

FALL/AUTOMNE 2012, ISSUE / N° 4

# POTENTIA

THE CENTRE FOR INTERNATIONAL POLICY STUDIES (CIPS) GRADUATE STUDENT JOURNAL  
REVUE DES ÉTUDIANT(E)S DIPLÔMÉ(E)S DU CENTRE D'ÉTUDES EN POLITIQUES INTERNATIONALES (CÉPI)



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# Foreword

As young scholars of international relations, we are told that a divide exists between two groups of individuals: Those who observe and those who practice international politics. The academy stresses the importance of developing theory, finding gaps and filling holes. Early on, scholars are asked to outline their ontological and epistemological commitments and are expected to carry these forward in their career's work.

The theorist can find comfort in Robert Cox's famous distinction between problem-solving and critical theory, believing that those concerned with the former maintain the prevailing status quo. Scholars seem little concerned with the applicability of their theory to real cases, nor are they comfortable giving policy recommendations. At the same time, those in policy ask the 'so what' question – with increasing regularity, when in the presence of theorists. They seem to have little patience for theoretical explanations. To some, theory is reserved for those in academic robes in ivory towers and is otherwise irrelevant in the 'real world' of politics. Instead they are concerned with correcting specific and concrete problems. Yet, are problem solving and critical theorizing mutually exclusive?

While the aforementioned caricatures retain some truth, they are increasingly inaccurate. In recent decades, there has been considerable exchange between the two universes. Practitioners have left government and consultancy agencies for the academy. Likewise, some scholars have left their academic appointments for political ones, and others still remain very much in touch with the 'outside world' as evidenced by their media appearances and editorial contributions. Many universities now hire former or retired practitioners, who frequently exhibit drastically different – albeit no less educational – teaching styles. Rather their presence enhances the curriculum and lends credibility to political science and public policy departments wherever they may be found. And finally, many recent Ph.D. graduates have and will continue to go on to find work outside of the university classroom.

The 2012 edition of *Potentia: Journal of International and Public Affairs* aims to bridge the supposed divide between theory and practice. We welcomed submissions that contained theoretical puzzles as well as those that spoke directly to substantive policy concerns on a wide range of issues, especially those that examined the

relationship between academic research and ideas on one hand, and domestic and international policy on the other. Accordingly, we invited papers from individuals in both communities – in academia and in policy – and encouraged the submission of articles from a wide range of fields, in keeping with the interdisciplinary nature of the journal and the discipline.

We are pleased to showcase the policy-relevant research of graduate and post-doctoral students from Canada and abroad. For the first time *Potentia's* reach extended beyond Canadian borders, publishing the work of colleagues in the United Kingdom and the United States. The volume is divided into three sections. The first section is a collection of research papers that probe the divide between theory and practice. The second section shifts the emphasis on practice; it includes two policy briefs which appraise current policy initiatives and offer recommendations. The last section reviews a number of recently published books in both English and French. The inclusion of book reviews is a first for *Potentia*.

Sincerely,

Susan Khazaeli  
Adam Kochanski  
Editors-in-Chief  
*Potentia*, 2012

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## Avant-propos

En tant que jeune chercheurs dans le domaine des relations internationales, il n'est pas rare d'entendre qu'il existe un fossé entre deux groupes d'individus : soit, d'une part, les théoriciens, et de l'autre, les professionnels de la politique internationale. Le milieu universitaire met l'emphase sur le développement de la théorie afin d'en souligner les lacunes et de combler celles-ci. Dès le début de leur carrière, les chercheurs sont encouragés à préciser leurs choix ontologiques et épistémologiques et sont poussés à étudier ces énoncés dans le cadre de leurs travaux.

Le théoricien peut trouver un certain réconfort au sein de la fameuse distinction de Robert Cox entre la résolution de problème et la théorie critique, qui veut que les tenants de la première maintiennent le statu quo. Les chercheurs semblent peu préoccupés par l'application de leur théorie à des cas réels, et sont peu à l'aise de donner des recommandations politiques. Dans un même ordre d'idée, les individus évoluant dans la sphère politique s'interrogent de plus en plus sur la pertinence de la présence de théoriciens. Ils ne semblent pas avoir la patience d'écouter les explications théoriques. Plusieurs d'entre eux croient que la théorie reste confinée aux tours d'ivoire des universités et n'est donc que peu pertinente avec le monde réel de la politique. Ils sont plutôt préoccupés par la résolution de problèmes spécifiques et concrets. Cependant, les mondes de la résolution de problème et de la théorie critique sont-ils nécessairement mutuellement exclusifs?

Bien que les caricatures évoquées précédemment entretiennent une certaine vérité, elles semblent de plus en plus erronées. Dans les dernières décennies, un pont favorable aux échangeant a été créé entre ces deux univers. Les professionnels ont laissé la place à des organismes gouvernementaux et consultatifs aux mains des universités. En contrepartie, les universitaires ont ouvert la porte aux professionnels tout en étant en contact étroit avec le monde extérieur, comme en témoignent leurs apparitions et contributions dans les médias. Plusieurs universités embauchent maintenant d'anciens professionnels qui utilisent des styles d'enseignements radicalement différents sans pour autant être moins formateurs. Au contraire, ils rehaussent et donnent davantage de crédibilité aux départements de science politique et de politiques publiques partout où ils se trouvent. Finalement, de nombreux doctorants fraîchement diplômés continuent toujours d'aller chercher du travail en dehors des salles de classe universitaires.

L'édition 2012 de *Potentia* visent à combler le soi-disant fossé entre la théorie et la pratique. Nous avons sélectionné un éventail de contributions allant de casse-têtes théoriques aux multiples préoccupations de la sphère politique, tout en favorisant les questions touchant les relations entre la recherche universitaire et le monde des idées ainsi que les liens entre la politique domestique et internationale. En conséquence, nous avons non seulement encouragé la participation d'auteurs provenant tant du milieu universitaire que de la sphère professionnelle, mais nous avons également favorisé la soumission d'articles provenant de domaines variés, en lien avec la nature interdisciplinaire de la revue.

Nous avons le privilège de présenter les recherches pertinentes d'étudiants diplômés et postdoctoraux en provenance du Canada et de l'étranger. Pour une première fois, la revue *Potentia* s'étend au-delà des frontières canadiennes, publiant des articles de collègues en provenance du Royaume-Uni et des États-Unis. Ce volume est divisé en trois sections. La première section est une collection d'articles de recherches qui explorent la fracture entre la théorie et la pratique. La deuxième section met l'emphase sur la pratique. Elle comprend deux synthèses de politiques qui évaluent les initiatives politiques en cours tout en proposant des recommandations. La dernière section consiste en une recension des ouvrages récemment publiés autant en anglais qu'en français. L'inclusion de comptes-rendus est une première pour la revue *Potentia*.

Bien sincèrement,

Susan Khazaeli  
Adam Kochanski  
Éditeurs en chef  
*Potentia*, 2012

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## Acknowledgements | Remerciements

**Potentia: Journal of International and Public Affairs**  
Edited at The Centre for International Policy Studies,  
University of Ottawa

	Susan Khazaeli	<i>Editors-in-Chief</i>
	Adam Kochanski	
	Amy Conroy	<i>Associate Editors</i>
	Saya Hautefeuille	
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Carl Hageraats	Daina Stanley	
Saya Hautefeuille	Alexandra Tremblay-Plourde	
Simon Hogue	Erica van Wyngaarden	
	Meghan Spilka O'Keefe	<i>Design</i>

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**\* Please note that this is a corrected version of an earlier article and as a result, page numbers do not line up for this piece.**





# RESEARCH PAPERS



# The Narrative Nature of Twitter: 'Tweeting' the Arab Spring

CHRIS PEYS  
University of St. Andrews

## INTRODUCTION

As social media thrives, technology reigns supreme, and many of the world's newspapers and booksellers fight to stave off bankruptcy, some people have begun to lament the death of the written word and the narrative arts (Kearney). From this perspective, the rapid rise and growing domination of the Internet, video games, reality television, online communities, and other technological developments have effectively eliminated the art of narration and created a world disinterested in stories. Richard Kearney, the prominent philosopher, writes, "that as we enter the cyber-world of the third millennium where virtual reality and digital communications rule, we find many advocates of the apocalyptic view that we have reached the end not only of history, but the story itself... their message being that we are entering a civilisation of depthless simulation inimical to the art of storytelling." This view may fit well with the pessimism surrounding the sad state of the global economy and continued war on terror, but it falls far from the truth.

Yes, technology is changing how we interact with others and information, but one must recognise that this process is merely an extension of the evolutionary nature of narrative. Narrative and storytelling have been in a state of change since before the existence of writing and undergone a continuous process of evolution "in which different species sometimes combine to produce new hybrids, which can in turn combine with old or new forms" (Kellogg & Scholes 11). This process is characterised by what Jay Bolter and Richard Grusin call 'remediation', or the phenomenon that occurs when a medium or form of media responds to, redeploys, competes with, and reforms other media. For instance, photography remediated painting, film remediated the novel and theatre, television remediated film and

radio, the World Wide Web and computer games remediated film, etc.” (Bolter & Grusin 129). In similar fashion, narrative has evolved and new forms have replaced, reworked, and built upon older forms of story.

In this sense technology, digital networks, and social media are changing the old patterns of narrative and moving beyond the confines of the novel, film, and radio broadcast. Now, “stories are open-ended, branching, hyperlinked, cross-media, participatory, exploratory, and unpredictable. And they are told in new ways” (Alexander & Levine 40). According to Bryan Alexander and Alan Levine, the authors of “Web 2.0 Storytelling: Emergence of a New Genre,” the current status of the Internet, online communities and various forms of content have “drastically lowered the bar for participation and publishing ... as a result, the amount of rich web media and content has grown in quantity and diversity ... out of those manifold ways of writing and showing have emerged new practices for telling stories” (42). Thus one can choose to believe narrative has seen its end but I argue that new technologies, online spaces, and popular culture are breaking new boundaries and contributing to an evolution of storytelling with intensifying political ramifications. Unlike previous remediation of narrative, new media have tremendous implications for political actors and global governance. Storytelling has always been central to politics, but we are witnessing how online narratives are fostering greater global interconnectedness and political change around the world. The consequences of online forms of storytelling are transcending the virtual world and changing the realities of governments in regions across the globe.

I am interested in how the narrative nature of social media is affecting global systems and contributing to political change around the world. I am particularly interested in how Twitter is changing how people communicate, interact and tell stories online. Twitter is a web-based microblogging service that allows registered users to send status update messages, or ‘Tweets’, to others in 140 characters or less. This new social medium has risen to prominence and is playing an increasingly important role in the lives of individuals, businesses, and politics around the globe. According to Katie Stanton, Twitter’s Vice President of International Strategy, Twitter has nearly 360 million users with approximately 460 thousand new sign ups everyday (McMillan). Clearly Twitter has captured a large segment of the world’s population, and it is allowing more people to partake in political discourses via the Internet. As a product of the ‘cyber-world of the third millennium’, Twitter adheres to the basic structures of narration while also expanding upon the traditional forms of storytelling. By evolving storytelling into a highly interactive process in the online space, Twitter has allowed anyone with a connection to the Web to become a

contributor to political discourses from anywhere in the world.

My argument is divided into two sections. First I closely analyse the Twitter application by deconstructing what it means to 'Tweet' and demonstrating that Twitter is a growth of narrative because it retains the basic principles that stories are always a "function of *someone telling something to someone about something*" (Kearney 5). In other words, Twitter is narrative in nature because it allows users to communicate emplotted stories to an audience in the public sphere. It is a forum, platform and communicative tool that brings people together within the storytelling process. As such, Twitter is inherently political and well suited for global discourses about politics, governing systems, civil rights, justice, and much more. Secondly I discuss Twitter's influence in the political arena by examining the Arab Spring Movement of 2011. I argue that the narrative nature of twitter fostered group collaboration, global communication, and political action during the revolutionary events that have taken place in the Middle East and North Africa. In short I demonstrate how Twitter transforms international relations, and discuss how this application became an important element within the political movements that reshaped global governing systems over the course of 2011.

## 'TWEETING' AND THE NARRATIVE NATURE OF TWITTER

In order to demonstrate the narrative nature of Twitter and understand the political implications of this application, we must critically analyse what exactly Twitter is, situate this application in the broader narrative of history and dissect what it means to 'Tweet.' As I mentioned earlier, Twitter is a web-based microblogging service, or "a variation on blogging in which users write short posts that are subsequently distributed to their friends or other observers via text messaging, instant messaging systems, email," and other online applications (Java, Song, Finin & Tseng 118). In accordance with the principles of microblogging, Twitter embraces the use of 'micro-content', which are "small chunks of content, each chunk conveying a primary idea or concept" (Alexander & Levine 42). Micro-content takes many forms, and these small chunks of content can be YouTube comments, wiki edits, images, or in the case of Twitter, 140 character (or less) Tweets. The Twitter website states:

At the heart of Twitter are small bursts of information called Tweets. Each Tweet is 140 characters in length, but don't let the small size fool you—you can share a lot with a little space ... You can tell your story within your Tweet, or you can think of a Tweet as the headline, and use the details pane to tell the rest with photos, videos, and other media content (Twitter, *About*).

In other words, Twitter users tell stories with individual Tweets, through a stream of Tweets, and with embedded media such as pictures, videos, and URLs that link to further content. For example, on 20 November 2011, NBC's Chief Foreign Correspondent, Richard Engel (Twitter username [@richardengelnbc](#)), Tweeted, "#egypt once again Egyptians breaking bricks, pavement for stone battles with police [yfrog.com/nvkerbhj](#)."<sup>1</sup> Using 140 characters and an embedded URL that links to a video ([yfrog.com/nvkerbhj](#)), Engel was able to tell a story about how the Egyptian people were once again preparing to do battle with police forces. This ability to mix and match written and multimedia content allows users to more fully develop their Tweets and add greater meaning, depth and insight within the small space of their microblog. Consequently Twitter is a space for sharing information and ultimately telling stories.

Through the use of both written and multimedia content, a user's Tweets can become a story. However Twitter is insignificant if we do not place it within a greater context. The individual user's Twitter feed and running narrative is merely a story within the infinite, meta-story that is history. From this perspective, the stories told and captured via Twitter are accounts of the short time span, of the 'now', and the explosive *nouvelle sonnante* ('matter of the moment') (Braudel 27). Twitter is a real-time narrative that only encompasses a small segment of history that is "proportionate to daily life, to our illusions, to our hasty awareness – above all the time of the chronicle and the journalist ... the chronicle or the daily papers offers all the mediocre accidents of ordinary life" (Braudel 28). The millions of Tweets that occur every minute, hour and day are only telling the small, explosive and oftentimes insignificant stories within a larger narrative and historical scope. The stories told via Twitter only capture a tiny sliver of that narrative and a mere piece of the broader, longer historical story.

This recognition is important because it not only situates Twitter in the larger frame, but it also highlights the role of the individual user as both a storyteller *and* *an actor* in the longer narrative of history. Seen through a broader lens of history, our lives are our individual life stories that start at birth and end at death. Each new day and year is the next chapter of a story that is constantly progressing by the events, people, and ideas that fill our lives as we grow old. Our day-to-day activities are the outcomes of our decisions as actors in a continuously unraveling historical narrative that extends beyond our individual lives. Consequently we are narrators

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<sup>1</sup> The '#symbol and following word (egypt) are known as a 'hashtag', or symbol "that is used to mark keywords or topics in a Tweet. People use the hashtag symbol '#' before relevant keywords in their Tweet to categorise those Tweets to show more easily in Twitter search ... clicking a hashtagged word in any message shows you all other Tweets in that category" (Twitter, What are Hashtags).

of many stories, but we are merely actors in the meta-story of history "which has many beginnings but no end, for the end in any strict and final sense of the word could only be the disappearance of man from the Earth" (Arendt, *Understand* 320). Upon entering this world, we begin our individual stories, but we enter into a pre-existing web of stories, relationships, and global circumstances. Thus our lives are a constant process of reconciling our existence and individual stories with the larger, pre-existing story of history.

The dual role of narrating our individual lives and reconciling our existence in the larger scope is a challenging process and one based on our interpretations of the world around us. As actors in the meta-story of life, we are witnesses to and participants in many events and a vast array of cultural, social, political, and economic phenomena. However these events and happenings only become significant when shaped by the interpretations and the stories we create. Nietzsche went so far as to say life is not characterised by the 'facts' of daily life, but rather "facts are precisely what there is not, only interpretations. We cannot establish any fact 'in itself' .... In so far as the word 'knowledge' has any meaning, the world is knowable; but it is *interpretable* otherwise, it has no meaning behind it, but *countless meanings* (my emphasis)– 'Perspectivism'" (Nietzsche 267). Each of us has his or her own perspective, and we must individually analyse, interpret, and tell our personal accounts about the events, ideas and people that surround us. This constant process of interpretation is central to the human condition and is what demarcates us from other species of animals. From Nietzsche's perspective, "the very fact that we interpret the world in interacting with it reveals that interpretation is a human need ... the human being is the only species that exhibits the quirk of trying to understand the world during our confrontations with it" (Holub 118-119). We, as humans, need to tell stories to understand life; thus we are all inherent storytellers, and social media is the latest development in a long chain of narrative remediations to help us interpret and narrate our existence. As one of the more recent forms of narrative, Twitter allows us to access information, see others' perspectives, and connect with people everywhere while also providing a medium to tell our own stories. People can use the Tweet and the Twitter application to connect with the world and to better understand their existence in a meta-narrative characterised by innumerable contingencies and unknown endings.

Twitter is naturally a narrative application because people use it to tell the stories of their lives and understand their place in the larger story. However a more in depth analysis uncovers that the narrative nature of Twitter stems directly from the specific and set structure of the application. By digging more deeply and dissecting



Twitter, one finds that the narrative nature of this social media is built into the application itself. Although users can customise their profiles, choose whom (or whom not) to follow, create lists, and communicate as they see fit, each and every Tweet is posted to a timeline (an example of a timeline is seen to the right – Figure 1). A twitter timeline is a “term used to describe a collected stream of Tweets listed in real-time order... your home timeline is a long stream sharing all Tweets from those you have chosen to follow. Newest messages are on top”

(Twitter, *What is a Timeline?*). By posting and contributing to timelines, users have the ability to create a running (and potentially never ending) stream of communication and narrative.<sup>2</sup> It is the Twitter timeline that directly contributes to the creation of the overall narrative plot, and “by plot I mean the intelligible whole that governs a succession of events in any story” (Ricœur, *On Narrative* 171). The plot strings narrative together and binds the story into a cohesive, flowing entity. In this sense, the Twitter timeline is responsible for the emplotment of the overall narrative, or the “synthesis of heterogeneous elements ... the plot serves to make one story out of the multiple incidents or, if you prefer, transforms the many incidents into one story” (Ricœur, *Life in the quest of narrative* 21). The timeline is the skeletal structure that brings it all together and ‘synthesizes the heterogeneous elements’ of one’s online story. It supports, unifies, and structures one’s Tweets into a readable stream of narrative.

In the sense that the Twitter timeline is responsible for the emplotment of one’s own narrative, it also serves to aggregate the Tweets and stories of *other* users. As an interactive and open application, Twitter allows users to enter and exit conversations, post multimedia, reply to specific topics, and make contributions to other’s timelines. In other words, users are free to add to stories all throughout



Figure 1 @Sultan Al Qassemi’s home timeline.

<sup>2</sup> Not all timelines are narrative in nature, and many streams appear to be a collection of Tweets with no discernable plot. This type of collection is a result of advertising, spam, user error, and many other occurrences. Consequently, it would be wrong to say all Twitter timelines are narratively structured, and it is for this reason that I use the phrase, “users have the ability to create a running stream of communication and narrative.”

Twitter, and their contributions are consequently “folded into the experience of the overall story from the perspective of subsequent users” (Alexander & Levine 47). These contributions bring new perspectives, ideas, developments, and actors into the story, “revealing hidden aspects of the situation and characters and engenders a new predicament ... this predicament advances the story to its conclusion ... there is no story if our attention is not moved by a thousand contingencies” (Ricoeur, *On Narrative* 174). Each addition and added Tweet progresses one’s story, pushing the narrative closer to its conclusion. In this sense, each new development directly contributes to the narrative and serves to develop the plot further. It is through this act of aggregation and process of organisation that we, as readers, can proceed towards an ending and move linearly through a story.

Without the Twitter timeline, emplotment of Tweets, and movement towards an ending, the narrative structure dissolves, and one is left with an assortment of disconnected micro-content. In other words, an isolated Tweet is nothing but raw data until placed within the greater context of the Twitter application, where it has the potential to become a legitimate story; for it is within Twitter that Tweets become the narrative objects of a specific storyteller. For example, the Tweet about the Egyptian protestors is a story because it was a narrative created and promulgated by a specific storyteller, Richard Engel. As the words of a specific narrator, the Tweet fulfils the basic tenet of narrative that “every story shares the common function of *someone telling something to someone about something*. In each case there is a teller, a tale, something told about, and a recipient of the tale” (Kearney 5). The moment a Twitter user Tweets and updates his or her status, they are telling a tale to someone with 140 characters of micro-content (and multimedia) to their followers and other users. Thus Twitter automatically satisfies the premise that “by narrative we mean all those literary works which are distinguished by the presence of a story, a storyteller” and an audience (Kellogg & Scholes 4).

Since the individual Tweet is embedded in the Twitter application, most users naturally understand that these bits of content are communicated from the user to his or her audience. However this deconstruction is useful in highlighting the importance of the storyteller/audience dynamic to the narrative nature of Twitter. Narrative and storytelling are communicative acts, and ones that require an interaction between parties. Although many stories are directed to an implied and oftentimes invisible audience, narrative *must* include a teller, a tale *and* a reader, viewer, or listener. This dynamic is central to storytelling, for the gap between narrative and life is bridged during this process of communication. When both the storyteller and audience come to exist in the common space of the story a ‘fusion of

horizons' takes place. According to Paul Ricœur:

The process of composition, of configuration, is not completed in the text but in the reader, and under this condition, makes possible the reconfiguration of life by narrative. I should say, more precisely: the sense or the significance of narrative stems *from the intersection of the world of the text and the world of the reader* ... To appropriate a work through reading is to unfold the world horizon implicit in it which includes the actions, the characters and the events of the story told. As a result, the reader belongs at once to the work's horizon of experience (Ricœur, *Life in Quest of Narrative* 26).

It is within the text, or in our case the Tweet, where the world of the storyteller and world of the audience meet. In this common space, narrative and life are one, and "we can say that stories are recounted but they are also *lived in the mode of the imaginary*" (Ricœur, *Life in Quest of Narrative* 27). Until a story bridges the gap between the world of the storyteller and their audience, "life [will be] *on the way* to narrative, but it [will] not arrive there until someone hears and tells this life as a story" (Kearney 133). Narrative essentially comes to life when the audience (be it a reader, listener or observer) enters into the world created by the storyteller and their story.

Hannah Arendt describes this fusion of horizons and coming together as an interaction that occurs within a *public* space, or "a common space of disclosure not only for those who act or actively move within it but for everyone who perceives it ... the reality of the world is its 'being common,' its being between, literally its *interest (inter esse)* for all those who, through their common sense, hold it in common" (Kohn 125). The common, public space created by Twitter and within the stories of its users manifests "something which is *inter-est*, that lies between people and therefore can relate and bind them together" (Arendt, *The Human Condition* 182). The binding nature of being *inter esse* has important ramifications because "the political realm rises directly out of acting and speaking together, 'the sharing of words and deeds'" (Arendt, *The Human Condition* 198). Consequently, Twitter is a means of creating the 'in between' where the political realm is born. Although many users use Twitter to gossip and follow their favourite celebrities, this online service also has the power to be a space where political actors, revolutionaries, journalists, governments, and politically aware individuals create legitimate political change through continuous storytelling. In the remainder of the essay, I will discuss the political ramifications of

Twitter by examining the Arab Spring Movement of 2011. Using the Arab Spring as a case study, I will demonstrate that the narratives created via Twitter have played an important role in the uprisings throughout the Middle East and North Africa by creating a space for collaboration, global communication, and *inter-est*.

## TWEETING TO CHANGE THE ARAB WORLD

Over the course of the past year, the world has followed the revolutionary story of the Arab World. This story has come to be known as the Arab Spring, and it is a tale characterised by riots, revolts, and revolutions. In December 2010, "Mohamed Bouazizi's self-immolation in protest of Tunisian police corruption served as the catalyst of a wave of revolutionary unrest" that eventually engulfed Tunisia, Egypt, Bahrain, Algeria, Lebanon, Jordan, Oman, Saudi Arabia, Yemen, Iraq, Libya, Kuwait, Morocco and Syria (Arab Spring 2011). Although each of these movements secured different ends (or is *in the process* of securing different ends), they all forcefully challenged the political status quo and changed the governing systems of the region. The major changes occurred in Tunisia, Egypt and Libya, where protestors and rebel forces were successful in ousting the longstanding dictatorial regimes of Zine El Abidine Ben Ali (Tunisia), Hosni Mubarak (Egypt), and Muammar Gaddafi (Libya). In light of these movements, the Arab Spring appears to be ushering in a new era for Arab nations, and analysts have described the movement "as a revolutionary shift toward Western-style democratic ideals and cultural trends that has been most apparent in young activists' extensive use of Internet networking services, such as Facebook and Twitter" (Arab Spring 2011). In short, the Arab World is in the process of changing at an accelerated rate, and social media, such as Twitter and Facebook, is playing a central role in this political movement.

As the action took place (and in some areas continues to take place) on the streets, the story of the Arab Spring has also been written and created online. According to the Dubai School of Government's Arab Social Media Report, "Civil Movements: the Impact of Facebook and Twitter," the approximate total twitter population of the Arab region at the end of March 2011 was 6,567,280 with an estimated 252 thousand Tweets per day, or 175 Tweets a minute, or roughly three Tweets a second (16). Although not every Tweet or user was concerned with matters of the Arab Spring, this report goes on to say that "the most popular trending hashtags across the Arab region in the first quarter of 2010 were **#egypt** (with 1.4 million mentions in the Tweets generated during this period), **#jan25** (with 1.2 million mentions), **#libya** (with 990,000 mentions), **#bahrain** (640,000 mentions), and **#protest** (620,000)" (Dubai School of Government 16). Additionally, a recent report that was published

on Twitter's official blog states that the '#egypt' hashtag was the number one most used hashtag in 2011 (Twitter's Top 2011 Hashtags).<sup>3</sup> These numbers and details clearly demonstrate that the Twitter world of the Arab region was inundated with discussions and stories about the revolutionary movements occurring throughout the Middle East and North Africa. This is not to say that television and other forms of media were not major factors (they were most likely even more important than social media) in disseminating stories, but Twitter and social media played a key role in "sending visible shock waves, like a political tsunami, through the Middle East and North Africa and beyond to different national, regional and global shores" (Cottle 649). The online narratives created in spaces like Twitter allowed people to spread their experiences, accounts, ideas, and general stories with the click of a mouse to people everywhere.

With the same click of the mouse, Twitter allows users to easily and efficiently collaborate with one another. Twitter and "new social media helped to bring into being a new space for social inclusivity, group recognition, and pluralised participation as well as different forms of political conversation and engagement" (Cottle 651). The ease with which users can come together permits people from all different backgrounds, ethnicities, genders, sexual orientations, socio-economic classes, and religions to interact and collaborate on issues of their interest. Similar to the salons of the Enlightenment era, Twitter provides a space for political discourse where individuals can raise "issues of sexuality, gender, and minority rights. Social media has enabled the masses to establish their own agendas" (Ghannam 6). During the Arab Spring, this ability to freely voice one's opinion and come together over political issues directly enabled unsatisfied citizens and individuals to challenge current governing systems and the oppressive status quo. Twitter permitted these people to tell their stories, unite, and speak out against government corruption, oppression, poverty, tyranny, and a bevy of other issues. In this sense, Twitter and social media are collaboration tools whose "long gain use has been to build up civil society and build the public sphere" (Shirkey, Slaughter and Rose). This is accomplished by contributions to the long running narrative of Twitter and by people continuously bringing their ideas, opinions, and stories into the public space. It is in the space of Twitter that people share stories and create narratives that have the potential to manifest powerful political action.

In addition to serving as a collaboration tool, Twitter also enables activists, political actors, and dissenters to tell their story to the world's reporters, governments,

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<sup>3</sup> Interestingly I was directed to this story on Facebook after one of my friends shared the link on their wall. Although I am not directly discussing Facebook in this essay, this simple example is another example of how social media is fostering the growth and evolution of our narrative processes.

and people. Twitter was “where activists went to get their messages out into the world ... [they saw] Twitter as a broadcast platform, as you would a satellite or cable provider ... in this sense, there weren’t revolutionaries so much as they were reporters, translating their struggle for the rest of us” (Hounshell). By Tweeting, users became reporters, or *storytellers*, for the world’s journalists, governments, human rights groups, and other interested parties. According to Tunisian blogger and Global Voices Advocacy Director, Sami Ben Gharbia, who operates the website Nawaat, an independent blog collective that gives voice to Tunisian dissent, “we are aggregators, putting the story into context, amplifying and then using Twitter as a main broadcast, because Twitter is the platform where journalists are following the story” (Ghannam 16). Twitter’s global reach, transparency and hyper-connectivity allow users to disseminate information and stories to millions of people with tremendous ease. For example, on 30 March 2011 Wael Ghonim (Twitter username @Ghonim) Tweeted, “#Syria Army killed peaceful protestors who are chanting ‘Army and People are united’ [extremely graphic] <http://bit.ly/gNoqyp>.”<sup>4</sup> This short story about the Syrian army killing peaceful protestors and its accompanying video footage (the embedded URL links to a YouTube video) was disseminated to each one of Ghonim’s 255, 589 followers. Furthermore, any one that searches or reads the ‘#Syria’ stream will also see this Tweet. Consequently Ghonim directly and indirectly told his story to hundreds of thousands, if not millions, of Twitter users from around the world. Through Twitter, this individual story and storyteller were capable



Figure 2 @Ghonim’s Tweet from March 30, 2011.

of promulgating a narrative that graphically showed the unjust, unreasonable, and criminal acts of the Syrian army against a peaceful group of protestors. Ghonim is merely one example of millions of Twitter users, and his actions demonstrate that Twitter stories have the capacity to cross boundaries, borders, oceans, and to reach anyone with access to the Internet.

As demonstrated by the Arab Spring movement, Twitter has enabled users

<sup>4</sup> Ghonim has been one of the more influential activists throughout the course the Arab Spring Movement, and his online presence has played a central role since the December 2010. Foreign Policy magazine named him one of 2011’s top 100 global thinkers. (Foreign Policy).

from all over the Arab world to band together to topple regimes, and it has also been a powerful means of narrating a revolutionary story to people everywhere. Twitter has brought people together into a narrative space where they have spoken and acted to create political change throughout the Middle East and North Africa. In this sense, I contend that Twitter is a modern, online version of the Greek *polis*, or “the political realm that rises directly of acting together, the sharing of words and deeds” (Arendt, *The Human Condition* 198). As Arendt states, “the polis, properly speaking, is not the city-state in its physical location, it is the organisation of the people as it arises out of acting and speaking together ... action and speech create a space between the participants which can find its proper location almost anytime and anywhere” (Arendt, *The Human Condition* 198). Furthermore, the Greeks “held that only constant talk united citizens in a polis, for in discourse the political importance of friendship, and the humanness particular to it, were made manifest” (Arendt, *Men in Dark Times* 24). Twitter was assuredly not what Arendt had in mind, but this online application is similar to the Greek *polis* in that it is a place where men and women come together to communicate, tell stories and create political action. By using Twitter, activists and protestors manifested an online *polis* “where words were not used to veil intentions but to disclose realities, and deeds were not used to violate and destroy, but to establish relations and create new realities” (Arendt, *The Human Condition* 200). In short, by acting, speaking and telling stories together on Twitter, activists and protestors created an *inter esse* for new political realities to be born.

Although Twitter and other social media outlets received a tremendous amount of attention throughout the course of the Arab Spring, it is important to recognise that these applications were not responsible for the uprising and revolutions across the Middle East and North Africa. However Twitter and social media did provide an ‘in between’ space, or *inter esse*, for political actors, protestors and revolutionaries to communicate, collaborate and tell stories. For Clay Shirkey, the distinguished new media and Internet guru from New York University, “this is the step in which the Internet in general, and social media in particular, can make a difference ... it allows people to privately and publically articulate and debate a welter of conflicting views” (Shirkey 6). In this sense, Twitter users were both storytellers communicating with their audiences as well as political actors interacting in a political realm created by their acting and speaking together. As the Arab Spring has proven, the online *polis* of Twitter is a space out of which has come revolutionary and progressive political change.

## CONCLUSION

Since Twitter and other social media has seen so much political success, there is no evidence to prove that these technologies will fade anytime soon.<sup>5</sup> Rather, they will continue to grow and evolve in places like the Arab world where the region's young population and "increasing penetration rates have pushed social media to play a growing role in political, societal, and economic developments" (Dubai School of Government 24). This goes to show that technology and social media like Facebook and Twitter have come to be a part of many lives and are directly influencing the way people live. People are living dual lives in which life takes place both in the physical world and the online space where social media is changing "what we do, how we live, how we organise living together, what we value, and who we are. It mediates our relation to the world: it changes the way we interpret the world and the way we act" (Coeckelbergh 128). In other words, Twitter and social media are changing lives and having an impact on how we tell stories as well as how we narrate own lives.

Consequently I think it would be a tragic mistake to presume that the 'cyber-world of the third millennium' has brought an end to narrative. Instead Twitter has 'remediated' older forms of narrative and fostered the growth of new methods of storytelling. Narrative is merely changing, and "old stories are giving way to new ones, more multi-plotted, multi-vocal, and multi-media" (Kearney 126). The Internet and social media are not bringing an end to the narrative arts, but rather challenging people to adopt new methods of telling stories. It is on sites like Twitter and Facebook that people are telling new stories in new narrative forms. Furthermore, it is by acting, speaking and telling stories together in these new online spaces that people are creating new political, social, and cultural realities.

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<sup>5</sup> Facebook's popularity has only grown stronger since its inception, and last year Mark Zuckerberg's social network grew by 172 million users – where 12.8 million people opened accounts in Africa, 4.5 million in the Middle East, 63 million in Asia, and 43 million in South America (Internet World Stats). Facebook usage and global penetration rates have nowhere to go but up because the worldwide web is also experiencing patterns of exponential growth. The number of people online across the globe grew 528 percent in the period from 2000 to 2011, and it was in non-western regions that the greatest growth has taken place. Non-western Internet use grew by the following percentages in the years from 2000 to 2011: Africa – 2,988 percent; Latin America – 1,205 percent; the Middle East – 2,245 percent; and Asia – 780 percent (Internet World Stats). In short the Internet is rapidly becoming a factor in everyone's lives, and social media will only grow more popular as the worldwide web further extends its reach.



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# The Remedial Right of Secession in International Law

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## INTRODUCTION

Secession and self-determination are two of the most contested issues in international affairs. Even as President Wilson endorsed the concept of self-determination, his own Secretary of State expressed concern that it would escalate into an unmanageable cascade of instability. The ensuing debate culminated in a widely accepted view articulated by Secretary-General Thant in 1970: “the United Nations has never accepted, and does not accept, and I do not believe it will ever accept the principle of secession of a part of its Member State” (UN Chronicle 2). Many scholars have also declined to interpret self-determination as an enforceable right, separating self-determination from the concept of partition. But is this really settled law? Does international practice really decline support of secession? Recent endorsement of South Sudan’s breakaway and the internationally administered secession of Kosovo raise doubts. A study of this nature is timely, considering that ethnonational secessionist claims undergird almost 50 intra-state armed conflicts worldwide and secession is more common today than ever before. Considering Hewitt, Wilkenfeld and Gurr’s study reveals that, “independence minded groups are more likely to fight wars than groups with other objectives,” it is vital that scholars and practitioners embrace creative conflict resolution strategies for cases in the future” (Hewitt et al. 3). The purpose of this article is to identify the exact legal standing of secession, situate current practice in the context of secession theory, and then ultimately determine how the international community should respond to secession in the future.

Section one reviews the existing instruments of international law that deal with the issue of secession. This sets the foundation for an institutionally centered discussion of secession, as opposed to ethereal philosophising. The nature of

the subject is more productively discussed in an institutional vernacular, focused upon law and precedent. I argue that precedents set by the International Court of Justice (ICJ) have understood self-determination as the externally recognised self-governance of an insular, often oppressed, minority. Simply put, the ICJ has sanctioned secession as a tool to punish human rights violators and free oppressed peoples.

After identifying current practices of secession, section two proceeds as a discussion of first principles, centering on the theoretical debate between those who maintain secession as a primary right of a people and those who view it as a last ditch effort to preserve human rights. The section uses the international legal concepts of *erga omnes* and *jus cogens* as criteria to determine which school of thought most successfully upholds human rights. The crux of the matter is whether possessing a state is a universal right or if groups may only secede in response to human rights violations. Using *erga omnes* and *jus cogens* in this manner provides institutionally based criteria to judge philosophically-rooted schools of thought. The ultimate finding is that an 'ideal' formulation of secession is not so distant from the current legal practice. Section three builds on this conclusion and charts a path forward, linking theory and practice together for better policy in the future.

## WHERE ARE WE? SECESSION AND THE COURTS

The legal discussion of secession is informed primarily by the rise of self-determination as a legal principle. In fact, there are competitive versions of self-determination. During the decolonisation process, self-determination was associated with a colonised people being freed from colonial institutions and establishing their own territorial government. However, examples soon emerged that confounded this definition. After the British left India, it became clear that Pakistan and India had divergent aims, which culminated in a violent partition; Bangladesh would later split from Pakistan in a similarly bloody manner. These examples, combined with the partition of North and South Sudan in 2011, indicate that a strictly anti-colonial definition is far too limiting; peoples with no prior history of direct colonial rule have seceded and received recognition. One could thus argue that secession is a function of external self-determination regardless of colonial past. On the other hand, one could argue that self-determination has merely internal qualities such as the right of a people to freely associate within their group, even if they are in a multiethnic state (Moore 1-14). For instance, Jan Klabbers has stated that self-determination has "evolved into a right of peoples to take part in decisions affecting their future" which is not secession, but some sort of democratic consociationalism

(Klabbers 189). What is the correct interpretation, from an international standpoint, of secession?

Foundational documents of international law make reference to the right of a people to govern themselves, the most prominent examples being the League of Nations Charter, the Universal Declaration of Human Rights (UNDHR) and the Declaration of the Granting of Independence to Colonial Countries and Peoples. These documents each expand the legal claims of self-determination to all peoples. It therefore becomes imperative to genealogically trace the right of self-determination, and to determine under what circumstances peoples may seek external sovereignty and not merely internal arrangements.

The principle of self-determination quickly became a cornerstone in the normative development in the field of human rights (Brownlie 228). Recognising the “yearning for freedom in all dependent peoples [who have a] right to freely determine their political status,” the UN has endorsed the concept that subjugated groups have the right to ‘replace their status’ with one of freedom (United National General Assembly Resolution 217A). The International Covenant on Civil and Political Rights also recognises an inherent right for ‘national’ self-determination, while Article 15 of the UNDHR affirms nationality as a fundamental human right. From the standpoint of international law, nationality and self-determination are the rights of individuals as well as solidarity or collective rights, as the Civil and Political Covenant indicates. This interpretation seems congruent with how the International Court of Justice refers to the right to self-determination, which defines it as “a right held by people rather than a right held by governments alone” (International Court of Justice, Advisory Opinion 12). The documents indicate that, as a collective right, peoples have a legal claim to their nationality and their status within a governmental institution. Yet to fully understand how these claims function legally, we must turn to precedent as a guide.

One of the first advisory opinions issued by the Court concerned the colonial mandate relationship between South Africa and what is now known as Namibia (South-West Africa). Spanning from 1950 to 1971, the ICJ issued several opinions concerning the unequal apartheid-style development in Namibia, where white South Africa imposed restrictions and limitations solely upon grounds of national and ethnic origin. In 1966, the General Assembly, followed by the Security Council ordered the termination of the South-West African mandate, which was ignored by South Africa. The final opinion issued in 1971 by the Court confirmed that Namibia should be free from apartheid policy and recognised as an independent state. Namibia (1971) treats self-determination as an enforceable, tangible right – much

more than any nondescript “right to be taken seriously” (Klabbers, 186). With much flourish, Judge Ammoun concurred with the opinion, citing that no fewer than fifty-five states became independent since World War II because of how a principle of self-determination ‘matured’ with the ‘blood of the peoples’ (International Court of Justice, *Namibia* 69). Though the central issue of *Namibia* was not whether or not secession was legally justified, the case sets a strong precedent of support for persecuted peoples desiring self-governance – not one imposed from above. *Namibia* sets the stage for understanding self-determination as a way of giving self-governance to people violently denied it.

In *Western Sahara* (1975), the court again refrained from condoning splitting up a state, but indicated that there is a strong legal claim for “the principle of self-determination as functionalised in the free and genuine expression of the will of the peoples of [a] territory” (International Court of Justice, *Western Sahara* 68). This penultimate line of the opinion inherently democratizes the concept of self-determination, but its application is also unique to a territorially defined group. The example of *Western Sahara* indicates that a people can lay claim to territory and, more importantly, remain free from outside intrusion – a key function of external sovereignty.

Some scholars maintain that *Western Sahara* teaches a different lesson. Jan Klabbers argues that the court uses the term ‘principle’ as opposed to ‘right’, as a signal that self-determination does not have *erga omnes* implications, but operates as a suggestion (Klabbers 186-206). This interpretation misses two key facts. First, the court referred to “the principle of self-determination as a right of peoples” indicating that the ICJ understood self-determination to be a right of peoples codified by legal precedent stipulated in prior UN documents (International Court of Justice, *Western Sahara* 38). Second, *Western Sahara* was meant to assist the General Assembly in determining sovereignty over a decolonised territory amidst competing territorial claims. The fact that the court concluded by highlighting the right of self-determination of peoples within a territory shows that there is an intrinsic standard linking territory to the right of self-governance. Thus, by 1975, the court had thus made two key decisions that tie territorial claims to the notion of self-determination, making such a right much more than simply internal democratic recognition of subnational groups.

Eleven years after *Western Sahara*, the court was asked to decide the merits of a dispute between Mali and Burkina Faso based upon the principle of *uti possidetis* (territory remains with possessors after war). The court’s opinion in *Frontier Dispute* (1986) was significant because it defined peoples entitled to self-determination as

those who possess a reasonably defined area of land. Land possession is again a key defining characteristic of self-determination – consistent with *Western Sahara* and *Namibia*. *Frontier Dispute* goes further than these cases, however, by implying that a self-determining people have an intrinsic right to govern their heritage-land, reinforcing General Assembly Resolution 1514 which highlights the right of a collective people to freely determine their political status. The factors necessary to prove that a people have the right to external self-determination are fairly well defined by *Frontier Dispute*: First, a history of independence or self-rule in an identifiable territory; second, a distinct culture, and third, a will and capability to regain self-governance.

Finally, *East Timor* (1986) consolidates the above understanding of these matters. The dispute in question between Portugal and Australia was ultimately dismissed, though not before the court reaffirmed that the right to territorially based self-determination was a right *erga omnes*. The court found specifically that:

...the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character, is irreproachable. The principle of self-determination of peoples has been recognized by the United Nations Charter and in the jurisprudence of the Court ...; it is one of the essential principles of contemporary international law (International Court of Justice, *East Timor* 102).

The principle of *erga omnes* mandates that territorial self-governance of a people is fundamentally incumbent on the international community to protect, even perhaps above state sovereignty in some instances.

The UN Human Rights Committee General Comment 12 endorses this view of self-determination as a right to be protected for everyone *erga omnes*. Yet, the committee applies the standard even more forcefully than the ICJ does in *East Timor*, stating, “the obligation exist irrespective of whether a people entitle to self-determination depends on a State party to the Covenant or not.” Taking the Committee’s comment in tandem with the *East Timor* decision implies that not only are signatory populations entitled to govern the territory in which they reside, but even if a rogue non-signatory state denies the people their right, the standard applies. In essence, not only is self-determination a right *erga omnes*, but also has a *jus cogens* character as well.

These cases outline a clear evolution in the understanding of self-determination. First, *Namibia* demonstrates that self-determination is a critical



element of international law relating to people suffering from poor or oppressive government. Second, *Western Sahara* demonstrates that the right of a people to self-determination is a codified legal principle, tied directly to the land they identify with. Third, *Frontier Dispute* makes clear that not only do peoples have a self-determination right tied to land, but that they also have the right to govern that particular territory according to their general will. Fourth, *East Timor* finalises the status of self-determination by classifying it *erga omnes* – placing it on par with the rights of people to be free from torture and genocide. Especially after the Barcelona Traction case, which expanded the use of *erga omnes* rights to stand above the state claim of sovereignty, it is not a leap to maintain that the right for a people to possess and govern their own land trumps the principle of territorial integrity.

Occurring at the same time as *Western Sahara*, the Helsinki Final Act (1975) presents an interesting take on secession as a function of self-determination claims. As a major document of understanding between two superpowers, the few times *Helsinki* mentions self-determination should contribute significantly to a textual understanding of the issue in international law. In Section Eight, the agreement stipulates that self-determination possess both internal and external attributes, with an understanding that, “all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.” Not only do people have a right of self-determination *erga omnes* and *jus cogens*, but that right is defined by a decision about territorial governance and external political status, without interference.

Although internationally sanctioned secession seems to function as a primary right of peoples independent of state-led oppression, international bodies have stopped short of endorsing such a policy. Several decisions and treaties have limited the application of self-determination as external sovereignty or secession. For example, the Badinter Commission was established in 1991 to answer the legal questions arising from disbanding of the Socialist Federal Republic of Yugoslavia. There are two important lessons from the Badinter Commission for the purposes of this study. First, the very existence of the commission sets a precedent for international involvement in the issue of secession. In light of the commission, the international community has a special obligation to establish such commissions as the cases arise. Although some have maintained that the Badinter Commission was designed only apply to cases of dissolution, not secession, a closer examination of the sequence of events reveals that Croatia and Slovenia left the Socialist Federal Republic of Yugoslavia (SFRY) a month before the commission recognised that the

SFRY was in a process of dissolution; this indicates the observed events were actually secession, not dissolution (Radan 74).

A second lesson from the Badinter Commission is the issue of territorial integrity in the context of secession. The "Opinion Three" of the commission examines how frontiers are to be legally conceived at the point of secession. As previously mentioned, the commission was working under the legal precedents of *Western Sahara*, *Namibia*, *Frontier Dispute* and *East Timor*, as well as the Helsinki Final Act. The Badinter Commission determined that the borders of a seceding state are to be determined based upon the principle of *uti possidetis*, where the "existing internal federal borders of such federal units are transformed into international borders of the new state" (Radan 52). Although Peter Radan and others have argued that Opinion Three is legally unsound, existing precedent reveals it to be a logical extension of over 50 years of international case law. This principle of maintaining internal borders as the new international frontier, in the event of secession, has become a widely accepted international law. The decision of the 1998 Canadian Supreme Court 're: *Québec*' articulates a similar approach to the question. Although the conclusion of this case was that it would be illegal for Québec to secede, the Canadian Supreme Court argued that if secession were legally recognised, international law would mandate that the internal borders would be the new international boundaries. Such was the case in four newest additions to the international community – Kosovo, Montenegro, East Timor, and South Sudan. Territorial governance and control is thus consistently a judicially recognised function of self-determination. The precedent for territorial separation from a state has been set very clearly. But under what conditions may a group legally secede?

While affirming the territorial governance aspect of self-determination, the Canadian case argues something that goes back to *Namibia*. The Canadian Supreme Court determined the illegality of secession based on the lack of 'incompatibility' between the central government and the Province of Québec; that is to say, the two governments worked well together. Quebecers were not oppressed by the central government, and maintained complete internal authority over language, education, cultural programs, and social development – those aspects of self-determination identified in *Helsinki*. In essence, because Quebecers exercised full and uninhibited internal self-determination, there was no need for external self-determination. Some sort of harm must be done for a population to be granted external recognition of its status. Case-studies of international law thus identify the following five principles:

1. Self-Determination is a right of peoples, not merely a legal principle. (UNDHR, UNCESCR, Declaration on the Granting of Independence to Colonial Countries and Peoples)
2. Self-Determination belongs to those peoples who have been oppressed in some way (*Namibia*) and may be displayed as external sovereignty if there is harm being done by the center to the periphery Québec.
3. The Right to Self-Determination is linked directly to a defined and discrete territory (*Western Sahara*).
4. A Self-Determined people, living in a discrete territory have a codified right to govern said area according to the general will of that group (Frontier Dispute).
5. The right for a people to govern their territory and determine their internal and external status is a right *erga omnes* and *jus cogens* (the Helsinki Final Act and *East Timor*).

These core practices of international law seem to support only one conclusion: the abuse or neglect of minority self-determination by denying their territorially based self-governance is a supreme violation of human rights which must be protected by the international community. Although international law has stopped short of explicitly endorsing a *primary right* of a group to secede via plebiscite, these five principles indicate that secession is not only legal, but also imperative, if it is to remedy some sort of harm. It would seem that external self-determination can be a remedial exercise if a population is denied internal self-determination. The next section seeks to determine whether or not this status quo is sufficient to protect internationally defined universal human rights, or if a different system should be devised.

### WHERE SHOULD WE BE? THEORETICAL 'FIRST PRINCIPLES'

Many scholars have contributed to a moral understanding of secession, but it is important to identify the main themes in this literature to determine whether or not current international precedent is on track or needs significant revisions in order to fit an appropriate normative model (See: Norman; Moore; Buchanan; Copp; Falk). There are two fundamental understandings of the issue. Just Cause or Remedial Rights theorists, like Allen Buchanan, maintain that secession is not justified except in cases of extreme abuse by a majority against a territorially concentrated minority. In contemporary international law, Just Cause theorists would be interested in partitioning states as a measure of protection for a minority population and would not be interested in breaking up a state that is democratically considerate of the

minority territory. Choice Theory or Primary Right theorists, on the other hand, argue that secession is justifiable via association or ascription, through the mechanism of plebiscitary vote. Both strains of Choice Theory maintain a system where secession is nominally easy to accomplish for a group. Ascriptive Group Theories most often occur with a flare of ethnonationalism, concentrating on shared cultural characteristics and mutual heritage of history and language as justification for a split (See: Copp; Margalit). 'Associative Group' theorists, most notably, Daniel Philpott and Kai Nielson, liken the moral calculus of secession to that of a no-fault divorce. Nielson and Philpott make the argument that democracy and secession are intrinsically linked together on a philosophical level, and consequently, these scholars advocate that secession should be a natural process of self-determination.

Given the discussion thus far, we turn to the moral debate on secession, summarising how each school of thought fits into the international law framework by posing two fundamental questions. First, does the theory provide a framework that matches basic moral obligations of international law? For this criterion, we are concerned primarily with established moral codes among nations, which are the most accepted norms in the international community: *erga omnes* (rights deserved by all) and *jus cogens* (a norm from which no derogation is permitted). Second, does the theory provide an institutionally plausible and workable mandate for international actors? In other words: is it feasible to design an institution around the ideal? Can we bridge theory and practice? This consideration is secondary because moral questions are needed to help design institutions; the 'institutionally sensible' criterion does not explain how the concept of secession *should* function. As pointed out by primary right theorist David Copp, "to answer in a morally tenable way the question whether there ought to be an international legal right of secession, we need first to be clear about the conditions under which a group would have a moral right to secede" (Copp 222). The next section outlines such moral conditions for secession as defined in international law.

### SECESSION AS *ERGA OMNES* AND *JUS COGENS*

*Erga omnes* are those rights that are universally applicable and enforceable. Such rights are distinct from contractual rights, where penalty can only be appraised upon a contracting party and enforced by the power of the other. Similarly, the term *jus cogens* holds the highest hierarchical position in international law and is generally referred to as a preemptory norm from which no derogation is permitted. According to the Vienna Convention on the Law of Treaties, any treaties or acts of states that conflict with these preemptory norms are void and punishable by Security Council

action. Although such obligations are not found in a single document, there is widespread consensus that *jus cogens* obligations that are *erga omnes* include bans on piracy, genocide, torture, and slavery. Most importantly, the norms are universal and binding to all persons and states, whether they are party to treaties on the issue or not. We have already established that several instruments of international law have treated aspects of self-determination with *erga omnes* characteristics. But does this extend to secession? Is an external self-determination *erga omnes* independent of any sort of internal harm being caused by the central state? Primary Rights theorists answer affirmatively.

Primary Rights theorists outline their case parsimoniously: Minority groups have a moral right to secede if they meet certain criteria. Scholars like Daniel Philpott argue that a plebiscitary vote of a concentrated minority territory is necessary. At the same time, should that group be determined to abuse the rights of their own minority groups – for example, Transdnestria partitioning from Moldova yet violating the minority Roma population within Dnester – then, Philpott maintains, they cannot make a legitimate claim to secede (Philpott 79). Such a viewpoint is rooted in a classical understanding of liberal autonomy and the harm principle. According to primary rights theorists, the state is a mirror of the autonomy of individuals and should apply the same democratic principles in relation to break away regions that it would in a referendum setting. Put more precisely, Philpott’s normative value placed upon autonomy anchors the case for democratic governance and for a primary plebiscitary right to secede without first receiving injustice (Buchanan 16).

While understanding choice theory through the lens of autonomy might be conceptually helpful, it masks the deeper and more banal claims of this school of thought: Primary Rights theorists believe that groups have a right to secede simply if they have the preference to do so. As Copp explains, these “theories do not require that a group with the right to secede have been treated unjustly” (Copp 224). A group has a general right to secede in case it is a society that is both ‘territorial’ and ‘political’ in nature, capable of being able to successfully secede and form a viable state.

Primary rights theorists can thus be said to advocate for a system where a rump state must prove that: 1) a minority group wants to be a part of the state, 2) that those attempting to secede do not constitute a viable society, 3) that such people do not constitute any political organisation, and 4) that they do not possess territory. The burden of proof rests on the majority trying to keep counter-balance the exercising of self-determination by the minority (Nielson 103). This represents a problem of institutional implementation: if the burden of proof rests on the

state-proper, then perverse motives exist for a state to brutally repress any signs of ethnonationalist organisation. It is imaginable, under these criteria, that a state would see even ethnic celebrations and festivals of solidarity as a potential threat to its rule. If all a state must do to retain territorial integrity is to prevent a regional group from possessing land and political organisation, there are a myriad of political tools available to state-rulers, from forced assimilation to genocide.

On a first principle level, does the Primary Right theory mesh well with the preemptory standards of *erga omnes* and *jus cogens*? The first theoretical problem that Primary Rights theorists encounter is that they seem to be arguing for the merits of statehood, rather than the rights that possessing a state afford to its citizens. To be clear, the possession of a state, or sovereignty, is not a human right, but rather, as articulated by the Responsibility to Protect (R2P) doctrine, is dependent on respect for human rights (Garrigues 2). States provide means to exercise individual and collective autonomy. As the UN Human Rights Committee has indicated, self-government of a people is an 'essential condition' for the exercise and observance of other rights. On an institutional level, then, the UN has determined that the responsibility of a state encompasses the protection of rights. The breakdown of state legitimacy occurs at the point where it fails to protect and promote the rights of its inhabitants. In the case of self-determination, when states restrict the right for a territorially defined people to determine their own political status, they have failed in a primary duty. A minority has no *erga omnes* right to statehood and states have *no jus cogens* responsibility to provide statehood to populations. The only actual *jus cogens* obligation of a state concerns its treatment of the people.

It would seem that any *erga omnes* applications of a primary right to secede would be procedurally impossible, since there are no definitive standards on who deserves a primary right to secession. David Copp's suggestion that only territorial 'societies' can secede is nothing more than an arbitrary standard. Copp also asserts that secession is morally justified only if there is some significant chance of success. Yet, if a group does have a primary right based on their autonomy as suggested by Copp and Philpott, this 'chance of success' principle is inherently unjust, because it hinges the exercise of a human right upon pragmatic calculation. In addition, such a standard changes the moral status of secession on a case-by-case basis. If *erga omnes* rights and *jus cogens* obligations mean anything, they mean that the principles are constant, predictable, and stable – they certainly do not change based upon the winds of pragmatism.

Remedial Right theorists, on the other hand, outline exactly when secession is morally justifiable. A group has the right to secede if the physical survival of its

members is threatened by actions of the state. In essence, a group of people has no right to secede simply because it possesses land and wants political independence – there must be documented cases of extreme harm being inflicted on the people in question. Such a use of secession arises as a response to serious grievances (Moore 41). For Remedial Rights theorists, secession is not a right in and of itself – it is a last ditch policy designed to protect other *erga omnes* rights, which bind states *jus cogens*. Secession is therefore useful because it can effectively force a state to respect the ‘soft’ self-determination of a minority. In the same way that possessing a state is meant to foster individual human rights, the pursuit of a state through secession is meant to achieve a larger goal than simply partition of a sovereign state – it is about protecting rights. This argument seems to mesh quite well with consensus understandings of how *erga omnes* rights function. In the case of state support of torture, war, genocide, or other crimes, the international community has taken steps to advocate for the protection of the people in jeopardy. Considering the precedents discussed in the section above, and the functionality of *erga omnes* rights, it makes sense to conclude that remedial rights theorists would view the policy of secession akin to peacekeeping operations.

The Remedial Right to secession could also be implemented at an institutional level quite easily: The ICJ could simply determine whether or not a claim was justified based upon whether or not the rump state acted appropriately in regards to their *jus cogens* obligations. In cases like Sudan, where the government has engaged in a consistent policy of ethnic war, remedial criteria would conclude that the South has the moral right to secede. In cases like Québec, where the Canadian government has granted vast autonomy and procedural equality – which we could label ‘soft self-determination’, the remedial criteria would conclude that Québec has no moral claim to any sort of hard, external self-determination.

An additional distinction between the remedial school and primary right school is appropriate here. The requirements outlined by primary theorists for justified secession present a problem of institutional implementation. The primary rights school opens a dangerous Pandora’s Box of potential genocide at worst, and denial of language and culture at the best. If ascribed identity groups have a right to leave at any time, the state has a perverse incentive to violently root out those who would advocate for such a partition. Elimination of ‘otherness’ and denial of voice becomes a primary means of rooting out those identities that might claim a primary right. Remedial implementation offers the exact opposite scenario: Territorial integrity is a reward for proper treatment of minorities and is revoked for repression. If fully recognised, the remedial right of secession would guarantee that,

if a state sought to repress a minority through violence, it would be assured to lose sovereignty over the very frontier they hoped to retain – almost functioning as an extension of R2P.

### WHERE CAN WE BE? CONTINUING AN INSTITUTIONAL FRAMEWORK

If the remedial school of thought is correct and secession is to be granted only in cases of *jus cogens* violations, then how far away is the legal status quo from instituting this first principle? Specifically, what must be done in order to align theory with practice? As it turns out, there are realistic strategies that can be pursued to accomplish this.

The case of South Sudan highlights how a remedial right understanding of secession fits perfectly within the existing framework of international humanitarian law. Hardly any institutional change is necessary to institutionalise the principles of remedial secession. The cases discussed above indicate that a foundation has been set for understanding secession as the external manifestation of self-determination, especially in the context of protecting populations from harm. Certainly the discussion on case law in section one supports this view as well. One minor change, however, may clearly demarcate the ending of the primary/remedial debate, and usher in a new era for the international community on the issue.

On 27 November 1961 the UN passed resolution 1654 which established a special committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. After the committee reviewed over 50 cases of occupied territories, the General Assembly abolished the committee in 1964. A wise first step towards linking the UN agenda on human rights to current international law would be to resurrect this now defunct oversight committee to review the situation of non-self-governing peoples. As we saw in discussion on the Badinter Commission, the international community has certainly played this role before. This group would provide the independence and management necessary to fully map secessionist claims and provide a supporting architecture. This committee would not arbitrate cases, but, keeping in mind that remedial claims come with high levels of violence and war crimes, seek to document the humanitarian case against the rump state. Likewise, the committee could track the behavior of the seceding state. Just as other human rights issues like slavery and rights of women have Special Representatives or committees that examine abuses, a committee looking to map secessionist claims would have a specialised agenda and would have regional specialists to support its mandate. Establishing a new oversight mechanism is important, since existing international bodies such as the Committee Against Torture and Committee



of Human rights exist to promote and monitor existing conventions. Since no such convention exists for secession, a new framework based upon the cases discussed above is necessary. After an arbitrating body like the ICJ grants a partition based on evidence accumulated, this committee could turn its attention to socialising the new state into the international community. In addition, to hasten the consolidation of secession as a remedial right, the ICJ could establish special rules of standing for those self-determined populations who have been persecuted in some way.

## CONCLUSION

The debate about the right of secession in international law is coming to an end. ICJ precedent indicates that while there is no 'primary' right for a population to secede, the international community has taken the steps to endorse secession when a state commits crimes against humanity against a territorially concentrated minority. This situates existing case law firmly in the remedial rights camp. By evaluating secession theory through the lens of *erga omnes* and *jus cogens*, this article has attempted to argue that theory and practice are generally congruent and that they are situated on the side of a remedial justification for secession. As seen in both Kosovo and South Sudan, secession became the option of last resort for the international community, once it was clear that rump states of Serbia and Sudan had committed serious crimes. Internationally recognised secession, therefore, operates akin to the R2P doctrine, where sovereignty and territorial integrity are dependent upon upholding the rights of citizens.

Although outside the scope of this study, future scholarship should concentrate on fundamental questions resulting from a remedial view of international law on secession. For instance, more work needs to be done determining what constitutes justified secession. What, precisely, is the threshold of atrocities and abuses at which the international community recognises the need for secession? The cases discussed here suggest a fairly high threshold for violence. After further study and theoretical development, some scholars may determine that the necessary preconditions for secession should include violations of a less arduous character. To this end, it may be prudent for the international community to establish an arbitration commission to address the unique claims of self-determination. Even if such a body is never constructed, however, it will be difficult to reverse several decades of legal development on the issue. The international community, wittingly or not, has created a legal norm around the concept of self-determination that endorses secession as an answer to rights violations.

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# La Birmanie dans la mire indienne : une analyse néolibérale

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## INTRODUCTION

L'état actuel des relations indo-birmanes résulte de plusieurs siècles d'interactions complexes et délicates. L'influence indienne sur la Birmanie<sup>1</sup> a joué un rôle politique, culturel et religieux particulièrement important pour le développement du pays. Annexée à l'empire indien par la Grande-Bretagne, la Birmanie connut une immigration indienne importante. La minorité indienne a toujours attiré la méfiance des Birmans car elle était chargée des services publics et de la coercition étatique (Lall 424-446). Par exemple, sur le territoire de la Birmanie britannique, c'étaient les Indiens qui étaient chargés du maintien de la paix. En tant que propriétaires terriens et administrateurs pour les colons britanniques, les Indiens se sont attirés le ressentiment de la population locale. Les Indiens ont joué un rôle dans la naissance du nationalisme pour les Birmans désireux de bénéficier eux-mêmes de ces privilèges socio-économiques. Néanmoins, entre l'indépendance des deux États<sup>2</sup> et le coup d'État de la junte birmane en 1962, l'Inde et la Birmanie entretenirent des relations cordiales. Aux yeux de Nehru, U Nu représentait un leader précieux pour le mouvement des nations non-alignées et pour le développement de la région. Le coup de 1962 met un terme à ces échanges amicaux : U Nu se réfugie en Inde avec d'autres opposants à la junte. À partir de ce moment, dans un idéalisme traditionnellement nehruvien, l'attitude indienne vis-à-vis de son voisin non-démocratique devint fermée.

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<sup>1</sup> La décision d'employer le terme Birmanie plutôt que celui de Myanmar peut être questionnée. Nous avons choisi d'employer l'appellation habituelle de Birmanie puisqu'il s'agit, sur le plan linguistique, de l'utilisation correcte de la sémantique francophone (Defert 2008). Sans entrer dans la question des enjeux politiques, nous tenons également à rappeler que le droit de la Junte à prendre des décisions comme celles de renommer le pays est remis en question par le résultat des élections de 1990, et que le nom de Myanmar peut être considéré comme invalide par le droit international s'il a été donné par un régime illégitime.

<sup>2</sup> Celle-ci se fit à quelques mois d'intervalle : en août 1947 pour l'Inde et en janvier 1948 pour la Birmanie.

La politique birmane de l'Inde allait être une politique d'évitement moralisateur<sup>3</sup> jusqu'au début des années 1990. Pourtant, à partir de 1993, l'Inde adopta une attitude plus conciliante et ouverte envers la junte birmane. À l'arrivée du nouvel ordre mondial, de nouvelles considérations stratégiques apparurent, accompagnées de nouvelles possibilités pour les économies asiatiques en pleine expansion dans le Sud-Est. Dans ce contexte, il convient de se questionner sur le raisonnement qui poussa les décideurs indiens à changer aussi radicalement leur attitude vis-à-vis d'un régime qui avait tout pour leur déplaire cinq ans plus tôt. Il est toutefois important de préciser que cette analyse porte sur les relations entre les deux pays pendant les deux dernières décennies et ne prend pas en compte des changements récents qui ont caractérisé la politique birmane.

En présence d'un revirement de politique aussi radical, la théorie néolibérale des relations internationales nous a semblé particulièrement appropriée pour l'interprétation. Dans le cadre de cette analyse, nous nous pencherons sur le changement des intérêts de l'Inde telle que perçue par les leaders indiens qui ont modifié leur politique birmane. L'approche néolibérale nous a semblé particulièrement appropriée pour observer ce cas. Comme elle se base sur l'importance des gains relatifs pour les États, elle permet d'inclure les considérations économiques et culturelles dans le calcul des avantages d'une modification de politique étrangère (Cashman 1993). Cette analyse se base notamment sur la théorie des jeux explicitée notamment par Shubik. Lorsqu'on considère que les relations internationales sont un jeu à somme non-nulle, la coopération interétatique présente un avantage comparatif important. La théorie néolibérale permet donc aussi d'expliquer la redéfinition des intérêts de l'Inde sur cette période de temps face à la possibilité d'avantages comparatifs liés aux relations pacifiques interétatiques et à la naissance de relations commerciales, lorsqu'on considère les définitions données par les deux grands théoriciens néolibéraux (Keohane et Nye 368). Ainsi, l'évolution de la politique birmane de l'Inde s'expliquerait par plusieurs possibilités de gains à des niveaux autres qu'absolus. C'est d'abord un mélange de considérations stratégiques et sécuritaires qui ont poussé le gouvernement indien à adopter une politique de coopération avec la junte birmane. La place des considérations économiques est importante, mais resterait secondaire. Cette recherche ne se veut en aucun cas exhaustive; la question des relations indo-birmanes présente plusieurs aspects que nous ne pourrions pas explorer dans cet article.

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<sup>3</sup> Cette politique allait entre autres être validée lors de la crise pro-démocratie que connut la Birmanie en 1988. Pendant cet événement, l'Inde réaffirma sa sympathie pour la cause de l'opposition birmane menée par Aung San Suu Kyi, qui maintient des liens très proches avec le gouvernement indien. (Egreteau, *India's Ambitions in Burma: More Frustration than Success?* 936-957).

Pour vérifier notre hypothèse, une analyse d'articles scientifiques et de communications médiatiques pertinentes a été conduite. Ainsi, nous commencerons par observer les implications sécuritaires d'une amélioration des relations indo-birmanes : le problème de la frontière du Nord-est sera abordé, incluant celui du trafic de drogue. Ensuite, nous porterons notre attention sur les considérations stratégiques de l'adoption d'une nouvelle politique extérieure : nous nous concentrerons évidemment sur la question des tensions causées par les relations sino-birmanes, mais aussi sur la protection des intérêts indiens. En dernier lieu, nous ferons une analyse des facteurs économiques qui ont joué un rôle dans ce cadre, tel que la politique de développement oriental de l'Inde et les projets financiers développés entre les deux États. Chaque section se terminera par un bilan des politiques de coopération face à la situation en 2012.

## LES PERCEPTIONS SÉCURITAIRES

L'analyse des considérations sécuritaires d'un État donné doit prendre en compte la protection de divers intérêts à l'étranger et leurs effets sur la politique intérieure. Nous analyserons donc ici deux aspects des relations indo-birmanes qui peuvent avoir un effet déstabilisateur pour le gouvernement indien. La manière dont ces enjeux sont perçus comme menaçant la sécurité interne de l'État indien a modelé le type de réponse.

### *Le problème de la frontière du nord-est*

Les tribus du Nord-Est de l'Inde sont composées de plus de 40 millions de personnes et peuplent sept États (Mehta 1). Ces quelques 200 groupes ethniques sont problématiques pour le gouvernement depuis l'indépendance parce qu'ils sont restés à part du mouvement nationalisme en vogue à l'époque. Aujourd'hui, la zone reste une des plus difficiles pour le gouvernement indien. Entre l'économie intouchée par la libéralisation des années 1990 et les tensions ethniques, le Nord-Est demeure un point de conflit permanent. Il s'agit pourtant de la région la plus importante si l'on fait une étude géo sécuritaire des relations indo-birmanes. En effet, cette zone est au cœur des perceptions sécuritaires qui ont motivé le changement dans la politique birmane de l'Inde. Egretau explique la persistance des problèmes de la région par le « *mismanagement of the complex situation by successive governments and armies [that] has alienated the region worn down by the harsh military regime in Burma and the Indian government's obsession with security and unity* » (Egretau, *Instability at the Gate* 37).

Les tensions demeurent donc en partie parce qu'elles continuent au-delà des frontières et qu'elles sont exacerbées de chaque côté. Avant 1993, la relation entre les deux États par rapport à leur turbulente frontière commune se résumait à un encouragement du conflit par l'un dans la cour de l'autre. Par contre, lorsque les luttes ethniques internes en Birmanie arrivent à un point d'arrêt en 1993, la coopération militaire entre les deux voisins est soudainement apparue comme un choix rationnel pour la stabilisation de la frontière sensible.

Avant 1993, la junte birmane ne se préoccupait pas de la présence de groupes armés anti-indiens à l'intérieur de ses frontières. Ceux-ci ne menaçant pas le gouvernement birman, leurs activités perturbatrices pour l'Inde n'étaient pas punies. Percevant cette attitude comme un encouragement aux insurgés indiens, le gouvernement de New Delhi a soutenu certains groupes ethniques qui luttèrent contre la junte birmane en guise de rétribution. Cette lutte informelle illustre bien que d'autres canaux que la lutte ouverte ont été empruntés dans ces relations interétatiques. L'exemple le plus frappant de cette lutte informelle est l'entraînement (Egreteau, *India's Ambitions in Burma 936–957*) offert aux troupes de la KIA<sup>4</sup> par le gouvernement indien pour combattre les insurgés anti-indiens. En outre, le gouvernement indien offrit un support manifeste aux mouvements pro-démocratie en Birmanie, notamment lors de la crise urbaine de 1988 (Egreteau, *India's Ambitions in Burma 936–957*). C'est ainsi qu'un cercle vicieux de préjugés informels rendit la question de la frontière du Nord-Est particulièrement épineuse pour les deux voisins pendant les années 1980 et 1990. Chaque voisin encourageait les groupes armés insurgés de l'autre. 1993 marque une brisure dans cette dynamique : la KIA signe un cessez-le-feu avec le SLORC<sup>5</sup>, qui contrôle maintenant la Birmanie. L'Inde perd un allié capital à la continuation de sa politique birmane.

La coopération apparaît dès lors comme l'option la moins coûteuse aux yeux des cercles militaires indiens, qui cherchent à obtenir la stabilisation du Nord-est. En ayant perdu la KIA, qui était leur alliée la plus précieuse du côté birman, une politique de coopération militaire semble être le choix le plus rationnel selon un calcul de coût-bénéfice. L'armée indienne réalise que le conflit est plus menaçant pour son pays que pour la Birmanie puisque, à l'exception des groupes Naga, la majorité des insurgés des deux côtés de la frontière luttent contre New Delhi. Poussé par les États généraux, en mars 1993, le secrétaire aux affaires étrangères indien J. N. Dixit visite Rangoon pour discuter de la possibilité de coopérer militairement afin de

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<sup>4</sup> Kachin Independence Army. Un des groupes les plus actifs dans les années 1980 dans la lutte contre la junte birmane.

<sup>5</sup> Conseil d'État pour le rétablissement de la loi et de l'ordre. Ce fut le nom du régime militaire à la tête de la Birmanie entre 1988 et 1997, date où il fut renommé SDPC (Conseil pour la Paix et le Développement de l'État).

gérer la frontière commune. Une ère d'alliance militaire pour gérer les mouvements insurrectionnels s'ouvre. En 1995, l'opération *Golden Bird*, qui vise à démanteler plusieurs postes rebelles, réussit à affaiblir les groupes ethniques insurgés du côté indien comme du côté birman (Egretau, *Instability at the Gate* 51). Néanmoins, un incident diplomatique empêcha l'opération de se conclure positivement : l'attribution du Prix Nehru pour la compréhension internationale à Aung San Suu Kyi en 1995 poussa la junte à se retirer de l'opération en signe de protestation. Depuis, la coopération militaire entre la Birmanie et l'Inde a amorcé une reprise timide : quelques opérations communes en 2000 (Bhaumik, *Burmese army attacks Indian rebels*) et en 2001 (Bhaumik, *India and Burma target rebels*) ont visé des groupes insurgés qui menaçaient les intérêts des deux États. De plus, à partir de 2002, l'Inde a affirmé sa volonté de coopération en recommençant à vendre des armes à la junte birmane après des années de blocus (Egretau, *India's Ambitions in Burma* 936–957). Ces armes servent deux objectifs pour le gouvernement indien. Premièrement, en levant le blocus, il est en droit d'attendre un regain de sensibilité aux intérêts indiens de la part de la junte birmane. Deuxièmement, en équipant une partie de la *Tatmadaw*, il augmente les capacités opérationnelles de ceux qui luttent contre les groupes rebelles indiens.

Le facteur birman demeure donc primordial dans la stabilisation des provinces du Nord-est indien. Si la montée en puissance du SLORC a motivé les autorités indiennes à coopérer avec la junte pour arriver à une solution, il reste que la coopération militaire semble être dans une impasse. Il n'est pas rare de voir les généraux *Tatmadaw* corrompus par les groupes d'insurgés indiens les laisser contrôler d'importants sanctuaires (Rahman). Comme le rappelle Nardi, un cessez-le-feu temporaire ne stabilise pas la région et n'améliore certainement pas la qualité de vie des populations prises entre deux feux depuis près d'un demi-siècle. En outre, les tergiversations du gouvernement de New Delhi en ce qui concerne la façon de régler la crise s'expliquent par l'information incomplète à laquelle il a accès concernant les changements survenus en Birmanie depuis 1993. Dans le cadre de la théorie des jeux, le flou entretenu par la junte birmane quant à son incapacité ou à son manque de volonté d'assister l'Inde par rapport au problème du Nord-Est rend la prise de décision difficile pour les leaders indiens. La fermeture du gouvernement birman quant à l'étalement de l'idéologie guidant sa politique étrangère rend très approximative l'estimation que peuvent faire les décideurs indiens. Depuis les années 2000, le gouvernement indien tente donc d'améliorer les échanges économiques via la frontière du Nord-Est. Les gains mutuels sont davantage assurés par une coopération économique qui serait autant bénéfique aux deux parties. Devant cette



solution se dresse toutefois un obstacle de taille : à cause de l'instabilité chronique de la région, elle est devenue un havre pour les trafiquants de drogue.

### *Le trafic frontalier*

Les groupes insurgés du Nord-Est de l'Inde trouvent une importante part de leur financement dans le trafic de drogue et en sont les acteurs principaux. Ce trafic est en effet facilité par les liens ethniques et l'inefficacité (souvent même la complicité) des militaires présents dans la région. La porosité de la frontière rend ainsi possible un cycle de production d'opium en Inde<sup>6</sup> et de transformation en héroïne en Birmanie. Le manque de répression face à la production et au trafic assure une source de revenu stable pour les guérillas nationalistes des provinces du Nord-Est. La perception qu'a l'Inde de la façon dont sa voisine s'attaque aux trafiquants est très importante parce que les mouvements insurrectionnels ne sont pas limités à l'intérieur de la frontière indienne. Il faut donc que leurs sources de revenus liés à la production de drogues illicites soient coupées en Inde et en Birmanie. Comme la consommation de drogues dérivées de l'opium est fréquente en Inde, ainsi que nous le verrons, le trafic d'amphétamines représente un problème de plus (Chouvy 108). Les amphétamines sont effectivement peu prisées des consommateurs indiens; la porosité de la frontière crée toutefois un corridor d'exportation idéal pour le trafic. Si les statistiques sur les exportations illégales peuvent toujours porter à interprétation, il convient de se questionner sur la proportion des amphétamines « indiennes » qui seraient en réalité produites en Birmanie et exportées grâce aux couloirs indiens, beaucoup plus fréquentés. En l'impliquant sérieusement dans le trafic de drogue, la situation des frontières du Nord-est met l'Inde dans une position sécuritaire indésirable.

Le trafic de drogue entre la Birmanie et les provinces du Nord-Est de l'Inde représente un enjeu de sécurité important pour l'Inde pour des raisons autres que le financement de mouvements sécessionnistes. En partageant une frontière poreuse avec le plus grand producteur d'amphétamines au monde et le 2e plus grand producteur d'opium (Chouvy 89), l'Inde se retrouve face à une menace inquiétante. L'opium et les amphétamines produites en Birmanie représentent une menace pour la sécurité intérieure indienne au point tel que le Bureau des Nations Unies contre la drogue et le crime a établi une « *direct correlation between proximity to the [Burma] border and drug abuse* » (UN Office of Drugs and Crime 6). En effet, le rapport

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<sup>6</sup> Le pavot est cultivé ouvertement par les groupes d'insurgés dans les provinces d'Arunachal Pradesh, de Nagaland, d'Assam et de Manipur avant d'être transformé en héroïne par d'autres factions du côté birman. (Egreteau, *Instability at the Gate : India's Troubled Northeast and its External Connections* 76).

du Bureau des Nations Unies souligne une hausse significative de l'utilisation de drogues intraveineuses<sup>7</sup> et une épidémie de VIH/SIDA dans les provinces frontalières du Nord-Est indien. Cette épidémie est d'une gravité inégale dans le reste de l'Inde. En vulnérabilisant une partie spécifique de la population face à la toxicomanie et aux problèmes médicaux qui en découlent, le trafic frontalier est indéniablement une épine dans le pied des idéaux d'égalité citoyenne et de sécurité pan-étatique du gouvernement indien.

L'aspect de la répression des trafiquants reste à ce jour une question épineuse entre Naypyidaw et New Delhi. Il va de soi que les décideurs indiens réalisent la part de responsabilité de leur pays dans la précarité de la situation au Nord-Est. Toutefois, ils ont à maintes reprises accusé le gouvernement birman d'entretenir ce climat d'instabilité pour bénéficier des revenus liés à la drogue et de l'insécurité de l'Inde. Si le gouvernement birman condamne officiellement la culture et la production de substances illégales, il reste récalcitrant à la coopération interétatique pour lutter contre le phénomène. Aujourd'hui, le trafic de drogue est la chasse gardée des groupes ethniques militarisés de l'Ouest de la Birmanie. La junte peut donc se percevoir comme incapable de lutter contre le trafic de drogue parce que sa sphère d'influence est trop étroite. L'opinion officielle du gouvernement indien est plutôt que malgré les accords visant à combattre le trafic de drogue, signés pour la première fois en 1993, la junte manque de volonté politique pour remédier au problème. Comme nous l'avons vu dans la section concernant le problème de la frontière du Nord-Est, Naypyidaw et New Delhi ont démontré une certaine inclinaison vers la coopération lorsqu'ils ont discuté de leurs problèmes respectifs d'insurrections ainsi que de l'économie illicite qui alimente ces dernières. Toutefois, leurs politiques respectives sont guidées par des considérations politiques et des questions d'intérêt national qui peuvent aller directement à l'encontre de celles de leur voisin. Malgré de nombreuses visites de politiciens, de militaires et de diplomates indiens en Birmanie, les liens de collusion et de bénéfice financier qui unissent les trafiquants de drogue aux décideurs birmans sont trop forts.

### *Bilan sécuritaire*

Nous avons vu que le changement de l'environnement stratégique a joué un rôle primordial dans la formulation de la politique birmane de l'Inde. Le cessez-le-feu

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<sup>7</sup> Le nombre d'usagers de drogues intraveineuses est particulièrement alarmant pour les provinces du Nord-est indien. On a recensé que 30% des usagers de drogues intraveineuses indiens habitaient la province de Nadar, alors que celle-ci n'abrite que 3% de la population. Ces statistiques inquiétantes sont liées à l'accessibilité des drogues, à la popularité de la consommation, mais aussi à la fragilité de l'État et des organismes contre la toxicomanie dans ces régions. (Alternative ASEAN Network on Burma 141)

entre la KIA et le SLORC en 1993, de même que l'augmentation des problèmes liés au trafic de drogue à la frontière, ont forcé les décideurs indiens à se questionner sur le coût-bénéfice d'une coopération avec leur voisin. Tout d'abord, la question du trafic de drogue doit être résolue, tout comme celle des groupes insurrectionnels du Nord-Est pour ouvrir la zone au développement économique. Celui-ci serait instrumental dans la stabilisation des revendicateurs sécessionnistes et dans l'amélioration de la qualité de vie des populations locales. L'Inde semble cependant se trouver dans une impasse sur ce point.

### LES CONSIDÉRATIONS STRATÉGIQUES

La stratégie peut être décrite comme l'ensemble des décisions militaro-politiques faites par un État (Clausewitz 21). Les alliances militaires, mais aussi plusieurs investissements dans le domaine de l'armement, sont considérées comme des décisions stratégiques par les leaders gouvernementaux. Dans le cas de l'Inde face à la Birmanie, c'est particulièrement un changement au plan stratégique qui a été observé au début des années 1990. Le flux grandissant d'investissements chinois fait en Birmanie ne pouvait être considéré qu'avec inquiétude du côté de New Delhi. Le risque de marginalisation face au géant chinois doit être minimisé à tout prix par les leaders indiens. Ainsi, l'attitude de l'Inde face à la junte birmane s'est modifiée radicalement avec la montée de la Chine en Asie du Sud-Est. Nous observerons l'état de la relation sino-birmane pour en extraire les menaces stratégiques pour l'Inde, pour ensuite déceler les moyens employés pour protéger les intérêts indiens.

#### *Les relations sino-birmanes*

La mise au ban de la Birmanie par la communauté internationale est directement responsable de son rapprochement avec la Chine. Directement après le coup d'État de 1988, alors que le monde sanctionnait la junte birmane, la Chine s'est rapidement imposée comme un partenaire intéressant. En mettant en valeur leurs liens culturels et historiques<sup>8</sup> tout en évitant de présenter une volonté d'ingérence dans les affaires internes de la Birmanie, la Chine s'est assurée d'être perçue comme un allié solide. Cette politique chinoise entre en conflit avec l'idéologie indienne de démocratisation alors que l'Inde cherche à s'imposer comme un joueur important dans la région. Il s'agit d'un conflit d'intérêt relativement récent : il coïncide avec la fin de la Guerre froide et le développement de la politique « expansionniste » chinoise. Avant les années 1990, la relation sino-birmane n'était pas particulièrement

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<sup>8</sup> Le peuple birman a toujours été plus proche des Chinois que des Indiens, malgré une volonté marquée d'éviter l'assimilation. (Egreteau, La Birmanie entre l'Inde et la Chine, 313-342)

développée et s'inscrivait plutôt dans le cadre d'un voisinage paisible.<sup>9</sup> La crainte d'un rapprochement sino-birman est en revanche bien insérée dans la psyché militaire indienne. Comme le rappelle (Egreteau, *India's Ambitions in Burma 936–957*), la guerre sino-indienne de 1962 a donné naissance à un lobby antichinois toujours très puissant à New Delhi. Pour cette élite militaro-politique, la Chine est synonyme d'une profonde marque d'humiliation et de méfiance. Un mélange de pouvoirs politiques et militaires s'unissent encore aujourd'hui pour mener une lutte d'influence avec la Chine. Comme cette dernière est perçue comme fondamentalement opposée aux intérêts de l'Inde, les élites dirigeantes de New Delhi ne voient pas place pour les intérêts indiens avec une junte birmane prochinoise.

Ainsi, quelques mois après le coup d'État de 1988, New Delhi commence à s'inquiéter de voir l'aide économique chinoise, qui visait à revitaliser un marché assoupi et des infrastructures déficientes, se diriger vers une aide militaire. Les stratèges indiens ne manquent pas de voir en ce développement, une menace. En effet, les Chinois menèrent au début des années 1990 une politique d'aide au développement militaire qui allait permettre au Tatmadaw de se moderniser rapidement, notamment en signant des accords de vente d'armes à prix relativement bas. Ajoutant à cela le développement d'infrastructures portuaires qui allaient pourraient menacer la sécurité maritime de l'Inde dans l'océan Indien (Kumar *Sino-Myanmar Ties Irk Delhi*), la situation devenait sensible pour les décideurs indiens. Ainsi, à partir de 1993, le gouvernement indien s'est décidé à dialoguer directement avec la junte birmane pour éviter que ses liens avec le gouvernement chinois ne menacent les intérêts de New Delhi. Face à ce qu'il en coûterait d'avoir une Birmanie faisant front militaire commun avec la Chine, l'option du dialogue est devenue intéressante. En ce qui concerne les gains pour la Birmanie, considérant sa position géostratégique entre les deux rivaux, elle a avantage à courtiser ses deux grands voisins en même temps. Certains analystes de l'époque (Malik 52–73) diront même que la junte birmane attiserait une rivalité imaginaire entre la Chine et l'Inde afin de pouvoir garder toute sa souveraineté décisionnelle.

Le succès de la politique sino-birmane du gouvernement indien semble être notamment corrélé à ce jeu de *balancing* pratiqué par la Birmanie. Souhaitant profiter des avantages offerts par les relations avec deux grands sans connaître

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<sup>9</sup> Il va sans dire que les relations sino-birmanes étaient existantes auparavant. Ces relations bilatérales se sont améliorées à partir de la démaoïsation des années 1970, où Deng Xiaoping avait ouvert les provinces frontalières à l'émigration vers la Birmanie. Certaines crises ont cependant fragilisé la relation sino-birmane pendant la Guerre Froide, notamment la tentative d'exportation de la Révolution culturelle vers la fin des années 1960. L'adoption d'une politique de plus en plus expansionniste à l'aube du XXI<sup>e</sup> siècle a accéléré le développement de cette amitié. La junte a par contre historiquement craint d'être transformée en satellite chinois. Voir *Ibid.*

d'ingérence dans ses affaires intérieures, la Birmanie a tenté d'éviter la satellisation de tout côté. Entre les années 1980 et 1990, l'élite militaire indienne s'était trouvée fort inquiétée par des rumeurs, non démenties par la junte birmane, qui affirmait la mise en place d'installations militaires chinoises importantes nouvellement bâties sur des points géo stratégiquement sensibles pour New Delhi. Plus précisément, les analystes indiens et internationaux avaient pris au sérieux les rumeurs que d'importants réseaux de surveillance sur les îles birmanes de Zadetkyi et de Man Aung; ainsi que des bases navales à Kyakkami et sur les îles Coco, étaient en chantier par la Chine. Egretau affirme, suite à des entretiens personnels avec des membres de l'intelligence indienne, que « *it appears that this fear of China's military involvement in Burma may have been grossly overestimated, if not simply incorrect. In fact, many of these rumors were just that – rumors* » (Egretau, *India's Ambitions in Burma* 951). En réalisant que la présence militaire chinoise était nettement moindre que ce qui aurait pu menacer les positions indiennes, l'Inde a pu revoir les gains qu'elle pourrait tirer de la coopération birmane. Dans cet ordre d'idée, une relation de collaboration navale s'est installée à partir de 1999. Celle-ci s'améliore sans accrochage depuis lors, résultant même en des exercices joints dirigés par des amiraux indiens en 2005 et 2006, ainsi qu'en plusieurs visites réciproques d'officiers militaires de haut rang (Kumar *Fleet Expansion in Mind*). Les bateaux indiens sont aujourd'hui permis de séjour dans les ports birmans, et cette relation militaire franche a permis de mettre fin aux rumeurs sur les positions militaires chinoises en donnant accès aux Indiens à l'information connue de la *Tatmadaw*. Ainsi, les liens militaires entre l'Inde et la Birmanie sont positifs si l'on considère l'objectif pragmatique des deux gouvernements de s'assurer un allié utile. Il s'agit là d'une illustration de la théorie du choix rationnel, qui postule que les États coopèrent volontiers s'il y a un bénéfice mutuel. En revanche, l'influence politique et économique de la Chine reste inquiétante pour New Delhi. Au niveau international, la Chine reste perçue comme ayant le plus de liens avec le régime de Naypyidaw. Par exemple, lors des grands soulèvements pro-démocratie birmans en 2007, la communauté internationale a fait appel à la Chine pour tempérer la violence de la junte (Egretau, *India's Ambitions in Burma* 953). Si ce fait n'est pas significatif de l'influence réelle qu'a Pékin sur Naypyidaw, il importe que la communauté internationale comprenne qu'il existe une relation spéciale entre les deux États. Cette différenciation entre l'influence de la Chine et l'influence de l'Inde pour cette crise particulière permet de croire que les élites indiennes interprètent que leurs objectifs en Birmanie sont bloqués par ceux de la Chine. Quant à eux, les décideurs birmans perçoivent l'Inde en fonction du

rôle de grande démocratie que celle-ci a choisi de jouer. Il est vrai que « democratic India is unlikely to beat China at its own game of authoritarian solidarity with the junta in Myanmar » (Twining 23). Il reste en revanche que l'amélioration des relations militaires entre l'Inde et la Birmanie peut être expliquée en partie par la crainte d'une hégémonie chinoise. En ayant compris que la junte birmane n'avait pas d'intérêt pour une satellisation de la part de la Chine, les décideurs indiens ont réussi à créer une volonté de coopération mutuellement bénéfique entre les deux pays. Comme plusieurs couches de l'élite politique birmane sont fortement sinophobes (notamment à cause de la pénétration des marchands et des trafiquants chinois dans les provinces agitées de la Birmanie), les analystes indiens ont vu qu'il y avait de la place pour une relation parallèle entre Naypyidaw et New Delhi.

#### *La protection des intérêts indiens*

Mis à part cette nouvelle relation parallèle malgré la montée de la Chine en Birmanie, New Delhi a besoin de développer sa relation avec Naypyidaw pour sauvegarder certains intérêts en Asie du Sud-Est. La meilleure manière de protéger ces intérêts est toutefois devenue un objet de discorde chez les élites indiennes. Avant le retournement de la politique birmane de l'Inde au début des années 1990, l'évitement moralisateur dicté par Nehru était généralement accepté. Lorsque le gouvernement indien a réalisé, comme nous l'avons démontré dans la section précédente, que la coopération avec la Birmanie était dans leur meilleur intérêt, des voix discordantes se sont fait entendre à New Delhi. Si les analystes militaires poussaient pour une politique réaliste en Birmanie, de nombreux intellectuels, diplomates et hommes politiques critiquèrent fortement l'idée de coopération avec un régime si contraire aux idéaux démocratiques de leur pays. La nouvelle politique birmane de l'Inde s'est donc trouvée face à un mur de divergence politique et d'opposition morale qui a rendu d'autant plus difficile son application parfaite. Certains membres du Parlement insistent, par exemple, sur le fait que l'établissement d'un gouvernement civil démocratique en Birmanie serait le gage d'une meilleure coopération entre les deux États. La nouvelle politique birmane de l'Inde fonctionnerait alors au désavantage de celle-ci, en accommodant un régime xénophobe et imprévisible. Lorsque les supporteurs de la nouvelle politique birmane de l'Inde affirment que l'engagement actuel de l'Inde en Birmanie est une source d'influence dans le pays, l'opposition met en doute cette influence subjective.

### *Bilan stratégique*

Face à la montée de la Chine et aux dissensions internes en Inde, les décideurs indiens se trouvent aujourd'hui dans une position inconfortable. Twining illustre bien que :

*New Delhi's mixed record on democracy promotion reflects the tension between the old international norm of non-intervention in neighboring states' internal affairs and the new norm that has effectively replaced it – reflected in the UN Security Council, ASEAN, and Chinese debates over Myanmar as well as in American and European foreign policies since the end of the Cold War – that internal misgovernance can be a source of regional and international instability and can therefore legitimize international interventionism (Twining 28).*

Les cercles militaires qui ont poussé pour une collaboration avec la Birmanie sont ceux qui s'approchent le plus de l'atteinte de leurs objectifs stratégiques. La junte a fait preuve d'une volonté de non-alignement vis-à-vis Pékin qui porte à croire que les relations militaires entre l'Inde et la Birmanie sont significatives sur le plan diplomatique. Pourtant, des relations basées sur un intérêt stratégique commun doivent être bâties sans interventionnisme politique afin d'être viables. Si l'Inde réagit à ses critiques internes quant à son ambivalence face aux exactions pratiquées par Naypyidaw, elle risque de voir le peu de gains diplomatiques faits depuis 1993 s'évaporer.

Une telle situation signifie que la relation indo-birmane doit être en constante évolution. Il convient donc de se questionner sur la valeur que pourrait avoir une diplomatie pro-développement démocratique venant de New Delhi. En effet, les décideurs indiens du XXI<sup>e</sup> siècle ont de plus en plus adopté une perception selon laquelle l'Inde jouera un rôle de grand phare démocratique en Asie.<sup>10</sup> Si la politique indo-birmane est inconstante face à cette vocation, c'est en partie parce que la Birmanie reste au second plan dans le grand tableau des relations internationales. Le refus de critiquer la junte s'explique donc par l'impression que le pouvoir de l'Inde est plus grand si elle construit des alliances stratégiques durables en Birmanie. Il y aurait donc des gains relatifs à faire en n'imposant pas de volonté de démocratisation mais en entretenant des liens stratégiques et commerciaux avec la Birmanie. Cette

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<sup>10</sup> La promotion de la démocratie est même perçue par certains joueurs politiques indiens comme inhérente au pouvoir de l'Inde. Une analyse du discours intéressante pourrait être faite sur les moments où cette vocation a été mise en valeur ou a été relayée derrière des intérêts tactiques.

logique peut toutefois être questionnée lorsqu'on considère l'influence actuellement faible de l'Inde sur la junte birmane.

## LE FACTEUR ÉCONOMIQUE

La relation économique entre l'Inde et la Birmanie joue un rôle important lorsqu'il s'agit d'observer l'évolution de la politique étrangère indienne. Comme le souligne Lall (433), le développement des échanges commerciaux avec la Birmanie et à travers la Birmanie est bénéfique pour la prospérité des deux États, et plus spécifiquement pour les provinces du Nord-est de l'Inde. De ce fait, New Delhi a inséré la Birmanie dans sa politique de développement orientale au début des années 1990 et a encouragé la naissance de projets économiques bilatéraux.

### *Le développement oriental de l'Inde : « Look east policy »*

L'évolution des relations indo-birmanes coïncide avec la naissance de la politique de développement oriental du gouvernement de New Delhi. Le BJP et son nouveau ministre des Affaires étrangères Jaswant Singh, se sont rapidement éloignés de la position de l'ancien ministre George Fernandes, féroce supporteur du mouvement étudiant birman pendant la crise. Connue sous le nom de « *Look East Policy* », leur nouvelle politique de développement orientale vise à forger des liens commerciaux et à stimuler l'investissement avec les pays en pleine expansion économique de l'Asie du Sud-est. Contrastant avec le peu d'intérêt qu'elle avait porté à cette éventuelle sphère d'influence jusqu'à ce point, l'Inde s'est tournée vers l'Asie du Sud-Est pour forger des liens commerciaux et stimuler l'investissement.<sup>11</sup> Il était donc inévitable que l'Inde voit la possibilité de partenariats économiques avec la Birmanie d'un nouvel œil à partir de 1991 : celle-ci est un portail géostratégique idéal vers les marchés de l'ANASE. En 1997, l'entrée officielle de la Birmanie dans le club de l'ANASE a servi de validation supplémentaire dans la création de projets régionaux incluant Naypyidaw et New Delhi. Par exemple, deux traités régionaux ont été créés dans la dernière décennie en incluant les deux voisins. La Coopération économique Bangladesh-Inde-Myanmar-Sri Lanka-Thaïlande (BIMST-EC) en 1997 et la Coopération Mékong-Ganga (MGC) en 2000 (Egreteau, *India's Ambitions in Burma* 941) sont représentatives de la volonté indienne d'insérer la Birmanie dans des partenariats régionaux visant en partie à contrecarrer l'influence chinoise dans la région du Mékong. Prisés par la junte birmane parce que diminuant l'isolation qu'elle connaît dans la région, ces projets ont servi l'Inde en lui assurant un rôle de leader dans l'intégration régionale. Dans

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<sup>11</sup> Pour une analyse en profondeur de la *Look East Policy*, voir Acharya.



cet ordre d'idées, la Birmanie tire profit de la volonté d'expansion économique de l'Inde et celle-ci trouve une utilité importante au régime de Naypyidaw. On observe donc une politique créée par un choix rationnel basé sur l'anticipation de bénéfices mutuels. Pour approfondir ce nouveau partenariat économique, l'Inde et la Birmanie ont également développé plusieurs ententes bilatérales sur les plans économique et financier.

#### *Les projets bilatéraux économiques et financiers*

Le changement des objectifs de gains dans la politique extérieure de l'Inde face à la Birmanie s'est largement illustré dans la façon dont les affaires économiques ont été menées entre les deux nations depuis 1993. En quintuplant les échanges commerciaux entre 1988 et 1998,<sup>12</sup> l'importance des transferts bilatéraux allait devenir instrumentale à l'entretien d'une relation généralement positive. Le partenariat bilatéral indo-birman comprend deux facettes principales : le développement d'infrastructures (particulièrement pour bénéficier aux provinces du Nord-Est indien) et les ententes concernant la sécurité énergétique. La coopération économique entre les deux pays, amorcée par le traité du 14 avril 1995, est aussi basée sur des échanges économiques de biens et de ressources. Néanmoins, ces deux parties de la relation économique indo-birmane illustrent bien l'importance de l'évolution des échanges commerciaux avec la Birmanie.

L'augmentation des besoins énergétiques de l'Inde n'est pas étrangère à l'amélioration des relations indo-birmanes. Étant donné que la Birmanie possède des ressources de gaz naturel importantes et presque inexploitées, l'attention de New Delhi a été attirée vers le développement de partenariats économiques énergétiques. Lall soutient que le développement de gazoducs de la Birmanie vers l'Inde est une priorité économique qui illustre la nécessité pour l'Inde d'entretenir des relations positives avec Naypyidaw, appuyant notre analyse. Considérant que la question des combustibles fossiles peut aisément mener à des tensions entre deux États, il va de soi qu'une politique bienveillante garantit un accès plus continu à ces ressources précieuses pour New Delhi. Toutefois, l'établissement de projets d'importation de gaz naturel birman est ralenti par la junte, dont la fiabilité en affaires a été remise en question par plusieurs décideurs indiens. Le processus décisionnel du commerce énergétique est fortement influencé par l'impression d'instabilité que peut projeter le gouvernement de Naypyidaw, ce qui pousse New Delhi à être plus timoré par rapport à ses attentes.

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<sup>12</sup> De \$62.15 million pendant l'année fiscale 1988-1989 à \$328.53 million pour 1997-98. Voir Egretau, *Instability at the Gate*.

Le développement économique à la frontière du Nord-Est est également représentatif d'une volonté d'amélioration des relations limitée par le pusillanisme de la junte. Comme nous l'avons vu dans la première section, il faudrait voir une volonté politique importante des deux côtés de la frontière pour stabiliser les groupes insurrectionnels et les trafiquants afin de développer les échanges commerciaux qui développeraient la région. S'il existe des projets de construction d'infrastructures dans la région, il reste que ceux-ci sont ralentis par l'état des indicateurs socio-économiques de la Birmanie. L'instabilité de la région est inhérente à l'incapacité des projets indo-birmans pour le Nord-Est de prendre vie. Les relations économiques indo-birmanes restent donc relativement peu importantes, particulièrement parce que les deux gouvernements ont échoué à établir une relation bilatérale mutuellement bénéfique.

## CONCLUSION

Nous avons vu que la modification des objectifs des décideurs indiens face aux enjeux stratégiques et sécuritaires ont largement influencé l'évolution de la politique birmane de New Delhi depuis 1993. Sur le plan sécuritaire, la question de la stabilisation des provinces du Nord-Est et de la porosité de la frontière qui favorise le trafic a été abordé pour démontrer que le poids des menaces sécuritaires a poussé New Delhi à reconsidérer sa position face à Naypyidaw. Au niveau stratégique, nous avons placé la politique birmane de l'Inde dans le cadre de ses relations stratégiques régionales et face à son opposition interne. Devant la montée de la Chine et les voix dissidentes internes, les leaders indiens ont dû adapter leur rhétorique face à la Birmanie. Finalement, nous avons effectué une analyse de quelques enjeux économiques qui auraient pu être expliqués par la volonté indienne d'établir une relation d'avantages comparatifs avec la junte. Notamment, le rôle de leader régional que l'Inde a cherché à assumer avec sa « Look East Policy », qui lui donnerait des gains économiques et culturels augmentant son pouvoir, justifie en partie les décideurs indiens favorables à la nouvelle politique birmane. Par contre, les échanges bilatéraux n'ont pas été à la hauteur des attentes des Indiens, que ce soit par le manque de volonté qu'ils ont perçu chez les Birmans ou par le manque de moyens de la Birmanie. Suite à ces observations, nous pouvons conclure que notre hypothèse, qui voudrait qu'une idéologie néolibérale chez les acteurs indiens ait joué un rôle important dans la reformulation de la politique birmane de l'Inde, est largement confirmée. En réalisant que la nouvelle conjoncture survenue en 1993 permettait l'obtention de nouveaux avantages relatifs, New Delhi a changé sa politique de voisinage.

L'état actuel des relations indo-birmanes amène toutefois à réfléchir sur la validité à long terme de cette *velvet policy* (Egreteau, *La Birmanie entre l'Inde et la Chine* 313-342). La Birmanie reste encore aujourd'hui imprégnée d'un fort sentiment nationaliste anti-indien. En refusant de s'imposer comme pouvoir fort, il est possible que l'Inde se retrouve dans une relation basée sur quelques échanges militaires pragmatiques bénéfiques aux deux parties sans jamais obtenir les gains qu'elle escompte. Malheureusement pour le gouvernement indien, la nouvelle politique birmane s'est basée sur trop de mauvaises interprétations des intentions de la junte birmane. Une politique birmane de l'Inde devrait inclure plus d'éléments culturels, économiques et politiques pour s'assurer une importance aux yeux du régime birman. Les problèmes des provinces du Nord-est pourraient notamment être résolus par l'établissement d'un État de droit plus solide en Birmanie. Une Inde qui refuse de participer à la promotion de la démocratisation va à contre-courant de la tendance régionale et, jusqu'à un certain point, se nuit en maintenant l'hémorragie qui ruine sa région du Nord-Est. En ce sens, les heurts de la nouvelle politique birmane de l'Inde s'illustrent au niveau régional. Les difficultés de l'application de la nouvelle politique birmane de l'Inde s'expliquent notamment par les exigences de l'ANASE. Au début des années 1990, le principe de non-ingérence était inhérent à la politique régionale de l'ANASE, mais plusieurs membres reconnaissent aujourd'hui l'importance d'une certaine stabilité interne pour que le développement régional se fasse sans heurt. La Birmanie se trouve donc actuellement au centre d'une certaine controverse au cœur des relations entre l'ANASE et l'Inde. D'un côté, la volonté de prouver sa capacité à avoir des relations militaires pragmatiques sans aborder la question du respect des droits de l'Homme est forte. De l'autre, le changement qui s'opère chez les membres de l'ANASE depuis 2001 porte à croire que la non-ingérence perd de son attrait au profit de la stabilité intérieure, qui sous-entendrait une certaine liberté d'opposition. Cette conjoncture a été illustrée en 2007 par plusieurs pays membres de l'ANASE qui ont exprimé leurs griefs au président américain Bush face aux liens unissant l'Inde et la Birmanie, selon eux validant le comportement de la junte (Kessler). Comme le souligne Twining,

*... as Asian leaders debate how to promote peaceful internal change within Myanmar to promote regional stability and security, India, the world's largest democracy, risks being outflanked by Southeast Asian partners, and by China, in its dogged commitment to non-interference in its neighbors' affairs – a commitment less evident in India's*

*interventionism in the internal political affairs of Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, the Maldives, Mauritius, and Afghanistan over past decades* (Twining 26-27).

La nouvelle politique birmane de l'Inde ne colle pas aux exigences de l'ANASE, mais la non-ingérence dans les affaires internes de la junte birmane est primordiale à la construction d'une relation bilatérale mutuellement bénéfique pour les deux voisins. Il est donc d'autant plus difficile pour les leaders indiens de garder le cap avec leur nouvelle politique birmane, alors que les normes de l'ANASE sont en évolution vers une politique plus normative de respect des droits de l'Homme. Il est possible que le principe de non-ingérence ne soit pas au premier plan pour encore longtemps, mais l'acceptation de la Birmanie au sein de l'organisation en 1997 peut pousser tous les décideurs à se construire de nouvelles normes. Dans le même ordre d'idées, il pourrait être intéressant d'étudier la perception de la société civile indienne face à cette question. Dans ce travail de recherche, nous nous sommes concentrés sur les interprétations des leaders politiques et militaires. Toutefois, le mouvement en faveur de la démocratie birmane n'est pas négligeable en Inde.

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# Bringing Human Rights into the Debate on the Global Trafficking of Women: Assessing the Feminist Rights-Based Approach<sup>\*</sup>

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## Introduction

Often perceived as a major turning point in history, the fall of the Berlin Wall significantly altered the socio-political, economic, and security dimensions of the global 'landscape'. In eliminating the 'bipolar' world order that had persisted in the aftermath of WWII, the demise of the Soviet Union and subsequent removal of the associated geopolitical barriers set the stage for the geographical expansion of globalisation within a new world order. The end of the Cold War facilitated a "renewed scope for further globalisation" unimpeded by communist resistance (Clark 143). It was, however, "more unstable and less predictable" than the previous world order (McRae and Hubert 15) as globalisation "constitutes a — process of uneven development that fragments as it coordinates...[such that] the outcome is not necessarily, or even usually a generalised set of changes acting in a uniform direction, but consists in mutually opposed tendencies" (Giddens in Guillen 245). As a result of its uneven character and associated consequences, globalisation has shaped a world which is uncertain and unfamiliar in its capacities. This has prompted insecurities and concerns about threats that are extremely challenging for national and transnational institutions to manage.

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<sup>\*</sup> Note: An earlier version of this article was originally published in *Potentia* with incomplete references. This is a corrected version.

Human trafficking is a phenomenon that has been called as a 'global disease' and engenders an alarming concern for policy makers and academics alike. Statistics reveal a terrifying trend, suggesting that, globally, between 600, 000 to 800, 000 individuals are trafficked annually, eighty percent of whom are women (Heyzer in Truong et al. 102). Human trafficking is the third largest and most profitable transnational activity in the world (with an annual revenue of \$9.5 billion US), preceded only by the drug and gun trades (Di Nicola in Lee 60; Lugosi 2). Such statistics identify human trafficking as a great threat -- a threat of global proportions, devastating the very human life upon which it is predicated. Human trafficking, ultimately, violates "the sanctity and quality of humanity" (Ebbe in Ebbe and Das 39).

The 2000 United Nations (UN) Convention Against Transnational Organised Crime defines trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other force of coercion, of abduction, of fraud, of deception, of the abuse of power or of the position of vulnerability or of the giving or receiving of payments or benefits to achieve a concept of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour, or services, slavery, or practices similar to slavery, servitude or the removal of organs (UN in Aas 37).

This definition suggests that human trafficking is a multi-dimensional and complex phenomenon, involving a number of concerns including drug trafficking and abuse, violation of immigration laws, extortion, child trafficking, child labour, forced prostitution, slave labour, sexual slavery, and the exploitation of female migrants. This article will draw on the Convention's definition of human trafficking, identifying it as an intricate

phenomenon, multi-dimensional in nature. The article will first discuss human trafficking within the context of globalisation, acknowledging the complexity involved in human trafficking. Second, it will present three theoretical approaches to human trafficking: the economic, the criminal, and an emerging feminist rights-based approach. Third, it will provide a detailed examination of three international efforts to combat human trafficking. The article will first analyse the International Police Executive Symposium, followed by an analysis of the Council of Europe Convention on Action against Trafficking in Human Beings. The article will then discuss the United Nations Convention against Transnational Organised Crime as well as its supporting protocol: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. These organisations have been carefully chosen as each resembles one aspect of the global effort to combat trafficking. The article will identify the limitations to the criminal and economic approaches, and in so doing, it will demonstrate that the feminist rights-based approach addresses the short-comings of each approach by contextualising human trafficking as a human rights issue specific to women. This approach provides valuable insight into the fight against human trafficking by stressing the interrelationship between gender equality, prostitution, and women's labour migration within the context of globalisation.

#### Globalisation, Transnationalism, and Human Trafficking:

According to Richard Falk, globalisation has become “the most satisfactory descriptive label for the current historical era...for better or worse” (1). As such globalisation has become highly popularised and is invoked to infer a wide range of



issues within the present world order. Due to its “all-encompassing” nature, “globalisation is used to explain everything at a cost of leaving nothing that is not still shrouded in haze and mystery” (Clark 143-4). Evaluating the various relevant issues and political consequences considered to be the by-products of globalisation is therefore beyond the scope of this article. The article is, instead, concerned with globalisation insofar as it grants the reader a convenient frame of understanding, allowing the reader to think about human trafficking as an issue of transnational dimensions. As scholars such as Helen O’Neil argue, globalisation is a dynamic, multifaceted phenomenon with social, cultural, geographical, and security-related elements (21-2). It thus signals a substantial shift away “from a world of discrete but independent national states to the world as a shared social space” - a world that is continually shaping and re-shaping the organisation of social, political and economic interrelationships (McGrew in Baylis et al. 18). That is, within globalisation “the cumulative scale, scope, velocity, and depth of contemporary interconnectedness is dissolving the significance of the border and boundaries which separate the world into its some 193 constituent states or political spaces” (Rosenau in Baylis et al. 18). Held et al. explain this in their definition of globalisation, defining globalisation as:

A process (or a set of processes) which embodies a transformation in the spatial organisation of social relations and transactions—assessed in terms of their extensity, velocity, and impact—generating transcontinental or interregional flows and networks of activity, interaction and the exercise of power (16).

Some scholars argue that globalisation signifies the end of the Cold War victory (Reynolds 3-4; Clarke 143). Such scholars contend that globalisation has become an instrument to “satisfy the demands of the victors” in the post-Cold War era (Clark 143).

Ian Clark asserts that globalisation reflects a set of “fundamental dynamics that have persisted between the Cold War and post-1990 periods” such that it has integrated significant elements of the Cold War era and ensured their continuity within the post-1990 world order (139). However, this is a bold interpretation of globalisation and an in-depth investigation is required to determine whether it is fully legitimate.

The fall of the Berlin Wall was “clearly indicated in the renewed scope for further globalisation” as it had the opportunity to “encompass the world, after the resistance from the Soviet bloc had been defeated” (Clark 143). The fall was seen to signify the ‘borderless’ and uneven nature of globalisation. It has been argued that globalisation embodies a shift in the way we think about socio-political space as it reflects the transformation of “geography from a barrier to a connector”, thereby creating a borderless world (Keohane in Baylis et al. 194). Jan Art Scholte explains that this process of ‘global interconnectivity’ has been constituted by open-border interactions, cross-border interactions, and trans-border interactions (Scholte in Clark 36). These complex and dynamic interactions, facilitated by contemporary technological advances, bring the world within closer reach of all its occupants, for better or for worse.

The uneven quality of globalisation refers to the division of the world into ‘winners’ and ‘losers’ (O’Neil 30-1; Heyzer in Truong et al. 103). Globalisation theorists such as Phillip McMichael, claim that the ‘fundamentalism of neo-liberalism’ is correlative of globalisation and has benefited some in the global North (i.e. economically and technologically), while disadvantaging a vast proportion of those in the global South by reducing wages and privatising public goods (235). Anthony Giddens asserts that

this is a fundamental shortcoming of globalisation, which represents the highest stage of capitalism as the driving mechanism of neo-liberalism (15). David Harvey, a distinguished anthropologist, describes globalisation as 'a spatial fix' which fuels capitalism's greedy drive to achieve profit maximisation through geographical expansion and restructuring (24-5). Essentially, capitalism is "addicted to geographical expansion much as it is addicted to technological change and endless expansion through economic growth" (Harvey 24).

The growth of capitalism within globalisation has signified a world order which is highly unstable and unpredictable in its scope and capacity. As such globalisation constitutes a "process of uneven development that fragments as it coordinates...[such that] the outcome is not necessarily, or even usually a generalised set of changes acting in a uniform direction, but consists in mutually opposed tendencies" (Giddens in Guillen 245). Due to its uneven character and consequences, globalisation has shaped a world which is uncertain and unfamiliar in its capacities. As Chris Rumford contends, this highlights a paradox that exists within the concept of globalisation: on the one hand it connotes that the world is becoming increasingly smaller and interconnected, while on the other hand, it indicates that this same world is larger, more complex, and more dangerous and threatening in its capacity (632). It is within the framework of this paradox that human trafficking is conceptualised as a formidable transnational issue. Louis Shelly draws on the linkage between globalisation and human trafficking arguing that:

Globalisation ...has facilitated the rise of human trafficking by marginalizing many rural communities, impoverishing women and children in many regions, and accelerating rural to urban migration. Increased speed and ease of money movement...facilitate not only the laundering of traffickers' profits but grand corruption (40).

Human trafficking scholars generally acknowledge that the phenomenon is not something new (Coontz and Griebel 48; Jahic and Finckenauer 25). While some argue that the practice dates back to the beginning of civilisation (Bales 126; Obokata 10), most agree that the current global phenomenon of human trafficking is rooted in recent history. Some trace it back to the 1980s, when most human trafficking victims were from developing continents, particularly Africa and South America (Coontz and Griebel 49; Jahic and Finckenauer 25). Such scholars also note that it extended far beyond these regions to attain a global dimension after the demise of the Cold War and the subsequent emergence of new Eastern and European states, thereby coming to demand international recognition.

#### Theorising Human Trafficking: Advocating a Feminist Rights-Based Approach

There are two traditional theoretical perspectives focused on controlling human trafficking: the criminal and the economic (Laczko and Thompson 25; Beeks and Amir 11). The former "considers trafficking as a criminal activity", emphasising law enforcement's responsibility to identify and classify victims and utilise legal measures to contain traffickers (Beeks and Amir 11). As Phyllis Coontz and Catherine Griebel explain:

Much of the renewed interest in trafficking among western governments was an extension of growing concern with transnational crime, particularly with such

activities as money laundering, drug trafficking, and the trade of weapons, human organs and people (49).

In treating human trafficking as one aspect of transnational crime that can be addressed through legal versus illegal classifications, the criminal approach minimises the complexity of its processes and overlooks the human rights of the victims, specifically those who fall into “a quasi-legal” realm (Laczko and Thompson 28; Lugosi 6). Those in this realm almost achieve the official legal status of ‘victim’ or ‘refugee’, but may not fulfil the exact criteria granting legal authorities the flexibility to delegate them as a victim, or not.

In contrast to this is the economic perspective, which rests on the premise that economic factors constitute the principal drivers of human trafficking (Laczko and Thompson 25). This is problematic as this is precisely why victims are vulnerable to traffickers (Laczko and Thompson 25-6). The economic perspective further reflects the liberal-economic assumption, suggesting that the advancement of “equal opportunit[ies] to work and accumulate material wealth will” lead to the elimination of human trafficking altogether (Lugosi 6). While the economic perspective is considered a legitimate approach, one of its chief shortcomings is its inability to address the vulnerability of victims subjected to trafficking due to non-economic factors (Laczko and Thompson 25-7), particularly those trapped in military conflict zones (Ebbe and Das 21).

In response to the limitations of the criminal and economic perspectives, a rights-based theory has emerged to reconceptualise the global problem and management of human trafficking. This perspective sheds new light on both the causes and the effects

of human trafficking by taking a human rights approach to conceptualizing, theorizing and addressing the practice (Obokata 35). As a framework of analysis, the rights-based theory focuses on the recognition and examination of human rights norms and principles violated by human trafficking. The theory acknowledges rights to life, work and health, and prohibitions against torture and slavery, among others (Obokata 35). The theory goes further, however. It is also a framework of action, invoking the legal obligations of both individual states and the international community to eliminate trafficking, safeguard its victims, and hold traffickers accountable through prosecution (Obokata 35).

The human trafficking literature consistently acknowledges the disturbing fact that approximately 600, 000 to 800, 000 human beings are trafficked annually (Heyzer in Truong et al. 102). A large percentage of these victims are women. As the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) report, roughly 45, 000 to 50, 000 women and children are trafficked annually into the United States (Richard in DeStefano 13). The numbers are equally disturbing for Western European countries, as the International Organisation for Migration (IOM) reports an estimated 500, 000 women and children are the annual victims of trafficking to Western Europe, most of whom arrive from the Newly Independent States (NIS) of the former Soviet Union (IOM in Ebbe and Das 18). As eighty percent of trafficking victims are women, gender is a central issue in the rights-based approach to human trafficking (Di Nicola in Lee 60). Consequently, a Feminist Rights-Based Approach (FRBA) to trafficking has emerged, enhancing the literature by applying a 'gender lens' to the phenomenon of human trafficking.

The FRBA foregrounds the feminist critique of the sex trade focusing on the links between globalisation, prostitution, and human rights. According to this approach, one of the fundamental conditions of human trafficking is that it is a patriarchal practice that reflects “a system of domination of man over women . . . transcend[ing] different economic systems, eras, regions and class” (Boonzaier and Sharp 154). This standpoint does not align easily with more conventional understandings of the industry as the FRBA posits a correlation between human trafficking and increases in women’s labour migration, referred to as the ‘feminisation’ of labour migration (Heyzer in Truong et al. 103). Female labourers are much cheaper than male labourers to import from poor regions as ‘typical’ jobs, such as housekeeping, caregiving, and working in the fast food industry, require minimal education. This change in the pattern of global labour migration is salient to feminist groups seeking to advance FRBA. Attracted by what, to them, is economic gain, migrant women workers often choose or are forced to leave countries where their lives are characterised by poverty and/or a lack of opportunity. The evolution of women’s roles in industrialised and developed countries has meant that many women no longer work in the home or in low-paying, low-skilled positions. This has resulted in a larger migration of women into these countries that ultimately translates to an increase in trafficking (Heyzer in Truong et al. 105).

The demand for cheap women’s labour has opened up an avenue for illegal and trafficked labour which has exposed female migrants to large scale human rights abuses. Not only do the traffickers charge high fees, but once migrants arrive at their destination, it is common practice for employers to withhold pay from already-low

wages. Forced to seek other work in order to survive, women may have no choice but to turn to prostitution. While this trend has gained attention in recent years, feminist efforts to address the issue of prostitution have been frustrated by pro-prostitution advocates who, in relatively recent years, sought to rename prostitution 'sex work' (Jeness in Jeffreys 70). From an FRBA perspective, this change in terminology was carefully devised to re-define prostitution characterised by "deviant sexual behaviours to a job like any other" (Jeffreys 5). The characterisation of prostitution as simply 'any other job' overlooks the human rights abuses suffered by migrant female labourers.

In addition to this, by focusing on the causes and effects of human trafficking, the FRBA advocates a multidimensional approach that considers the interplay between an array of factors, including poverty, torture, inhuman actions towards others, slavery, forced labour, kidnapping, and forced migration. All of which constitute distinct categories of human rights violations and "must be addressed adequately", and individually, if human trafficking is to be effectively fought and eradicated (Obokata 35). These issues become complicated when human trafficking victims fall prey to kidnapping and forced prostitution, as some immigration and law making officials would argue that traffickers themselves are victims of their own limited choices (Aronowitz in Siegel et al. 87). The FRBA responds to these rather narrow perspectives, asserting that the measures used to confront trafficking must foreground its horrendous violation of the human rights of trafficked persons, who need help in order to defend these intrinsic rights. In other words, "the focus should be on protecting the trafficked victims' rights rather than exposing them to additional hardship [such as] testifying in a trial, or being exposed to danger" (Aas 38).



In linking globalisation, prostitution and human rights, the FRBA contends that international human rights establishments have yet to fully 'catch up' with the process of globalisation (Heyzer in Truong et al. 112). Though women who cross borders to work have the intrinsic right to fair and reasonable working conditions, in reality, the two rights have remained disconnected as they fall under the territorial sovereignty of the 'nation-state'. Which can be defined as:

a modern phenomenon, characterised by the formation of a kind of state which has the monopoly of what it claims to be the legitimate use of force within a demarcated territory and seek to unite the people subjected to its rule by means of homogenisation, creating a common culture, symbols, values, reviving traditions and myths of origin, and sometimes inventing them (Guibernau 47).

The obligation to provide for these rights is primarily relegated to the nation-state in which the individual resides, not other states or the global community (Heyzer in Truong et al. 112). Quite simply, if the human rights of a migrant woman who has been the victim of trafficking are ignored by the state in which she resides and that state does not protect her, violations of her rights are of no concern. By taking such issues into account, the FRBA is ground-breaking in that it exposes such shortcomings in transnational efforts designed to combat and eradicate human trafficking.

#### Global Arrangements to Combat Human Trafficking: Mandates and Limitations

In recent years a number of global strategies have been employed to contain human trafficking. International police agencies, for example, have become increasingly involved in the monitoring of human trafficking. One of the most well-known of these agencies is the International Police Executive Symposium (IPES), which investigates the causes of human trafficking and seeks various approaches to controlling it. Founded

in 1994 by Dilip K. Das as a Not-For-Profit educational corporation, the IPES holds four-day annual meetings to address issues directly related to the policing profession. The organisers of the annual summit invite ministers of interiors, police commissioners and chiefs, and members of Criminal Justice elites from over 60 countries to discuss their views on various aspects of policing through both formal and informal dialogue. All parties involved are required to formulate discussion papers on the various issues from the vantage point of their respective country.

IPES promotes the belief that effective policing is the most important means for advancing standards of living throughout the world, regardless of country of residence. It pursues effective policing through professional practices, the international exchange of ideas between police forces from different nations, and supporting research in all problems pertinent to the welfare of humanity. As such the agency has the potential to play a significant role in the fight against human trafficking.

The IPES's eleventh annual summit was held in Vancouver, Canada, in 2004. With the theme "Criminal Exploitation of Women and Children", police practitioners, government officials, academics, and researchers from 43 countries representing the continents of Africa, Asia, Australia, Europe, North America, and South America were in attendance. The emerging viewpoint suggested trafficking "was not a menace that the police can tackle alone: it is a very complex phenomenon that is baffling to the police" (Ebbe and Das xi). The IPES, thus, acknowledges that trafficking is a complex phenomenon involving a range of issues, such as organised crime, drug trafficking and drug abuse, violations of immigration law, extortion, and various forms of violent crime.

The members also agreed that both short- and long-term strategies are essential if solutions to trafficking are to be found and recognised that the scope of trafficking which victimises women and children is unknown as it far exceeds official statistics. The members attributed this to a lack of collaboration between trafficking victims and police, suggesting that mistrust in police, in addition to a fear of persecution, retaliation, and arrest, often deter victims from seeking help (Ebbe and Das xii-xiii).

There are a number of fundamental concerns regarding the way in which IPES treat the problem of trafficking, particularly among those who advocate a rights-based approach. For example, the language, measures, and structure of the IPES is limited in that criminalisation is its chief concern. This is apparent in the parties who are invited to its annual meetings, as those present are largely ministers, police commissioners and chiefs, and members of Criminal Justice elites (Das and Ebbe 244). The IPES also emphasises criminalisation on its website, where it identifies its main focus: to advance policing measures through formal and informal dialogue and debate. The organisation reiterated this focus at its 2004 meeting in Vancouver, where it acknowledged that trafficking is a complex phenomenon involving a number of dimensions including “organised crime, drug trafficking and abuse, violation of immigration laws, extortion, trafficking in human beings and various forms of violent crime” (Kratcoski Kratcoski). At the 2004 meeting, the IPES also put forth both short- and long-term strategies to address human trafficking. One short-term strategy proposed that “police become more focused on the criminals perpetrating the victimisation and less focused on the criminal activity of those who are victimised” (Kratcoski and Kratcoski). Many of the speakers

concluded that the long-term strategies should be based on sound intelligence and an in-depth understanding of the reasons for crimes against women and children. Some stressed the significance of producing research data to support “legislation changes and the implementation of crime prevention policies” (Kratcoski and Kratcoski). Others suggested police priorities and the deployment of resources must be altered and called for existing legislation, designed to eliminate discrimination against women and children and to promote their interests, to be enforced (Kratcoski and Kratcoski).

The 2004 Vancouver Symposium clearly reveals that criminalisation is the organisation’s chief focus. This does not mean, however, that the IPES has completely neglected the concerns of human rights activists and feminist groups. On its website, the IPES states, “policing is a moral profession with unflinching adherence to the rule of law and human rights as the embodiment of humane values” (IPES). While human rights are acknowledged by the IPES, as shown by the example of the 2004 Symposium, human rights concerns must not only be recognised, but also thoroughly reflected in an organisation’s policy recommendations and its short and long-term strategies.

In recent years regional efforts to combat the growth of human trafficking have intensified. A notable example of such efforts is the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, which was finally enforced in 2008 with the agreement of 46 states (Lugosi 6). The 2005 Convention produced a document outlining the following key objectives:

- A) To prevent and combat trafficking in human beings, while guaranteeing gender equality;
- B) To protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- C) To promote international co-operation on action against trafficking in human beings (Council of Europe in Lugosi 7).

The preamble to the document articulates these objectives while reaffirming the commitment on the part of the signatories to cooperate in combatting human trafficking. The document is comprehensive in that it references all forms of human trafficking, and includes trafficking in labour for the sex and other trades as well as in human organs and mail-order brides (Lugosi 9). In addition, several references are made to human rights; for example, Article 1 of Chapter I specifies that “to protect the human rights of the victims of trafficking, [state parties are obliged to] design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution” (Council of Europe). Chapter III is concerned with promoting and safeguarding the rights of victims; it also identifies the pursuit of gender equality as a means to fight trafficking. This chapter is supplemented by Articles 13, 14 and 15 that bring a legal perspective to bear on how trafficked persons are to be managed (Lugosi 12).

There are a number of concerns regarding the 2005 Council of Europe Convention. While it appears that the Convention is predicated upon recognition of a rights-based approach and gender equality, an in-depth review of its central document reveals that

this may not be the case. In reality the Convention explicitly stresses criminality as the means to address human trafficking (Lugosi 16). For example, chapter V of the Convention is concerned with putting “investigative and prosecution procedures” in place (Lugosi 13), while Article 27, section 1, suggests that “investigation and the possibility of prosecution must not be based on victim accusation or report” (Lugosi 13). This is, as Lugosi asserts, “a double-edged sword” as, on the one hand, coercion could be “implied ... if a victim fe[els] compelled to testify”, while on the other hand, “not basing an investigation upon victims’ accusations or reports [silences victims and] could lead to the under-reporting of crimes” related to human trafficking (13).

In addition to this, section 3 stresses that “any relevant agencies offering services and assistance should be allowed” (Lugosi 13) to “support the victim... during criminal proceedings”, providing they have the victim’s consent (Council of Europe in Lugosi 13). This provision is problematic, however, in that it denotes that those “who choose to pursue legal action are favoured insofar as [gaining] access to support services and resources” (Lugosi 13). Thus, as Lugosi opines, “[i]f a given policy claims to support human and not just legal rights, then clauses should explicitly state that all trafficking victims should be offered all possible resources and access to services regardless of choosing to pursue legal action or not” (13).

Further, the preamble to the Convention references a number of UN Resolutions targeting the trafficking of women for the purpose of prostitution (Council of Europe in Lugosi 16). The victims are described as ‘forced prostitutes,’ the ‘work’ they perform as ‘forced prostitution,’ labels that carry a social stigma (Edlund and Korn in Lugosi 16),

while at the same time signifying at least some degree of freedom of choice even as they downplay the conditions of slavery under which they are held (Lugosi 16). What is obscured here, according to Lugosi, is the true plight of the victims of whom all, or at least the great majority, are 'abused migrants' as opposed to prostitutes (16). In highlighting criminality, this shifts the issue of human trafficking away from the rights-based approach.

The most comprehensive and well-organised effort to combat human trafficking is the United Nations Convention against Transnational Organised Crime and its supporting protocol: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. The trafficking protocol was introduced to the UN's General Assembly in November of 2000 and was ready to be signed at a conference in Palermo, Italy in December of that same year. The protocol came into being in December of 2003, when it was signed by 117 countries including. In 2004, it was ratified by 52 countries (Williams 334).

The protocol was created for two primary purposes: to criminalise and control traffickers' activities, and to shield and support its victims. Criminologist Andrea Di Nicola explains that the objectives set by the protocol take "a three-pillar approach" to the eradication of human trafficking (Di Nicola in Reichel 196). Di Nicola identifies these three pillars as repression, prevention, and protection and assistance. Under the pillar of repression, states are obliged to pass laws and regulations to criminalise trafficking in persons and to ensure that persons who commit, assist, or partake in any trafficking activities are punished (Article 5). Governments are also responsible to tighten their

borders, monitor the vehicles that cross their borders more effectively, and implement sophisticated identity check processes (Article 11).

Under the pillar of prevention, governments are called upon to take appropriate measures in order to impede trafficking. One of the most popular measures is the implementation of an information campaign wherein governments focus on ‘informing potential victims’ about trafficking, its “causes and consequences”, and the penalties for engaging in activities pertaining to trafficking (Di Nicola in Reichel 197). To this end, state parties are asked to pass legislation that obliges citizens to learn about the exploitation characteristic of trafficking and its social, cultural, and educational dimensions (Article 9). Another prevention measure is the requirement that states collaborate bilaterally and even multilaterally to address poverty and underemployment. These measures aim to “reduce the vulnerability” of “women and children to trafficking” (Di Nicola in Reichel 197).

The third pillar of protection and assistance falls under Articles 6, 7, and 8 and obliges state parties to protect trafficked victims residing within their borders. This pillar emphasises the idea that the basic rights of migrants should be respected and protected. This would ensure that victims can stay in the host country temporarily until it is appropriate for them to leave or attain refugee status so that they can stay permanently. Under this pillar, should the victims return home, states would provide them with safe passage. States would also readily provide victims with medical and psychological treatment and would help them navigate the legal process of laying charges against their traffickers (Di Nicola in Reichel 198).



FBRA advocates have a number of concerns regarding the UN Protocol. The Protocol foregrounds criminalisation and undermines the significance of the rights-based approach. According to Ann D. Jordan, an international human rights attorney, the Protocol has failed to make good use of the “historic opportunity to incorporate [human] rights into an international treaty” on human trafficking (31). It “fails to extend meaningful rights” as it only indirectly acknowledges that women are the primary victims of trafficking (Coontz and Griebel 52). In addition to this, the language used to delineate states’ obligations to safeguard victims is problematic due to “its indirect treatment of women and tentative language regarding the obligations of the state to guarantee victims’ civil rights” (Coontz and Griebel 52). Due process and unconditional protection are primary examples of this problem. As the Protocol gives a priority to criminalisation, deportation, and border control measures, it also becomes a “supply-side approach” in that it confers the chief responsibilities for human trafficking to law enforcement (Coontz and Griebel 52). Issues pertinent to the demand side such as the economic disparity between developed and developing countries are often overlooked. The Protocol ultimately “contradicts and compromises the gains that have been made to ensure gender equality through the international legal system” (Coontz and Griebel 52). Advocates of the FRBA therefore consider it absolutely crucial for the UN Protocol to work beyond the ‘3 Ps’ - prevention, prosecution, and protection - and focus on the actual lives of trafficking victims.

Conclusion: The Way Forward

This article has referenced globalisation as a dynamic, broad, and sometimes contradictory phenomenon in order to put forth a comprehensive analysis of human trafficking as a complex process requiring an equally complex set of policy initiatives to address its causes and effects. It has discussed three global policy efforts to address human trafficking: the International Police Executive Symposium, the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, and the United Nations Convention against Transnational Organised Crime and its supporting protocol, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. These efforts all failed to recognise the FRBA's chief concern that the victims of human trafficking are primarily humans, not criminals or objects of profit-making per se. This recognition is critical and must be thoroughly reflected in the stated mandates and objectives of global efforts against human trafficking, rather than simply mentioned or inferred, superficially, in official documentation.

The FRBA does not deny the validity of the criminal and economic approaches to trafficking. Instead it proposes that these approaches are better conceptualised when informed by the language of human rights. This conceptualisation clarifies the various social problems which often lead individuals to fall prey to human trafficking, while also providing a more in-depth understanding of traffickers' circumstances (as opposed to simply classifying them as criminals). The FRBA's aim is to not only carefully examine the process of human trafficking, but to investigate the issues pertinent to its causes and consequences; as a result, it has the potential to promote "a holistic response to the act" (Obokata 35).

It is within this context that feminist groups who advocate for the FRBA have linked globalisation, prostitution, and human rights. In asserting this interconnection, they have concurrently sought to transform the meaning that is attached to prostitution within the current capitalist paradigm. As the well-known feminist scholar Sheila Jeffreys states:

Presently, a massive capitalist industry is being constructed worldwide to exploit women as the “last colony”. The idea that prostitution is just “work” and “choice” and “sex” directly supports this brutal exploitation (5).

Queer theorists, pimps, pro-prostitution activists, and sex tourists, alike, support the notion that prostitution is a work undertaken by choice. Feminists argue that these actors are unified in terms of their objectives, which overemphasise prostitution’s function of creating capital. They claim that this view is implicitly accepted among policy makers at both the national and international levels and challenge it in striving to establish a framework which refuses to defend men’s exploitation of women in prostitution. The most plausible way to achieve this is to “fight prostitution as a violation of women’s human rights” (Jeffreys 6), which comprehensively refocuses the issue on those who manage prostitutes and procure their services, rather than prostitutes themselves. Those who abuse women as prostitutes or potential prostitutes and those who profit from their exploitation should be targeted and punished, while prostitutes and those in danger of becoming prostitutes are supported and protected.

In advancing this understanding of prostitution, the FRBA provides new insights into the larger phenomenon of globalisation. For example, globalisation is seen to have integrated a set of ‘fundamental dynamics’ that have endured from the Cold War to

post-Cold War era (Clark 139), thereby ensuring the continuity of these dynamics within the post-1990 world order. The FBRA examines and debates this state of affairs in order to deconstruct the status quo of human trafficking, which they consider critical in the fight against it. It thus enriches the criminal and economic approaches to human trafficking, which pre-date the demise of the Cold War. It is critical for the advocates of these approaches to integrate the FBRA, as it brings human rights to the fore in approaching human trafficking as a violation of women's rights and dignity.

As the majority of human trafficking literature focuses on the interconnection between globalisation, capitalism and labour migration (Anderson 5-6; Chang and Kim 2; Heyzer in Truong et al. 102-05; Jordan 28-9), the FRBA has the capacity to both advance and enlighten. To this end the literature would benefit from comprehensively and systematically expanding its analyses of the link between human rights and labour migration. Therein, it could focus on the different rights which are at issue - the rights of minority groups, the right to health, and labour rights - and relate them to specific aspects of globalisation (such as the globalisation of information technology and the contemporary world's cosmopolitan culture). In elucidating the interconnection between globalisation, labour migration, and human rights, the FBRA approach should also systematically examine the aspects of human trafficking relevant to victims who are either forced to leave their countries of origin or kidnapped. This is a critical focus and its significance should not be minimised by the presumption that trafficking victims are first and foremost victims of choice. Consultant to the UN Global Program against Trafficking Human Beings, Alexis Aronowitz, acknowledges that, "while trafficking may

be initiated by the kidnapping and forced prostitution of the victim, in more cases than not, the victim willingly leaves the country of origin” (Aronowitz in Siegel et al. p. 87). While this view is supported by official statistics and emphasised by human trafficking experts, kidnapping and forced prostitution are underreported and should remain a key issue for organisations seeking to eradicate the problem of trafficking.

The FBRA must comprehensively address the significance of both “consent victims” and “forced victims” and emphasise that both undermine the human rights of victims and threaten their dignity as human beings. The criminal approach is limited as it continues to focus on the illegal aspects of human trafficking for victims as well as traffickers, such as bypassing immigration laws. As a result the organisations which employ this rhetoric do not recognise that the victims of trafficking are first and foremost humans, not criminals or objects for profit.

A statement made by Benjamin Barber fittingly concludes this article, “[w]e have, in effect, globalised most of our vices and almost none of our virtues” (Barber in Bateman and Epp 17). The FBRA shares this view in acknowledging that for organisations which aim to combat human trafficking to implement mechanisms protecting human rights, those rights must also be “actively claimed by those who hold them” (Heyzer in Truong et al. 113). In other words, the victims of trafficking themselves must be aware of their intrinsic rights and trust that law and policy makers will protect those rights, while law and policy makers must accept without question that the rights are an entitlement to those from whom they have been taken away. Given that women are the primary victims of human trafficking, this highlights the need to individually and

collectively empower women through institutional instruments such as effective policy, legal measures, state accountability, and effective community regulations. For such empowerment to not only occur, but to actually impact the fight against human trafficking, it must be supported by an environment which is transparent in its acknowledgement of individual and collective human rights claims. At this moment in time, and in-light-of the status quo of international affairs, this appears to be nothing but a 'pipe dream'. However, the increasing acknowledgement of the FRBA's legitimacy suggests that a major shift within organisations targeting human trafficking is within the realm of possibility.

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# Implications for Canadian Higher Education Internationalisation Policies: Critical Considerations on the Impact of the Shift to Knowledge Exports from Cooperative and Development Programming

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## INTRODUCTION

The desire to internationalise campuses and to provide students with global learning opportunities is evident in the Association of Universities and Colleges in Canada (AUCC) report *Internationalizing Canadian Campuses*. The report summarises a 2007 survey of Canadian university presidents' institutional internationalisation priorities. In the AUCC report, 95 per cent of university presidents in Canada cite the formation of international partnerships and the achievement of global competencies among graduates as top institutional priorities (AUCC 3). Yet a closer read of the report reflects what many scholars of globalisation and education policy raise as concerns: A growing emphasis in policy on the production of knowledge as an export and a preoccupation with international institutional status and rank (Rizvi and Lingard 6). Included within the potential knowledge to be exported is reference to (i) international development and cooperation programming, where the report suggests that such initiatives could potentially provide "many spinoffs ... such as creating opportunities for exporting education programs abroad and marshalling [sic] substantial resources back to the campus" and (ii) the future possibility of charging a 'fee for services' related to international development and cooperation initiatives (AUCC 14).

These two themes are examples of a shift in the direction of higher educational policy in Canada and require critical analysis to consider how this trend may impact those communities where development and cooperative programming

take place (Longo and Saltmarsh 117). There is a gap in the literature exploring the link between higher education policy related to international development and cooperative programming and the implications of a shift to a competitive, marketised approach to these initiatives. Throughout this analysis, the terms 'Global North' and 'the West' are employed to refer to Europe and North American and the terms 'Global South' or 'developing world' are used to refer to non-West, typically those regions of Latin America, Africa and parts of Southeast Asia. The literature linking education, globalisation and the postcolonial experience will provide the framework for raising questions related to the impact this shift will have on developing regions of the world (Tikly 151).

Evidence from postcolonial and critical development studies urge the incorporation of local values and leadership in international endeavours to ensure the success and sustainability of development programs. A postcolonial conceptual framework positions the perspective of those in the Global South and their experience of Western interventions in local political, economic and cultural activities (Crossley and Tikly 148). Postcolonial analysis examines the tension between the political and economic interests of the Global North particularly as they are expressed within the Global South. It is a recurrent theme within the literature of international development: projects and programs conceived of within institutions of the West or North that do not engage local partners in the formulation of projects or recognise cultural, historical, and political values result in failure, or worse, a further marginalisation of vulnerable populations (MacEwan 231). Research on the impact of internationalisation and partnerships in higher education conducted in Tanzania found that contrary to assumptions that such relationships create greater capacity for local institutions and secure more collaborative research opportunities for faculty or students, the reality is that the benefits of partnership accrue largely to the Northern partner. For example, publications, research opportunities and scholarships do not flow to the local university (Ishengomo 3). To acknowledge the dominant role that states and institutions from the North have in the South, postcolonial analysis also encompasses neo-colonialism and the spread of Western hegemony through a new imperialism, "the emergence of a new form of western imperialism that has as its purpose the incorporation of populations within the formerly so-called 'Second' and 'Third worlds' into a regime of global government" (Tikly 173). The integration of the second and third worlds is accomplished through market interactions with implications for educational activities that define populations in the Global South as consumers of Western knowledge (Tikly 174).

Taken together these trends present significant challenges from a critical policy perspective concerned with social justice. The social justice impact of marketised global educational policy is considered here in an effort to challenge the implementation of policies that continue to subordinate non-Western interests and ideas (Tikly 186). The definition of social justice put forth by Nancy Fraser is grounded in the notion of participation parity. She argues that:

...according to a radical-democratic interpretation of the principle of equal moral worth, justice requires social arrangements that permit all to participate as peers in social life. Overcoming injustice means dismantling institutionalised obstacles that prevent some people from participating on a par with others as full partners in social interaction (16).

Her definition forms the foundation for a social justice perspective in this analysis of higher education policy. It is one that values pluralism and diversity. Fraser argues that there are three dimensions to social justice: redistribution, recognition, and representation. Redistribution relies primarily on economic mechanisms to redistribute the resources and wealth in society. An economic system that results in an unequal distribution of goods results in a state she terms 'maldistribution'. The concept of recognition:

... targets injustices it understands as cultural, which it presumes to be rooted in social patterns of interpretation, and communication; misrecognition or being subjected to patterns of interpretation and communication that are associated with another culture and are alien and/or hostile to one's own, or being rendered invisible via the authoritative representation, communicative, and interpretative practices of one's own culture. Representation refers to equal access in decision-making and political affairs (12-13).

Torres argues that the tendency to analyse public policy, including educational policy, from a value neutral stance, ensures that "the research is exclusively empirical-analytical, thus oriented toward potential technical control, rather than an historical-hermeneutic interest or a critical-emancipatory one" (Torres 157); the saturation of ideology in policy-making is not scrutinised. To resist this tendency, policy texts must be deconstructed to contextualise their historical, political, cultural, and social

implications, emphasising that today, all educational policy is contested and reflects power and particular interests (Olssen 234).

Policy grounded in neo-liberal and marketised values neutralizes or ignores questions of culture and human development. It is the goal of this article to suggest areas for further research into the impact that a shift to education as a competitive enterprise may have within communities in the developing world. Five points will be considered within this analysis of higher education policy trends: i) the context of globalisation and its influence on policy; ii) the focus on the production of knowledge as a marketable export; iii) the lack of ethical oversight in international programming; iv) the impact of standardisation and global governance on higher education; v) the challenge of equitable international partnerships in higher education.

#### GLOBALISATION AND HIGHER EDUCATION POLICY IN CANADA

The context of globalisation and its impact on education is particularly important in the critical analysis of policy from a postcolonial perspective. Two items require clarification here: the use of the terms 'postcolonial' and 'globalisation'. In this analysis, a postcolonial critique "... draws attention to the transnational aspects of globalisation and of social inequalities and seeks to highlight forms of resistance to Western global hegemony as they have manifested themselves in education" (Tikly 152). The definition of globalisation advocated by Held best describes the experience of global education policy because it emphasizes globalisation as a process versus conceiving of condition. In his words, globalisation is:

... a process (or set of processes) which embodies a transformation in the spatial organisation of social relations and transactions assessed in terms of their extensity, intensity, velocity and impact—generating transcontinental or interregional flows and networks of activity, interaction and the exercise of power (Held in Tikly 163).

Education itself is cited as a conduit that facilitates the transmission of global values and knowledge. It can be argued that in terms of the influence of globalisation as a transcontinental process, education is one of the crucial avenues for the dissemination of global knowledge and practice, yet it is uneven in its impact in different contexts (Crossley and Tikly 153). Here is where a link can be made between globalisation, policy, and capitalist markets. Within the literature on globalisation and education policy, there is a general acknowledgement that education is a mechanism by which

capitalism and its corresponding economic interests are expressed, particularly through the current emphasis of skills-based education throughout most of the Global South (Crossley and Tickly 184).

Among the impacts of globalisation on higher education documented by scholars are: 1) the emphasis on competition between institutions at a global level; 2) the aligning of educational objectives with those of the private sector; and 3) the production of research as a knowledge export (Fahey et al. 83). Each of these three developments is referred to in the AUCC report. Globalisation plays a key role in the impetus for university internationalisation, bringing with it a new set of opportunities, as well as ethical dilemmas for institutions (Apple 24). The current global environment within which universities now operate is more competitive and outcome-oriented, both with respect to student achievement and faculty knowledge production (Stomquist 52). Canadian universities have actively participated in this shift. According to research by Delhi and Taylor:

Canadian policy reports over the past 15 years have constructed arguments for changes in the governance of faculty research in terms of the demands of a new global economy, comparisons with other 'developed countries, the need for innovation and the challenges of migration, multiculturalism and social cohesion (Delhi and Taylor 69).

The AUCC report clearly reflects this statement, specifically highlighting opportunities to showcase faculty research and innovation in international markets as well as the potential to recruit talented students through international programming.

The emphasis on competition between universities and the focus on profitability from research and teaching emphasized in policy, raise concerns when positioned in the context of North-South relations. The rise of international rankings of universities, whereby institutions compete in a global marketplace for students, and where faculty members compete for scarce grants and research funding, is now the norm; there are intense pressures for faculty members to engage in the competition for research funding or risk elimination (Stromquist 24). Yet this is the direction that policy is moving; the trend in higher education policy, particularly with respect to internationalisation, is to emphasize applicability and measurable outputs and it seeks programming that is revenue generating and statistically measurable (Rizvi and Lingard 38). This particular shift in higher education internationalisation policy reflects what Olssen argues is a trend toward 'governmentality' in higher



education policy, with the state attempting to control all matters that suggest unpredictability (Olssen 233). It is a high stakes race, with institutions seeking new sources of revenue. In this environment, international arenas are viewed as potential sources of funding, talented students and research sites, as well as contributing to the overall institutional prestige that ensures status and position among universities in the global community.

The language of commerce in policy underscores Delhi and Taylor's findings that government agencies are now openly skeptical about the social sciences model of teaching and research (Delhi and Taylor 113). There is a growing demand for solution-oriented research and applied programming, particularly in higher education. According to Delhi and Taylor, "The problem identified in some critiques is not merely that we have failed to disseminate and 'translate' knowledge that can be used to address educational and social problems, but rather that the questions we ask and the manner in which we ask are inappropriate or misdirected" (Delhi and Taylor 105). This suggests that producing results that are valued in the international marketplace is the way to ensure the value of research. However, this view of the Global South is a key issue critics point to with respect to moves by the West that position the Global South as either an arena within to apply new technology or a marketplace to sell ideas.

Defining knowledge as an export is a move that emerged as a result of changes to university governance and resource allocation in a neoliberal, globalised context (Rizvi and Lingard 12). The subsequent emergence of policies that refer to international development and cooperation programming as potential knowledge exports signals more than a change in the relationship between Global North universities and Global South communities; it would appear to redefine the common concept of knowledge which, according to Samoff and Carol, required:

... multiple initiatives and efforts, exchanges of findings, analyses, and interpretations, and an accumulation of understandings influenced by accepted earlier knowledge. Those exchanges may be more or less friendly, more or less organised, and more or less fruitful. Whatever their problems, the development of knowledge cannot proceed without them (80).

Recasting knowledge as a commodity, and research institutions as competitive enterprises, will have implications for how knowledge is developed and refined.

A central theme in the research on higher education and internationalisation policy is the desire on the part of universities to seek remuneration for scholarly interests; programs that place less value on return-oriented learning, and whose results are realised over time, are less likely to be pursued by program planners (Rizvi and Lingard 47). Linking this development to trends in Canadian higher education, the AUCC report cites the “offshore delivery of educational products and services that [will] provide the foundation for other types of value-added activities such as internships, research collaborations and professional development” (AUCC 26). One of the significant changes related to educational values often reflected in internationalisation policy in this context is the move to emphasize efficiency over democracy and equity in education (Rizvi and Lingard 76). In a social efficiency framework, the emphasis in education is on the “system’s capacity to make an adequate return on investment, assessed in terms of its contribution to producing workers with knowledge, skills and attitudes relevant to increasing productivity within the knowledge economy” (Rizvi and Lingard 78). However, an emphasis on efficiency would arguably lead to the suppression of difference, culturally, politically or economically.

The domination of one set of cultural values over another is a further example of Fraser’s concept of misrecognition (72). The policy language referring to the ‘delivery of educational products and services’ clearly indicates that the relationship is conceived in terms of producer to consumer versus a reciprocal or cooperative partnership. However, positioning the Global South as a potential consumer of Northern knowledge products presumes a mercantilist stance on the part of the North. The historical, political, social, and cultural contexts that exist in the Global South require consideration if an equitable trading relationship is to evolve. The current language engaged in the AUCC report and global trends in education suggest a more competitive positioning on the part of Northern educational institutions.

The focus on equity in education is now centred on issues such as access to educational opportunities; it is rarely set within a broader cultural context (Lingard and Rizvi 152). By focusing on quantifiable indicators such as the number of children enrolled in primary education, governments, international organisations, and analysts are absolved from considering the historical and political contexts that contributed to the creation of social inequality. In contrast to theories of justice that emphasize equity, participation and community, market driven policies have pushed nations and institutions to consider education in terms of human capital and investment and in isolation from cultural and political contexts. The impact of such policy on marginalised populations raises ethical concerns and will impact the formation of

global educational partnerships. It is useful here to consider some examples from research on international partnerships in education between North and South.

According to Seddon, “each partner is not just an abstracted decision-making agency, but is encumbered by its own history and culture. As a consequence, they each have different priorities and different definitions of social or individual need (Seddon, Billett and Clemans 130). It is essential to examine how each partners’ history, experience and governance are different in order to effectively analyse the impact policies will have in different contexts. The critical analysis of education policy is particularly necessary in cases where it is imperative to “understand the implications policy has for all those affected by its implementation” (Ozga 34). Further:

... conscious or unconscious assertions of particular ways of working within global educational partnerships can be experienced as a kind of professional or institutional imperialism which denies other partners’ knowledge, routines, and voice, and creates patterns of marginalisation and exclusion. Organizational habitus is not just anchored in particular institutional or professional cultures, but is embedded in broader social relations based in gender, ethnicity and class (Seddon, Billett and Clemans 130).

Collaborative partnerships between academic institution and local communities take time to develop, to cultivate trust, and to understand local values (Fahey, Kenway, Bullen and Simon 22). This process would seem to connect to Fraser’s parity of participation requirement for socially just partnerships. However, the process of contextualising local partnerships and seeking input from all stakeholders is considered inefficient in the new economy of higher education. It is interesting to note that the AUCC report does not indicate a role for international partners to play in the formulation of policy, partnerships or the direction of international programming. The language used in the report focuses exclusively on the “delivery of educational products and services” to provide the “foundation for other types of value-added activities such as internships, research collaborations and professional development” (AUCC 16). Yet as Samoff and Carol document in their research on educational partnerships, it is a rare instance when the benefits of research result in publications for faculty in the Global South, or that a significant number of scholars from the South are provided with opportunities for study in the North (82).

Ethical issues surrounding policy and the practice of international development are largely ignored in policy because mechanisms are currently lacking for the review and evaluation of policies where they are implemented. The AUCC report acknowledges, "The major argument for internationalisation is that it increases the quality of the institution...yet very few Canadian universities have carried out either internal or external peer reviews to assess the quality of their internationalisation practices" (20). John Mallea, in his project *Going Global*, a study of more than 51 Canadian universities and their approach to internationalisation, commented that, "[i]t (is) mystifying that every aspect of university life goes by the external peer review process, except internationalisation" (AUCC 20). This fact is particularly problematic in programs and partnerships that are negotiated from institution to community organisation or individuals, where there are issues regarding each partner's available resources, different operational frameworks and goals for project outcomes. In fact, many programs that can be classified as international development and cooperation are formed through informal channels, and are often the result of professional contacts of particular faculty members and, in contrast to other institutional partnerships, they are subject to little oversight and ethical evaluation (Sutton 137).

One of the criticisms of higher education internationalisation policy is the tendency to portray values as universal; local values are overlooked or deemed inefficient by policymakers (Rizvi and Lingard 63). The global trend is toward homogenizing or streamlining educational experiences, including curriculum and subject areas (Martens, Rusconi and Leuze, 14). Research by Meyer on global education policy demonstrates how education systems are becoming increasingly similar in content and delivery the world over (267). At the same time that policies are neglecting local input, new actors on the global education stage, such as international organisations (IOs) including the World Bank, OECD, the IMF and other non-governmental organisations (NGOs), are playing a much larger role in the formulation of policy and funding of education internationally, which contributes to the standardisation of education content. According to Martens, Rusconi, and Leuze, "New models of education collaboration and new types of qualifications are being developed (by IO's) and there is a significant impact on communities through the process of policy implementation" (Martens, Rusconi, and Leuze 7). Moreover, since educational programming is widely recognised as a key means of transmitting and informing cultural, political, spiritual, social, and other values, the power of education supported by multinational institutions, to silence indigenous

culture, is significant (Stromquist 53). These trends reflect the practice of cultural misrecognition resulting in the further silencing of local values, voices and histories in education.

The marketised approach to educational policy and international development sparks critiques of Western interventions in the developing world, including international development, put forth by writers and researchers from the Global South. Critics of international development challenge the language and ideology embedded in policies that Western higher education institutions adopt in reference to the Global South. The impact of policies on local communities, developed and implemented without careful consideration of local social geographies, are documented by critical development and postcolonial scholars.

Rather than promoting social progress and economic equality, Escobar argues that development experts from outside local communities contribute to uneven social, political and economic geographies and usurp autonomy. His analysis of the impact of development on the South resulted in conditions that fomented dramatic inequality. Instead of the kingdom of abundance promised by development theorists and politicians in the 1950s, the discourse and strategy of development produced its opposite: massive underdevelopment and impoverishment, untold exploitation and oppression (Escobar 4).

This view is grounded in the experience of entrenched poverty and social inequality that continues to be the reality for many communities in the Global South and is a condition that Escobar directly attributes to hegemonic moves on the part of the Global North or West to develop and implement strategies and import technologies that are inappropriate to conditions in the Global South (13). The hegemonic effect of international development corresponds to Fraser's analysis of misrecognition and maldistribution such that externally imposed approaches to development practices in the Global South continue to marginalise local initiatives, subordinating them to the technical expertise of the Global North. The move to view the former development sites as markets for exports suggests that the humanitarian element of development will be removed in favour of a streamlined market approach. Considering higher education policy from the postcolonial perspective problematizes ethical issues such as what counts as knowledge (Apple 56); there is nearly a complete domination of Western epistemology and approaches to education over non-Western values and ideals that are documented in the critical literature on development and education (Spring 335). Hommi Bhabha argues that postcolonial criticism gives voice to the desire to speak back to Western paradigms of knowledge

in the voice of 'otherness' to show how the 'constitution of Western subjectivity' and knowledge depends on the interactions with subjected others (27). Bhabha's argument, applied to higher educational internationalisation policies, highlights how Western institutions position the Global South as an arena to showcase Western knowledge and technology. Moreover, in the course of trying to attract attention for their projects, they displace local knowledge, institutions, technology, and voice.

### **CONCLUSION: FUTURE DIRECTIONS AND CHALLENGES**

The challenges outlined above confront attempts to internationalise education: the subordination of local values to Western knowledge exports, little evaluation or oversight of policy and a trend toward global educational standards that discount local authority and values. From a social justice perspective, marketised trends in higher education policy risk the further marginalisation of already vulnerable populations. Operating with parity of participation between partners as a threshold to evaluate the equity of policy, (particularly when considering that education is the field under examination), recognises the relative strengths and weaknesses that exist between Global North and South institutions. The redefinition of this relationship to focus solely on economic aspects such as trade leaves out crucial considerations of the impact of market activities on vulnerable populations; in this relationship it is nearly impossible for many communities to challenge Western resources and hegemony and to participate fully as peers (Ishengomo 8). It is one of the hallmarks of a postcolonial analytic framework that an alternative must be found to the neocolonial relationship that currently governs so much of North and South partnerships and exchanges (Tikly 180).

The issues raised in this article demonstrate how the language used in higher education internationalisation policy is redefining how Canadian universities view the Global South with respect to development and cooperation programming. Exploiting developing world communities as markets for knowledge exports could displace local initiatives, potentially contributing to the further marginalisation of some communities, and drain vital local intellectual resources through recruitment of talented students and faculty. Not enough is yet known about the consequences of higher education policies and practices that operate without consideration of the context and culture of global partners (Lingard and Rizvi, 2010). Yet the findings from critical research on international development initiatives suggest that a one-sided formulation of policy can lead to the exacerbation of social problems due to the exclusion of local stakeholders.

The lack of a mechanism for the regulation and review of international programming creates a situation that could potentially lead to abuse if a rigorous program of external evaluation is not implemented. The call for peer evaluation and external review in internationalisation policy and practice is necessary to ensure integrity in university practices and partnerships (AUCC 23). This article has argued that the standard by which programming and policy should be judged is on the basis of peer participation, defined by Nancy Fraser as the democratic access to participation in decision making, the free expression of one's culture and values and an equal share in the distribution of goods and resources (13). Future internationalisation policies should strive to maximise the participation of all partners and to conceive of knowledge in emancipatory versus market terms.

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# POLICY PAPERS



# Social Protection of the Poor in Africa: Whither Conditional Cash Transfers?

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## EXECUTIVE SUMMARY

Conditional Cash Transfers (CCTs) in the past decade have become attractive as social protection programmes for reducing chronic poverty and vulnerabilities in poor African households. However, the adoption of CCTs in African countries overlooks and neglects the individual and different programme contexts required for successful implementation of the programmes. This negligence can impede the achievement of programme objectives as well as their sustainability owing to prevailing socio-political together with economic development constraints. This policy brief thus advocates for greater consideration by government officials and their international development partners of the needs of individual countries in the design and implementation of CCT programmes in Africa. While various social protection programmes exist in one (un)conditional form or the other in countries like Ghana, Nigeria, Ethiopia, South Africa, Zambia, Egypt, and Uganda amongst others, the introduction of CCTs as social protection programmes is a relatively new phenomena and therefore throws up some challenges. The challenges they present should therefore be seen as part of a learning process rather than reasons to avoid attempting to implement them successfully.

## INTRODUCTION

Conditional Cash Transfers (CCTs) in the past decade have become attractive as social protection programmes for reducing chronic poverty and vulnerabilities in poor African households. For example, African countries including, but not limited to, Ghana, Nigeria, Ethiopia, Zambia, Egypt, and Uganda, amongst others have, in the past ten years, implemented CCTs. Following the popularity of CCT programmes

such as “Progressa” and “Bolsa Escola” in Mexico and Brazil respectively in the late 1990s, the objectives of CCTs adopted in these African countries relate to poverty reduction and human capital development (Kakwani, Soares, and Son 14; Chapman 4). However, the adoption of CCTs in African countries overlooks and neglects the different programme environments in which these programmes are introduced. This negligence impedes the sustainability of these programmes owing to prevailing socio-political together with economic development constraints. This policy brief thus advocates for greater consideration of individual country needs in the design and implementation of CCT programmes in Africa. It recommends that, as opposed to current approaches of attempting to replicate the acclaimed successes of CCTs in Latin American countries, CCTs in African states should be conceived within the larger context of social protection policies and programmes that focus not only on short-term poverty reduction strategies, but also on long-term sustainable development policies.

#### **SOCIAL PROTECTION OF THE POOR AND CCTS: THE AFRICAN EXPERIENCE**

Broadly used to refer to the “full range of protective transfers, services and institutional safeguards” (Standing 512) of households in ‘need’, ‘social protection’ has received renewed attention in the international development community in the past two decades. Although exact definitions of the concept vary considerably (see for instance, Brunori and O’Reilly 3-20; Barrientos and Hulme 3-4; Nino-Zarazua et al. 165), the convergence of opinion on social protection is not unrelated to the need to provide social assistance and insurance to vulnerable households and individuals within society. Amongst many other reasons, the failures of international development policies, such as the Structural Adjustment Policies (SAPs) of the late 1980s and early 1990s, worsened the conditions of the world’s poor. Hence, the need to assist the world’s ‘bottom billion’ people who continue to fall behind and apart (Collier 3), and whose ability to get on the ‘lowest rung of the development ladder’ (Sachs) has made social protection necessary and included it within development discussions, not least in Africa where many people still live below \$1.25 per day (UNDP 126-129).

While various social protection policies exist in one form or another in African countries like Kenya, Malawi, Ghana, Nigeria, Ethiopia, Mozambique, Tanzania, South Africa, Zambia, Rwanda, Egypt, Burkina Faso, Mali, Botswana, Lesotho, Namibia, Uganda, and Sierra Leone amongst others (Fiszbien and Schady 205; Nino-Zarazua et al. 165), the introduction of CCTs as social protection policy tools is a relatively

new phenomena. Operating under labels such as the 'Livelihood Empowerment Against Poverty' (LEAP) in Ghana, 'In Care of the People' (COPE) in Nigeria, and the 'Productive Safety Net Programme' (PSNP) in Ethiopia (Nino-Zarazua et al. 163), these programmes have been promoted and supported by international development agencies such as the World Bank and other donor agencies.

In turn, the adoption of CCTs all over the world has increased from 1 in 1997 to over 25 in 2008 (Fiszbien and Schady 4), due to success stories in Latin American countries where the programmes originated. The subsequent adoption of CCTs in Africa in the past decade is nevertheless fraught with challenges, even though the prospects for success are undeniable. This policy brief examines some of the challenges of CCTs in Africa and provides several policy recommendations on how to overcome these challenges. The brief seeks to draw the attention of policy makers in Africa such as government officials and donor agencies, like the World Bank, to the imperative of understanding the challenges that impede the success of CCTs in Africa. While CCTs are capable of improving school enrolments of children and also provide access to health information and vaccination for mothers and their children in the short term, as seen in the Latin America context (Adato and Hoddinott 5-6), the long-term objective of human capital development requires more holistic supply-side policies and programmes, such as better schools and health facilities, that can help improve the quality of education and health delivery in Africa.

## THE CHALLENGES OF CCTS IN AFRICA

The challenges to CCTs in Africa can be summarised as follows: programme ownership and sustainability, and administrative and political capacity (see also Nino-Zarazua et al.). First, most of the CCTs in Africa are designed and promoted by external aid agencies, often without the input of individual countries. This has largely been due to the almost 'copy and paste' development strategy reminiscent of the SAPs. The acclaimed success of CCTs in Latin America (Hoddinot 3) has further encouraged donor agencies to not question the viability of these programmes in African countries where, among many other problems, the quality of education and health are low, and the necessary expertise needed by programme administrators is lacking. Also, given that most programmes are either financed through debt relief savings, such as in Nigeria, or through aid, as in other countries like Tanzania (Nino-Zarazua et al.), the leverage of national governments on these programmes has been largely contained while the sustainability of the programmes has been threatened. Second, in many instances, national governments lack the capacity to implement

these programmes. The collapse in many African bureaucracies in the past fifty years hampers progress and affects how the programmes are implemented. Unfortunately, current programmes require huge amounts of administrative capacity development in order to succeed. Moreover, the political will to ensure that programmes become embedded within national development strategies, both in the short- and long-term, is crucial for the success of CCTs. Yet, 'getting the politics right' remains a challenge.

### **POLICY RECOMMENDATIONS**

The prospects for CCTs to succeed in Africa remain high. CCTs can, nonetheless, be seen as a way of 'bringing the state back in' (Evans, Rueschemeyer and Skocpol) to development. Even the World Bank now recognises the role of the state in development (World Bank; Rodrik). Moreover, the erosion and disappearance of social safety nets was monumental in the 1980s and 1990s due to anti-state neoliberal policies of the Bretton Wood institutions. On the basis of the above, this policy recommends the following:

1. The design and implementation of any CCT programme in Africa must involve the individual country's policymakers in the formulation and implementation processes. This can be done through collaboration between African policymakers, donors and other development partners. Ownership of programmes should be principal for national governments, as it remains a determining factor in whether or not the programme can be sustained and embedded within the national social protection framework of individual countries. Hence, unlike existing 'copy and paste' models, ongoing and future programmes must begin to take into consideration local needs based on assessments of country contexts.
2. The financing of CCTs should be part of national budgets and not dependent on aid flows. This is to ensure that the volatility of aid transfers does not affect the sustainability of programmes. The ebbs and flows of aid to Africa in the past has been one of the major problems for sustainable development. It is therefore important that countries, through their governments, endeavour to provide stable funding of programmes from their internally generated revenue.
3. Implementing CCTs requires adequate expertise on the part of programme administrators and social workers. Hence, adequate training must be provided for those who are involved in the implementation of CCTs. Training centres could be established by governments or donors in collaboration with educational institutions that can provide the necessary training on CCTs.

4. CCTs focus on cash transfers to families with the view of reducing their poverty and improving the human capital development of family members. But if the schools and health facilities are not improved, the human capital objective will not be achieved. Hence, ensuring that the quality of education and health facilities are improved as well is crucial for the success of CCTs. The administrative capacity and political will to ensure that the quality of service delivery is improved if provided by bureaucrats and politicians alike can advance the achievement of CCT objectives.

## CONCLUSION

The introduction of CCTs as social protection programmes is relatively new in Africa. The challenges they bring should therefore be seen as part of a learning process rather than reasons to avoid attempting to implement them. Based on existing programmes nevertheless, it is strongly advised that CCTs be seen as part of a long-term development strategy rather than merely a short-term exercise that is likely to fade away with time like previous programmes. Above all, it is crucial that CCT recipients are treated as subjects of their own destinies rather than as mere objects to be acted upon (Edwards 116). This would enable them to see CCTs as freedom enabling and capability enhancing (Sen; Nussbaum 17- 45).



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# Group-based Micro-borrowers Social Space Development Policies in Bangladesh: A Case Study of Grameen Bank Sixteen Decisions

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## EXECUTIVE SUMMARY

This policy brief looks at Grameen Bank (GB) microcredit Sixteen Decisions policies to examine the degree to which women borrowers of the Grameen Bank are empowered to participate in familial decision-making around the management of income and expenditures, and to examine women borrowers' engagement in community activities. This policy brief is based on previous GB microcredit research conducted by the author. Results show that GB policies have resulted in the increased participation of women in households and communities, but also show a movement toward development. Using the case of Bangladesh, this policy brief recommends that GB should include gender equality in its Sixteen Decisions to address the role of women.

## INTRODUCTION

This policy brief examines whether the Grameen Bank (GB) Sixteen Decisions can adequately enhance the developmental status of GB women borrowers and emancipate them from the dominance of their male partners in their household and community life. It further explores GB Sixteen Decisions policies, the barriers GB borrowers face, and the leadership of GB women borrowers and their ability to transfer their leadership skills to other public spaces. It finds that support is needed for GB women borrowers to take part in decisions that pertain to the family and the community.

Grameen Bank is group-based microcredit that is provided to poor women in Bangladesh. Its Sixteen Decisions policies aim to economically and socially empower women borrowers. The Sixteen Decisions policies are the focal point of GB's efforts to improve the economic plight of women and their families, to develop community space, to promote anti-dowry and anti-teenage marriages campaigns, as well as women's collectivity development in their community. These policies (see Appendix) and their implementation by GB women borrowers are the driving force behind leadership development by promoting borrowers' participation in the neighbourhood GB groups and centres, and their ability to understand as well as follow the Sixteen Decisions.

Yet, GB women borrowers are limited by Bangladesh's patriarchal society and social structures in the family and community (Goetz). Women are considered secondary members of the family in Bangladesh and hold even less power in the community where males dominate (Belal; Jahan). Microcredit institutions (MFIs) do not look at oppressive situations that affect women's self-esteem. These issues require more attention. GB should include gender equality in its Sixteen Decisions to address the role of women in Bangladesh. Female participation in decision-making practices will drive them to improve their overall family well-being and liberate them from male exploitation.

## **POLICY CRITIQUE**

Below is an analysis of the Grameen Bank Sixteen Decisions policies, their gaps, and policy suggestions that could help the effective empowerment of GB women borrowers. Through GB loans, 8.5 million rural-poor borrowers in 83,967 villages in Bangladesh (GB Monthly Report) increased their income, created assets for their families, and reduced the poverty cycle in Bangladesh (Ahmed and Hakim; Chu; Khandker; Yunus). A repayment rate of 97 per cent has been sustained since 1979. Moreover, 58 per cent of GB women borrowers have crossed the poverty line. For example, more are able to afford/fulfill their basic needs, including: food (three meals a day), clothing, shelter, child education, use of mosquito nets, and access to medicine. These figures highlight the seemingly positive impact of the Sixteen Decisions on reducing poverty and promoting a space for women in their communities. However, there are also issues related to the empowerment of women in the community as a result of GB loans.

First, although Grameen Bank Sixteen Decisions policies support the empowerment of women borrowers socially and economically, in practice, concerns

still exist regarding GB women borrowers' social space development in Bangladesh. For example, dowries are a conditional demand on girls before marriages. If the female does not meet a dowry demand, the husbands may abuse them mentally and physically. Another social problem is the marriage of teenage girls, who lack physical and mental maturity. These dominant patriarchal values and practices hamper women's development in Bangladesh.

The Sixteen Decisions are silent on gender discrimination and male aggression toward women and therefore do not aim to empower women. Hence, many researchers (Amin, Becker, and Bayes; Goetz; Mahmud; and Mayoux) have argued that the GB must develop additional strategies to raise awareness of gender inequality and the injustice of male domestic violence, while mobilising women to protest various social ills that afflict women. The GB's Sixteen Decisions do speak against dowry, but not forcefully enough. The GB maintains that gender development is an evolutionary process that takes place through women's economic development, as provided through the microcredit program. However, gender equality education for both men and women is essential for the development of equality and consensual decision-making processes (Abendroth).

Second, GB women borrowers need support to take part in decisions that pertain to their family and community. The research conducted on the 7th decision of GB (the promotion of adult education) and the 11th decision (dowry demand) demonstrates that all participants know how to sign their name – which is significant in Bangladesh, where most rural women do not know how to read and write (Belal). Regarding borrowers' education, the data shows that 33 per cent of those who attended centre schooling were illiterate before joining the GB. It has also been shown that those participants have a strong voice in their family, especially concerning their children's education and social issues they were concerned with such as, dowry and teenage marriage. In relation to teenage marriage, the study results indicate that marriages often occur for economic reasons, as it is easier to marry younger girls. Young women are often the victims of dowry, eve teasing, and other forms of harassment. Moreover, parents fear their daughters would otherwise be sexually assaulted or kidnapped. Therefore, teenage marriage is viewed as a form of protection in rural Bangladesh.

Third, the Sixteen Decisions have yielded varying levels of community engagement among women borrowers. In order to understand this variation, the research looked at the 15th decision (participation in the community activities) and 16th decision (resolving social problems). Regarding public space empowerment,

findings indicate that the vast majority of women are participating in community organisations and do not face problems engaging in these activities. It is also indicated that 96 per cent communicate with their neighbours more than once a month and that 56 per cent did not know their neighbours before joining GB. Almost all of them had connections with other NGOs like Annesha, Destiny Life Insurance Company, Nutrition projects, Village Arbitration Committee, Grameen Shikha, among others.

### **POLICY RECOMMENDATIONS**

All of these findings demonstrate some gains for GB women borrowers in their family and community spaces. This suggests that GB policies make an impact. However, raising male awareness among rural elites and rural males about women's social rights and civic participation in the communities is also crucial. In this regard, if GB mounted a strong public campaign against dowry violence and teenage marriage, it would increase the chances of minimising the affects of these social ills. Such a strategy would follow from Gender Development theory (Mies, 1998), which believes gender inequality should be addressed directly rather than through the indirect approach that the GB uses.

This policy brief also calls for a consciousness-raising process to investigate the interplay between the family and community spheres as well as to identify cultural and customary obstacles to the full participation of women in decision-making. The results of this research could provide a basis for overcoming such obstacles and facilitating the inclusion of women in decision-making. An important component of the GB program in achieving this is the education of the future generation. The GB has encouraged the second generation (i.e., the children of borrowers) to pursue higher education by providing them with education loans. Moreover, GB's sister organisation, Grameen Shakti (Renewable Energy), has a vocational training program where second generation borrowers can receive vocational skills development training to develop transferable skills. These programs are working to empower the next generation of borrowers to ensure long lasting effects of GB policies. Grameen Shikha Newsletter (2009) mentions that GB second generation youth have the skills to lobby for their own rights and are capable of taking action for the rights of marginalised women. Hopefully, through concerted efforts by parties, such as GB borrowers, GB, and other community organisations in Bangladesh, women borrowers and second generations will fill the gender equality gap.

Although Bangladesh has enacted legislation against dowry-related violence called the Dowry Prohibition Act (1980), the act needs to be stringently enforced. The government, especially the Ministry of Women and Children's Affairs and the Women's Council, should take proactive steps in enforcing the Act. The GB and other NGOs in Bangladesh could launch a massive campaign and lobby the government to enforce the Act more quickly and forcefully. Therefore, a separate activism strategy needs to be developed to address these issues. Although GB's Sixteen Decisions have included economic issues and other social issues, none directly target gender equality and this omission inhibits the family and community development of GB borrowers. Given the influence of the GB, a revision of the Sixteen Decisions with a focus on gender equality is needed.

Overall, the research indicates that progress, especially public space development awareness, has occurred. However, to address social problems (i.e., unethical dowry demands, dowry-related violence and forced teenage marriages), women need the support of agencies to convey their position on various issues, which include protesting unethical dowry demands, teenage marriages, and male domination over women. Moreover, government law enforcement is necessary for accelerating their collective actions. In addition, dowry-related customary laws in Bangladesh need to be reviewed with a view toward achieving gender equality. In Bangladesh, research indicates that agencies like Grameen Bank, Bangladesh Rural Advancement Committee (BRAC), Women for Women, and Ain-Shalishi Kendra should represent these marginalised rural women. For example, agencies could extend their reach to support the enforcement of anti-dowry laws and anti-teenage marriages laws in rural areas in Bangladesh.

## CONCLUSION

The GB has been instrumental in providing income-generating opportunities to women and for empowering women through the extension of collateral-free banking (Ahmed and Hakim; Mahmud; and Todd). The research finds that women's dependency on male family members is decreasing and that there is an emerging pattern of more equitable relationships in households and in society. The GB women borrowers are also emerging as a social force to fight prejudices and remove obstacles to economic and social progress in Bangladesh. While women's participation in the GB has resulted in their increased participation in their families and communities, GB Sixteen Decisions policies should further aim to improve gender equality, to ensure women's access to productive resources, to breakdown patriarchal dominance in society, to alter economic and institutional arrangements, and to promote more choices for women.

## APPENDIX

### *Grameen Bank Sixteen Decisions*

1. We shall follow and advance the four principles of the Grameen Bank - discipline, unity, courage and hard work - in all walks of our lives.
2. We shall bring prosperity to our families.
3. We shall not live in dilapidated houses. We shall repair our houses and work towards constructing new houses.
4. We shall grow vegetables all year round. We shall eat plenty of them and sell the surplus.
5. During the plantation seasons, we shall plant as many seedlings as possible.
6. We shall plan to keep our families small. We shall minimize our expenditures. We shall look after our health.
7. We shall educate our children and ensure that they can earn to pay for their education.
8. We shall always keep our children and the environment clean.
9. We shall build and use pit-latrines.
10. We shall drink water from tube wells. If it is not available, we shall boil water or use alum, a water purifying agent.
11. We shall not take any dowry at our sons' weddings; neither shall we give any dowry at our daughters' wedding. We shall keep our centre free from the curse of dowry. We shall not practice child marriage.
12. We shall not inflict any injustice on anyone; neither shall we allow anyone to do so.
13. We shall collectively undertake bigger investments for higher incomes.
14. We shall always be ready to help each other. If anyone is in difficulty, we shall all help him or her.
15. If we come to know of any breach of discipline in any centre, we shall all go there and help restore discipline.
16. We shall take part in all social activities collectively.

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# BOOK REVIEWS



Autesserre, Séverine. *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding*. New York: Cambridge University Press, 2011.

Séverine Autesserre's insightful book explores the challenge of peacebuilding in the Democratic Republic of the Congo (DRC). She outlines what she believes to be the primary shortcomings in the methods used by peacebuilders to help transition the DRC from a warzone to a stable democracy, including a premature emphasis on democratic elections and the overuse of raw aid materials in place of comprehensive development programs.

This gives Autesserre a foundation from which to launch her critique, and enables her to avoid many of the common generalisations she chastises the United Nations and other peacebuilding organisations for committing, including the belief that aid packages can resolve the situation. She argues that these generalisations, and the oversimplification of the nature of the conflict in the DRC, created wrongful assumptions of the Congolese as inherently violent (31), together with the improper qualification of the conflict as one that is based solely on foreign military forces and callous elites who are attempting to plunder national resources; these depictions later contributed to further misinterpretations, such as the labeling of the DRC as a 'post-conflict' zone while hostilities still persisted (66-67).

Autesserre sees this as a symptom of the top-down approach relied on by peacebuilding organisations, which has resulted in conflict-related barriers to programming that could have been avoided through policymaking that was more inclusive of local knowledge in a bottom-up manner. She accepts, however, that programs, such as the *Mission de l'Organisation des Nations Unies en République démocratique du Congo* (MONUC), could not operate effectively using a strictly bottom-up approach. She advocates instead for a combination of the two, where decisions from the top receive more critical and reliable information from qualified grassroots sources (270-272). This re-evaluation, according to Autesserre, would be the difference between a military force used to end conflicts and suppress threats, and aid programs that could be used to build infrastructure in order to establish a stable transitional economy.

Autesserre provides an informative and engaging critique, yet there are areas that she leaves underexplored and issues she seems to oversimplify. For instance she offers few concrete suggestions regarding the methods that should be adopted to give local people access to the land they so desperately need, or how the traumatic

events that the Congolese experienced should be dealt with in order for them to carry on with their lives peacefully. Moreover, while she argues that the DRC was not ready for elections in 2006, she fails to fully explain how exactly the Congolese prepared for these elections, and who would be best suited to participate in these preparations once the timing was appropriate (241).

Despite this, Autesserre's extensive study provides a crucial window into the blunders of international peacebuilding efforts and paves the way for a potentially more successful method of operation through a hybrid top-down and bottom-up organisational strategy. As a tool for understanding the shortcomings of peacebuilding efforts, Autesserre's work remains a unique and valuable contribution to the field of study, not only specific to the Democratic Republic of the Congo, but to international peacebuilding efforts as a whole. This work, although far from resolving the 'trouble with the Congo', provides unprecedented insight into the conflict by drawing directly from the Congolese perspective.

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Barnett, Michael. *Empire of Humanity: A History of Humanitarianism*. Ithaca: Cornell University Press, 2011.

L'humanitarisme est une créature morale complexe, façonnée par les jeux de pouvoir et les passions de son époque alors même qu'elle essaie de s'élever au-dessus de ceux-ci pour affirmer des valeurs universelles » (Barnett 7, traduction libre). À partir de ce constat, Michael Barnett parvient à écrire une histoire de l'humanitarisme qui met l'accent sur les rapports compliqués et parfois tordus que les organisations humanitaires entretiennent avec le monde politique, sans pour autant oublier que le mouvement humanitaire est aussi mû par des acteurs ayant le plus souvent des intentions nobles.

Un passage intéressant du livre concerne les liens entre administrateurs coloniaux et missionnaires à l'époque coloniale. On considère souvent, à juste titre, que les militants pour l'abolition de l'esclavage ont été des précurseurs de l'humanitarisme. Barnett rappelle que nombre d'entre eux étaient également proches du mouvement missionnaire, qui soutenait activement le colonialisme, y voyant un moyen d'apporter la civilisation et le christianisme à des peuples sous-développés. Par le fait même, les missionnaires, qui dépendaient des États coloniaux pour leur sécurité et pour l'accès aux territoires à évangéliser, légitimaient l'idée de *mission civilisatrice*.

Aujourd'hui, les organisations humanitaires ont largement abandonné le discours civilisateur pour se tourner vers un discours centré sur les besoins. Barnett souligne néanmoins qu'à notre époque, l'intervention humanitaire n'est pas dénuée de paternalisme. Dans les années 1990, l'émergence du concept de « *peacebuilding* » amène une convergence du discours humanitaire et du discours sur les droits de la personne et le développement. En souhaitant s'attaquer aux racines des problèmes, de nombreuses organisations humanitaires s'orientent vers une action à long terme touchant toutes les sphères de la société. Parallèlement, en réaction à l'échec de certaines interventions humanitaires et aux problèmes de coordination vécus lors de plusieurs crises, des organisations se professionnalisent et ont de plus en plus recours au savoir d'expertise. Bien que cette intention soit louable et réponde à des préoccupations légitimes, cela risque d'accentuer la distance qui sépare les travailleurs humanitaires des bénéficiaires de l'aide. Il pourrait en résulter une gouvernance humanitaire de plus en plus centrée sur ses propres objectifs – sauver des vies et atténuer la souffrance humaine – mais de moins en moins sensible

aux aspirations et aux désirs des populations locales.

Pour appuyer les thèses de son ouvrage, Barnett décrit des crises humanitaires majeures (Biafra, Vietnam, Bosnie, etc.), raconte la création de plusieurs organisations humanitaires (Oxfam, Care, Médecins sans frontières, etc.), rend compte des débats internes qui ont marqué l'histoire de celles-ci et fait le portrait de quelques personnalités importantes du mouvement humanitaire, comme Eglantyne Jebb, fondatrice de *Save the Children*, et Henri Dunant, instigateur du comité international de la Croix-Rouge. En parallèle, il relate à grands traits les événements historiques qui ont eu un impact majeur sur le développement de l'humanitarisme. Malgré quelques redondances, ce va-et-vient entre la « petite » et la « grande » histoire permet de saisir la complexité des enjeux de l'humanitarisme.

La critique que fait Barnett de la technocratisation de l'aide humanitaire offre des pistes de recherche intéressantes et pose un certain défi aux organisations humanitaires. Pour éviter la gouvernance désincarnée que craint Barnett, elles devront faire preuve d'une grande capacité d'autoréflexion et d'adaptation. Quoiqu'il adienne, on assistera sans doute dans les prochaines années à la création de nouvelles organisations qui rejetteront les pratiques actuelles au profit d'un meilleur ancrage dans les communautés où elles interviennent. Enfin, face à l'ampleur de la tâche, Barnett a fait le choix compréhensible de traiter exclusivement de l'humanitarisme occidental. Il serait utile de soumettre les mouvements humanitaires du reste du monde, en particulier ceux de la Chine ou de la Russie, à une analyse similaire pour voir s'ils ont vécu des tensions et des transformations semblables.

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Pouliot, Vincent. *International Security in Practice: The Politics of NATO-Russia Diplomacy*. Cambridge: Cambridge University Press, 2010.

*International Security in Practice (ISP)* aims to counter the 'representational bias' in International Relations (IR) scholarship – the tendency to privilege formal modes of cognition (thought), over more intuitive modes of coping (know-how) – which author Vincent Pouliot claims makes for a detached, and hence inadequate, understanding of diplomacy. He sees this epitomised in the assumption that for behaviours like non-violence to 'take hold', a corresponding 'idea' must first be transmitted to and internalised by a critical mass of actors. For Pouliot, the problem here is that when we think in conventional terms of a subject that thinks before acting, we end up resorting to clumsy theories of motivation that treat broad transformations – like peace and war – as one-off events rather than intricate social behaviours. The positivists, however, are not the only culprits, and he locates the representational bias on the other end of theoretical spectrum as well, accusing post-positivists of lapsing into structural over-determination while ignoring the assemblage of practical dispositions that comprise the social fabric of diplomatic interactions.

Consequently, *ISP* puts forward an alternative approach centered on recovering the know-how of first-hand actors, treating concrete diplomatic practice as the site of international politics proper, rather than simply the effect of some prior cost-benefit analysis. Pouliot elaborates, "in everything that people do...there is always a practical substrate that does not derive from conscious deliberation or thoughtful reflection...practice is the result of inarticulate, practical knowledge that makes what is to be done appear self-evident or commonsensical" (12). Thus diplomacy forms a set of "skills...that constitute the social fabric of international politics, and are background dispositions acquired in and through practice" (Pouliot 12). Along these lines, *ISP* deploys a Bourdieu inspired 'subjective' methodology in the study of NATO-Russia relations, offering a third way between the theoretical clumsiness of the mainstream approach and the esoterism of the post-positivist camp.

While this practice turn offers a much-needed counterbalance to conventional understandings of behaviour, we should tread cautiously for two reasons. First, if we assume that the logic of peace can be localised in the immediate interaction of diplomatic actors, we end up privileging Track One as the pre-eminent site of world politics. Indeed, a wealth of recent IR scholarship has problematized the



assumption that the state should enjoy this kind of automatic causal priority. Even if one does take for granted that the state is the pre-eminent actor in world politics, we risk impoverishing this perspective by desegregating diplomatic practice from the broader network of behaviours, symbols and identities constitutive to the state as an imagined community. If for instance we want to make sense of the way that a state may be trying to save face or preserve its reputation, we would be remiss not to interrogate the particular gendered way that honour has operated historically; a consideration which takes us outside of diplomatic interaction in one sense, while penetrating to its very core in another.

Second, because the category of practice that informs Pouliot's approach is both intuitive and pre-linguistic, paradoxically both indescribable and always already known, at times it reads as a kind of *deus ex machina*. Hence, practice is treated as causally determinative when it comes to explaining cooperative or at least non-violent behaviour in terms of NATO-Russia relations, while at the same time it is invoked as a ubiquitous feature of all human interaction. The trouble here is that by presupposing a 'practical' field of perception that is ontologically prior to symbolic interaction, we end up treating language as simply another shadow on the cave wall, when, in fact, it is a practice just as intuitive as opening a car door. In sum, we should not simply reject Pouliot's argument by reversing the sequence of ontological priority that he puts forward, that which subjugates language to practice. Rather, we should acknowledge that we are better served as social scientists by taking these categories as two sides of the same coin.

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