP methodology ([www.carleton.ca/CIFP](http://www.carleton.ca/CIFP)) describes in detail the 80-plus variables (divided into six clusters) which are utilized to construct the fragility index. By using such a wide range of data points related to state functionality, the CIFP index captures a much more comprehensive picture of state functionality than would be possible using individual measures.

The dependent variable in this step is PITF-defined state failure, coded as zero in a non-failure year and one in a failure year. There were 865 failure event years and 5242 non-failure event years. The PITF definition of failure is the most appropriate variable for this analysis for two primary reasons. First, it captures the security-centric perspective better than most other databases, as it is based on events of political instability including revolutions, ethnic conflicts, regime changes, and genocides/politicides (Goldstone et al. 2010). Second, it is one of the few databases which sets an unambiguous cut-off point for state failure and can be coded as a dichotomous variable. While this methodology is imperfect, it is necessary to choose such a distinction in order to analyze the relationship between shock events and the onset of state failure. The independent variables, *authority*, *legitimacy* and *capacity* (ALC) are continuous variables on a scale from one (least fragile) to nine (most fragile); they are calculated as an equally weighted composite of approximately 80 indicators as per the CIFP methodology.<sup>2</sup> Inability to project power within national borders because of

lower authority, legitimacy and capacity scores means that fragile states are expected to experience PITF failure events more frequently.

The initial phase of this analysis involves the generation of a continuous variable which estimates the propensity of a state to fail in a given year. Each country-year observation is assigned a coefficient between zero and one, which corresponds to the

PITF Failure (One Year Lag)	Estimated Coefficient	t-Statistic
Authority	1.50***	27.26
Legitimacy	0.111**	2.29
Capacity	-0.687	-1.08
# of observations adjusted	2277	
Adjusted Pseudo R-squared	0.3760	

Notes: \*\*\*, \*\*, \* indicate different from zero at the 1%, 2.5% and 5% levels of statistical significance, respectively. All tests are one-tailed.

likelihood of conflict occurring. This is a necessary step as it will serve to elucidate two critical aspects of state failure. First, it accounts for the structural variables which make up the CIPF fragility index (and which are also used in other fragility indices such as the Fund for Peace Failed States Index and the PITF Fragility Index). Second, it allows for a more robust examination of how fragility interacts with state failure onset. The propensity variable generated in this step will be interacted with the data on exogenous shock events in the second step to determine if fragility scores have a significant effect on a state's ability to withstand such events. Logistic regressions were used along with the "predict" command in Stata to determine the probability (expressed in values between zero and one) for a given country-year being failed; this variable was termed *propensity*.

The results in Table 1 show that the estimated coefficients for authority and legitimacy were statistically significant. Authority had the highest estimated coefficient in terms of its interaction with PITF failure. While it is difficult to interpret these results because the variables are composites, it is worthwhile to note that a one unit increase in authority (on the one to nine scale) leads to an 8 per cent higher chance of failure. The PITF definition of state failure uses challenges to political authority as the primary



criteria for classifying a state as failed, therefore this result is as expected. A one unit increase in legitimacy on the other hand, had only a 0.6 per cent higher chance of failure. The estimated coefficients for capacity did not show statistically significant results, indicating that failure, as it is defined here, is not statistically correlated with a state's economic development, broadly speaking.

## **Step 2: Testing the Effects of Shock Events on Failure Onset**

In the second step of this enquiry, the dependant variable "onset" was used; this binary variable denotes the first year of PITF failure. All subsequent failure years were removed from the sample. This dependent variable was chosen to reflect the effects of shock events on failure onset. It was coded as one for the onset year, missing for subsequent years and zero for non-failure years. There were 62 onset events and 803 missing values generated out of 6107 total observations.

Logistic regression analysis for rare events data was used as per the guidelines of King and Zeng (2001, 693-715). This technique was used because there are 85 times more zeroes than ones present for the onset variable (693).

The independent variables are operationalized as follows:

- *Economic Shock* is a binary variable and refers to a country-year which experienced negative 5 per cent or less in economic growth.<sup>3</sup> This shock occurred in 6 per cent of all observations with viable economic growth data.<sup>4</sup>
- *Refugee Shock* is a binary variable and refers to a country-year which experienced an influx of more than ten thousand refugees hosted as compared to the year before.<sup>5</sup> This shock occurred in 11.6 per cent of all observations with viable refugee data.<sup>6</sup>
- *Terror Shock* is a continuous variable and documents the number of incidents of terrorism per year.<sup>7</sup>
- *Disaster Shock* is a continuous variable and documents the number of natural or man-made disasters per year.<sup>8</sup>

All independent variables were lagged one year in the model. Tests for two, three and five year lags showed statistically insignificant results and were thus dropped from the model.

All four independent variables were expected to have positive signs and relatively large statistically significant coefficients when logistically regressed against onset using the rare events method. It is expected that higher propensity will lead to greater probability of failure onset when interacted with shock events. Table 2 shows the rare events logistic regression for failure onset as per the PITF definition.

When the four exogenous shock events were interacted with propensity and regressed against onset, statistically significant estimated coefficients were generated for all four independent variables.<sup>9</sup> First differences were calculated holding all explanatory variables at their means except the one being tested. This process revealed that economic shock interacted with propensity had up to a 13.7 per cent increased likelihood of onset. Refugee shocks interacted with propensity had up to a 7.6 per cent effect, while terrorism shocks and disaster shocks had maximum effects of 57.6 per cent and 30.8 per cent respectively. It is important to keep in mind that these are the maximum likelihood effects – when tested at the mean the effects were much smaller (approximately 1 per cent) however this is expected as exogenous shock events are rare. Because of the severity of the consequences of onset, the observations at the margins are critical.

TABLE 2.  
Rare Events Logistic Regression Estimations, 1980 - 2010

Onset (One Year Lag)	Estimated Coefficient	t-Statistic
Economic Shock*Propensity	3.16*	2.07
Refugee Shock*Propensity	2.43***	2.63
Terrorism Shock*Propensity	0.017**	2.41
Disaster Shock*Propensity	0.113***	3.41
# of observations adjusted	2277	

Notes: \*\*\*, \*\*, \* indicate different from zero at the 1%, 2.5% and 5% levels of statistical significance, respectively. All tests are one-tailed.

### Sensitivity Analysis

When rare events logistic regressions are performed for contemporaneous effects of the shock variables on onset, all independent variables show statistically significant estimated coefficients. The purpose of running these tests is simply to determine whether the proximate shock events continue to have an effect on state failure in the same year as failure. This result would merit greater investigation, however the estimations failed the Granger causality test, indicating that it cannot be determined if the shocks occur before or after failure onset in the same year. Without testing monthly or weekly (as opposed to annual) data, it is extremely difficult to interpret the meaning of the contemporaneous results (i.e. this type of analysis is beyond the scope of this

article). The lags applied to the dependant variable as described in the results section therefore indicate that the shock events occurred at least one year prior to failure onset.

In regards to other sensitivity analyses, tests of the variance inflation factors for both models were less than five, therefore multicollinearity was ruled out. Diagnostic tests for autocorrelation and heteroscedasticity were run; neither was found.<sup>10</sup> There may be some selection bias as there is some missing data; weaker and poorer states often cannot or do not report accurate data. Unfortunately, there is no way of correcting for it statistically without the data. However, overall, the number of missing observations does not significantly affect the results of the analysis. In regards to endogeneity and simultaneity, these problems should be mitigated through the nature of both the dependent and independent variables. The fact that the years following onset were set as missing serves to remove those country-years from the sample and provides a novel approach as many studies examining onset leave the subsequent failure years in, thus distorting statistical results. Furthermore, the lagged nature of the shock variables assists in removing the possible endogenous effects that are present in the contemporaneous estimations.

## **Conclusions and Policy Implications**

This article began with an examination of the relationship between fragility and failure onset. There is evidence that sudden increases in fragility are associated with failure onset. This result has implications for policy makers, in that fragility indices should be given more credence than they have now in their ability to predict civil conflict. While there are a number of prominent indices, the vast majority of them agree on the countries which are at the highest risk of failure. Such states must be paid careful attention, with stakeholders constantly aware of any developing situations that may lead to conflict. The fact that states were shown to stay at high fragility levels for nearly a decade after the onset of failure is disconcerting, and should be a motivating factor for the prevention of state failure. When fragility scores jump in a given country, leaders should take a long and hard look at not only the structural reasons for the increase, but also at the potential destabilizing effects that future shock events may have on the affected state.

For economic shocks, it is clear from our estimations that negative GDP growth can have a destabilizing effect on a country. Primary mechanisms for this include increased resentment towards the government and lowered opportunity cost of rebellion. GDP growth shocks often result in income shocks at the household level, and can correspond to effects seen from primary commodity price shocks seen in other studies (Bruckner and Ciccone 2010, 519; Miguel, Satyanath and Sergenti 2004, 725).

With this knowledge, policy makers should be aware of the effect that economic performance has on the greater population. Policies which strengthen the social safety net and mitigate household level income shocks should be considered. When growth shocks are unavoidable in fragile countries, it is advisable for multi and bilateral partners to help alleviate their negative effects through development aid and other financial interventions in order to promote stability.

As for the refugees-hosted variable, it is worthwhile to note that it acts as a proxy for neighboring conflicts, and thus corresponds to the findings of PITF, who narrowed their global instability prediction model to four variables: regime type, infant mortality, state-led discrimination, and neighboring states in conflict. While PITF's measure of "bad neighbors" is structural, it appears from this study that sudden influxes of refugee populations also have a negative effect on state stability. Hosting ten-thousand more refugees appears to have a significant effect on the chances of conflict erupting. An increased drain on state resources is one mechanism for this. An example of such is the Iraqi refugee situation in Syria, where approximately 1.2 million refugees were registered in-country (Al-Miqdad 2007, 19). This resulted in massive increases in prices of everything from basic foodstuffs to apartment rentals. Water and electricity consumption ballooned. Skyrocketing unemployment, crowded schools, overrun hospitals, and degradation of basic social programs were all symptoms of the influx of refugees. There is a strong case to be made that the discontent created by this situation contributed to the explosion of violence in Syria in 2012; the findings in this analysis bolster this claim, indicating that an influx of refugees does increase the probability of conflict occurring. Policy implications in this case rest on both the host country and the international community of donors. For the host country, support must be given to incoming refugees, claims must be processed quickly and assistance should be provided in resettlement and finding gainful employment. On the part of the international donors, facilitating these outcomes financially is critical. Without such support, we will continue to see chain reactions of inter-state conflicts in fragile states spreading to their neighbours.

Along with the spread of conflict, the spread of terrorism in fragile states is another area of intense interest for international policy makers, particularly those in the United States since 9/11. The results of the estimations in this article illustrate the destabilizing effects that incidents of terrorism can have in fragile states. This is a positive feedback loop, wherein terrorism thrives in fragile states where governments are least able to project power and provide security, while at the same time terrorist attacks serve to undermine the authority and legitimacy of the government, hastening its devolution. The fact that the frequency of such attacks has a greater negative impact in fragile states than in stable countries demonstrates the need to provide support and

funding for anti-terrorism activities in such environments. International intelligence agencies and defense departments should aid the governments of fragile states in better protecting their citizens by providing resources such as training, funds and equipment. Moreover, international law enforcement bodies such as Interpol should lengthen their reach into fragile states and root out terrorist cells in partnership with intelligence agencies. Finally, publicity campaigns warning individuals of the risks and consequences of such activities can also be promoted in volatile environments.

Disaster preparedness and response abilities are another critical area of focus for fragile states. The fact that states experiencing natural and man-made disasters are more likely to enter conflict means that such efforts are paramount. Organizations such as the International Red Cross and Crescent can aid in providing training, funding and early warning capacity for governments that cannot do so themselves. Financial support from the international community for such activities is crucial. The 2010 earthquake in Haiti and floods in Pakistan are good examples of how the international community can assist fragile countries in times of need. Without such support, situations can quickly devolve into conflict and violence.

It is important to keep in mind that these recommendations only touch on the myriad of possible solutions for preventing state failure. That only four categories of shock events were examined here belies this fact. Further research must be conducted into which other exogenous shock events have an effect on failure onset. Moreover, this study is limited by the fact that the PITF definition of failure is based on political instability; there are other facets of failure that can be more thoroughly explored in future research. Aside from the policy implications for mitigating each discreet shock event, the broader takeaway message here is the fact that the more fragile a state is, the more assistance the authorities need to predict and respond to such events. International and domestic efforts should be made to decrease fragility through both political and macroeconomic reforms. In addition, global, regional and local conflict early warning and response systems must incorporate this knowledge into their warning framework of indicators in order to facilitate the most accurate prediction of state failure.

In conclusion, this article has provided both theoretical and empirical grounds for believing that exogenous shocks affect state failure. Although additional research is required into the precise nature and mechanism by which this interaction occurs, this macro-level analysis highlights the importance of proximate events for the precipitation of political instability and encourages the exploration of the phenomenon in greater detail.

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## Notes

<sup>1</sup> The CIFP definition of fragility is used in this article, and represents states which “lack the functional authority to provide basic security within their borders, the institutional capacity to provide basic social needs for their populations, and/or the political legitimacy to effectively represent their citizens at home or abroad” (CIFP 2006).

<sup>2</sup> See [www.carleton.ca/cifp](http://www.carleton.ca/cifp) for details.

<sup>3</sup> As per the World Development Indicators, defined as “annual percentage growth rate of GDP at market prices based on constant local currency. Aggregates are based on constant 2000 U.S. dollars. GDP is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. It is calculated without making deductions for depreciation of fabricated assets or for depletion and degradation of natural resources.”

<sup>4</sup> The 5 per cent cut-off is used as a standard in literature involving economic growth shocks; in addition several other cut-offs were tested with similar results.

<sup>5</sup> As per UNHCR Annual Statistical Overview Reports, defined as “the total number of displaced populations within a country, including Refugees (by Country of Asylum), Asylum Seekers, Returned Refugees, IDPs, Returned IDPs, and Other Populations of Concern.”

<sup>6</sup> The 10,000 cut-off was chosen after testing a number of different cut-offs; 10,000 represents the lowest threshold by which refugees produced still remains significant.

<sup>7</sup> As per the Global Terrorism Database, defined as “the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.” To be coded as an “incident,” events must fulfill three criteria: 1) must be intentional, 2) must entail some level of violence or threat of violence and 3) must be perpetrated by sub-national actors.

<sup>8</sup> As per the EM-DAT International Disaster Database, defined as “a situation or event, which overwhelms local capacity, necessitating a request to national or international level for external assistance. An unforeseen and often sudden event that causes great damage, destruction and human suffering. Though often caused by nature, disasters can have human origins. Wars and civil disturbances that destroy homelands and displace people are included among the causes of disasters. Other causes can be: building collapse, blizzard, drought, epidemic, earthquake, explosion, fire, flood, hazardous material or transportation incident (such as a chemical spill), hurricane, nuclear incident, tornado, or volcano.”

<sup>9</sup> As expected, when the shocks were included alone the results were not statistically significant.

<sup>10</sup> In Stata the command *hettest* was used to test for heteroscedasticity and the comment *actest* was used to test for autocorrelation.

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