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# POTENTIA

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## Avant-propos | Foreword

Nous voilà déjà rendu à la troisième édition de *Potentia*, la Revue des étudiants aux cycles supérieurs du Centre d'études en politiques internationales! This year's edition constitutes the evolving nature of the peer-reviewed journal and is reflective of the global challenges in today's world and more importantly, represents such realities from the perspective of an extremely talented group of Canadian academics and professionals.

Last year's edition included six articles written by graduate students attending Canadian institutions. This year we cast our net wider attempting to reach not only students studying in Canada, but Canadians studying abroad as well. As a result, we received a large variety of articles representing diversity in perspectives of a multitude of national and global policy issues. C'est également avec fierté que nous réitérons l'engagement du journal *Potentia* à promouvoir un espace de publication académique se manifestant dans les deux langues officielles!

La conception de cette revue s'est étendue sur une période de onze mois. Grâce à un fabuleux groupe d'étudiants volontaires diplômés, nous avons pu procéder à une évaluation rigoureuse afin de sélectionner ces articles parmi plus de 35 soumissions. Chaque article a été soigneusement évalué en fonction de l'originalité, de la qualité du style d'écriture et de la pertinence de l'analyse politique. Such rigorous analysis has resulted in a journal of high analytical quality discussing issues from security challenges, to social and human development, to international norm setting and framework development.

La grande nouveauté de cette édition se trouve dans l'inclusion de notes de recommandations permettant de donner une dimension académique complémentaire au journal. Ces notes font partie de la philosophie du CEPI ayant pour objectif d'offrir des analyses perspicaces sur des questions actuelles en matière de politiques internationales et en proposant différentes options et pistes à suivre.

In today's world, our systems and processes remain vulnerable to external threat, as depicted in the articles discussing cyber espionage and defense procurement. However, as the global priority of our policymakers remains fixated on the persistent economic turmoil and financial restructuring, issues of climate change and human security linger behind as secondary policy concerns, usurping the necessary evolution in both norm and institutional frameworks required to encompass our evolving vulnerabilities. This is demonstrated in the discussion of "climate change refugees" and post-conflict peace and reconstruction, as the continuous contextual evolution witnessed at all levels of society is often not adequately mirrored in the international norms and frameworks used to guide humanity.

Nous tenons à remercier sincèrement le merveilleux groupe de collègues qui a consacré énormément de temps au sein des différents comités et a démontré un enthousiasme sans cesse grandissant en nous aidant à produire un journal de qualité. La vision du journal, l'ampleur des enjeux abordés et les différentes perspectives proposées dans ces articles sont le fruit d'un travail collectif. Cette collaboration enrichissante s'est manifestée par des débats de fond, de judicieux conseils et une franche camaraderie.

We sincerely hope that this third journal is enjoyed and provides a platform to continue *Potentia*'s growing dynamism and inquiries into such challenging issues in the realm of both national and international political forums.

Katie Boone

Guillaume Lagacé

Rédacteurs en chef | Editors-in-Chief  
*Potentia*, 2011

## Remerciements | Acknowledgements

Bon nombre de défis nous attendaient lors de la réalisation de cette troisième édition! C'est grâce à une équipe de volontaires dévoués et passionnés que nous avons pu surmonter ces épreuves et concrétiser la réalisation de ce numéro! Without their willingness and creativity to inform our debates and uncover the best possible solutions to any challenges, we would not have produced the same quality journal as this.

We must also give thanks to last year's Editor-in-Chiefs, Meghan Spilka O'Keefe and Nathan Reyes for their advice and guidance. Nous tenons également à remercier Roland Paris et Justin Massie qui nous ont accordé toute leur confiance en nous donnant l'indépendance nécessaire pour marquer ce journal de notre vision. Merci à Cynthia Brassard-Broudeau, qui nous a donné de précieux conseils dans la gestion du budget et de la logistique entourant le journal. Nous la remercions pour sa patience et son aide!

Marie Spilka O'Keefe, the journal's layout designer, was also an incremental player in the final production phase of the journal. Providing her services pro-bono, she has allowed us the flexibility necessary to ensure the highest quality of writing, while being accessible and working with us to decide on adequate timelines for the final product. Patrick O'Keefe, the graphic designer, who has helped us produce a different but consistent graphic design for the journal's cover since its inception.

Nous ne pouvons pas passer sous silence l'énorme charge de travail abattue par notre fantastique équipe d'étudiants diplômés qui malgré leur horaire parfois surchargé, se sont consacrés volontairement à rendre possible ce projet! Nous saluons leurs services d'édition et leur sens de l'analyse ayant permis d'améliorer le résultat final. It is because of these individuals that the journal's production from beginning to end went smoothly. The efficient communication and the openness of our editorial board allowed for this journal to be truly a team effort. This continued passion for international issues was further demonstrated by our team of senior editors who worked long hours one-on-one with the authors to provide a sounding board and critical eye to the works produced.

To conclude, we would like to further emphasize the quality of all the articles submitted to this year's edition and whose final selection rendered this product possible. The writing and analytical talent was evident in all of the over thirty five submissions to this year's edition and we would like to thank the hard work of all the authors.

Nous tenons particulièrement à souligner le travail des auteurs publiés, dont le travail acharné et la motivation ont permis de favoriser un processus de collaboration et une expérience d'édition journalistique positive pour tous. The debates over writing style, analytical content, and comprehensive perspectives, enriched the learning experience of both the authors and members of the editorial board.

Ce fut un véritable plaisir que de travailler avec tous les membres ayant participé de près ou de loin à cette revue ! Nous vous remercions tous pour votre engagement, vos idées et vos différentes perspectives qui ont contribué à une expérience d'apprentissage commune. Par votre engagement, vous avez contribué à produire une revue universitaire qui nous espérons, deviendra une référence académique dans le futur. We hope the following academic journal will be enjoyed by fellow students and professionals alike.

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# POLICY PAPERS



# In Search of Higher Ground: Identifying a Way Forward for Climate Refugees

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## INTRODUCTION

The world is on the precipice of a new era in political history. For the first time in 400 years there will soon be fewer states in the world, as even the most modest estimates of sea level rise place the first of the Small Island Developing States (SIDS), along with its population of over 13,000, underwater within the next 20 years. These are not the only states and individuals at extreme risk of soon finding themselves forcibly displaced by climate change. In fact, as was illustrated by the cases of Hurricane Katrina and the Japanese earthquake, even the most developed countries in the world can have incredibly vulnerable populations. With approximately 100 million people living below sea level today, the threat is real in every corner of the globe (Brown, 2008: 11). The most widely accepted estimate of future climate displacement warns of 200 million forcibly displaced by 2050 – this would mean that 1 in every 45 people in the world would be forced from their homes by climate change. United Nations Secretary General Ban Ki Moon calls this phenomenon “the greatest humanitarian challenge we face” (Norwegian Refugee Council, 2009: 11).

Displacement caused by climate change draws attention to at least four, key gaps in global governance: problems associated with refugees, internally displaced persons, statelessness and adaptation. The lack of substantial policy initiatives to address this problem is concerning, and could exacerbate climate change impacts and threaten international stability. This paper will identify the gaps in protection for at risk populations, and provide a recommendation for the best approach to defining this issue on the global public policy agenda as a conclusion.

## THE PROBLEM

Migration is a mechanism that populations have historically employed to adapt to environmental changes and stresses. In fact, migration has been a tradition of nomadic pastoralist farmers for centuries. Considering this long history, why is the concern over environmentally induced migration so great now? While neither environmental variation nor migration is unprecedented, the speed, scale and scope of these variables is alarming.

There is no internationally agreed upon terminology surrounding this problem; however, for the purposes of this paper the victims of environmentally induced forced migration will be referred to as "environmentally displaced persons" or EDPs. This term is broad in scope and can include both internal and international migrants. EDPs are those forced to leave their homes due to severe climactic events, including both sudden and slow onset disasters, such as floods, severe storms, desertification, drought and melting Arctic permafrost. In many cases this relocation will be permanent, as the place of origin will be rendered uninhabitable (Norwegian Refugee Council, 2009: 11). Those affected by slow onset disasters are often far less visible to the international eye, yet they are no less victims of anthropogenic climate change.

## WHAT WE KNOW

The extent of climate change impacts remains uncertain, particularly where human migration is concerned. One of the most significant factors will be sea level rise, which varies immensely from one year to another. However, even the most conservative "best case scenario" estimates indicate a minimum one-meter rise this century (Brown, 2008: 29). This will necessitate slow migration away from advancing coastlines, especially by the 100 million people who live in areas below sea level. As migration is a social phenomenon, it is influenced by a myriad of complex and interrelated factors, of which climate change will become increasingly central. However, it is impossible to know with certainty the exact degree of force climate change variables will exact on migration and displacement.

What is possible to know are some general trends. Climate change will likely lead to an increase in both the frequency and severity of sudden disasters such as floods and storms (Kolmannskog, 2008: 1) It is also likely to lead to greater drought, desertification and physical water scarcity (Norwegian Refugee Council, 2009: 16). This will increase, at the very least, short term internal and regional displacement.

Large populations of refugees or internally displaced persons can have a destabilizing effect on a host state and its neighbours. In coming years, these flows of people away from floodplains and dry wastelands alike will only magnify existing pressures. In many cases, the particularly vulnerable "hot spots" that will be most affected by climate change are already among the least stable states in the world. Identified hot spots include SIDS, Africa, mega-deltas, the polar regions, and the least developed countries (Norwegian Refugee Council, 2009: 23). The severity of effects in any of these hot spots is dependent both on vulnerability and adaptive capacity.

## NUMBERS

Refugee Magazine estimates 5.8 million stateless people in the world today. The United Nations High Commissioner for Refugees (UNHCR) believes the figure to be much closer to 15 million (Norwegian Refugee Council, 2009: 28). The combined population of the SIDS network, at the greatest risk of disappearing altogether, is 53 million (Small Island Developing States Network, 2003). Shortly, there could be an explosion in the number of stateless people in the world.

In 2009, the UNHCR identified approximately 10.5 million "refugees of concern" – currently living in refugee camps. Internally Displaced Persons (IDPs) number 26 million and do not have a specific organizational champion, but instead become the wards of a coalition of UN agencies and international NGOs (Norwegian Refugee Council, 2009: 28). Neither of these numbers are a drop in the bucket of what is to come. Norman Myers, a leader in this field, estimates 200 million EDPs by 2050 (Brown, 2008: 11). This would represent an 1800 percent increase in the number of refugees the UNHCR is currently preoccupied with. The status quo simply will not withstand the immense pressure of the problem in the coming years. Without a new framework to deal with future EDPs the onslaught could become incredibly destabilizing for the entire international community.

## PROTECTION GAPS

There are several gaps in protection that victims and potential victims of climate change face. These protection gaps can be broken down into categories based on the type of migrant in question: refugees, internally displaced persons and stateless persons.

### ***Refugees***

Use of the term “climate refugee” today is linked to the political agenda of framing the issue as one in which the victims are legally entitled to assistance and protection. There is, however, great controversy over the use of this term, as the definition of a refugee under the 1951 Convention Relating to the Status of Refugees, specifies a fear of persecution as a necessary condition of refugee status (United Nations, 1951: Article 1 (a-2)).

It is argued that the 1951 Convention definition is outdated, and inappropriate for contemporary problems. Indeed, most people in need of assistance or protection today do not qualify as refugees. Some advocate an expansion of the refugee definition to include any element of force. However, there exists great political opposition to this in many countries (Norwegian Refugee Council, 2009: 9).

### ***Internally Displaced Persons (IDPs)***

While IDPs share many similar characteristics with refugees, they do not enjoy the same standard of international legal protection, and face similar protection gaps to those of “climate refugees”. Even if IDPs flee their homes in fear of persecution, they are not protected as refugees unless they cross an international border (United Nations, 1967).

The protection of IDPs is set out in the 1998 Guiding Principles on Internal Displacement (Economic and Social Council, 1998). These principles are based on various bodies of international human rights, humanitarian and refugee law, which pertain to the protection of IDPs. The principles were endorsed by the UN General Assembly; however, they have never constituted a binding legal framework, and the protection gaps they were commissioned to fill remain large. Most IDPs, at least today, stay within their own national borders, and thus become IDPs, facing a doubly wide gap in terms of protections afforded them.

### ***Statelessness***

A stateless person is one who has no legal belonging to any recognised state. Existing international law on statelessness includes the 1961 Convention on the Reduction of Statelessness, which, today has been ratified by only 35 countries (United Nations, 1961). The regime is focused on those who are born stateless, and allows three years after achieving adulthood to claim rights under the convention. It is not designed to address the problems of those who become stateless once already adults – which, in

the case of sinking island states will become an increasingly prevalent phenomenon. It is clear that the present legal order on statelessness is inappropriate for the new statelessness – that which occurs as a product of climate change.

## POLICY IMPLICATIONS

Currently, this issue has not been adopted by policy communities as a critical agenda. The following will outline a variety of approaches to locating the problem in a policy cycle. Four approaches to framing the issue will be analyzed: as a refugee problem, as an IDP problem, as a problem of statelessness and finally as a problem of adaptation. The manner in which the problem is framed will have a great impact on the outcome of the policy initiative. The following approaches are very different and thus will necessitate different tools for addressing them. The final recommendation will outline how to practically pursue the desired issue frame on the global public policy stage. What must be considered throughout this analysis is that the primary objective is to provide the greatest assistance to the greatest possible number of people permanently displaced by climate change.

### ***Refugees***

If the problem is framed as one of a refugee crisis, the argument would have to be accepted that those forcibly displaced by climate change do, in fact, qualify as refugees. This would necessitate an agenda of building an international consensus on altering the definition of a refugee under the 1951 Convention from someone who flees their home country out of a fear of persecution, to someone who is forced to flee out of necessity, or unavoidable or irreparable harm. The expansion of this legal framework, if achieved, would inherently be applicable to the protection of stateless persons; however, it would not protect those who will remain internally displaced.

Benefits of this approach include the strength of the current international legal regime on refugees. If a consensus were achieved on an expansion of the refugee definition the legitimacy would be built in. Conversely, the primary disadvantage of attempting to graft on to the existing framework is the history of political opposition which has faced any expansion of the 1951 Convention. Given this political environment, reopening the debate could, perversely, result in reductions in the scope of protection offered to refugees.

### ***Internally Displaced Persons***

If the issue of EDPs is framed as a problem of increasing IDP pressures the process will inevitably tackle two international legal issues at once: protection gaps for IDPs and EDPs. This is an ambitious undertaking. However, it is possible that this approach will face less resistance than the refugee approach, owing to the fact that there are no existing norms for states defend.

The primary benefit of approaching the issue through this frame is that an international legal order on the protection of IDPs has been long overdue, and, if achieved, would constitute a positive externality of the primary agenda. Furthermore, the balance of evidence currently suggests that the majority of people who are forcibly displaced by climate change will not cross international borders, but instead will become internally displaced. Therefore this strategy would have the greatest impact on the primary objective: protecting the greatest possible number of people permanently displaced by climate change.

### ***Statelessness***

Approaching the problem of EDPs as a coming crisis of statelessness would likely mean assembling a coalition dedicated to replacing the Convention on the Reduction of Statelessness with a new legal framework, fully applicable to all types of stateless people – including those who are born and who become stateless. The current convention has limited international support, and thus any expansion of it would have minimal impact. The objective of this coalition would be to effectively close the legal protection gaps for persons likely to become stateless within 20 to 50 years.

The disadvantage of this approach is that the framework will only protect a small percentage of those severely impacted by climate change. The proportion of the estimated 200 million future EDPs who will qualify as being stateless is quite low. The main benefit of framing the problem in this way is that its considerably smaller scope may make it an easier objective than some of the other options, allowing momentum to build around the broader issue.

### ***Adaptation***

The final approach to EDPs in terms of problem identification, is to frame the problem as one that requires a coordinated international strategy to respond to both slow and sudden onset disasters. If this frame is pursued, the agenda would be set, as a need to bring developed states together to partner with underdeveloped states in

“hot spots” in order to engage in a two pronged approach to adaptation. The first measure would be to help these states to build capacity and resilience measures into their society, and adapt to climate change.

The second measure would be to develop a disaster response strategy to assist vulnerable populations if a sudden disaster does strike, in order to minimise fatalities. An example is Canada’s reaction to the 2010 earthquake in Haiti, where a response strategy was developed within 24 hours and a team deployed within 48 (Waschuk, 2010). This is the type of quick response needed in every major disaster. In order to achieve this practically, vulnerable states could be divided amongst developed states by virtue of geography and preexisting relationships.

Advantages of adopting this approach include much needed capacity building in developing states, stimulus of local economies and a reduction in the death toll of natural disasters, which annually totals approximately 9000 (Laczko, 2010: 1-6). This approach is flawed, however, if adaptation measures fail to prevent mass migration in the face of climate change, as the world will remain without an appropriate international legal framework to respond to such a crisis.

## RECOMMENDATIONS

As previously stated, this paper has been guided by the goal of achieving the greatest assistance for the greatest possible number of people permanently displaced by climate change. Considering the strong evidence that the majority of those forcibly displaced by climate change will remain within their own national borders, it is recommended that option three is selected: frame the issue as one of increasing IDP pressures, and pursue a binding international framework on their protection.

To pursue this, a coalition will need to be formed around developing international momentum to create such a framework. To this end it will be important to stress three key points. First, the reality of the current situation is that humanitarian organizations are already over-burdened. Second, the problem of IDPs will only become more severe in the coming years, with the projections of how many people will be displaced, either in the short or long term, by the effects of climate change. Third, large IDP populations can have an adverse impact on national and regional stability. For these reasons negotiating and ratifying an internationally binding legal framework to address the problems of IDPs is in the national interest of all states. Important actors to bring onboard first, in the coalition building stage, will be states

with significant IDP populations, as well as those states which have been identified as existing in a “hot spot”. In terms of organizations, partnering with the ICRC and UNHCR on this issue will provide the greatest expertise moving forward with this agenda.

While it will remain essential to address the growing number of stateless persons, it is clear that the greatest number of those adversely affected by climate change, and forced to leave their homes as an outcome, will be internally displaced. Therefore, it will be much easier to respond to the needs of stateless people in an ad hoc manner than it will be to respond to multiplying IDP pressures and the national and regional destabilization accompanying them. In fact, it will be impossible to proceed without a binding international framework on this issue. This is a necessity!

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# Securitization of Commercial Supply Chains: How Prescriptive Regulations of Defence Procurements Divide Industry and Government

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## EXECUTIVE SUMMARY

*As commercial off-the-shelf products have become increasingly important to defence procurements, so too have the threats of infiltration to both government departments and private companies risen. This has motivated many countries to look at the role government can play in securing global commercial supply chains. In the United States, this happened in January 2011 when Congress gave the Department of Defense unprecedented powers to regulate commercial supply chains, namely the purview to blacklist contractors without oversight or transparency.*

This policy brief argues that this new trend—the securitization of supply chains through prescriptive regulations—limits the federal government's ability to efficiently and effectively acquire mission critical technologies. This presents a credible national security risk, more grave than those the measures seek to mitigate. Although allowing industry to exclusively self-regulate the security of their products may not be a credible solution, it is recommended that the newly granted authority to regulate commercial supply chains must be rescinded.

## CONTEXT AND IMPORTANCE OF THE PROBLEM

The Department of Defense (DoD) procures a substantial portion of its Information Technology (IT) from a small cadre of contractors, covering purchases as diverse as routers, software, or the components of fighter jets. To fulfil government needs, prime contractors utilise commercial off-the-shelf (COTS) products supplied by subcontractors. Given that prime contractors may know very little about employees

working for subcontractors—working in potentially any country in the world—the potential risk of infiltration and counterfeiting products grows exponentially with every link down the supply chain.

Supply Chain Risk Management (SCRM), originally developed by industry to proportionately manage the risks associated with subcontracting elements of the final product, began to be adopted by Western governments in the 1990s as public procurements became increasingly intertwined with global commercial supply chains (Peck, 2005; Peck, 2006; Erridge and McIlroy, 2002). The critical role that COTS play in American defense means that infiltration into the supply chain presents one of the most vulnerable periods of risk for the warfighter, and by every measurable standard, IT security breaches have risen over the past decade (Zhang and Suhong, 2006; Juttner, Peck and Christopher, 2003). The role of COTS in defence procurements has therefore grown in importance, while simultaneously having grown in vulnerability.

#### **RECENT CHANGES IN POLICY**

To deal with these risks, the newly passed H.R. 6523 National Defense Authorization Act for Fiscal Year 2011 contains a new strategy for SCRM located in Section 806 (S. 3454, 2010). This policy brief urges that Section 806 from H.R.6523 must be repealed due to the national security concerns presented by the delays it will cause to the procurement of mission critical technologies and the barriers of entry it will establish against smaller suppliers that hold many of these technologies.

At its core, Section 806 empowers the Director of the Defense Intelligence Agency and the Assistant Secretary of Defense for Networks and Information Integration to establish qualification requirements for the purpose of reducing supply chain risks by restricting procurement according to a number of guidelines.

Sec. 806 (e)(2)(C): The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract (H.R. 6523, 2011).

However, the potential policy implications go far beyond guidelines and qualifications. In providing joint recommendations to agency heads, these offices play a key role in identifying sources or regions that need to be excluded from government procurement of covered items for national security purposes (H.R. 6523, 2011). This allows the federal government to disqualify a contractor on the grounds of a

perceived risk in its supply chain, effectively giving the DoD the purview to create a blacklist of contractors.

This blacklist may be based on geography—any supply chain that produces a mission critical component in a given at risk country may be blacklisted, a specific factory—any supply chain that produces a mission critical component in a factory suspected to be owned or operated by a foreign national army may be blacklisted, or even a specific employee—any supply chain that contains an employee suspected to be a counterintelligence operative may be blacklisted (H.R. 6523, 2011; ARWG, 2010). Many arguments against blacklisting have come from industry citing transparency as an integral value to cooperation in business; however, this policy brief maintains that encouraging DoD to wield such authority is an immediate national security concern.

#### **CRITIQUE OF CURRENT POLICY OPTIONS**

Section 806 leaves contractors no opportunity to sue in federal court or request disclosure through a Government Accountability Office (GAO) review to discover the source of the threat in order to rectify it (H.R. 6523, 2011)<sup>1</sup>. As such the primary opposition has come from contractors who maintain that blacklisting does not remove the security threat from the supply chain and, consequently, leaves potentially dangerous COTS to be procured by other federal government departments (ARWG, 2010). Primary support has come from the DoD, which lobbied the Senate and House Armed Services Committees (SASC & HASC) to include Section 806. DoD has argued that it requires this authority to effectively combat national security threats present in current supply chains, and maintains that blacklisting is not its primary intent, advising that it would only be used in the most extreme of circumstances (ARWG, 2010).

The primary roadblock to repealing this section is the weight that the HASC and SASC attach to arguments framed in terms of national security, particularly those made by the DoD. For this reason if industry concerns for regulation could be seen in national security terms, they would be strengthened and, thereby, able to compete with the threats that the DoD contends exist.

<sup>1</sup> Section 806 came almost verbatim from Section 815 of S. 3454, the Senate-proposed National Defense Authorization Act for Fiscal Year 2011 that failed in December 2010 to even reach the Senate floor for a vote. Where this brief references lobbying for and against Section 806 of H.R. 6523, it is understood that much of the actual lobbying took place with reference to the almost identically worded Section 815 of S. 3454. A subsequent paper would be required to analyze the changes that were made to Section 815 in order to create Section 806.

Industry has charged that this section (and its predecessor, Section 815, S. 3454, 2010) is another example of a prescriptive regulation that prevents contractors from supplying cost-effective products in a timely manner and in a competitive and transparent environment (ARWG, 2010). COTS, which are the primary set of goods Section 806 regulates, are available through any commercial market and, as such, play a dominant role in global supply chains.

Regulations of COTS have traditionally been limited to internationally accepted Common Criteria, which industry is already meeting and self-enforcing. If we could speak of one unified industry perspective, it would be their demand that government leave them the freedom to decide how to go about fulfilling contracts (ARWG, 2010).

However Section 806 violates this by being prescriptive, telling industry how it must go about fulfilling contracts and, in so doing, granting a heretofore unparalleled power to the DoD: the power to blacklist a contractor with no transparency or oversight.

#### POLICY RECOMMENDATIONS

This policy brief emerges with two recommendations in light of industry's ultimately unsuccessful lobbying effort to prevent Section 806: (i) in order for Section 806 to be successfully repealed, it must be seen as yielding national security threats of its own; (ii) these national security threats caused by prescriptive regulations of the supply chain exist through two primary areas: first, by delaying the procurement of mission essential IT; and, second, by presenting barriers of entry to companies with critical technologies.

Risk management is defined, in a national security context, by weighing empirical threats according to the quantitative sum of two categories: the magnitude of the risk; and the probability of the risk materializing (Khan and Burnes, 2007; Knemeyer, Zinn and Eroglu, 2009). Therefore proving that the risk of infiltration to the supply is empirically lower than the risks presented by Section 806 itself would be methodologically unsound; too many variables associated with these types of risks are themselves not quantifiable in the ways that many academics have approached risk management (Ritchie and Brindley, 2007; Korosec, 2003; Khan and Burnes, 2007). Instead I charge that proponents of Section 806 are unable to show that the authority to blacklist a contractor is proportional to the threat. Furthermore, proponents cannot effectively defend against the claim that Section 806 has the

potential to cause more serious national security threats than it addresses. In so doing this brief shifts the debate towards seeing both arguments in a national security context. As such the remainder of this brief intends to show how delays and barriers of entry caused by Section 806 are also threats to national security.

The comparative advantage of technology that the DoD holds over potentially non-friendly state and non-state actors has decreased over that past decades, in large part due to the proliferation of COTS (Waters, 2007). Strategic advantages are rarely maintained by holding technologies that potential enemies do not, but instead by acquiring technologies before potential enemies can gain access to them.

COTS represent a growing array of technologies that actors may simply buy off the Internet, and increasingly include the most advanced technologies in their fields. Many DoD contracts fulfilled by the prime contractors utilise these same technologies in their supply chains (ARWG, 2010; Kennedy, 2000). When the United States regulates contractors' supply chains such as through Section 806, mandating changes to COTS, it becomes more efficient for non-friendly actors to procure these technologies before prime contractors may fulfil DoD contracts. Therefore recognizing delays as credible national security concerns shows that a transparent, rapid supply chain is a matter of national security and that overregulation in a prescriptive manner is itself an intrinsic threat.

The second contention this policy brief presents against Section 806 is that it creates barriers of entry that deter critical suppliers from the federal government market. Whereas the first argument explores delays, which affect procurement from all sizes of contractors, the barriers of entry created by Section 806 present a burden that is disproportionately shared by smaller contractors.

It is difficult to quantify the wariness many SMEs (small and medium-sized enterprises) hold towards the federal government as a customer, nor even to quantitatively show how many avoid the federal government market or for what reasons (Karjalainen and Kemppainen, 2008; Autry and Bobbitt, 2008). However despite the fact that many of these SMEs do not bid directly as prime contractors on DoD contracts, large companies utilise these technologies. Furthermore, these technologies are frequently integral components of larger procurements, necessitating their involvement in the procurement process.

Therefore, Section 806 is unique because it can prevent the prime contractors from using these SMEs even as subcontractors because of a single component or element DoD deems is potentially unsafe (H.R. 6523, 2011). SMEs are made even more critical due to the fact that in the defense market, there are rarely multiple sources in the area of critical technologies (Karjalainen and Kemppainen, 2008; Clark III and Moutray, 2004, Rose-Anderssen, Baldwin and Ridgway, 2011). As such, the DoD's failure to procure these mission critical technologies is a national security concern. Once a given supplier is blacklisted by Section 806, there is no reason to expect that DoD will be guaranteed to find a suitable replacement, especially when prime contractors are given no information to help them remove the threat. The threat is therefore not only left in the supply chain for other government agencies to procure, but DoD will be unable to procure technologies that non-friendly actors have the opportunity to buy from commercial markets (ARWG, 2010).

While barriers of entry disproportionately affect SMEs, large commercial companies—for whom the federal government is not necessarily their primary customer—may have strong motivations to exit the market. Stated simply, every commercial company has a tipping point when government regulations become overbearing and it is no longer in the company's interests to modify their COTS to sell in the federal government market. Between SMEs refraining from entering and the exiting of large commercial companies for whom the federal government is a small customer, it is evident that simple economic barriers deprive the federal government of technology that non-friendly actors may procure and allow them to garner a comparative technological advantage, thereby threatening national security.

## CONCLUSION

Creating blacklists based on geography, ownership, or personnel compels prime contractors to change their supply chains from their commercial states, which profoundly increases prices of government procurements. However, defense offsets are just one example of many wherein government already demands changes to the supply chain (Rendon and Snider, 2010). What makes Section 806 unique—going beyond the immediate concerns for transparency and access to information—is that it introduces prescriptive regulations that are themselves national security threats.

This policy brief has contended that the way the debate has been framed, between national security on the one hand and economic costs on the other, will inevitably

fall in favour of national defence, especially as the primary constituents are the HASC and SASC. DoD maintains that the potential for infiltration into supply chains requires a proactive risk management plan, despite their inability to quantify the risks that will be created by barriers of entry and delays of mission essential procurement. To conclude, there is a clear tension at play: commercial supply chains are growing increasingly critical to defence procurements while at the same time they grow increasingly vulnerable. The latter demands that some security measures are put in place and government must play a role in this; however, the former necessitates that excessive securitization of commercial supply chains will yield a negative impact. Ultimately, the inclusion of Section 806 should lead us to conclude that industry's lobbying proved less effective to that of the DoD, which demands that the issue be reframed to appreciate the national security threats on both sides of the issue. From there, while strictly self-regulation by industry may not be tenable, this brief has focused on arguing that Section 806 carries too many new threats to reasonably support.

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# RESEARCH PAPERS



# L'approche libérale de la consolidation de la paix : quel rôle pour la sécurité humaine?

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## INTRODUCTION

Les changements structuraux internationaux qui marquèrent l'effondrement de l'URSS et la fin de la Guerre froide engendrèrent une croissance des conflits dits intra-étatiques. Ceci complexifia grandement les interventions humanitaires et rendit « désuet » le type d'opération de maintien de la paix qui prévalait dans un contexte de conflits inter-étatiques. Dans de nombreux cas maintenant, l'État s'effondre sous le poids de la guerre civile et les populations civiles deviennent une partie intégrante des conflits puisqu'elles sont prises pour cibles. Une myriade de nouvelles menaces —militaires ou non— pesant sur les civils émargea ou s'accentua et ces menaces à la sécurité des populations présentent dorénavant un aspect transnational important. En effet, les conflits intra-étatiques tendent à déstabiliser les pays voisins et se transforment parfois en conflit régional.

Ces transformations majeures occasionnèrent de nouveaux défis pour la communauté internationale. D'une part, au niveau conceptuel, il semble de plus en plus clair que les « paramètres » de sécurité étatique dits traditionnels ne sont plus adéquats, ou du moins, suffisants, pour jauger les problèmes sécuritaires des populations et des États. D'autre part, les États qui se relèvent d'un conflit ou d'une crise majeure requièrent une aide internationale soutenue afin de retrouver leur habileté à remplir leurs fonctions wébériennes, c'est-à-dire être en mesure d'assurer la pérennité des frontières et du territoire et assurer la sécurité de leurs citoyens. En somme, la sécurité des individus ne semble plus se réduire à la sécurité de l'État et il s'avère impératif de restaurer les États et leurs institutions pour parvenir à une paix et une sécurité durables.

C'est dans ce contexte que la décennie 1990 a vu naître deux concepts qui se traduisirent tous deux par des actions internationales d'envergures à caractère multilatéral : la consolidation de la paix et la sécurité humaine. La consolidation de la paix et la prévention des conflits furent considérées comme des vecteurs essentiels pour promouvoir la sécurité humaine des populations au sein des États sortant d'une guerre ou pour éviter qu'un conflit éclate et entraîne une détérioration dramatique de la sécurité humaine. Pour le Ministère des Affaires étrangères et du commerce international du Canada (MAECI), « la consolidation de la paix désigne les efforts faits pour promouvoir la sécurité humaine dans des sociétés aux prises avec des conflits » (MAECI, 1997). Bref, selon cette perspective partagée par d'autres (Hampson et Penny, 2007: 549), la sécurité humaine est l'un des objectifs principaux à atteindre dans le cadre des opérations de consolidation de la paix. Comme il sera expliqué dans la deuxième section de ce texte, le bilan des activités de consolidation de la paix n'est pas très reluisant et ceci donna lieu à la remise en question de l'approche dite « libérale » de la consolidation de la paix. Les tenants du concept de la sécurité humaine insistent sur le potentiel positif d'une approche axée sur la sécurité humaine de la consolidation de la paix. Selon cette conception, la sécurité humaine est plus qu'un objectif à atteindre, mais est une façon de parvenir à des méthodes efficaces de consolidation de la paix, qui elles-mêmes se traduiront par une sécurité humaine accrue en bout de ligne.

Ce travail expliquera d'abord ce en quoi consiste le concept de sécurité humaine, sa présence dans la sphère nationale et internationale, et détaillera les nombreuses critiques qui ont été formulées. Ensuite, la définition et les critiques concernant la consolidation de la paix seront également passés en revue. À la lumière de ces constats, il sera question d'explorer si, malgré ses lacunes, une approche de la consolidation de la paix axée sur la sécurité humaine pourrait avoir une certaine valeur ajoutée et contribuer à l'achèvement d'une paix durable et au succès de ce type d'intervention.

### **LA SÉCURITÉ HUMAINE : DÉFINITIONS, CRITIQUES ET CONTROVERSES**

La fin de la Guerre froide engendra une réévaluation, pour ne pas dire une révolution, des préceptes, politiques et théories en vigueur dans les sphères intellectuelles en relations internationales et dans les cercles décisionnelles. Plus spécifiquement, les études concernant la sécurité subirent des changements importants et il devint évident qu'une nouvelle approche était nécessaire. En effet, le cadre analytique qui servait à étudier, à expliquer et à prévenir les guerres entre les États se révéla

inutile face aux guerres intra-étatiques et face aux nouveaux types de menaces qui gagnèrent en importance (Human Security Center, 2005 : VIII). La nature des menaces qui mettent en péril la sécurité des individus –ainsi que la paix et la sécurité internationale— se transforme; le spectre des menaces non militaires et à caractère transnational s’élargit. Dans l’Agenda pour la Paix (1992), Boutros-Boutros Ghali prend acte de ces transformations significatives et appelle à des changements conséquents dans l’action de l’ONU : « Alors même que de nouvelles possibilités s’offrent ainsi à l’Organisation [des Nations unies], les efforts qu’elle déploie en vue d’instaurer la paix et la sécurité doivent dépasser le domaine de la menace militaire » (Boutros-Ghali, 1992: 4).

En somme, les politiques traditionnelles de sécurité étatique qui concernent les frontières et le territoire de l’État devinrent inadéquates à l’égard des menaces qui mettent effectivement en danger les individus dans le contexte des années 1990. Il devient incontestable que la sécurité de l’État n’équivaut pas nécessairement à celle des personnes, ni même à la sécurité internationale compte tenu de l’ampleur des facteurs transnationaux de l’insécurité humaine (guerres civiles/régionales, réfugiés, terrorisme, crime organisé, menaces environnementales).

C'est dans un effort de recentrer l'attention vers l'individu, l'ultime bénéficiaire de toutes politiques de sécurité, que le concept de sécurité humaine a vu le jour. Le fondement au cœur de cette notion est une approche sécuritaire ayant comme référent l'individu, et non l'État et ses frontières. Tel que le résume le tableau suivant, ce changement de cadre engendre des implications significatives.

Type de sécurité	Référent	Objectif	Menaces potentielles
Sécurité traditionnelle	État	Maintenir l'intégrité de l'État	Guerres inter-étatiques, prolifération nucléaire, révolution
Sécurité humaine	Individu	Assurer l'intégrité de l'individu	Épidémies, pauvreté extrême, violations des droits humains, catastrophes naturelles, etc.

(Liotta et Owen, 2006 : 38)

Bien que l'idée d'élargir la notion de sécurité traditionnelle était déjà présente, la sécurité humaine hérita d'une première définition suite à la parution du rapport annuel du Programme des Nations Unies pour le Développement (PNUD) sur le développement humain en 1994. Ce rapport fait mention de sept aspects centraux pour assurer la sécurité d'un individu; la sécurité économique, alimentaire, sanitaire, environnementale, personnelle, communautaire et politique (PNUD, 1994 : 26). Le PNUD opta pour une définition très étendue de la sécurité humaine incluant plusieurs types de menaces non violentes et de nature chronique tels que la faim et la pauvreté. La définition du PNUD incarne une vision large de la sécurité humaine; il s'agit de mettre l'individu à l'abri de la « peur » et du « besoin ». Il existe une approche plus minimale de la sécurité humaine qui limite l'ambition et les objectifs des politiques de sécurité humaine à mettre l'individu à l'« abri de la peur » uniquement. Le gouvernement du Canada se fit porte-parole du concept de sécurité humaine pendant les années 1990 et concentra son attention sur la version plus étroite de celui-ci. Les actions du Canada entreprises dans le cadre son agenda de sécurité humaine, allant de l'initiative pour la mise sur pied de la Cour pénale internationale au traité pour l'interdiction des mines antipersonnel, mettent l'accent sur les menaces de nature violente et même immédiate (MacLean, 2006 : 95). Ces deux approches ne sont pas contradictoires, mais plutôt complémentaires. La complémentarité caractérise également la relation entre la sécurité humaine et étatique. Ces deux types de sécurité, loin de s'opposer, se renforcent mutuellement et c'est d'ailleurs la raison pour laquelle plusieurs mesures concrètes visant à promouvoir la sécurité humaine s'attaquent par le fait même au renforcement des institutions étatiques. L'achèvement de la sécurité humaine en fait renforce la sécurité étatique et ne la remplace pas (Krause, 2007 : 13). Toutefois, la raison d'existence du concept de la sécurité humaine est justement due au fait que la sécurité étatique ne suffit pas à la sécurité des populations (HS Center, 2005 : VIII).

La sécurité humaine gagna rapidement en importance dans les milieux décisionnels et dans les organisations internationales sans pour autant faire l'objet d'un consensus quant à sa définition, ce qui rendu ce concept particulièrement vulnérable aux critiques. Il est donc important de discuter de ces critiques avant d'aborder les possibles bénéfices d'une approche de sécurité humaine pour la consolidation de la paix.

### ***La sécurité humaine : objet d'un examen critique***

Certains ont vu en l'arrivée du concept de sécurité humaine une véritable révolution, un changement dans le paradigme sécuritaire qui ouvrirait la porte à un cadre d'action

plus efficace pour assurer le bien-être et la sécurité des individus, et par conséquent la stabilité et la sécurité internationale. Toutefois, plusieurs auteurs rejettent cette affirmation plaidant au contraire que le concept de sécurité humaine, étant trop vague et démesurément inclusif, n'apporte que très peu de bénéfice réel, que ce soit au niveau conceptuel ou au niveau de la formulation des politiques. David Chandler, par exemple, observe que malgré l'ampleur de l'utilisation du terme « sécurité humaine » au niveau discursif, très peu de résultats concrets peuvent être associés à ce concept. Pour lui, les tenants de cette approche tendent à mélanger les objectifs normatifs à ce qui prévaut effectivement au niveau des politiques (Chandler, 2008: 428-429). Similairement, Roland Paris soutient que le concept de sécurité humaine n'est guère en mesure d'offrir un guide utile pour les décideurs politiques ou même un cadre pertinent pour les analystes. L'ambiguité du concept quant à son exact définition fait en sorte que la sécurité humaine désigne pratiquement tout et est donc en pratique inutilisable puisqu'il ne peut servir à établir des priorités pas plus qu'il ne peut aider les décideurs à trouver des solutions (Paris, 2001 : 92-93). Le terme sécurité humaine ne serait ainsi qu'une « étiquette » apposée sur des activités afin de les justifier sur une base éthique et morale (MacLean, 2006: 95).

Dans un autre ordre d'idées, il est possible de dire que la définition de la sécurité humaine est si large et vague qu'intégrer cette notion dans un agenda de politique étrangère, tel que le Canada l'a fait, permet pour les États de mener une politique étrangère ad hoc leur permettant de choisir parmi un éventail de possibilités quelles initiatives il est préférable de mettre de l'avant. Ce thème de politique étrangère serait donc choisi davantage pour sa flexibilité que pour sa véritable valeur comme cadre stratégique.

En dépit de ces critiques dépeintes ci-haut, l'approche de la sécurité humaine compte de nombreux adeptes tant dans les cercles décisionnelles que dans les milieux académiques. Tout d'abord, force est de constater que la sécurité humaine a le mérite de prendre en considération la complexité des menaces et des défis en matière de sécurité et de susciter des débats et discussions indispensables à ce sujet. Keith Krause considère que « the discourse and practice of human security leads states and policy-makers to focus on different issues, to ask different questions, and to promote different policies, policies that are having a significant impact on the international security agenda for the 21<sup>st</sup> century » (Krause, 2007 : 2). Oliver P. Richmond abonde dans le même sens, il mentionne qu'en adoptant une approche de sécurité humaine, il devient possible de mieux comprendre ce qui cause l'insécurité

(Richmond, 2006 : 77). Nicholas Thomas et William T.Tow soutiennent que la sécurité humaine, lorsque définie de façon plus étroite, possède certainement une valeur ajoutée en termes de formulation des politiques publiques et est donc un concept qui mérite l'attention qui lui est portée (Thomas et Tow, 2002 : 178). D'ailleurs, des efforts significatifs furent entrepris pour améliorer la réputation de la sécurité humaine concernant sa validité conceptuelle et pratique. En 2000, l'ONU créa la Commission sur la sécurité humaine qui « se pencha sur les façons de conceptualiser les activités et les objectifs politiques nécessaires pour mettre de l'avant la sécurité humaine au sein des efforts de l'ONU » (Jeannotte, 2006).

Les partisans de cette approche font notamment valoir que la sécurité humaine amène un changement de perspective adéquat et indispensable compte tenu des réalités sécuritaires contemporaines. Ce nouvel angle d'approche génère un cadre d'analyse et d'action qui redonne à l'individu sa juste place dans les priorités en matière de politique de sécurité. Selon les tenants de la sécurité humaine, il en va de l'efficacité de toute une gamme de politiques étrangères et de la sécurité internationale. Il semble cependant y avoir divergence quant il s'agit de « choisir » entre une approche étroite ou inclusive de la sécurité humaine. Certains mettent en valeur le potentiel d'une approche large pour comprendre l'ensemble des causes d'insécurité, tandis que d'autres, préfèrent réduire la portée de la sécurité humaine afin que la théorie se traduisent plus aisément en pratique par des politiques concrètes.

## **1. LA CONSOLIDATION DE LA PAIX LIBÉRALE**

Cette section brosse le portrait de l'approche libérale de la consolidation de la paix et des critiques qui sont formulées à son endroit. À la lumière de ces informations, il sera possible d'évaluer de quelle façon une approche axée sur la sécurité humaine peut s'intégrer et potentiellement contribuer à l'achèvement d'une paix durable.

Bien que certaines activités menées typiquement dans le cadre de la consolidation de la paix puissent être effectuées avant et pendant un conflit, il est généralement accepté que cette forme d'opération désigne l'ensemble des activités entreprises dans une période post-conflit, par l'ONU principalement, afin d'instaurer une paix durable (Légaré 2010). Les actions menées pour consolider la paix trouvent leurs fondements dans le modèle de paix recherché, c'est-à-dire, la paix dite « libérale ». La consolidation de la paix qui existe aujourd'hui se traduit concrètement par des opérations internationales d'envergures tentant de réformer, transformer, de reconstruire dans certains cas, un État qui incarne et soutient les principes de l'ordre

libéral tel que la démocratie, la libéralisation économique et les droits humains.

Entre 1989 et 1999, quatorze missions de consolidation de la paix furent déployées dans des environnements très variés et complexes, tous émergeant de guerres civiles. La stratégie mise de l'avant par l'ONU afin de promouvoir la paix libérale dans l'ensemble de ces situations peut se résumer essentiellement à deux démarches : la libéralisation économique et la démocratisation politique (Paris, 2004 : 3-5). La communauté internationale concentra ses efforts pour atteindre de façon rapide ces objectifs et sous-estima vraisemblablement l'effet déstabilisateur de la mise en œuvre de telles transformations dans une situation post-conflit. En effet, il devint flagrant qu'au lieu de favoriser une paix stable et durable comme les prémisses de la paix libérale le présupposent, la libéralisation économique et une rapide démocratisation exacerbèrent les tensions présentes dans la société (Paris, 2010 : 341). Tel qu'avancé par Roland Paris, il demeure souhaitable de parvenir dans ces États ravagés par les guerres civiles à une démocratie et une économie libérale, mais il semble de plus en plus évident que la phase de transition favorise les rivalités et les tensions plus que la paix et la stabilité (Paris, 2004).

Le bilan des opérations visant à instaurer une paix durable dans les pays récemment ravagés par des crises et des conflits est mitigé. Environ un cinquième des États, un tiers même selon certaines estimations, succombent de nouveau à un conflit dans les cinq années suivant une opération de consolidation de la paix (Call et Cousens, 2004 : 5-7). La prochaine section jette la lumière sur certaines des critiques formulées à l'endroit de la consolidation de la paix. Ces critiques brièvement expliquées ci-après et les exemples fournis permettront ensuite de mieux comprendre la valeur d'une approche de sécurité humaine de la consolidation de la paix.

### ***L'État dans la vision libérale de la consolidation de la paix***

Avec les missions de consolidation de la paix qui prévalent aujourd'hui, l'atteinte des objectifs de réformes politique et économique se matérialise principalement par la construction et le renforcement des institutions étatiques. Dans la conception libérale de la paix, les institutions étatiques (armé, police, système judiciaire, etc.) sont des éléments essentiels à la libéralisation économique efficace, à la stabilité, à la gestion pacifique et durable des conflits, au développement et à la croissance. Or, la vision de l'État que les intervenants tentent de mettre sur pied est réductrice et trop étroite selon certains auteurs, ce qui les amènent à questionner l'efficacité d'une approche de consolidation de la paix basée sur ce statebuilding :

« The models of the state that have dominated international peacebuilding operations fundamentally misconstrue key dimensions of the nature of political community, and particularly of participatory, democratic political community. These models are therefore often poorly adapted to supporting the emergence of viable political community, especially in societies struggling with the aftermath of violent division » (Brown, Boege, Clements et Nolan, 2010: 100)

Selon cette critique, la consolidation de la paix entretient une conception « mécanique » de l'État, réduisant son existence à l'instauration d'institutions étatiques fiables, négligeant l'aspect social, culturel et traditionnel d'une communauté politique viable. Cette négligence a pour effet de reléguer au second plan les questions de citoyenneté, de légitimité et de participation qui pourtant forment l'assise d'un État stable. Jonathan Goodhand et Mark Sedra indiquent dans leur analyse du processus de consolidation de la paix en Afghanistan que les « donors adopted a limited and formalistic approach to ownership in the security sector. By focusing narrowly on formal state institutions, donors have failed to engage effectively with non-state security systems and actors» (Goodhand et Sedra, 2010: 87). Pour eux, cette approche explique en large parti les problématiques récurrentes et les échecs en matière d'amélioration de l'environnement sécuritaire. Cet accent disproportionné mis sur les institutions étatiques centrales débouche trop souvent sur des processus politiques déconnectés des pratiques sociales et valeurs en vigueur dans la société hôte. Par exemple, lors de la Conférence de Bonn en décembre 2001, tenue afin recréer l'État afghan et d'assurer la paix et la sécurité, la construction d'un État central fut l'option privilégiée. Or, traditionnellement, le système politique et social afghan, dans ses moments les plus stables, était caractérisé par une forte décentralisation et par le caractère informel du domaine politique. Ce décalage entre l'organisation politique promue suite à la Conférence et la tradition afghane a certainement contribué aux difficultés qui existent aujourd'hui, notamment en délégitimant l'État aux yeux de la population (Goodhand et Sedra, 2010).

Les institutions étatiques ont certainement un rôle à jouer dans le succès des opérations de consolidation de la paix, que ce soit en assurant les mécanismes nécessaires à la sécurité et par la livraison de service de base, ou par la présence de forum politique stable (Call et Cousens, 2008 : 10). Toutefois, un État viable et en mesure d'être vecteur d'une paix durable et libérale ne se résume pas aux institutions

financées et mises en place grâce à la communauté internationale. C'est cette vision limitée de l'État qui, selon les critiques, freine les opérations de consolidation de la paix dans leur réussite.

### ***La société civile et l'appropriation locale du processus de paix dans le cadre de la consolidation***

Il devint de plus en plus clair à la lumière des problèmes rencontrés dans les missions de consolidation de la paix tout au long des années 1990 qu'il est vitale que la société civile prenne activement part au processus et à la consolidation de la paix afin que ceux-ci soient légitimes et aient une chance d'être couronnés de succès (Paris, 2010 : 342). Aussi, la sécurité des populations et leur bien-être sont également reconnus comme des composantes clés, indispensables au bon déroulement des opérations visant à consolider la paix. En effet, tel que mentionné plus haut, il est explicitement reconnu dans la définition même de la consolidation de la paix, formulée par Boutros-Ghali, que la consolidation de la paix passe par l'amélioration des conditions de vie de la population (Hampson et Penny, 2007 : 549).

Malgré ceci, les opérations de consolidation de la paix furent fréquemment critiquées pour considérablement négliger l'importance des besoins des populations et la participation de la société civile locale à l'ensemble du processus entrepris pour remettre le pays sur la voie de la paix. En outre, lorsque les intervenants s'intéressent effectivement aux besoins et à la participation de la population, ils furent critiqués de le faire uniquement dans une logique utilitaire, d'un point de vue d'efficacité, et non dans une optique de légitimité : « Peacebuilding does not treat the subjects of peacebuilding as aims in themselves, but as objects or means to the preservation of international order » (Tadjbakhsh, 2010 : 125). Mais cette conception utilitaire du rôle de la société civile semble mener à une appropriation locale superficielle et insuffisante pour asseoir une véritable légitimité.

L'exemple afghan démontre bien ce genre de lacunes. Goodhand et Sedra observent un contraste inquiétant entre les discours officiels et la pratique dans la réalité concernant l'appropriation locale du processus de réforme de l'État en Afghanistan. Comme ils l'indiquent, l'appropriation locale afghane fut considérée comme une des forces du JCMB et du ANDS<sup>1</sup>. Toutefois, en analysant les faits, il devient évident que les pays donateurs et les agences internationales exercent un contrôle très fort sur les documents produits, sur les priorités adoptées et sur les ministères afghans.

<sup>1</sup>. Respectivement, « Joint Coordination and Monitoring Board » et « Afghanistan National Defense Strategy »

Selon ces auteurs:

« The result is an extremely circumscribed understanding and operationalisation of ownership, in which a narrow clique of technocrats align themselves behind Western priorities. Not only has this approach fragmented the government politically but also it has de-legitimized many of the reform processes that donors have fostered » (Goodhand et Sedra, 2010: 92).

Les pratiques de la communauté internationale qui défavorisent une véritable appropriation locale résultent selon les auteurs du fait que l'aide au développement est axée sur l'offre (des donateurs), et non sur la demande (des populations locales). Cette analyse rejoint celle de Richmond qui critique et qualifie d' « institutionnelle » la façon dont les objectifs de sécurité humaine sont introduits dans les opérations de consolidation de la paix. Selon lui, les grands donateurs menant les projets libéraux de paix conditionnent l'octroi de fonds pour la société civile à leur « contribution » au grand projet libéral de la paix. Ainsi, même s'il existe effectivement une tendance à valoriser l'approche « de bas en haut », le résultat encouru n'est pas l'émergence d'un consensus local sur les actions à mettre en œuvre, mais plutôt, l'imposition indirecte (par l'octroi de fonds) du consensus international (paix libérale) (Richmond, 2005 : 132-134).

### ***La légitimité contestée du processus de paix***

Les deux critiques précédentes concernant les institutions étatiques et l'appropriation locale sont intrinsèquement liées aux questions de légitimité. Le degré de légitimité que la population accorde au processus de paix, à l'intervention internationale et aux objectifs de paix libérale se reflète dans la légitimité de l'État né de ce processus. La légitimité est cœur du renforcement de l'État et inversement, la fragilité étatique n'est pas uniquement un problème de capacités, de ressources, de pouvoir et d'institutions, mais aussi, et peut-être même surtout, de légitimité (Brown, Boege, Clements et Nolan, 2010 : 107). Les opérations de consolidation de la paix qui sont d'une envergure inégalée, touchant virtuellement tous les secteurs de la société et ne favorisant pas une véritable participation locale, posent effectivement des défis considérables en termes de légitimité. Il est même possible de penser que le bilan décevant de ces missions trouve racine, du moins en grande partie, dans l'incapacité de ces opérations (et conséquemment, des effets et résultats de ces opérations) à acquérir une réelle légitimité interne.

## QUELLE VALEUR AJOUTÉE POUR UNE APPROCHE DE SÉCURITÉ HUMAINE À LA CONSOLIDATION DE LA PAIX?

Pour la plupart, les critiques faites à l'endroit de la consolidation de la paix libérale appellent non pas au rejet total des prémisses de la paix libérale (rejet des démocraties, de l'État de droit, de l'économie ouverte, des droits humains) mais plutôt à une réévaluation en profondeur et à un examen plus critique des méthodes utilisées et des priorités accordées aux différentes activités pour y parvenir (Paris, 2010 : 339). C'est dans cette optique que l'approche de la sécurité humaine pose un regard critique sur la consolidation de la paix libérale et propose une vision différente de la façon de parvenir à une paix durable. Cette section présente la manière dont une approche de sécurité humaine à la consolidation de la paix peut répondre aux difficultés soulevées –appropriation locale, lien État-société-légitimité– et ainsi améliorer la « performance » de la consolidation de la paix.

### ***La sécurité humaine et la légitimité étatique***

Comme il a été souligné à maintes reprises, la carence en légitimité des opérations de consolidation de la paix est un obstacle réel et particulièrement difficile à surmonter. Oliver P. Richmond, Edward Newman et Shahrbanou Tadjbakhsh mettent tout trois l'accent sur les bénéfices qu'une approche de la sécurité humaine de type « émancipatoire » peut avoir sur la légitimité de ces missions et sur la relation entre les citoyens et l'État (Richmond, 2007; Tadjbakhsh, 2010; Futamura, Newman et Tadjbakhsh, 2010). La sécurité humaine dans sa version émancipatoire est définie comme suit :

« The human security approach, in its broad emancipatory notion, is also an ethical framework because of its focus on the broad needs and aspirations of individuals qua persons. It extends the notion of “safety” to a condition beyond mere existence (survival and bare life) to a life worth living: hence, welfare, well-being and dignity of human beings » (Tadjbakhsh, 2010: 123)

Sous cet angle, les questions de légitimité importent non pas en raison de leur contribution à l'efficacité d'une mission, mais pour des raisons éthiques, en référence aux normes et valeurs de la population qui peuvent mener à un objectif commun à atteindre. La différence cruciale entre la sécurité humaine présente jusqu'à maintenant dans la consolidation de la paix, c'est qu'il s'agit seulement de faire participer la société civile au projet de paix libérale importé « clé-en-main », tandis

qu'avec la version émancipatoire, il s'agit d'autonomiser la société civile locale afin que celle-ci puisse prendre le contrôle du projet de paix de la façon qui convient le mieux au pays, appuyée par l'intervention de la communauté internationale. C'est en agissant ainsi que la consolidation de la paix peut réussir à acquérir une plus grande légitimité (Tadjbakhsh, 2010 : 124).

La vision étroite de l'État que les intervenants entretiennent nuit vraisemblablement à sa légitimité et par conséquent, à l'ensemble du processus de paix. Une approche axée sur la sécurité humaine accroît l'importance accordée aux relations entre la société et l'État —le contrat social. En effet, en accordant une importance beaucoup plus centrale et prioritaire à la sécurité des individus et à leur bien-être, l'État est alors à même de remplir ses fonctions qui lui sont attribuées en vertu du contrat social. Avec comme priorité la sécurité des individus, l'État assure sa principal fonction, protéger ces citoyens, en retour de quoi, ceux-ci lui octroieront la légitimité de gouverner. C'est dans ce but que la livraison de service de base à la population et le maintien de l'ordre par l'État devrait être l'ultime priorité (Krause, 2007 : 8; Brown, Boege, Clements et Nolan, 2010 : 100,106,109; Tadjbakhsh, 2010 : 125).

Bien que ces éléments soient déjà présents dans les opérations de paix actuelles, certains exemples précis démontrent non seulement que le bien-être des citoyens est trop souvent relégué au second rang, derrière les questions de sécurité traditionnelle, mais aussi, comment en ayant comme première priorité la sécurité humaine, les actions menées seront en bout de ligne plus efficaces. Par exemple, la façon dont la question du trafic de drogue en Afghanistan est traitée démontre que les motivations à régler le problème sont d'ordre stratégique et relèvent de la sécurité traditionnelle (éviter que l'État devienne narco-mafieux et pose une menace à la sécurité régionale et pour couper le financement au Taliban). Ces intérêts de sécurité sont parfois loin d'être cohérents avec ceux de la population afghane. En effet, le gouvernement américain proposa d'effectuer des pulvérisations aériennes pour éradiquer la culture de pavot. Ceci aurait été préjudiciable aux fermiers afghans, endettés, et dépendants de cette culture pour leur subsistance (Tadjbakhsh, 2007 : 518-519). Jusqu'à présent, l'échec des méthodes de répression pour éliminer la culture du pavot est flagrant principalement parce que les fermiers afghans continuent d'opter pour cette culture qui leur offre un moyen de subsistance. Une approche axée sur la sécurité humaine conduirait les intervenants à dévouer beaucoup plus d'effort afin d'offrir aux fermiers une alternative de culture viable.

En somme, pour Richmond, l'approche de la sécurité humaine émancipatoire permet d'implémenter une paix concertée et un contrat social viable entre l'État et les citoyens, deux éléments conduisant à une paix durable (Richmond, 2007 : 462).

Bref, la sécurité humaine pourrait principalement contribuer à la consolidation de la paix en vertu de son aptitude à stimuler la légitimité de l'ensemble du processus et à favoriser une compréhension globale de la situation dans laquelle les missions de consolidation de la paix évoluent et des causes sous-jacentes aux conflits.

## CONCLUSION

L'approche de sécurité humaine représente une avenue intéressante pour adresser les problèmes qui affectent dans le contexte actuel les opérations de consolidation de la paix et a un potentiel qui mérite d'être exploré davantage du point de vue des chercheurs et mis en pratique plus souvent et même systématiquement pour les intervenants. Un changement d'angle semble indispensable car les méthodes de consolidation de la paix se butent à des problèmes majeurs qui requièrent une évolution des techniques et stratégies mises en œuvre. Faire participer plus la société locale au projet de paix libérale semble insuffisant; il faut, telle que le prescrit l'approche de la sécurité humaine, parvenir à l'autonomisation de la société civile locale pour que celle-ci soit en mesure de construire la paix voulue. Ce faisant, l'approche de la sécurité humaine de la consolidation de la paix permet d'accroître le niveau de légitimité de l'opération, et ainsi, ses chances de succès.

En l'absence d'un volet comportant des « recommandations de politique », la sécurité humaine dans le domaine des opérations de la paix risque de demeurer au stade de la théorie. En effet, malgré une approche qui semble indispensable et tout à fait appropriée en raison des changements structuraux internationaux expliqués en première partie, peu, sinon aucune, mise en pratique concrète ne semble émerger dans les discours plaidant en faveur d'une approche de la sécurité humaine pour la consolidation de la paix. En fait, les recommandations de politiques qui découlent de la sécurité humaine se confondent avec ce qui se fait à l'heure actuelle dans la consolidation de la paix. Pourtant, les missions dans leur format actuel ne constituent pas une véritable approche de la sécurité humaine. Il n'est donc pas clair quelles actions spécifiques et distinctes une approche de sécurité humaine permettrait de mettre en œuvre.

Peut-on finalement penser que la sécurité humaine à un rôle à jouer dans la consolidation de la paix? Un rôle? Certainement. Mais il ne faudrait pas surestimer le potentiel « révolutionnaire » de cette approche puisque plusieurs des éléments qui reposent au centre de cette approche sont déjà présents dans la consolidation de la paix.

L'approche de la sécurité humaine comporte des faiblesses notoires qui demandent d'être adressées sérieusement. Par exemple, les tenants de l'approche émancipatoire de la sécurité humaine semblent s'attendre à ce que le consensus local formé suite à une véritable appropriation du processus par la société soit conforme, dans les grandes lignes, au consensus international de la paix libérale. Or, Tadjbakhsh reconnaît que l'émancipation recherchée via la sécurité humaine implique « accepting difference and deviation, alternative values, and new relationships » (Tadjbakhsh, 2010 : 123). La communauté internationale est-elle prête alors à accepter que ces différences mènent à autre chose que les principes (démocratie, droits de la personne, État de droit) qui sous-tendent la paix et l'ordre libéral?

Les auteurs mentionnent qu'il est important de considérer que toute société civile n'est pas nécessairement en faveur de la paix et qu'il faut savoir promouvoir et autonomiser « la bonne » société civile, sans l'idéaliser (Futamura, Newman et Tadjbakhsh, 2010). Toutefois, le problème épineux de la corruption parmi les élites de la société civile ne figure pas parmi les sujets abordés. Est-ce que la gouvernance informelle locale, qui est parfois caractérisée par des relations de clientélisme et par des régimes néo-patrimoniaux, fait partie de ces divergences qu'il faut accepter? Ces questions sont fondamentales et les tenants de l'approche de la sécurité humaine doivent les explorer afin d'étayer et de renforcer la valeur d'une telle approche pour la consolidation de la paix.

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# E-spionage: Developing Canada's Cyber Warfare Strategy

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## INTRODUCTION

Cyber warfare is a serious and largely unacknowledged threat facing most developed nations. Though Canada is proud to be a global leader in communication technologies, and its public and private sectors are increasingly reliant on having access to cyberspaces, these systems are vulnerable to attack and infiltration from foreign nations. More insidious is that foreign nations have realized the possible benefits from stealing information for medium- to long-term economic and strategic gain. Canada's lack of a comprehensive approach for protecting our critical infrastructures and private systems from cyber warfare attacks makes strategic surprise more likely. The recent discovery of the Stuxnet virus in Iranian nuclear facilities and other critical infrastructures around the world has demonstrated that governments are investing time and money in cyber espionage (The Economist (b), 2010). Moreover, the attacks on Estonia have demonstrated the vulnerabilities that a modern, highly connected state faces from cyber warfare (Almann, 2008). These events have highlighted Canada's vulnerabilities to a government-sponsored cyber attack. While Canada has recently released its cyber security strategy, it deals mainly with cyber crime and protecting citizens from criminals, with little reference to critical infrastructures or state-sponsored cyber espionage. It is imperative that Canada develop a comprehensive strategy that utilizes intelligence services to protect Canadians.

This essay will recommend that Communications Security Establishment of Canada (CSE) be empowered to take more proactive measures in protecting private and public systems, as well as developing our offensive cyber capabilities. Moreover, CSE could utilize its FIVE EYES alliance to promote global cooperation and coordination

in the face of a cyber attack. Finally, the Canadian government should promote the need for greater collaboration among possible belligerents in cyberspace, namely China and Russia, and advocate for the creation of an international regime to limit and outline the acceptable usages of cyber weapons.

### WHAT IS CYBERSPACE

Information technology has reconfigured the traditional battlefield by further reducing the fog of war, increasing intelligence gathering capabilities, and allowing instantaneous information sharing between field and command. Modern armies are heavily reliant on information technologies, as their weapons and defense systems are all computerized. More importantly, as a result, cyberspace has now become a fifth field of battle after land, air, water, and space. It is defined as "a domain characterized by the use of electronics and the electromagnetic spectrum to store, modify, and exchange data via networked systems and associated physical infrastructures" (US Department of Defense, 2006). Cyberspace has several characteristics that are of strategic importance to states. First, cyberspace is not inherently restricted to geopolitical boundaries, yet nations are actively erecting walls in an attempt to balkanize cyber space (The Economist (a), 2010). Second, it is tightly integrated into the operation of critical infrastructures, such as water, power, air traffic systems, early defense warning systems, and banking infrastructure to name a few (Baker, Waterman, and Ivanov, 2010). Third, it is created, maintained, and owned and operated by public, private, and government actors. Fourth, it exists across the globe, and is readily accessible to all nations. This makes it incredibly difficult to protect from a national defense standpoint. Cyberspace is more than just the internet; it includes many other networks, which are similar to the Internet, but in theory are separated from it (Clarke, 2010). These include transactional networks, which facilitate the sending of data on money flows and stock market trades. Also, some networks are control systems that allow machines to speak to one another,



*The Economist (a), 2010*

such as control panels talking to pumps, elevators, and generators (Clarke, 2010). Finally, actions in cyberspace can move at the speed of light. This makes detection of intrusion and adequate defense against an attack immensely difficult.

A central element to cyberspace policy making was the belief that the role of government in this new domain should be minimal (Lewis, 2010). This belief has had a detrimental effect on security. Cyberspace has been viewed as a type of global commons due to its lack of national borders; however, this belief should be re-examined. Many states assert that both the infrastructure and the content of cyberspace exist under the authority of national jurisdiction (see chart: The Economist (a), 2010). Pursuing this dream only undercuts national and international security, as foreign governments are seeking technology and policy solutions to gain a greater control of cyberspace.

Governments are increasingly asserting their sovereignty in cyberspace. The most prominent example is the Great Firewall of China, which is an effort to balkanize the Internet in order to gain greater control over what their citizens can access online. Moreover, the physical infrastructures are all located within national territories and are all subject to proprietary interests. Societies' exuberance for incorporating the Internet into our daily lives neglected the realities that the Internet was never designed to be secure or to become a global infrastructure that millions of people would depend on.

#### ORIGIN AND DEFINITION OF CYBER WARFARE

"One hundred victories in one hundred battles is not the most skillful. Seizing the enemy without fighting is the most skillful."

- Sun Tzu, 6th century B.C.

"War is thus an act of force to compel our enemy to do our will"

- Clausewitz

Sun Tzu's assertion that the best form of warfare is to take down the enemy without fighting is becoming a reality through society's growing dependence on computer and information networks. As the capabilities to wage war have been increased, so too have the vulnerabilities to digital attacks. Moreover, cyber war must be distinguished from cyber criminals and cyber terrorism. State action must be involved, however

it can also include “hacktivists”—computer hackers that choose their targets based on nationalistic beliefs. This is because states often blame rogue citizens if they are accused of cyber attacks since it is very difficult to prove if a state directed the attack or not. Thus, through combining the essences of the two great military theorists quoted above, cyber warfare can be defined as the instance when a state “is capable of compelling the enemy to [their] will by inducing strategic paralysis to achieve desired ends...this seizing of enemy is done almost without an application of physical force”(Sharma, 2009). A similar definition, which incorporates the espionage aspect of cyber warfare is as follows:

Attacks and infiltrations by either state or organized non-state actors against government and critical infrastructure systems (privately and publicly owned) to gain knowledge of a national security value and/or attempt to degrade/disrupt such systems (Hare, 2009)

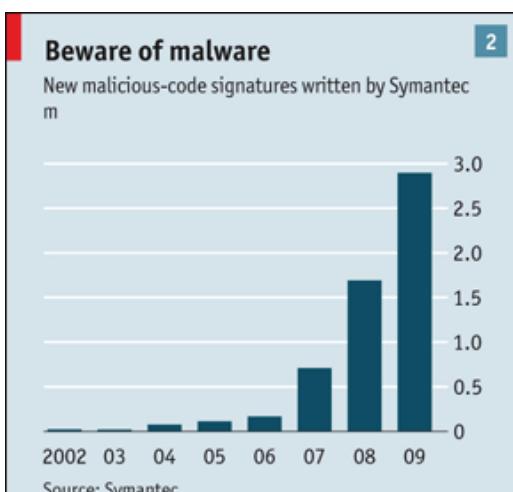
From an intelligence stand point, there are three principal aspects to be consider: information theft, compromising defense systems, and developing the capacity to attack critical infrastructures. Already, the international community has witnessed cyber attacks from one country directed against another country.

#### FIRST CYBER WAR: A LOOK AT THE ESTONIA CASE

A well-documented instance of cyber war happened in 2007 against Estonia. Tensions between Estonia and Russia have been high ever since the nation declared independence at the end of the Cold War. These tensions came to a head over a dispute surrounding a monument dedicated to Russian sacrifices during WWII in Tallinn, the capital of Estonia. Estonia is one of the most wired countries in the world, ranking far ahead of Canada and the US in broadband access and penetration of the Internet in daily lives (Clarke, 2010). The same night that tensions within Estonia between ethnic Russians and Estonian nationalists finally erupted into a riot, Estonia was hit with the largest distributed denial of service (DDOS) attacks ever witnessed in history. A DDOS is “a preprogrammed flood of internet traffic designed to crash or jam networks... it is distributed in the sense that thousands, even hundreds of thousands, of computers are engaged in sending the electronic pings to a handful of targeted locations on the Internet” (Clarke, 2010). Often, the attacking computers have no idea that they have become weaponized; malicious software has turned these computers into “zombies” under remote control from a single source. Suddenly, Estonians could not access their government websites, Internet

banking services, or their newspapers' websites. Then, the DDOS attack shifted to attacking parts of the telephone network, the credit-card verification system, and the Internet directory. The Estonia national bank, Hansapank, was overwhelmed and its web services crashed.

This attack persisted for weeks, until Estonia had to appeal to NATO for support in disrupting the attack. Using trace-back technology, experts were able to trace the attacks coming from Russia, however it could not prove that the attacks were state-sponsored. Russia denied any involvement in the attack, claiming it could have been the work of patriotic Russians acting unilaterally. Russia also denied Estonia's formal diplomatic requests for assistance in tracing the attacks, despite a bilateral agreement requiring Russia to do so (Almann, 2008). It is difficult to determine if this attack was the first attack of cyber warfare between states, or a well-organized attack from an underground, nationalist community. Without further information, experts will never know who orchestrated the attack on Estonia or be able to conclude if it was an act of aggression from Russia. What is known is that Russia was engaged in a domestic propaganda campaign against Estonia before the attack, it had helped facilitate the attacks by refusing to find the culprits, and then refused to investigate or punish suspects that were found by NATO (Almann, 2008). To Estonians unable to access their banking services, withdraw money from ATMs or complete phone calls, the distinction is merely academic.



*The Economist (a), 2010*

#### ANALYSIS/ KEY ELEMENTS OF THE PROBLEM

##### *International*

In cyber war, threats to information systems arise from foreign intelligence services and militaries. Foreign intelligence services have used cyber tools as a means to conduct their espionage activities against Canada. Over 120 countries are currently aggressively developing information espionage capabilities (Adams, 2008). The

threat landscape has changed significantly over the years. Originally, the goal of cyber attacks was to disrupt services, as witnessed in the Estonia case and the many early computer viruses. However, through the growing role of foreign intelligence services, the threat strategy has shifted from disruption for short term gain to stealing information for exploitation in the mid to long term (Adams, 2008).

These exploitative programs are called Malware and their creation has been exploding in recent years (see chart: The Economist (c), 2010). This can include stealing intellectual property information from organizations, stealing personal information of private citizens entrusted to the government, and instilling fear in citizens. The goal of foreign intelligence services is to acquire sensitive information without detection. This will pose a challenge to governments and businesses. Already, China has been accused of attempting to access secret Pentagon files and Chinese hackers were found stealing Barrack Obama's confidential policy platform during the US election in 2008 (Clarke, 2010). China has also been accused of creating GhostNet, which is a cyber espionage system that has infected government ministries and embassies in over 103 countries (Information War Monitor, 2009). And China is not the only country that has engaged in cyber espionage; France, Russia, and North Korea are also notorious for exploiting cyber space for national purposes (Clarke, 2010). Foreign governments have demonstrated a willingness to develop and use cyber espionage capabilities and they pose a serious threat to the Canadian government and businesses.

There are many diverse threats and vulnerabilities in a cyber dependent world. Yet, the most devastating threat to any state would be a concerted cyber attack carried out by a prepared nation. As Admiral Mike McConnell has noted, "information managed by computer networks—which run our utilities, our transportation, our banking and communications—can be exploited or attacked in seconds from a remote location overseas. No flotilla of ships, intercontinental missiles, or standing armies can defend against such remote attacks located not only well beyond borders, but beyond physical space, in the digital ether of cyberspace" (Clarke, 2010). The greatest fear among US officials is an "electronic Pearl Harbor", where an adversary "could strike a sudden, crippling blow against the information systems on which the US military forces, financial institutions, and society depend. The result would be chaos and destruction" (Center For Strategic and International Security, 1998). There is a great drive within many nations to develop offensive cyber capabilities because

it represents an equalizer in the field of intelligence. States no longer need to spend billions of dollars on high-tech satellites to pursue high-level intelligence gathering; they can simply achieve this via the web at a very low cost.

One problem that exists internationally is a lack of a clear consensus of what constitutes cyber warfare and there have been few attempts to define international mechanisms on how states should respond (Kanuck, 2010). The Estonia case was never declared an act of war and for that reason NATO never invoked Article 5, which stipulates that an armed attack against one member is an attack against them all (Kanuck, 2010). A proper definition of cyber warfare must be formulated in order to create a common understanding of what constitutes a cyber attack and how to respond to such an attack. This deficiency has been noted by President Obama when he stated that "the Nation needs a strategy for cyber security designed to shape the international environment and bring like-minded nations together on... acceptable legal norms regarding territorial jurisdictions, sovereign responsibility and use of force" (White House, 2009). In the absence of historic precedents, new international norms surrounding cyberspace are being created by government officials, which might have an interest in derailing international efforts in order to gain a strategic advantage. Moreover, no current international institutions—Interpol, Cybercrime convention, NATO's CyberCentre of Excellence—are properly established or mandated for the exchange of ideas and best practices needed in this area. Without a proper institution to facilitate the flow of information concerning cyber security issues, the prospects for escalation will increase. A proper forum is needed that can allow for dialogue on cyber security concerns, or else escalation of minor skirmishes in cyber space might result in full-blown war.

Secondly, there have been no treaties aimed at restraining the proliferation of cyber weapons, or outlining the proper use of such weapons. A United Nations group of governmental experts attempted to reach a consensus on possible cooperative measures to address potential threats in the sphere of information security. This attempt failed, stating that "given the complexity of the issues involved, no consensus was reached on the preparation of a final report." (UN Secretary-General, 2005). Moreover, there has been a lot of debate about whether cyber warfare falls under the Law of Armed Conflict and the Geneva Convention. Some academics and policy makers believe that cyber warfare falls neatly under these categories, while others believe that there is a need for an entirely new set of international laws and treaties (Hughes, 2009).

### ***Domestic***

Domestically, there is a belief that there is little that government regulations can achieve in cyberspace due to the multitude of actors engaged in maintaining the system (Lewis, 2010). Globally, the digital infrastructure is fragile. More than nine-tenths of Internet traffic flows through undersea fibre-optic cables, which are dangerously concentrated into a few, small choke points around New York, the Red Sea, or the Luzon Strait in the Philippines (The Economist (d), 2010). Other areas of vulnerabilities are frequently arising; weakly governed areas of Africa are being connected to fibre-optic cables, which potentially create new, easily accessible intrusion points (The Economist (d), 2010). There are many vulnerabilities facing a highly connected and advanced country such as Canada. An important vulnerability is the speed at which digital attacks can strike. In 2004 the Sasser virus spread to every core Internet router in less than an hour, causing an estimated \$3.5 billion in damages. The ability of an attack to cripple a system at great speed means that reactive measures to counter cyber attacks are inadequate on their own. Proactive measures must be in place, such as automatic fail safes, to protect against an attack. Another glaring vulnerability comes from our critical and non-critical infrastructures. Recently, the Stuxnet virus was detected within critical infrastructures around the world; however, it was only designed to render a specific part of the Iranian nuclear weapon development program inoperable (The Economist (b), 2010). After analyzing the virus, experts have concluded that the only likely developer was a national military, due to the sophistication of the code and the specific nature of its mission. This attack demonstrates that national militaries are investing resources in developing offensive cyber weapons.

Due to its complex structure and the importance that private sector actors (such as Internet providers and the banking sector) have in building the networks, governments cannot move forward without consulting and co-opting the help of these actors. Indeed, governments cannot ensure complete cyber protection without the support of the private sector. However, their expertise and resources are needed for several reasons and it is imperative that the private sector fully understand the need for a greater government role. A sophisticated military and intelligence services will overwhelm the capabilities of private efforts to secure their networks (Lewis, 2010). The private sector cannot match the resources or effort of a determined national military or intelligence service; these organizations invest hundreds of millions of dollars and employ thousands of people to defeat any security measure

(Lewis, 2010). Second, without government intervention, cyber security will not be provided. Cyber security is a public good and returns on investment for providing this security are difficult for individuals to capture. Thus, government intervention is necessary, despite the belief among policy makers that this area is beyond their reach, control, or jurisdiction.

Finally, a public dialogue is needed to raise awareness about cyber war. No major security policy school—such as Harvard’s Kennedy School, Princeton’s Woodrow Wilson School, or Texas’ Lyndon Johnson School—have any courses on cyber war policy or strategy (Clarke, 2010). Moreover, there have been few books dedicated to the subject. This might partly be due to the fact that much of the material is secret. In the 1950s and 1960s, many security theorists were told that nuclear war was something that could not really be discussed publicly (Clarke, 2010). In response to this, Herman Kahn wrote *Thinking about the Unthinkable* (1962), which contributed to a public debate about the moral, ethical and strategic aspects of nuclear war. This was built upon thorough and open research and writing by academics on the topic. Because of their work and the ensuing public debate, military doctrine had to move beyond its original focus of first-strike and tactical use of nuclear weapons, to second strike and deterrence capabilities<sup>1</sup>.

#### TOWARD A NATIONAL STRATEGY: WHAT HAS BEEN DONE ALREADY

“Short-term thinking drives out long-term strategy, every time”  
- Herbert Simon (Clarke, 2010)

In light of the threats and vulnerabilities highlighted above, Canada would benefit from a comprehensive strategy for cyber war. This will require the collaboration and coordination of all Canadian federal government departments, as well as international and military engagement, and the involvement of intelligence and law enforcement agencies.

Canada’s attempts at creating this strategy have thus far been unimpressive. Canada’s Cyber Security Strategy is built upon three pillars: securing government systems, partnering to secure vital cyber systems outside the federal government, and

1. In nuclear strategy, first strike is a pre-emptive nuclear surprise attack with overwhelming force designed to neutralize an opponent. A second strike capability counters a first strike through the assured ability of the country to respond with a powerful nuclear attack. Second strike capabilities are essential to deterrence.

helping Canadians to be secure online (Department of Public Safety Canada, 2010). Public Safety Canada (PSC) is responsible for coordinating and implementing the Canadian strategy, and a whole-of-government approach has been adopted by giving authority to various departments within PSC. However, this disperses responsibility and diverts accountability to a plethora of departments. Furthermore, the strategy aims to mitigate the effects of lesser threats, such as cyber crime and cyber terrorism; yet effective mitigation of lesser threats does not mean that more consequential threats, such as cyber war, are also mitigated (Cutts, 2009). The strategy fails to create a central command centre for cyber operations; the closest thing is the Canadian Cyber Incident Response Centre, however, it only provides advice and monitors cyber threats – it has neither the expertise to thwart attacks, nor the ability to conduct cyber operations. Given the scale at which foreign intelligence services are investing in their cyber capabilities, Canada cannot afford to disperse responsibility among various organizations with ingrained cultures and organizational biases. Furthermore, the strategy does not discuss the promotion of cyber war concerns on the international stage, addressing the possibility of cyber war escalation, or creating forward-thinking policy that can direct international law. Finally, there is no discussion about how Canada can promote public dialogue or encourage research so as to create a sustainable military doctrine aimed at dealing with issues of cyber security.

Essentially, the existing national strategy has neglected to address any of the core concerns that this essay argues are necessary. Accountability is also very important and one department needs to take ownership of protecting Canada from cyber threats. This essay will argue that Communications Security Establishment of Canada (CSE) is the department that should be accountable and mandated to protect Canadian information systems, as well as developing offensive capabilities.

### CANADA'S NEW CYBER SECURITY STRATEGY

A serious national cyber security strategy must seek an appropriate balance of resources, energy, and focus between threats that are most frequent and those that are most consequential (Cutts, 2009). Without a government agency to take the lead and be accountable on cyber security, Canada's response to cyber warfare will not move beyond the response to frequent threats and will be caught unprepared for the most consequential.

## ***Domestic Strategy***

In order to construct a national strategy, there are three principal aspects to consider: information theft, compromising defense systems, and developing the capacity to attack critical infrastructures. These three areas should be the priority of a national cyber strategy. The Canadian agency that is best suited to fulfill these objectives and lead Canada's cyber security strategy is CSE. Currently, CSE is on the front lines of cyber warfare and has been actively protecting Canadian networks from foreign intrusion (Adams, 2008). This role is consistent with its current mandate of safeguarding Canadian security to ensure the protection of information. Its mandate is three-fold—to provide foreign SIGINT according to the Government's intelligence priorities; to safeguard Canada's security by providing advice, services, and protection of infrastructures of importance to the government; and to assist law enforcement and security agencies in their duties (Communications Security Establishment of Canada, 2008). Moreover, its defense responsibilities include (Adams, 2008):

- a) Its foreign intelligence program, which is an information source for understanding these threats.
- b) The requirement that CSE designs the government of Canada's networks and employ strong security technologies to make it difficult for cyber attacks to succeed. Also, proactive by studying the most sophisticated attacks.

There are several reasons why CSE should spearhead all of Canada's efforts to secure its cyber space. CSE's IT security program (ITS) is at the forefront of cyber protection (Adams, 2008). They have developed the expertise and knowledge of how to handle cyber threats and work closely with military and law enforcement agencies to monitor the evolution of threats. Also, CSE is part of a FIVE EYES alliance that actively shares information on all aspects of cyber security. CSE will be able to utilize its FIVE EYES alliance to collaborate internationally with our allies. Therefore, they are already integrated into a sophisticated and historical alliance that would be capable of monitoring compliance of any international cyber arms treaty. Building a similar alliance from a different agency would take years and would be unnecessary; rather, resources would be best spent bolstering this existing alliance. Also, consistent with their mandate, CSE has already been providing guidance and has developed close links with private security firms and firms associated with Canada's critical infrastructures. Finally, in accordance with its defense mandate A, CSE has the authority to construct offensive capabilities and prepare for foreign cyber warfare operations (Adams, 2008).

Therefore, this essay recommends that Canada mandate CSE to lead the whole-of-government efforts to secure its cyberspace by transforming its ITS division into a cyber command, with increased responsibility and budget. This cyber command will report to the Chief of CSE, who in turn reports to the Minister of Public Safety, Privy Council Office and Department of Defense. This is because cyber warfare concerns are both civilian and military problems. Furthermore, ITS will be responsible for developing offensive cyber capabilities to act as a deterrent to future attacks. Its counter intelligence goals will be to: identify adversary intent, targets, and capabilities; exploit adversary cyber operations; and, provide threat warning (US Department of Defense, 2006). These short-term goals will need to be coupled with long-term strategic thinking. CSE has experience with the analytical skills and practices in long-term strategy formulation to make it the ideal department to house Canada's cyber command.

A problem surrounding Canada's ability to engage in and defend against cyber attacks is a lack of governance at a senior level. A departmental body should be mandated to be a high-level hub for sorting out issues related to "network architecture, software development standards, information assurance, and the testing and clarification of new capabilities" (Information Operations and Cyber Space Newsletter, 2010). This will include consulting and creating standards for the creation of software, providing the tools and information needed for the private sector to adequately defend its networks from intrusion, and to design Canada's cyber weapons moving forward. Fortunately, Canada has already mandated CSE to be accountable for many of these issues; however, it requires more support and funding as well as robust government regulation in order to fulfill these goals.

A crucial aspect of these suggestions however, is the need for the Canadian government to more effectively regulate cyber space. Until now, Canada has followed the trend of most developed countries and has been reluctant to place regulations on how the private sector engages with cyberspace, preferring to allow it to grow and develop without government intervention. This is an unsustainable position. Regulations must be put into place that will, for instance, dictate the level of Internet security that critical infrastructure must employ. Laws should also be put into place that will allow CSE to fulfill its mandates. These could include having CSE monitor and regularly test private sector security systems and issue fines to non-compliers. Also, it should be allowed to conduct "stress tests" on private sector

security systems. The important aspect is that the government shed its reluctance to create regulations on cyberspace.

### ***International Strategy***

The question that should drive Canada's foreign policy towards cyber warfare is: "What steps can be taken both today and into the future to forestall a major arms race and interstate competition in cyberspace"(Hughes, 2009)? Toward this end, Canada should push forward on a 3-pronged front. First, it needs to help resolve the debate around whether cyber warfare falls under existing international treaties or if it requires an entirely new international regime. This can be done by hosting and organizing conferences and debates in Canada and The Hague, where NATO and the International Court of Justice (ICJ) are housed. As an active contributor to NATO, Canada could utilize this alliance to create an international debate around the subject. Second, whether the conduct of war in cyber space is governed by existing treaties or not, a necessary component at the international level is a comparable arms treaty to the Strategic Arms Limitation Treaty (SALT). Its goal would be to limit cyber war, not to ban hacking activities or intelligence gathering. This treaty would accept that national intelligence gathering is inevitable and states have a right to non-interference in gathering intelligence. The history of arms control treaties shows that they start modestly and then their scope is expanded in subsequent agreements as confidence in their success grows and greater monitoring capabilities develop (Clarke, 2010). Thirdly, and finally, Canada should utilize its FIVE EYES alliance to combat potential adversaries in cyberspace. This alliance, if managed effectively, could present a strong deterrent against solitary, belligerent states. At this forum, Canada should work with its allies to develop new, offensive cyber capabilities, as well as share best practices for effective defense.

### **CONCLUSION**

Canada would be at a strategic disadvantage if it chose to neglect the gathering cyber storm. Cyber warfare is here and states are preparing their militaries and intelligence agencies to engage over this 5th domain. The threats and vulnerabilities to a country as highly connected as Canada are numerous and complex. Moreover, there are serious domestic and international hurdles that must be overcome in order to build robust cyber warfare preparedness. For this to be accomplished, CSE needs to be mandated to be the leading force on Canada's cyber initiative. It has the technical expertise, existing infrastructure, and strong international alliances that

are imperative to creating a comprehensive cyber program. However, they cannot do this alone and lawmakers need to place greater regulations on the Internet, as well as work actively to create an international regime to manage developments in cyber space. The stakes for failure are high and it is important that Canada prioritizes these issues through demonstrating international and domestic leadership. There is sufficient strategic warning that a risk of cyber warfare exists. Yet, these signs are not being fully appreciated. Even if Canada fully learns from the lessons of Estonia, history has shown that one should never prepare for the last war, but the next one.

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# Unmapped Potential: Exploring Youth Participatory Action Research in Post-Conflict Humanitarian Response

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## INTRODUCTION

**A**rmed groups in humanitarian emergencies have long acknowledged the agency, strengths, and leadership of youth (Sommers, 2007: 102). Humanitarian research in post-conflict settings, by contrast, has only recently begun to recognise youth's capabilities and potential through the implementation of participatory, youth-focused research. This methodological shift has been perhaps best illustrated by research conducted by the Women's Commission for Refugee Women and Children (WCRWC) from 1999 to 2002 regarding the concerns of adolescents and youth in Kosovo, northern Uganda and Sierra Leone. These studies were unique for their explicit focus on adolescent youth and for the extent to which the over 150 adolescent researchers designed and delivered the research conducted in these three countries. These studies have the potential to signify an important evolution in humanitarian research if the WCRWC's approach to youth engagement is adapted by other research initiatives.

This research explores one particularly effective model of youth engagement in humanitarian research, as practiced during three separate projects facilitated by the WCRWC in Yugoslavia, Northern Uganda, and Sierra Leone. In reviewing these three WCRWC studies, this paper highlights several promising practices employed by this organisation and assesses the extent to which these same principles and processes can be applied in other research. The WCRWC's approach to youth research can be distinguished for its emphasis on diversity within its youth research teams, its

partnerships with a wide range of local stakeholders, and its focus on addressing systemic barriers to youth participation in society more broadly. While other research initiatives may lack the contacts and resources available to the WCRWC, this paper suggests that they likewise share an obligation to their youth participants in extending opportunities for empowerment beyond the short-term timelines of any single research project.

#### **YOUTH ENGAGEMENT WITHIN HUMANITARIAN RESEARCH: AN OVERVIEW**

The near universal ratification<sup>1</sup> in 1989 of the UN Convention on the Rights of the Child and the Optional Protocol has ushered in a new era of youth engagement among governmental, nongovernmental, and UN agencies. In particular, Article 12 has helped reshape the design and spirit of research with youth by enshrining the rights of children to participate in all matters affecting them:

The child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or appropriate body, in a manner consistent with the procedural rules of national law.  
(UNGA, 1989: 4)

This portrayal of youth as agents of change rather than as passive recipients of relief has been complemented by research that emphasises youth resilience rather than youth trauma or deficiencies. The focus of an increasing amount of research, then, has been on youth coping mechanisms, survival strategies, and knowledge about managing adversity (Boyden and Mann, 2005: 6). Moreover, such research has challenged the legitimacy of previous forms of youth studies in post-conflict settings that work on behalf of, rather than with, local youth (Newman, 2005: 5).

Despite these advances towards participatory research, proponents of this approach contend that a considerable degree of humanitarian programming has remained mired in bio-medical approaches in which youth are portrayed as traumatised and vulnerable (Eyber and Ager, 2004: 315; Newman, 2005: 23). Moreover, while new opportunities and approaches to engaging youth in humanitarian emergencies have emerged, it should be noted that adolescent youth's distinct needs and strengths have oftentimes been de-prioritised in favour of programming directed towards children (Lowicki, 2005: 9; Newman, 2005: 12). Indeed, UN agencies, donor

1. The United States and Somalia are the only remaining to have not ratified this convention since its adoption in 1989 by the United Nations General Assembly (Laraque, 2009).

governments, and nongovernmental actors often categorise adolescents as part of the broader adult population and rarely collect data on youth as a specific, analytical category within emergencies (WCRWC, 2000: 3). Furthermore, when efforts have been made to collect such data, the process has oftentimes been complicated by the lack of agreement regarding the definition of youth across cultures and agencies<sup>2</sup>.

### ***Initial Motivations and Manifestations of Youth Engagement in Humanitarian Response***

Much of the growing support for youth-targeted programming in post-conflict settings has originated with the growing recognition of the significant risks created when the needs of adolescent youth in humanitarian emergencies are not addressed. Because of their position between childhood and adulthood, youth appear to experience a unique blend of vulnerabilities and risks that merit attention. While adolescents are typically less vulnerable to disease and death in humanitarian emergencies than either the children or the adults they are often clumped in with, their health often works to render this sector of the population more vulnerable to other risks. For example, adolescent youth are typically more physically developed in terms of both strength and reproductive functions than younger children. Consequently, adolescents are typically at risk of greater amounts of sexual violence, forced recruitment into armed forces, and exploitative forms of labour (Machel, 1996: 23; Newman, 2004: 7; WCRWC, 2000: 17).

These risks are exasperated by the fact that young people lack access to protective societal structures that are associated with adulthood, such as gainful employment or marriage (Newman, 2004: 20). For example, with the breakdown of traditional family networks and social infrastructure during complex emergencies, youth are consequently deprived of both the formal and informal learning opportunities that they would typically avail of in order to gain meaningful employment (Lowicki, 2005: 9).

The growth of youth-specific programming appears to also have been motivated by concerns that disengaged youth might perpetuate social disorder during humanitarian crises. Given the dramatic growth of young populations and the decline in legal opportunities available for social mobility, young people in humanitarian

2. For example, adolescents are defined as people in the "second decade of life" by the United Nations Children Fund and the World Health Organization (UNICEF, 2011: 78). The UNHCR, in contrast, categorises youth as those between the ages of 0-4 and 5-17, with older youth being considered members of the adult population (Lowicki, 2005: 9).

emergencies may face increased pressures to enter armed conflict, join gangs, or engage in other illegal activities (Goldstone, 2002: 10; Hendrixson, 2003: 45-48; Urdal, 2004: 11; World Bank, 2005: 1). In doing so, this research posits youth not only as victims, but as potential perpetrators of violence and instability. Increasingly, however, researchers have recognised that youth's ability to perpetuate regional insecurity and violence can also be channelled into efforts to promote peace and stability. While youth may be rendered more vulnerable by the inaccessibility of employment and marriage opportunities, many of these youth will also experience greater power or responsibility following the breakdown of these traditional societal structures. Indeed, in many cases, the mere ability of youth to remain alive can be attributed to their agency, their strategic decisions and their stamina, rather than to mere luck or good health (Newman, 2005: 6).

Given that traditional power structures tend to be altered in humanitarian emergencies, then, it would seem increasingly important that research methods be adapted in response to youth's evolving social roles. For example, Hart's analyses of participatory programming in Sri Lanka and Palestine found that the traditional roles of youth in society had been dramatically altered as a result of recent conflict. While it would traditionally seem inappropriate for research to engage youth rather than older members of these societies, participatory, youth-driven research was rendered acceptable as a result of youth's transformed social roles during and following conflict (Hart, 2002a: 22; Hart, 2002b: 14-16).

Perhaps the most dramatic and complex examples of youth agency within contemporary humanitarian crises has been the case of youth combatants. While many have been demobilised, most young soldiers have undergone severe psychological trauma as a result of their experience, yet it is also common for these youth to emerge with a range of leadership skills, courage, and confidence stemming directly from these experiences (Sommers, 2007: 111). The challenge for researchers and humanitarian organisations, then, lies in ensuring that these youth are able to transfer these leadership skills into positive endeavours and initiatives.

Engaging youth through humanitarian research has also been shown to provide unique insights that may enhance the accuracy of a research project's findings. Mann and Tolfree (2010: 9), for example, found that youth confided more openly and fully with individuals in their own age range, leading to more accurate disclosures of

youth experiences, insights, and desires. Furthermore, the agenda of adult-driven consultations with youth can oftentimes be framed by inaccurate assumptions of youth priorities and interests. For example, while most humanitarian organisations presume that health interventions and psychological counselling are priorities for young people, youth-driven consultations in several refugee camps have suggested that education and vocational training are oftentimes considered of equal, if not greater, value than health services by youth in these contexts (Lowicki, 2005: 26).

#### **WCRWC YOUTH SPEAK OUT: A FRAMEWORK FOR PARTICIPATORY RESEARCH WITH YOUTH**

This next section will provide an overview of several insights and strategies that have emerged through youth-focused research with the WCRWC. To do so, this overview draws from secondary data analysis of WCRWC reports and several independent publications by the chief researcher of these three studies, Jane Lowicki. The reports and articles published regarding this research present significant findings that have the potential to be applied in a range of other humanitarian programs. This section will specifically address how the WCRWC's studies facilitated multi-dimensional, long-term opportunities for youth engagement and leadership.

#### ***Designing research with youth: the case of the WCRWC's youth studies***

The WCRWC's research in Yugoslavia, northern Uganda, and Sierra Leone differed according to the security concerns, youth cultures, and NGOs represented in these different contexts. Nonetheless, several key trends can be noted regarding the selection of researchers and the design of the research. By working closely with pre-existing youth institutions, the WCRWC appears to have been successful in building youth capacity to contribute to relevant research as well as to their communities' well-being more broadly.

In all three WCRWC research projects, youth researchers were recruited through participatory methods that reflected a diversity of experiences and engaged pre-existing youth organizations. Promoting diversity within the youth research teams was reportedly perceived as critical to the WCRWC in order to enhance the representativeness and accuracy of their research findings (Lowicki, 2005: 59). Through interviews with the WCRWC, community self-selection, and consultations with local and international NGOs, these research initiatives proved successful in ensuring that a range of fixed traits and lived experiences were represented in the research teams (see, for example, Figure 1).

The WCRWC studies, then, provide a powerful precedent of how future research can represent the complexity and variability of youth's experiences during and following armed conflict. Yet while this array of youth experiences is likely to have increased the representativeness and accuracy of the WCRWC findings, it should also be noted that youth interpret these roles in distinct ways. Research with child combatants, for example, has illustrated that individual youth experience the reality of armed combat quite differently; while many youth will voluntarily demobilise when offered the opportunity, others are reticent to leave an armed group, given that these groups may have provided a means of securing self-esteem, protection, wealth, power, and camaraderie (Newman, 2005: 28; Utas, 2004: 379; West, 2004: 188-193). Ensuring that a range of youth experiences are incorporated into a research team is thus essential yet insufficient, in ensuring that research is representative of the diversity and complexity of youth experiences.

**FIGURE 1: CHARACTERISTICS OF WCRWC YOUTH RESEARCHERS IN SIERRA LEONE, NORTHERN UGANDA**

Research Region <sup>3</sup>	Sierra Leone	Northern Uganda
<b>Age of youth researchers</b>	14-22	10-20
<b>Lived experiences of youth researchers</b>	<ul style="list-style-type: none"> <li>• child mothers</li> <li>• youth formerly with the RUF</li> <li>• youth formerly with the CDF</li> <li>• internally displaced youth</li> <li>• former refugees</li> <li>• former commercial sex workers</li> <li>• adolescents living in or out of camps</li> <li>• adolescents living in town or in villages</li> <li>• youth orphaned by war</li> <li>• students</li> <li>• out-of-school youth</li> <li>• working youth</li> <li>• adolescents with disabilities</li> <li>• a young tribal chief</li> <li>• youth activists</li> </ul>	<ul style="list-style-type: none"> <li>• returned abductees</li> <li>• internally displaced Ugandans</li> <li>• Sudanese refugees</li> <li>• adolescents living in and out of camps</li> <li>• youth orphaned by war and by HIV/AIDS</li> <li>• students</li> <li>• out-of-school youth</li> <li>• working youth</li> <li>• adolescents with disabilities</li> <li>• youth activists</li> <li>• adolescent heads of household.</li> </ul>

Sources: WCRWC, 2001a: 57; WCRWC, 2002: 84

3. The WCRWC research project in Yugoslavia involved three separate research teams and a strong emphasis on ethnic representation, owing to the racial dimensions of conflict in this region. While these youth researchers likely represented a range of lived experiences, no formal description of the research team's personal backgrounds were provided (WCRWC, 2001b: 5-12). Hence the Yugoslavian case study was omitted from Figure 1.

An additional strength of the WCRWC research studies relates to the high degree of consultation and coordination with local and international NGOs in designing the research. Research teams in Sierra Leone were formed through consultation and collaboration with seven local NGOs, while Uganda's teams were supported by the International Rescue Committee as well as World Vision. Finally, Yugoslavia's three research teams were developed through the support of youth-driven NGOs, international NGOs, and UN agencies (WCRWC, 2001b: 1; WCRWC, 2002: 1; WCRWC, 2001a: 52). In collaborating with this range of pre-existing organisations, the Women's Commission was able to reinforce youth institutions that were already in existence. Such an approach was not only effective in assembling representative research teams within a short timeline, but also likely enhanced the sustainability of youth empowerment following the research, as will be addressed in the discussion of the benefits and limitations of these studies.

In addition to the participatory and representative nature of the selection process, the WCRWC studies are also noteworthy for the extent to which youth were engaged in the design of the research studies. The first project in this research series took place in Yugoslavia and engaged youth in testing and adapting questions designed for focus groups, written questionnaires, and individual interviews. These youth research teams then organized 35 sessions with over 260 youth (WCRWC, 2001b: 28). The original research design and the majority of the research data analysis, however, appear to have been completed by professional researchers rather than the youth themselves. The methods used by the WCRWC in Uganda and Sierra Leone reflected an even higher degree of youth participation, as the youth themselves determined which research methods to employ, and, in the case of Uganda, independently designed the research instruments – consisting of interview schedules, surveys and focus group questions (WCRWC, 2001a: 57; WCRWC, 2002: 81).

### ***Impacts and benefits of wcrwc research***

The WCRWC studies produced a unique range of positive outcomes in which youth were provided with additional opportunities to participate in decision-making procedures and to advocate for their specific needs in post-conflict settings. The empowerment of youth researchers through the WCRWC studies is perhaps most evidently, if abstractly, manifested through the adoption of the researchers' recommendations by a variety of stakeholders. For example, the United Nations Security Council's Resolution 1460 (on Children and Armed Conflict) incorporated

some of the recommendations put forward by Sierra Leonean youth, while the success of the Kosovar research initiative generated an additional \$1 million for future youth civic engagement projects in the region. The Ugandan research team, in turn, has seen the enactment of their recommendations regarding education through the Danish-funded Acholi Education Initiative and a \$3 million commitment from the US Department of Labor to launch an education program regarding harmful child and youth labour practices (Lowicki, 2005: 31).

In addition to the systemic changes that were enacted following this research, the youth researchers themselves reported significant personal benefits resulting from their participation in WCRWC research. In particular, most youth researchers appeared to have connected their research experience with a heightened sense of identity and self-esteem, better communication and social skills, and an enhanced understanding of how best to influence and engage adults (Lowicki, 2005: 29). Furthermore, many of the young researchers went on to apply these newfound skills in their own communities by training other young people, forming youth groups, conducting advocacy work, and initiating a range of community projects (Lowicki, 2010: 35).

While these initiatives had not been an intentional result of the WRCWC research, such opportunities appear to have been facilitated by the legitimisation of youth participation and access to community adults, donors, and policy-makers following their experience as researchers with the WCRWC.

The WCRWC research studies thus appear to have had significant and lasting impacts for the individual youth researchers, the communities in which the research took place, and in the broader international community of donors, UN agencies, and other international NGOs. Whether the WCRWC's results can be replicated by other projects depends on the research community's ability and willingness to implement similarly representative, community-based models of youth research, as will be discussed in the following section.

#### **APPLYING THE WCRWC METHODOLOGY: CHALLENGES, OPPORTUNITIES, IMPERATIVES**

The three WCRWC studies discussed above illustrate that participatory research in post-conflict settings can build youth leadership skills, provide meaningful

alternatives to social delinquency, and can positively benefit the broader community as a result. Moreover, these studies have allowed youth to directly influence the field of humanitarian relief, as stakeholders such as the UN Security Council, donors, and regional governments have integrated some of the recommendations made by these youth research teams. Ensuring that youth engagement extends beyond the scope of a single research project to include new opportunities within government and civil society thus assured the longer-term viability of youth empowerment following these humanitarian interventions. This section seeks to evaluate the extent to which the WCRWC's success in achieving these multi-layered forms of engagement can be replicated in other humanitarian research programs.

Opportunities for youth engagement and societal participation following a humanitarian crisis are often restricted by troubled labour markets, unresponsive political systems, and restrictive cultural norms regarding the role of youth in society. Participatory action research with youth, then, can run the risk of providing short-term opportunities for youth who must then re-enter a society in which their voices are neglected (Cooper, 2005: 475; Hinton, 2008: 287; Wessells and Monteiro, 2000: 180). In order for this cycle of short-term solutions to be broken, research must seek to engage with the cultural values, political institutions, and underlying structures that limit youth access to participation in the economic, civil, and political dimensions of their society.

The WCRWC studies appear to have been fairly successful in promoting the long-term viability of youth engagement in numerous institutions and regional contexts. In contrast, a majority of humanitarian research programs do not appear to address the inadequate economic and political prospects facing youth in humanitarian crises. This attitude, for example, is reflected in the majority of reports and reviews of youth participatory frameworks, whose focus rests with micro-level recommendations related to altering staff attitudes, providing multi-dimensional, holistic programming, and ensuring that cultural beliefs are well-integrated into humanitarian programming (for example, Hart, 2002a: 33; Hart, 2002b: 36; Newman, 2005: 1; Mann and Tolfree, 2003: 23).

While the WCRWC illustrated the potential for research to connect youth with important stakeholders in the international community and in local contexts, it is likely that their success in doing so was at least partially linked to the commission's

reputation and extensive networks within the international community. Other humanitarian research projects may not have access to the same funding or international recognition that was available to the WCRWC; however, researchers can enact similar efforts to promote consultative, community-based research. If humanitarian agencies seek to truly empower youth through their programming, it is essential that these community allies and institutions are sought out and engaged from the beginning of a research project's design. If not, these agencies risk repeating the frustrating and all-too-common cycle found within refugee camps in which short-term solutions are presented to systemic challenges.

Williams' research with five South Asian programs for youth refugees further illustrates how collaboration can occur with pre-existing institutions that serve youth even when researchers may lack the support of key youth-serving institutions. While this researcher reported that national governmental institutions were oftentimes unresponsive to the needs of youth, Williams (2004: 1-4) found that regional youth organizations in these regions were effective in providing services and training opportunities for youth.

Ensuring that youth engagement extends beyond humanitarian response to include greater access to opportunities within the labour market, government, and civil society is thus a critical factor in assuring the long-term viability of youth's empowerment during humanitarian interventions. While researchers may lack the resources, affiliations, and profile that helped to facilitate the WCRWC research, it is essential that these researchers identify opportunities for youth participation to be extended beyond the timelines of a single research program. Otherwise, such research is limited in its participatory potential and could be accused of presenting a hollow approach to youth empowerment.

## RECOMMENDATIONS AND CONCLUSIONS

The past decade has been marked by a rising interest in participatory youth programming and a corresponding increase in both the breadth and scope of humanitarian programs purporting to engage young people. Studies such as those conducted through the WCRWC have provided youth with channels for engaging with relevant research, policy, and/or funding institutions while also enhancing these youth's abilities to contribute to their local societies following the research projects. This organisation's effectiveness in promoting youth engagement is linked

to several key research design practices which humanitarian research projects would be well advised to adopt. First, the scope and recruitment strategies developed by researchers should be determined in collaboration with a range of local stakeholders and other youth-serving agencies in the region of study. Engaging with a range of stakeholders is likely to provide valuable insight regarding local strengths, challenges, and distinctions. Perhaps more importantly, however, this process can enhance the sustainability and effectiveness of participatory research by building upon pre-existing capacities in local communities. In seeking to create sustainable avenues for youth engagement, researchers should also strive to ensure that a wide variety of youth are engaged as researchers. In promoting a diverse research team, researchers should seek to engage youth with differing fixed characteristics (such as race, religion, or gender) as well as differing lived experiences.

Secondly, participatory research with youth in humanitarian emergencies must strive to ensure that youth gain access to further opportunities for participation and leadership following the end of the research project. This objective may be partially addressed in engaging multiple stakeholders early in the research design, as discussed in the previous recommendation. Furthermore, research can focus on developing the leadership skills and local recognition of youth, as such endeavours can prove fruitful in helping youth initiate or participate in future community-based initiatives. Finally, research projects can themselves address some of the systemic barriers to youth participation by directing research towards advocacy initiatives at a local, national, or international level.

Research in post-conflict settings, then, must seek to represent the diversity of youth experiences following a humanitarian crisis through careful selection and must help forge broader opportunities for youth within a region's economic, civil, and political structure. These goals, in turn, must be supplemented by a richer and more critical body of research in which the limitations of youth engagement as well as its benefits are explored and contrasted through comparative work. While these recommendations do imply a significant amount of reforms in the design, intention, and practice of humanitarian research, the rapid evolution of youth engagement in the past decade provides an excellent precedent of refinement and evolution on which to build further reforms.

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# Politique énergétique de la Russie sous l'angle de l'impérialisme

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## INTRODUCTION

Depuis l'effondrement de l'Union soviétique, ayant plongé dans le chaos et l'anarchie l'espace postsoviétique, la Russie est de retour sur la scène internationale en tant qu'un acteur majeur et incontournable. Ce retour de la Russie sur la scène internationale s'accentue notamment depuis la fin de « l'ère Eltsine » avec l'établissement de « l'ère Poutine ». Depuis, on assiste à une transformation graduelle de la Russie passée d'un État affaibli, provoqué par l'effondrement de sa superpuissance militaire, à une « superpuissance énergétique ». En effet, comme le soutiennent certains auteurs, durant la période où la Russie était plongée dans le chaos intérieur, les Occidentaux, notamment les États-Unis, progressaient à la périphérie en amenant dans leur camp les anciens pays satellites de la Russie. Le plus difficile à accepter pour la Russie fut donc d'assister à l'augmentation de l'influence des Occidentaux dans son « son arrière-cour»; chose que les Russes voyaient comme une perte de leur influence historique et un recul géopolitique majeur. De ce fait, pour retrouver son influence au niveau régional, ainsi que son statut contesté de puissance internationale, la Russie mit en jeu ses ressources énergétiques; ce en quoi elle avait un avantage significatif sur les autres puissances.

Cependant, plusieurs experts voient cette réapparition de la Russie d'un œil plutôt négatif, classifiant comme « néo-impérialiste » (ou de l'impérialisme économique, ou encore simplement d'impérialiste, voir même d'empire), le fait que la Russie tente à regagner sa position sur la scène internationale. En un mot, la Russie est fréquemment accusée d'être un empire ou impérialiste au sens moderne du terme,

notamment vis-à-vis des pays de l'ex-Union soviétique et de ses anciens satellites (Hill, 2004; Bugajski, 2008, 2009; Lin, 2009). En effet, ces auteurs, pour argumenter leurs propos vis-à-vis la Russie, accusent principalement ce pays d'utiliser sa politique énergétique comme une « arme » politique et stratégique afin d'atteindre ses objectifs et satisfaire ses ambitions.

Toutefois, les termes « Empire » et « impérialisme » sont largement controversés et ont changé de signification au fil du temps. De plus, définir une politique comme impérialiste demande de la prudence, car elle porte en elle-même un caractère politique et peut être facilement instrumentalisée. De ce fait, il devient important de réfléchir davantage sur l'aspect impérialiste de la politique énergétique russe. Cette contribution vise donc à analyser la politique énergétique russe notamment en relation avec d'autres États voisins. Plus précisément, elle tentera à répondre aux questions suivantes : est-ce qu'on peut analyser raisonnablement la politique énergétique russe sous un angle d'impérialisme comme le suggèrent plusieurs auteurs? Et si oui, sous quelle dimension se manifeste-t-elle?

Dans un premier temps, pour répondre à ces questions, il convient de définir les concepts d'empire et d'impérialisme, ainsi que de distinguer divers modes de dominations qui découlent de ces concepts afin de voir si l'un d'entre eux pouvait servir d'analyse de la politique énergétique russe. Dans un second temps, l'attention sera portée sur l'évolution de la politique énergétique russe depuis l'effondrement de l'URSS afin de déterminer les bases idéologiques sur lesquelles se fonde la politique énergétique actuelle de la Fédération de Russie. Pour ce faire, les données statistiques concernant le poids énergétique de la Russie et une brève étude de trois modèles successifs de la politique énergétique russe seront proposées. Enfin, la dernière partie propose une étude de deux cas dans le but de qualifier (ou non) la politique énergétique russe d'impérialiste comme on l'accuse souvent de l'être (pour l'étude de cas sont choisi l'Ukraine et la Biélorussie, ce qui sera largement suffisant pour répondre aux questions posées préalablement).

## EMPIRE ET IMPÉRIALISME

### *Définition des termes*

Le terme impérialisme est un terme ancien qui vient du latin (*Imperium*) et qui signifie autorité suprême (Macleod *et al.*, 2004: 108). Pour Salz, l'impérialisme se réfère aux efforts déployés par un État pour étendre sa puissance par la conquête de

territoires (Steinmetz, 2008 : 10). Quant à Michael Mann, il définit l'empire comme « *un système centralisé et hiérarchisé instauré et perpétué par l'exercice d'une contrainte au moyen de laquelle un centre impose sa domination sur des périphéries, dont il médiatise les interactions et au sein desquelles il organise la circulation des ressources* » (Mann, 2008 : 21).

En fait, c'est à partir de XIX<sup>e</sup> siècle que le terme impérialisme devient usage courant pour caractériser la politique expansionniste de Napoléon Bonaparte (Macleod *et al.*, 2004 : 108). Il sera par la suite utilisé pour qualifier le gouvernement abusif et l'apparat militariste du Second Empire français, ainsi que la Russie tsariste à la fin du même siècle. Par la suite, ce terme fut appliqué de manière rétroactive à l'Empire romain (Steinmetz, 2008 : 10).

George Steinmetz fait la distinction entre « l'impérialisme ancien » et « l'impérialisme moderne », dont le premier fut basé sur « une civilisation relativement fermée » refusant le droit d'exister à toute chose étrangère ne pouvant être assimilée. L'impérialisme ancien visait donc la conquête et l'expansion politique (ex. les Romains). Le second, l'impérialisme moderne, visait plutôt la domination du monde en créant un équilibre des pouvoirs entre les grandes puissances (ex. le système européen des États). Steinmetz souligne que l'impérialisme moderne est ce que nous considérons généralement aujourd'hui comme relevant du colonialisme qui renvoie à l'origine de l'implantation de populations et au travail de la terre (Steinmetz, 2008 : 11). Selon Steinmetz, la forme adoptée par ces nouveaux empires différait de celle des anciens dans la mesure où ils tentaient de rejeter l'idée de conquête territoriale suivie d'une annexion de souveraineté et de la mise en place d'une autorité directe. En bref, les théories sur l'empire et l'impérialisme ont connu plusieurs cycles, au début avec un accent sur la dimension politique, ensuite évoluant vers une approche plus économique (Steinmetz, 2008 : 14-15).

### ***Modèles de domination***

Michael Mann distingue cinq types de domination des centres sur les périphéries dont quatre sont impérialistes : l'empire direct, l'empire indirect, l'empire informel, l'impérialisme économique et l'hégémonie (Mann, 2008 : 21-24). Dans le cas de l'empire direct, la conquête est suivie par l'annexion des territoires périphériques par l'État central, dont ce dernier impose des institutions politiques relativement uniformes. Dans le cas de l'empire indirect, l'État central exerce un pouvoir

souverain, cependant les États périphériques conservent leur autonomie et peuvent négocier les règles du jeu avec le centre. Dans le cas de l'empire informel, les États périphériques conservent leur souveraineté, mais le centre les limite exerçant une coercition. Mann distingue deux types de coercition : militaire et économique. Dans le cas de l'empire informel instauré par intervention militaire, la force militaire est utilisée comme une menace et parfois déployée pour des interventions courtes et précises.

Dans le cas de l'impérialisme économique, l'« empire » reste informel. Cependant, la coercition militaire s'est substituée par la coercition économique. Mann souligne que l'impérialisme économique est un cas particulier d'impérialisme. L'État périphérique reste libre de refuser, s'il est prêt d'accepter les coûts qui vont avec le refus. Dans le cas de l'impérialisme économique, comme dans les modèles de domination précédents, l'État périphérique sait qu'il est contraint de servir le centre. Comme nous allons voir plus loin, le modèle de domination qui pourrait plus se référer à la politique énergétique russe est celui de l'impérialisme économique.

Quant à l'hégémonie, Mann l'entend au sens gramscien d'un pouvoir « routinisé », exercé par le centre sur les États souverains de la périphérie et qui ne demande pas une très forte contrainte. Contrairement aux modèles de dominations précédents, les États considèrent plutôt qu'ils s'en remettent par leur propre volonté à une hégémonie et acceptent des règles qu'ils trouvent « normales » (Mann, 2008 : 23).

## ÉVOLUTION DE LA BASE IDÉOLOGIQUE DE LA POLITIQUE ÉNERGÉTIQUE RUSSE DEPUIS 1991

### ***Poids énergétique de la Russie***

Compte tenu de la croissance rapide de la population, de la consommation industrielle ou individuelle des ressources énergétiques (Bugajski, 2008 : 74), l'Union européenne, en 2008, a importé environ 40 % de son gaz naturel et 33 % de son pétrole de la Russie (Woehrel, 2009 : 1). Il se pose la question à la fois de dépendance en ressources énergétiques russes, mais aussi de la sécurité énergétique notamment pour l'Europe. À cela il faut ajouter la dépendance quasi-totale en ressources énergétiques de certains pays de l'ex-URSS (notamment l'Ukraine et la Biélorussie.).

En fait, selon les données diffusées sur le site web de *CIA Factbook*, les réserves prouvées de gaz naturel russe en 2009 s'élevaient à 47,57 trillions mètre cube (mc),

soit à peu près 26,7 % du total des réserves mondiales estimées. La Russie se trouve donc au premier rang au monde parmi les pays ayant les plus grandes réserves du gaz naturel. La production de gaz naturel russe s'élevait à 546,8 milliards mc en 2009, situé au deuxième rang mondial après les États-Unis. Pour la même période, les exportations et les importations s'élevaient respectivement à 207,7 (plus grand exportateur au monde) et 28,4 milliards mc. Ses importations proviennent principalement des pays de l'Asie centrale, dont la Russie les achète pour un prix assez bas pour ensuite les acheminer vers l'Europe. Quant à ses exportations, elles sont destinées pour les pays européens (notamment l'Allemagne (40 % des importations proviennent de Russie), l'Italie (33 %), la Pologne (63 %), la Hongrie (77 %), la Slovaquie (100 %), etc. (Obran, 2008 : 1). La consommation domestique du gaz naturel s'élevait à 367,5 milliards mc en 2009, ce qui place la Russie en troisième place (après les États-Unis et l'Union européenne) parmi les plus grands consommateurs de gaz naturel.

Quant à l'industrie pétrolière, en 2009, les réserves estimées du pétrole russe s'élevaient à 79 milliards barils, soit la huitième plus grande réserve au monde. Pour la même année, avec sa production de 9,932 millions barils par jour, la Russie se trouvait au premier rang parmi les plus grands producteurs du pétrole, tandis que les exportations et importations représentaient respectivement 4,93 millions barils par jour (deuxième exportateur après d'Arabie Saoudite) et 48,000 barils par jour. Quant à la consommation russe du pétrole, en 2009 elle s'élevait à 2,85 millions barils par jour, soit la sixième plus grande consommation du pétrole au monde (CIA World Factbook, 2009).

### ***Trois modèles de la politique énergétique russe***

Anders Aslund, présente trois modèles successifs de la politique énergétique russe. Soit, l'« ancienne Soviétique », le modèle libéral ou oligarchique, et le modèle de « capitalisme d'État » (Aslund, 2006 : 322-325), soit le modèle actuel de la politique énergétique russe. Le premier modèle, l'« ancienne Soviétique », défendait la propriété publique des ressources énergétiques, ainsi qu'une certaine conservation de ses ressources. Ce modèle voyait l'exploration et le développement rapide comme le « viol de la mère Nature », et insistait pour que la production pétrolière et gazière ne devait pas augmenter de plus de 2 % par an. En outre, l'ampleur des réserves était gardée secrète pour des raisons de sécurité nationale (Aslund, 2006 : 322). Doté d'une forte vision conservatrice de l'énergie, ce modèle s'opposait non seulement à l'installation de propriété étrangère pour le développement d'infrastructures,

mais également à l'utilisation des technologies étrangères. De plus, dans sa vision conservatrice, ce modèle s'abstint d'exporter du pétrole et du gaz naturel ailleurs qu'en Europe tout en favorisant le réseau de gazoducs existants ainsi que la construction de nouvelles infrastructures.

Contrairement au modèle soviétique, le modèle libéral-oligarchique (1994-2004) empêchait le Ministère de l'Énergie de gérer les entreprises énergétiques favorisant la concurrence des entreprises privées de l'énergie dans un marché libre. Après l'effondrement de l'Union soviétique, plusieurs entreprises étatiques furent divisées et privatisées. De même, les entreprises étrangères furent autorisées à participer à toutes les activités. Sous ce modèle de privatisation, un groupe d'hommes d'affaires proches du pouvoir ont pris possession des entreprises publiques du domaine énergétique. Cette période de libéralisation concorde aussi avec la période de crise économique en Russie dont certains partisans de ce modèle ont ensuite subi les contrecoups de l'instauration du troisième modèle.

Le troisième modèle, le capitalisme d'État, privilégiant la diversification de l'économie du pays, mais aussi la ré-acquisition des actifs perdus durant les années 1990, prévoit le contrôle étatique d'au moins 51 % des actifs des entreprises énergétiques russes. Selon Aslund, c'est à ce moment que Gazprom devint l'incarnation du nouveau modèle, dont il fut transformé en société d'État en conservant tous les pouvoirs réglementaires. Gazprom fut donc privatisée aux bénéfices de ses dirigeants, tandis que l'État a acquis tous les pouvoirs réglementaires (Aslund, 2006 : 324). Ce modèle est également présent dans la *Stratégie énergétique de la Russie jusqu'en 2020* (*Energeticheskaya strategiya Rossii na period do 2020 goda*). Gazprom, contrôlant une majeure partie de la production du gaz naturel russe devient donc l'une des dix plus importantes sociétés énergétiques du monde. De plus, elle est la seule compagnie en Russie qui peut posséder et contrôler des gazoducs destinés à l'exportation. Ainsi, les autres compagnies gazières, qui représentent environ 15 % de la production nationale, doivent négocier avec Gazprom pour la transmission d'une majeure partie de leur gaz.

Quant aux compagnies pétrolières, de l'effondrement de l'URSS jusqu'à 2003, elles étaient contrôlées par des hommes d'affaires ayant des liaisons politiques. En 2003, le PDG d'Ioukos (géant pétrolier russe), Mikhaïl Khodorkovski, fut arrêté principalement sous le prétexte de fraude fiscale. Woehrel mentionne que le vrai

motif de son arrestation était d'avoir affiché des signes d'indépendance vis-à-vis du Kremlin. En 2004, loukos a été déclaré en faillite et ses principaux actifs furent achetés à un prix bas par Rosneft (compagnie pétrolière d'État). En 2005, Gazprom a acquis environ trois quarts d'action d'une autre grande compagnie pétrolière russe, Sibneft, actuellement appelée Gazprom Neft. Ces changements ont permis au gouvernement de contrôler plus de 30 % de la production du pétrole russe (Woehrel, 2009 : 3).

En effet, l'industrie gazière et pétrolière russe, par l'importance de ses réserves et de ses approvisionnements, joue un rôle prépondérant dans le marché énergétique européen. L'autre point important réside dans le fait que ces industries sont directement contrôlées par le gouvernement russe et sont donc enclines à servir des intérêts politiques plutôt que purement commerciaux. De ce fait, compte tenu des deux points précédents, il devient clair qu'un tel positionnement pouvait avoir des conséquences politiques et stratégiques sur la scène internationale, notamment en tenant compte des ambitions de la Russie (Bugajski, 2008). Selon Bugajski, le principal objectif de Vladimir Poutine durant son premier mandat présidentiel était de racheter les compagnies énergétiques afin qu'elles servent les intérêts du Kremlin. Pour réaliser son objectif, il a placé plusieurs de ses hommes de confiance à des postes haut placés dans diverses compagnies énergétiques (Bugajski, 2009 : 122).

Quant aux perceptions énergétiques de la Russie, selon Larsson, assurer la sécurité nationale est la tâche fondamentale de la politique énergétique. La Russie vise à utiliser sa politique énergétique pour éviter les menaces géopolitiques et macroéconomiques, ou d'être soumis à du chantage. La Russie est donc prête à utiliser des pressions économiques sur les pays de la Communauté des États indépendants (CÉI) dans le but d'affaiblir les politiques antirusses, tout en visant la croissance économique, ainsi que l'augmentation de son influence dans la région. L'idée d'un système mixte, dont certains biens doivent appartenir à l'État, est attribuable à la vision de V. Poutine qui voit la perte des actifs des entreprises énergétiques par l'État durant les années 1990 comme une erreur qui devant être corrigée (Larsson, 2006 : 48).

## ÉTUDE DE CAS

### *Russie - Ukraine*

L'Ukraine possède des ressources énergétiques largement insuffisantes pour faire tourner son économie, ce qui la rend dépendante des importations des ressources énergétiques (notamment du gaz naturel). Étant donné que dans son voisinage il n'y a aucun pays qui pourrait répondre à sa demande, l'Ukraine se tourne vers la Russie pour ses approvisionnements énergétiques. Ainsi, depuis l'effondrement de l'Union soviétique, la Russie fournit son pétrole et son gaz naturel à l'Ukraine, la plupart du temps, pour un tarif significativement inférieur par rapport au prix du marché.

Depuis l'effondrement de l'Union soviétique, les relations énergétiques russo-ukrainiennes ont connu trois crises majeures avec des portées géopolitiques considérables. Les deux crises ont été directement liées aux changements de couleur du parti au pouvoir, dont les malentendus entre l'Ukraine et Gazprom ont été couronné, d'abord par des menaces, puis par des coupures drastiques de livraison du gaz naturel. Ceci est largement lié à la « révolution orange », laquelle a été vue par les Russes comme une perte de leur influence dans ce pays.

Toutefois, le tout premier « conflit gazier » russo-ukrainien (sans impact géopolitique majeur) se situe en 1993, lorsque la Russie a exigé de l'Ukraine de rendre les armes nucléaires et la flotte déployée en mer Noire demeurées dans ce pays suite à l'effondrement de l'URSS. Une semaine avant les négociations entre les présidents russe et ukrainien, Boris Eltsine et Léonid Kravtchouk, 25 % de l'approvisionnement en gaz naturel a été coupé sous prétexte de retards de paiements (Larsson, 2006 : 202). Lors des négociations, la Russie a proposé à l'Ukraine d'effacer les dettes de gaz en échange du contrôle complet de la flotte de la mer Noire, la remise de ses armes nucléaires, et la signature du traité de non-prolifération nucléaire (Balmaceda, 2008: 26). En somme, quatre rencontres entre Eltsine et Kravtchouk (entre 1992 et 1993) ont été consacrées à cette question. La Russie a fait savoir que tout refus se traduirait par l'imposition de nouveaux seuils. Un autre conflit date de 1995, lorsque la Russie a augmenté le prix du gaz naturel pour l'Ukraine au même moment qu'elle a proposé à ce dernier d'entrer dans la CÉI. Ceci fut également interprété comme une menace indirecte (Larsson, 2006 : 202).

Quant au premier conflit majeur (2006), ses origines remontent aux élections présidentielles de 2004, où la Russie a appuyé Viktor Ianoukovych, le candidat pro-

russe, contre Victor Iouchtchenko, le candidat pro-occidental. Une partie de l'appui russe consistait en contrats de livraison de gaz naturel pour un prix très bas, soit 50 dollars américains pour un mille mètres cube (mmc) (Larsson, 2006 : 203). Toutefois, très vite après élection d'Iouchtchenko, Gazprom a commencé à augmenter le prix du gaz pour l'Ukraine. Vers la fin de l'année 2005, le tarif du gaz naturel russe pour l'Ukraine passa de 50 dollars/mmc à 230 dollars/mmc, soit le prix du marché à cette période (Woehrel, 2009 : 7). L'Ukraine a refusé de payer le nouveau tarif principalement à cause du fait qu'elle avait déjà un contrat qui garantissait le prix de 50 dollars/mmc jusqu'en 2009 (Larsson, 2006: 204). Le 1<sup>er</sup> janvier 2006, la Russie coupe la livraison du gaz à l'Ukraine. Le lendemain, l'approvisionnement en gaz naturel de certains pays européens (l'Autriche, Hongrie, la Slovaquie, etc.) a diminué en raison de la baisse de pression dans les oléoducs. Selon Aleksander Medvedev, le directeur général d'OOO Gazexport (compagnie chargée de l'exportation de gaz de Gazprom), la chute de pression s'expliquait par le fait que l'Ukraine a dérouté environ 100 millions de mmc de gaz destinés à l'Europe occidentale (Fredholm, 2006 : 5). Toutefois, le même jour, suite aux protestations et aux pressions des pays européens, Gazprom a repris ses livraisons du gaz. Pour trouver un compromis, Gazprom et l'Ukraine ont conclu un accord selon lequel, une société intermédiaire, RosUkrEnergo (une filiale à 50 % de Gazprom), devrait assurer l'achat et l'approvisionnement en gaz naturel de l'Ukraine. Cet accord prévoyait également les tarifs de transit plus élevés du gaz russe sur le territoire ukrainien. (Woehrel, 2009 : 8).

Suite aux élections législatives de mars 2006, Ianoukovytch, défaisant le parti d'Iouliya Tymochenko (pro-occidental), redevient le premier ministre. En conséquence, en 2007, les négociations avec Gazporm sont atténues entre la Russie et l'Ukraine, et les pays s'entendent sur une augmentation progressive du prix de gaz naturel.

Le deuxième conflit majeur débute en octobre de 2007, après les élections législatives de septembre 2007, dont le parti d'Ianoukovytch a obtenu environ 34 % de voix, tandis que les partis de Tymochenko et d'Iouchtchenko ont obtenu respectivement 31 % et 14 %. Gazprom, voyant le spectre d'une éventuelle coalition entre ces deux partis pro-occidentaux, annonce qu'elle envisage de réduire les livraisons du gaz si l'Ukraine ne paie pas ses dettes pour la fin du mois. En février 2008, la crise a été résolue par un nouvel accord permettant à l'Ukraine de commencer à payer ses dettes de novembre et décembre de 2007, prévoyant ainsi une augmentation du prix de gaz pour 2008 de 38 % par rapport à 2007, mais toujours inférieur au prix du

marché (Woehrel, 2009 : 8). Toutefois, le 3 mars 2008, sous le prétexte des retards de paiement, Gazprom réduit de moitié les livraisons de gaz à l'Ukraine. Suite à autre accord les livraisons du gaz se rétablissent. Le 12 mars, les deux parties décident d'éliminer UkrGazEnergo du marché gazier ukrainien, ce qui a donné à Gazprom un accès direct sur le marché ukrainien (Woehrel, 2009 : 9).

En somme, on constate que la Russie a utilisé sa politique énergétique et ses ressources énergétiques envers l'Ukraine pour des fins purement politiques (ex. les pressions durant les années 1990). Deuxièmement, on constate que le prix du gaz naturel russe, ainsi que les négociations avec Gazprom et le gouvernement ukrainien sont en corrélation directe avec les résultats des élections présidentielles et législatives ukrainiennes. On constate que dans le cas d'une victoire d'un candidat pro-russe, les tarifs baissent et les négociations avec Gazprom s'adoucissent.

### ***Russie - Biélorussie***

Vers la fin de l'effondrement de l'Union soviétique, la Biélorussie s'est engagée avec la Russie dans des discussions concernant l'approvisionnement en gaz naturel. En effet, l'économie de la Biélorussie (comme celle de l'Ukraine), largement tributaire de l'économie soviétique, est fortement dépendante en ressources énergétiques à bas prix. En fait, après l'effondrement de l'Union soviétique, la Biélorussie est devenue un allié politique important de la Russie, mais en même temps elle est devenue largement dépendante du gaz naturel russe au bas prix et s'est aussi largement endettée auprès de Gazprom (Bruce, 2005 : 3).

Selon Bruce, l'étude des relations énergétiques entre la Russie et Biélorussie depuis 1991 relève plusieurs exemples permettant de croire l'existence de liens entre les ressources énergétiques et la politique entre ces deux pays. L'un des premiers exemples remonte en avril 1994, quand la Russie s'est arrangée pour que la Biélorussie permette le déploiement de ses troupes militaires en échange du gaz naturel (Bruce, 2005 : 4). Il faut noter que les désaccords et malentendus entre la Russie et la Biélorussie ont durés de manière quasi-ininterrompue depuis le début des années 1990. Toutefois, le but de cette contribution, comme ce fut noté préalablement, est de voir si la Russie a utilisé ses ressources énergétiques à des fins politiques. Pour cela, cette partie, comme la précédente, va se limiter à seulement quelques exemples.

L'un des exemples date d'octobre 2002, quand Gazprom a pris la décision de réduire de 50 % des livraisons de gaz à la Biélorussie dans le but de forcer ce pays à privatiser Beltransgaz (société d'État biélorusse) et de créer une société d'actions Russo-Biélorusse. Cela visait aussi à forcer le gouvernement biélorusse de vendre une partie de Beltransgaz à Gazprom (Shukan, 2004 : 68; Bruce, 2005 : 8). Les sources du conflit remontent à avril 2002, lorsque la Biélorussie a conclu un accord avec la Russie concernant la création d'une entreprise conjointe de transport de gaz, mais aussi à cause du fait qu'elle a promis à Gazprom de vendre jusqu'à 50 % d'actions de Beltransgaz en échange de livraisons de gaz à un montant équivalant au prix du marché intérieur russe pour cinq ans. Toutefois, malgré le fait que la Biélorussie recevait le gaz à un prix plancher, elle n'a pas tenu ses engagements concernant la création d'une entreprise commune avec Gazprom. Les négociations sur le tarif gazier sont donc en lien avec la pression exercée par la Russie sur la Biélorussie en vue de créer une compagnie commune de transfert, mais aussi pour obliger le gouvernement biélorusse à vendre une partie de Beltransgaz à Gazprom. Il faut noter que depuis longtemps Gazprom voulait acquérir la majeure partie des actions de Beltransgaz afin de mieux contrôler le réseau biélorusse de transport de gaz. La première tentative d'acquisition de Beltransgaz par Gazprom date de septembre 1993 quand les deux côtés ont signé un accord selon lequel Biélorussie loue Beltransgaz à Gazprom pour 99 ans. En échange, la Russie devait augmenter les livraisons de gaz à la Biélorussie sur une période de 15 ans, chose qui n'a pas fonctionné.

Selon le président biélorusse, Loukachenko, la réduction des livraisons de gaz naturel d'octobre 2002 a été une décision politique et un chantage économique mené par la Russie contre son pays. Toutefois, un peu plus tard, le parlement de Biélorussie a levé les restrictions sur la privatisation de Beltransgaz (Bruce, 2005: 8). Cependant, dès le début de l'année 2003, les autorités biélorusses, peu enthousiastes à l'idée de perdre le contrôle du transit de gaz russe à destination de l'Europe occidentale, ont de nouveau bloqué le processus de privatisation de Beltransgaz en réclamant au groupe russe un prix de cinq milliards de dollars, alors que Gazprom l'avait évalué à 600 millions de dollars (Shukan, 2004 : 68).

Le 1<sup>er</sup> janvier 2004, suite au refus biélorusse de signer un nouveau contrat de livraison de gaz avec des tarifs élevés (passant de 28 à 50 dollars/mmc), la Russie a réduit les livraisons de gaz à ce dernier. La crise a atteint son pic à la mi-février lorsque Gazprom a imposé une coupure totale. À cette coupure la Biélorussie a répondu

par le siphonage de gaz destiné à l'Europe via le gazoduc Yamal (Bruce, 2005: 8). En juillet 2004, la Russie a accepté d'accorder un prêt de 175 millions de dollars à la Biélorussie afin que ce dernier paie ses dettes de gaz. Un peu plus tard, Gazprom restaure les livraisons vers la Biélorussie pour un tarif de 46,68 dollars/mmc tandis que la Biélorussie augmente son tarif de transit via Beltransgaz de 0,55 dollars/mmc/100km à 0,75 dollars/mcm/100km.

Vers la fin de 2006, Gazprom a menacé de nouveau la Biélorussie d'arrêter la livraison du gaz pour le 1<sup>er</sup> janvier 2007, si celle-ci n'acceptait pas de payer le nouveau tarif du gaz. Toutefois, le 31 décembre 2006, les deux parties sont arrivées à un accord selon lequel la Biélorussie devait payer le double en 2007 par rapport ce qu'elle payait en 2006 (Woehrel, 2009 : 13). Selon cet accord, le prix du gaz devait atteindre progressivement le prix du marché en 2011. De plus, l'accord prévoyait l'acquisition de 50 % des actions de Beltransgaz par Gazprom pour un prix de 2,5 milliards de dollars, ainsi que la création de l'organisation conjointe russo-biélorusse de transport, de fournitures et de transit de gaz naturel (Studer, 2006), ce que la Russie visait depuis des années 1990.

En somme, on peut constater que la Russie a utilisé sa politique énergétique dans le but de faire la pression sur la Biélorussie afin que cette dernière cède une partie de Beltransgaz, et qu'elle accepte la création d'une compagnie conjointe de transport de gaz naturel avec la Russie. Comme l'a noté Bruce, « *Belarus's continued reluctance to move forward with the privatization of Beltransgaz created tensions at the political and commercial levels* » (Bruce, 2005 : 8).

## CONCLUSION

Comme nous avons vu dans la première partie, le terme impérialisme est utilisé pour montrer l'influence ou la pression par un pays sur un autre (ou plusieurs autres). En règle générale, une telle pression sert à atteindre les objectifs politiques du pays qui fait recours à des pratiques de la sorte. Quant à la dimension économique de l'impérialisme, on a mentionné que c'est un cas particulier d'impérialisme où l'État périphérique reste libre de refuser les demandes du centre s'il est prêt à assumer des coûts économiques qui vont avec un tel refus. Dans la deuxième partie, nous avons constaté que la politique énergétique russe est perçue de façon à appuyer la politique étrangère russe dans les relations avec le monde extérieur (notamment d'accroître

son influence dans la région). On a également constaté que l'État russe exerce un contrôle fort sur ses ressources énergétiques, mais aussi sur l'infrastructure pour exporter ces ressources. Dans la troisième partie, on a constaté que ce soit dans le cas de l'Ukraine ou de la Biélorussie, on observe toujours le même « phénomène ». D'un côté, l'Ukraine et la Biélorussie tentent de préserver l'indépendance sur leurs compagnies nationales de transit de ressources énergétiques afin de diminuer leurs dépendances vis-à-vis de la Russie. De l'autre côté, la Russie tente d'avoir le contrôle sur les compagnies de transit des ressources énergétiques biélorusses et ukrainiennes afin d'accroître son influence sur ces deux pays.

En somme, les définitions concernant l'empire et l'impérialisme, mais aussi les modes de domination, nous permettent d'analyser la politique énergétique russe sous la dimension de l'impérialisme économique. La justification d'un tel propos s'appuie principalement sur les arguments suivants. Dans un premier temps, on constate que la présence des capitaux russes, soit en Ukraine ou en Biélorussie, sert surtout aux intérêts et objectifs politiques de l'État russe plutôt qu'aux entreprises indépendantes. Comme nous avons mentionné dans la deuxième partie, l'État est fortement présent dans l'économie russe. De plus, dans les documents officiels russes (ex. Le concept de la politique étrangère de la Fédération de Russie (2000) on lit qu'en cas de besoin, tous les leviers économiques vont appuyer les intérêts étatiques russes en relation avec les autres États. De ce point de vue, l'utilisation des ressources énergétiques comme un instrument politique et stratégique semble officiellement énoncée. Selon Larsson, un outil devient une arme quand il est utilisé en tant que tel. Il identifie plusieurs façons dont la politique énergétique peut devenir une « arme énergétique » : coupure d'approvisionnement (total ou partiel), menaces de coupures d'approvisionnement (implicites ou explicites), politique de prix (la carotte au bout du bâton), utilisation des dettes énergétiques existantes pour exercer des pressions, création de nouvelles dettes énergétiques et hostilité envers les entreprises ou l'infrastructure existante (Larsson, 2006 : 177). Dans les deux cas (de l'Ukraine et de la Biélorussie), on constate donc que la Russie a largement recourue à ces méthodes.

De l'autre côté, il faut noter qu'à part des intérêts concernant le contrôle des ressources énergétiques et du réseau de transferts, l'héritage historique concernant la dépendance de l'Ukraine et de la Biélorussie envers la Russie joue aussi un rôle

important. Il semble être difficile pour la Russie d'accepter une diminution de son influence dans ces pays sur fond de passé soviétique. En somme, à partir de son positionnement géostratégique, la Russie tente de poursuivre ses objectifs, soit de faire le contrepoids à l'influence des pays occidentaux (notamment les États-Unis) dans la région et de ramener dans son orbite d'influence les anciens pays soviétiques. C'est à travers ce prisme qu'il faut voir la politique énergétique russe comme un moyen de manipulation et de chantage visant à maintenir et à accroître l'influence russe dans l'espace post-soviétique. Toutefois, il faut noter qu'à part des motivations stratégiques, la Russie revendique également des motivations financières qui ne sont pas mises de côté pour autant (Larsson, 2006 : 173).

Quoi qu'il en soit, on constate que la Russie, via sa politique énergétique, tente de créer la dépendance énergétique de ces pays afin de consolider et d'augmenter son influence dans la région. Ainsi, tous les arguments sont réunis pour dire que la politique énergétique russe est belle et bien impérialiste vis-à-vis ces deux pays. Toutefois, cette étude démontre également le fait qu'il devient difficile de qualifier une politique d'impérialiste sans une analyse des bases de cette politique, ainsi que d'un choix de terme approprié quant à sa dimension.

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# International Norms and Domestic Structures: The Rise of Liberal Environmentalism and Intergovernmental Affairs in Canada

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## INTRODUCTION

The traditional conception of watertight compartmentalization between “domestic” and “international” policy issues is simply no longer realistic. The advent of globalization has fundamentally altered how we perceive of policy-making. As Sidney Tarrow put it, “[i]n today’s world, we can no more draw a sharp line between domestic and international politics than we can understand national politics in the United States apart from its local roots” (Tarrow, 2005: 2). The rise of the international importance of the climate change issue is perhaps the most prominent example of the breakdown of the traditional local versus global policy distinction. Velma McColll describes the issue well: “Climate change is the mother of all complex issues. It is like chess in six or seven policy dimensions – energy, environment, economy, security, development, trade – and now geo-politics” (McColl, 2009: 22). The notion that the sub-issue areas of climate change can be tackled within either the domestic or international realms in isolation is an antiquated fallacy.

By analyzing the interplay of international and domestic factors in the development of Canadian climate change policy, this paper will contribute to the growing body of literature in globalization studies that examines the interaction between the global and the local. The globalization of environmental governance is an example of the push toward policy cohesion between “sovereign” entities. Despite the multitude of international factors that strive to enforce global governance, domestic interests continue to shape how global trends are interpreted in the context of the traditional

state. In Canada, these domestic interests are largely shaped by the federal nature of the state and the relationship between the national and provincial governments. We argue that the *pièce de résistance* of globalization enthusiasts – that is, that the Westphalian nation-state is no longer relevant – is premature. Although global forces are more powerful in twenty-first century politics than ever before, the sovereign state continues to exist as a vehicle for protecting and promoting parochial interests.

This paper begins with a description of the international factors that impact domestic climate change policy-making. The most important international trends have been the multilateral attempts to formalize global environmental governance and the institutionalization of the norms of liberal environmentalism. Next, we will turn to the domestic context – how have the international trends discussed in the first section influenced the development of climate change policy in Canada? Ultimately, the paper will argue the normative power of the liberal environmental consensus has pushed Canada towards more stringent emissions targets, but that the institutional structure of Canadian federalism has been a significant factor in constraining the development of an effective climate change policy.

### THE INTERNATIONAL CONTEXT

Environmental issues have presented some of the greatest challenges to leaders, politicians, and policy-makers alike because they transcend traditional state boundaries, making them global challenges. This trend has been most apparent in the area of climate change policy. Climate change does not respect traditional state borders and, as a consequence, presents an especially unique challenge. This challenge is further complicated by the multiplicity of its variables--economic, scientific, political, social, and security. Though questions remain for scientists, academics, and policy makers as to *what* constitutes climate change and *how much is too much*, what is clear is that *something* must be done. To this day, however, the details surrounding *what* ought to be done and by *whom* remain unclear. The recent increase in natural disasters and the rise in global temperatures and precipitation levels have pushed climate change to the forefront of global politics. Climate change issues cannot be solved voluntarily or by decree, but rather, require a sophisticated and coordinated international response.

Recent shifts in the global environmental governance (GEG) movement have demonstrated that coercion does not need to come from government, but rather,

can often be located within *governance* frameworks. Given the global nature of the climate change issue, answers to the question of how to address these problems have traditionally focused on international negotiations between nation-states. The creation of coherent, legally binding agreements has, however, proven especially difficult given economic discrepancies, the amount of states and stakeholders involved, and a lack of consensus on what ought to be included and how best to enforce these agreements.

In the following section we will explore GEG trends, while demonstrating that liberal environmentalism has been institutionalized in every major environmental conference or agreement since the 1970s. Liberal environmentalism is underpinned by clear ties to a state-centric foundational structure, but the changing political community now recognizes a more cosmopolitan worldview. The GEG sphere in the twenty-first century thus includes myriad actors, which will be explored in depth in this section. Ultimately, our examination will reveal that although traditional conceptions of sovereignty are becoming fragmented, the state remains 'first among equals' in global governance. The locus for articulating the voices of citizens and for implementing action and change remain state-based.

#### TRADITIONAL STATE-CENTRIC APPROACHES IN GLOBAL ENVIRONMENTAL GOVERNANCE

The global nature of many environmental problems was a catalyst for the "proliferation of international environmental agreements" through the 1980s and into the early 1990s (Bernstein *et al.*, 2009: 10). By virtue of the fact that states negotiated, signed, and ratified these documents, "there tended to be an excessive focus on the state as the primary actor in international environmental governance" through the mid-1990s (Hoffman, 2005). These international agreements represented a growing convergence on environmental issues that transcend national borders, particularly climate change.

State-centric approaches have also focused on international institutions, that is, the development of traditional, formalized international organizations, which rely on global environmental agreements as the underpinnings of their response to effective GEG. An example of a state-centred approach includes formal organizations such as the United Nations Environment Programme (UNEP), which coordinates global responses to environmental issues between states and key international actors, including The World Trade Organization.

## STATE CENTRIC POLICIES AND PROCESSES AND THE RISE OF LIBERAL ENVIRONMENTALISM

The convergence of environmental and liberal economic norms predicated a key shift in GEG known as, 'liberal environmentalism'. Liberal environmentalism has been at the foundation of every major international environmental conference or agreement since the beginning of the 1970s.

### ***United Nations Conference on the Human Environment (Stockholm, June, 1972)***

This event was the first global effort to bring together numerous countries to participate in a broad, high-level political conference on the environment. 113 countries were engaged and the forum embodied the first articulation of liberal environmentalism, which gave rise to a set of norms and ideals that has laid the foundation for the basis of all international environmental legal theory and practice ever since (Bernstein, 2000: 469). Key successes included the creation of the Declaration on the Human Environment, which contained 26 articulated principles, and the development of 109 recommendations in the Action Plan for the Human Environment. Another salient feature of the conference was the entrenchment of Article 21 in the conference communiqué, which declared the primacy of state sovereignty over resources, a normative position which has been the bedrock principle upon which international environmental law has been based to date (Bernstein, 2000: 469). Perhaps the most lasting legacy of this forum, however, was the creation of the United Nations Environmental Programme (UNEP).

In the years following the Stockholm conference, developed countries did not immediately embrace environmental conservationist frameworks, as governments did not provide the necessary funding to back the rhetoric of the conference. Thus, in practice, following Stockholm, the institutionalization of global environmental goals remained relatively weak.

### ***World Commission on Environment and Development and Brundtland Report (1987)***

The Commission and its accompanying report (the Brundtland Report) linked environmental protection and economic development/growth, placing these concepts under the larger umbrella of *sustainable development* (Bernstein, 2003: 72). After the 1980s, sustainable development was the predominant paradigm for responses

to international environmental challenges. In addition to framing environmental protection in a development context, its other legacy was the encouragement of cooperative and multilateral objectives in the United Nations framework. Since Brundtland, subsequent governance structures have prized markets and other economic-centred apparatuses, including carbon credits, as preferable to traditional hierarchical regulations, such as quotas or bans in GEG. The goals endorsed in the Brundtland Report ultimately converged around international environmental norms in the early 1990s, resulting in their eventual institutionalization in a plethora of multilateral agreements and practices, of which the United Nations Conference on Environment and Development was most prominent.

### ***The United Nations Conference on Environment and Development (UNCED) or Earth Summit (Rio de Janeiro, 1992)***

The Earth Summit brought together 178 states and 1420 non-governmental organizations. This conference, "catalyzed the institutionalization of norms in a wide range of international environmental treaties, in environment and development policies in international organizations, and, more broadly, in global environment and development discourse." (Bernstein, 2003: 72). This represented a paradigm shift in which international law on sustainable development practices became institutionalized, that is to say *collectively embedded* in the social structure. Thus, environmental protection became contingent upon the promotion and preservation of a liberal economic order. For the first time in GEG, these norms influenced the environmental responses that followed by articulating the "consensus (or conflicts) on norms at this time" (Bernstein, 2000: 468). The Rio Declaration on Environment and Development created the lengthy action plan, "Agenda 21", and the UN Commission on Sustainable Development. Additionally, and most essential in a climate change analysis, it produced the Framework Convention on Climate Change (FCCC). The FCCC generated an overall framework for intergovernmental responses to climate change. 193 countries ratified the agreement, reflecting a consensus among nations about the shared nature of climate change and its accompanying challenges. The FCCC eventually evolved to include an addition to its treaty, the Kyoto Protocol, which contains more powerful and legally binding measures.

### ***The Kyoto Protocol***

In 1997, the Kyoto Protocol established an international institutional framework for domestic responses to climate change. Ratified by 175 countries, the Protocol

represents a growing convergence on a global environmental issue and the institutionalization of a normative consensus. It is the embodiment of the notion of liberal environmentalism, as conceived of by Bernstein. The Protocol linked binding commitments to market mechanisms, highlighting examples of the entrenchment of liberal environmental norms. It placed the burden of responsibility exclusively on developed countries, creating ambitious short and long-term emissions reduction targets and constructing a tradable carbon credit system. Three years later, the G8 countries (China, Japan, USA, Canada, England, France, Germany and Russia) agreed to collectively reduce greenhouse gas emissions 50 percent by 2050, a strategy known as the "50-50 goal." Thus, while policy decisions may be agreed upon at the international level, they are actually enacted and enforced at the local level. Consequently, despite the fact that much scholarship has focused on climate change in the international sphere, as an issue "climate change is not only global it is profoundly local" (Bulkeley *et al.*, 2005: 2).

### ***The Copenhagen Summit Meeting***

The international community had high expectations for the Summit meeting in Copenhagen. However, the summit challenged the idea that outsized multilateral meetings (in this case 193 countries were represented) could yield desired results; that is, the creation of one, comprehensive, coherent, legally binding agreement (McColl, 2010: 22-24).

The failure of negotiations at Copenhagen have highlighted the flaws of the UNFCCC negotiation and decision-making process, and therefore have demonstrated the limitations of this organization in terms of its ability to affect real change, independent of other structure and agency. The most significant and crucial elements of the Accord lie in its ability to focus both on prevention and adaptation, while providing global equalization payment funds to developing nations. In this way, the Accord is ground-breaking and diverges from the Kyoto Protocol.

### **FROM STATE-CENTRIC MODELS TO POST-SOVEREIGN GOVERNANCE?**

By the mid-1990s innumerable actors began to take the stage in the GEG arena. This owed both to the failure of multilateral approaches to address global environmental issues (by not taking into consideration the marketplace and a multiplicity of stakeholders) and a growing trend toward a disaggregated governance approach. The disaggregated model embodies the "...rising need for and capacity of different

domestic government institutions to engage in activities beyond their borders, often with their foreign counterparts" (Slaughter, 2004: 12). Overall, the shift has been from classical federalist models toward a "mosaic or network model" of multilevel governance (Bernstein *et al.*, 2009: 31).

With the advent of globalization, increased technology and information-sharing capacities, it appears there has been a shift from government to governance. Especially salient in this transition has been the influence of, "supranational, sub-national, and non-state actors in a world increasingly characterized by multi-polar and multiple tier decision making" (Karkkainen, 2004: 73). The "new" environmental governance form embodies a, "nascent polycentric substitute for more familiar forms of sovereign authority" (Karkkainen, 2004: 74) and is *task specific over general purpose*. What follows is an analysis of two of these new GEG trends--informal and multi-scalar governance approaches.

### ***Informal Governance Approaches***

There has been an increase in private authority and market-based initiatives in GEG which eschew traditional state-centric approaches. In the case of these informal approaches, two trends have allowed for their recent prominence. The first is the advent of a shared policy-making authority and process between business, environment, and other organized interests (Clapp *et al.*, 1998). The second is the amplification of market-oriented policy instruments to address relevant issues in international civil society. When policy-makers were confronted with "reductions in resources to combat environmental problems and increasing demand from civil society to address environmental protection" they turned to the market to solve their problems (Cashore *et al.*, 2001: 507). An example here would be the innovative, market-based cap-and-trade approach to rising carbon dioxide levels. The traditional sovereign authority of states is neither granted nor relinquished in market based systems; nor, for that matter, is it used as an enforcement mechanism. Rather, the state is, "one amongst a number of actors interacting within local, national, regional or global markets" (Bernstein *et al.*, 2009: 9). Compliance then results from powerful market incentives (or disincentives).

Other forms of informal GEG have included conceptions of networks as structures that shape behaviour, and actors who engage in vital collective action. Networks therefore contain, "concepts of location, or nodes, and the relations among

these positions – termed ties, connections, or links – to argue that the pattern of relationships shapes the behaviour of the occupant of a post, as well as influences others" (Smith-Doerr and Powell, 2005: 380). In the case of the networks in GEG, it was often believed that networks were more, "nimble, innovative, and inclusive than hierarchical, bureaucratic modes of governance" (Kahler, 2009: 17). Consequently, networks have been hailed as the universal remedy for many environmental issues. This has resulted in networks, especially NGO networks, being pitted against states, in an effort to wield more international influence in domains previously deemed to be state dominated.

### ***Multi-Scalar Governance Approaches (State and Non-State Mix)***

This view is predicated on the supposition of, "pre-existing political-institutional jurisdictions as the sites of governance" but it does not work from the assumption that states are the lead actors in GEG (Bernstein et al., 2009: 8). Rather it is this hybrid, polycentric or multilevel approach which concerns how authority and legitimacy in GEG can function both, "horizontally (between subnational actors for instance) and vertically (between states and cities for instance)" (Bernstein et al., 2009: 8). Multi-scalar governance is thus unique in its ability to move horizontally and vertically, or as Bulkeley has said, it is, "not confined to moving through a set of nested scales from the local to the national to the international, but can directly access other such local actors whether in the same country or across borders" (2005: 895).

### **THE ENDURING PRIMACY OF THE STATE**

There has been a multitude of scholarship focused on these diverse approaches to GEG *individually*, but what has not been as apparent is the ways in which these various approaches interact *collectively*. The reality is that GEG occurs in all three of these approaches--state-centric, informal and multi-scalar--simultaneously. What results is a loose system of global environmental governance reflecting the strengths and weaknesses of global politics. This demonstrates the difficulty of inspiring collective action among a fractured international community, even though many agree that not just action, but *collective action*, is necessary. While acknowledging the changing nature of GEG, many international relations scholars continue to emphasize the "bedrock principle" of state sovereignty (Karkkainen, 2004: 72).

In the next section, we shall examine the effects of the institutionalization of GEG in the Canadian context. Our choice of analytical framework warrants a brief

discussion. In the past the principle of subsidiarity has guided federal/provincial policy on the environment (Harrison, 1996). However, in the context of the increasing globalization of the climate change issue, and the notion that “pollution does not respect borders,” we argue that the government of Canada must take a leadership role in ensuring all jurisdictions within its borders reduce GHG emissions. The locus of perspective for this section is thus state-centric. Despite the loss of dominance of the realist perspective in international relations theory, the state remains the most important actor in the study of GEG. Unlike many other environmental policy areas, it is impossible to mitigate climate change without fundamentally altering the structure of modern society; put simply, informal governance structures will not be sufficiently robust to reduce emissions to the levels required to solve this issue.

#### THE DOMESTIC CONTEXT: CLIMATE CHANGE POLICY IN CANADA

At the August 2002 “Rio +10” Earth Summit in Johannesburg, after more than four years of internal negotiations, former Prime Minister Jean Chrétien announced that Canada would ratify the 1997 Kyoto Protocol. The ratification of the protocol meant that Canada was obligated under international law to reduce its carbon emissions by 6 percent of 1990 levels for the period of 2008-2012. The decision by the Chrétien government to ratify the agreement cannot be fully explained under a traditional realist policy-making perspective. At over 22.5 megatonnes (MTs) of GHG emissions per year, Canada is second only to Australia as the highest per capita GHG emitter among industrialized countries (Harrison, 2006: 1). The Canadian economy is rooted in high-polluting industries, the most significant being the fossil fuel industry. The economic boom in the Canadian prairies has fuelled much of the country’s growth, and the provinces of Alberta and Saskatchewan accounted for more than 50 percent of GHG growth in the period between 1990 and 2002. Given the regionalized nature of the Canadian economy, the Prime Minister surely understood the political difficulties in announcing Canada would ratify the treaty. To quote Bernstein “material interests in the form of economic costs and competitive concerns should militate against Canada pursuing an aggressive climate change policy. Its continued support of the Kyoto Protocol … is thus puzzling for a rationalist or interest-based explanation.” (2002: 217-8).

This section endeavours to analyze the disparate factors, both international and domestic, that have contributed to the development of climate change policy in Canada. The event described above – that is, the decision for Canada to become

party to the Kyoto Protocol – will provide the backdrop to our analysis of the interplay between international and domestic factors in the making of “domestic” policy. Our argumentation is rooted in a constructivist perspective of the power of norms in global environmental governance. We argue that the most salient international factor affecting domestic climate change policy in Canada has been the normative force of the “liberal environmentalist” consensus in the international realm. The exogenous force of the liberal environmentalist consensus has pushed Canada toward enacting tougher GHG emission policies, despite the ostensible incompatibility between these norms and the polluting nature of some of Canada’s core industries.

Yet normative international pressures are only one side of the global-local paradigm. The international factors pushing for global coherence on climate change are interpreted in the domestic context by domestic political factors. The central challenge for Ottawa throughout the history of the country has been to guide national policy in the face of the institutional challenge of the separation of powers. Regionalism is entrenched in the constitutional structure of the federation; the crafting of national policy in a number of areas requires intergovernmental consensus through executive federalism. Despite the fact that the normative pressures of liberal environmentalism frame the climate change debate in Canada, the distinctly Canadian political factors of brokerage politics and executive federalism determine the direction (or lack thereof) of domestic climate change policy. Our analysis explores the distinctly Canadian political factors that have significantly impeded the development of climate change policy in Canada.

#### NORMS AND LIBERAL ENVIRONMENTALISM

As was discussed in the first section, liberal environmentalism refers to the consensus approach to global environmental governance first enunciated in the 1992 Earth Summit in Rio. The concepts of liberal economic policies and “sustainable development” are at the heart of this consensus. Under this conceptual framework, economic globalization is viewed as fundamentally beneficial for the environment--as less developed countries become part of the global liberal economic order, their environmental practices will be “harmonized upward” to match the more efficient and less polluting production methods of the global North (Boyce, 2004: 108). The liberal environmentalist perspective has been the ideological basis for the major multilateral environmental conferences since Rio, including Kyoto and the recent effort at Copenhagen.

How does this growing international consensus affect the development of climate change policy in the domestic context? The international agreement on the norms of global environmental governance puts pressure on domestic actors to craft policy in a manner consistent with established principles. Norms can be defined as "shared conceptions of appropriate behaviour or action" (Bernstein, 2002: 206). Raymond argues that norms "tell us who shall play the political game, what the playing board will look like, and which moves are acceptable." (1997: 215).

It is one thing to establish the dominant ideological framework upon which international negotiations on global environmental governance have been centered; it is quite another to extrapolate from this consensus a causal link to the development of climate change policy in a domestic context. The difficulty in properly measuring and defining the causal effect of norms remains the most vexing aspect of the constructivist perspective of international political theory. For this, the validity of the theory has been questioned by traditional realist scholars (Snyder, 2004). For our purposes, however, these difficulties are not particularly troublesome. Raymond (1997: 220-222) argues the most concrete evidence of norm acceptance is institutionalization of that norm, defined as "the perceived legitimacy of the norm as embodied in law, institutions or public discourse *even if all relevant actors do not follow it*" (Bernstein, 2002: 206; *italics added*). The institutionalization of the norms of liberal environmentalism have been established throughout the short history of multilateral attempts to create a global environmental governance regime.

Bernstein acknowledges that the institutionalization of a norm does not guarantee compliance. There does not exist a perfect causal link between international normative pressures and domestic policy development. Norms do, however, "quasi-causally affect certain actors not by directly or inevitably determining them but rather by rendering these actions plausible or implausible, acceptable or unacceptable, conceivable or inconceivable, respectable or disreputable, etc." (Yee, 1996: 97). In other words, the onus of responsibility is on non-compliers to disprove the legitimacy of consensus norms, not vice versa. This point is germane to the decision of the Harper government to pull Canada out of Kyoto.

#### TWO-LEVEL GAMES, INTERNATIONAL SOCIETY, AND A PRIME MINISTER'S LEGACY

The interplay of international normative pressures with domestic political factors in policy-making co-exists for the federal government as a perpetual "two-level game."

This concept was first developed by Robert Putnam in a 1988 study of international negotiations. The importance of the concept warrants extended quotation:

*The politics of many international negotiations can usually be conceived as a two-level game. At the national level, domestic groups pursue their interests by pressuring the government to adopt favourable policies, and politicians seek power by constructing coalitions among these groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. Neither of the two games can be ignored by central decision-makers, so long as their countries remain interdependent, yet sovereign (Putnam, 1988: 434).*

The concept of a two-level game is a useful ideological framework with which to analyze the dual forces of international normative pressures and domestic interests in the development of Canadian climate change policy. To return to our example of Canada's involvement in the Kyoto negotiations, the Chrétien government lobbied diligently to have carbon sinks included in the country's GHG emissions calculations. This was an attempt to "minimiz[e] the adverse consequences of foreign developments" by mitigating the need for Canada to impose even stricter emissions caps than if carbon sinks were not considered (Simpson et al., 1997: 70).

In Putnam's conception of the two-level game, the Level II game (that is, at the international level) is clearly subordinate to the Level I (domestic) game; after all, the constituency of the executive, despite the interdependency of international governance, remains parochial. But Putnam does raise the possibility of a "principal-agent" problem, wherein the "chief negotiator" (i.e. in the Canadian context, the Prime Minister) does not act as an honest broker for his domestic constituency in international negotiation, but instead acts on other priorities. This anomalistic scenario is indeed an apt description of Canada's involvement with the Kyoto Protocol; the desire of the Canadian government to sign onto the agreement, abide by the norms of liberal environmentalism, and thus gain prestige in the Level II game outweighed the myriad of domestic reasons not to join Kyoto. This decision can be viewed two ways. Firstly, though the ratification of Kyoto was not ostensibly in the material interest of Canada, as a middle power in international politics any international agreement that strengthens multilateralism and the establishment

of a rules-based system can be viewed as a positive development for Canada. A universal ratification *sans* Canada could then be construed as a loss for Canadian prestige vis-à-vis the international community. This rationalist perspective is not incongruent with the normative framework developed above; in fact the two are at work simultaneously. Countries “aspire to belong to a normative community of nations” and secure a place among international society (Keck and Sikkink, 1998: 29). Just because norms are difficult to quantify does not mean there are not traditional *realpolitik* benefits to adherence.

The second factor, which has often been overlooked in the study of state action, is the role of personalities in political decision-making. In the context of Canada and Kyoto, this variable is epitomized in the figure of Prime Minister Chrétien. Chrétien, nearing the end of his final term as Prime Minister and the dénouement of a four-decade career in politics, was in 2002 “less constrained by his own party and the electorate than ever before” (Harrison, 2006: 7). According to Simpson *et al.* (2006: 67), “Chrétien saw climate change as a legacy issue that he wanted historians to place on the positive side of his leadership ledger” along with other progressive policies such as campaign finance reform, same-sex marriage, and marijuana decriminalization. Raymond argues that human emotions are “as integral to purposive-actor explanations of state behaviour as rationality” (1997: 234). Chrétien was in a political position to push Canada toward the international liberal environmentalist consensus, whether he believed it was fundamentally the right decision for the country, or simply that he wanted to ameliorate his legacy.

#### **EXECUTIVE FEDERALISM AND THE FAILURE OF KYOTO**

Despite the strong normative pressures of liberal environmentalism, and the ‘liberated’ political position of Prime Minister Chrétien, Canada was in the end unable to fulfill its Kyoto obligations. The decentralized structure of the Canadian federation and the absence of a formal federal/provincial conflict resolution mechanism were primary factors in restraining the development of an effective climate change policy post-1997. Not all the blame for Canadian inaction can be placed on the country’s federal structure – actors have played an equally important role. The hesitancy of the Chrétien and the subsequent Martin governments to stray from traditional brokerage political tactics and invest political capital in fulfilling Kyoto obligations may have sealed the fate of Kyoto in Canada (Cf. Aucoin, 1986; Stevenson, 1987). A number of

years later, the final blow was delivered when Harper's new conservative government announced that Canada would not meet its Kyoto commitments. Yet in the case of the internal Kyoto negotiations, the lack of consensus between the federal and provincial levels of government severely hampered the development of a national climate change policy.

The separation of powers as laid out in Sections 91 and 92 of the Canadian Constitution requires the federal and provincial governments to work together to solve the complex issue of climate change. There are a number of constitutional avenues through which either level of government could claim competence to legislate in the area of climate change. The federal government has the constitutional authority to levy taxes by any mode or system of taxation, as granted by section 91(3) of the *Constitution Act, 1867*. This means that with regard to a possible carbon tax, the federal government can act alone. Peter Hogg argues that the federal government would most likely be supported by the courts if it were to implement a national cap-and-trade system by amending the *Canada Environmental Protection Act (CEPA)*. In the Supreme Court ruling *R. v Hydro-Québec* (1997) the court upheld the CEPA under the constitutionally granted criminal-law power of the federal government (Hogg, 2008: 4-5). An amendment of this act to establish a national cap-and-trade system would fall within the federal government's purview as a result of this court ruling.

According to Lucas (2004: 148), however, "it is futile to speculate about the legislative jurisdiction over subjects, policies, or even particular kinds of statutory schemes or instruments" in the absence of a Supreme Court challenge on the subject. Though former Alberta Premier Ralph Klein mused about bringing the constitutionality of Ottawa's ratification of Kyoto before the courts, neither level of government has demonstrated the "political will" to take action (Kukucha, 2005: 149-150). Since the federal government has the capacity to sign international treaties such as Kyoto, yet at the same time there is substantial ambiguity surrounding domestic jurisdiction to ensure their enforcement, Ottawa and the provinces must work together to find consensus on many issues of global governance (Heinbecker, 2006: 5). The form this consensus-building has traditionally taken in Canada is referred to as 'executive federalism'. This concept refers to the executive-dominated nature of Canadian intergovernmental affairs. Without a formal mechanism to represent the interests of the provinces in the federal government, an ad-hoc brokerage system of joint federal/provincial ministers' meetings has arisen in order to build consensus on

issues where both the federal government and the provinces have constitutional jurisdiction (Bakvis and Skogstad, 2002: 5).

Executive federalism was on full display in the internal federal/provincial negotiations preceding the Kyoto conference. During a November 1997 joint ministerial meeting (JMM) held in Regina, the federal, provincial, and territorial energy and environment ministers agreed that Canada should seek to stabilize its GHG emissions at 1990 levels by 2010 (Stillborn, 2003: 3-4). In the lead-up to the conference, however, the normative pressures from other international participants in the negotiations, specifically the more aggressive position of the Clinton administration, pushed Chrétien to break the Regina consensus and commit Canada to a six percent reduction of 1990 levels. The unilateral decision by the federal government to break the Regina JMM decision represented a turning point in the development of Canadian climate policy. As Jeffrey Simpson *et al.* put it,

*Had Canada left Kyoto with the target that had produced the fragile consensus at the Regina federal-provincial meeting, the federal government could have returned home and thought immediately about implementation measures. By unilaterally breaking that consensus in choosing its Kyoto commitment, Ottawa had to start over again, selling the reality of global warming, while trying to recreate a consensus around a new target (61).*

Not surprisingly, the federal and provincial governments view the situation differently. For the federal government, the Regina JMM target was simply a starting point for negotiations; for the provinces, it was a "firm bottom line" (Harrison, 2006: 9). Indeed, the opinion of Ralph Klein – that "Canada had ran [sic] off and signed an agreement that the provinces are not in favour of" – was not, in the view of most of the provinces, far from the truth. In a bid to regain the trust of the provinces, the federal government commissioned a two-year study of implementation policies and a cost-benefit analysis. The result of this was the Climate Change Action Plan 2000, a bland document devoid of serious policies for pushing Canada towards its Kyoto responsibilities. The damage, however, had been done, and the mutual trust that once existed between the two parties had been broken. By 2002, the process had completely faltered--only Québec and Manitoba still urged the federal government to ratify the document, while the other provinces effectively vetoed the development of any serious policy to deal with GHG emissions. The proud boasting of Chrétien in

Johannesburg in 2002 that Canada would ratify Kyoto was built on a bed of leaves; the federal government had failed to secure the vital support of the provinces, and it lacked the political will to take unilateral measures to ensure it could fulfill its responsibilities.

### DIVERGENT PATHS AFTER KYOTO

Following the federal government's decision to bypass the consensus reached at the Regina JMM, the structure of the federal-provincial coordination on climate change policy eroded (Winfield & Macdonald, 2008: 277). The provincial governments began developing their own responses to climate change and greenhouse gases, with the federal government attempting the same. The *Regulatory Framework for Air Emissions* has been the most coherent federal policy put forward to date. It recognises the need for a national plan, reinforcing the liberal environmental notion that change cannot be successful by having "different and potentially conflicting provincial plans, or by setting up rules for industry that vary from one area of the country to another" (Environment Canada, 2007: 1). The framework establishes the mechanisms that the government will use to achieve their stated goal of reducing emissions by 20 percent of the 2006 levels by 2020. These mechanisms include trading emissions within a nationally established cap-and-trade system; contributing to a green technology fund; or reducing emissions through abatement actions, improved energy management, or the use of new technologies such as carbon capture and storage (Environment Canada, 2007: 12). To this end, the government has established funding for research into new technology and set-up tax incentives for businesses and individuals attempting to reduce their carbon footprint, but these have not had a significant impact on Canadian emissions. Moreover, with the recent shift in policy towards harmonization with the United States, the proposed national carbon market has been delayed (Prentice, 2009). Indeed, despite the existence of such a framework, no concrete attempt has been made to reconcile the competing provincial plans and establish and take action that is truly national in nature.

Inaction at the federal level has meant the provinces have stepped forward to establish their own climate change policies and carbon reducing initiatives. The evolution of multi-scalar governance within the international system has contributed to these subnational governments stepping forward to address the issue of climate change in the face of inaction at the federal level. In 2007, Alberta became the first jurisdiction in North America to introduce a cap-and-trade system, while Québec

became the first to introduce an origin-based carbon-tax. British Columbia followed in 2008 with a consumption-based carbon-tax, and along with Manitoba, Ontario and Québec, has signed on to the Western Climate Initiative, an organization of American states and Canadian provinces working to establish a common carbon market. Ontario and Québec have also joined together to launch a cap-and-trade system tied to the original Kyoto benchmark, with the intent of establishing the groundwork for a national cap-and-trade system with more stringent regulations than the federally proposed system (Courchene and Allan, Dec. 2008 – Jan. 2009: 60).

## CONCLUSION

This paper has analyzed the effect of the rise of global environmental governance on domestic policy and intergovernmental relations in Canada. In the first section, we looked at the international trends in global governance and described the multiplicity of international factors that have impacted upon domestic policy-making. Our discussion included global environmental agreements and institutions predicated upon norms of liberal environmentalism. The second section analyzed how international trends have affected domestic climate change policy in Canada and the effect of international normative pressures on federal/provincial relations.

Despite the array of disaggregated forms of global environmental governance, we have argued that a timely, critical and complex issue such as climate change warrants a state-led response to greenhouse gas emission reduction. Recent globalization scholarship has forecasted the decline of the sovereign state and the proliferation of non-state actors, such as market-based approaches, networks and multi-scalar governance. Given the nature of climate change as a focal point in the environmental domain, as well as the perceived urgency of this issue, it is only natural that GEG policy-making in the twenty-first century will contain numerous structures and actors. We argue that even though post-sovereign governance approaches are integral to a robust model of global environmental governance, the state must reassert itself as *primus inter pares* in the GEG realm.

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