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Editor's Introduction

The 2008-2009 edition of *The Attaché* proceeds a period of hiatus for the journal, yet we are proud to have rekindled *The Attaché's* standard of scholarly excellence in our current issue, reflected in the exceptional quality of papers that appear in the following pages. For this issue, *The Attaché* presents a series of articles focusing on individual countries as case studies, each considering different theoretical and substantive issues in international affairs, ranging from the relationship between disaster and social change to a discussion on a particular negotiation strategy in brokering peace. While each essay is focused on one country at one time, we are confident that the insights offered have applicability to broad array of situations, emphasizing both the common challenges and unique circumstances faced by people around the world.

Tackling one of the most long-running and contentious debates in global affairs today, Arianna Lopes Morey analyzes the Palestianian-Israeli conflict through the lens of international law. In her paper entitled, *Self-Defense versus Self-Determination: An International Law Perspective on the Palestine-Israel Conflict*, Lopes Morey seeks introduces an external framework in examining the delicate balancing act of the Israelis' right of security and the Palestinians' right to self-determination. She argues that international law is "a vital mechanism for stabilizing and improving international relations," and assesses the viability of providing for a "legitimate and sustainable peace" based on principles of the international legal order. While Israel has a voice in the international arena, she notes, Palestinians are currently bereft

of such representation. For progress in this conflict, the framework of international law should be adapted to reflect the realities of conflict that exist.

As illuminated by Noel Anderson's essay, entitled *The 'Art of the Fudge': Merits of Constructive Ambiguity in the Good Friday Agreement,* Northern Ireland is no stranger to protracted conflict either. Anderson, however, takes a different approach in examining efforts towards peace, emphasizing the positive role played by 'constructive ambiguity' in drafting the Good Friday Agreement. While he concedes that the inexact details of the agreement "has provided each party the ability to interpret it differently and construe its language however they wished," Anderson argues that "absolute clarity would have produced a political stalemate and no peace agreement at all." In other words, an incomplete peace is better than no peace at all. Anderson further notes that even the semblance of an agreement has a beneficial impact on future peace efforts, since continued dialogue gives each side the credible belief that "they could fulfill their political agenda without recourse to violence," and over time, entrenches "norms of non-violence." In contrast to Lopes Morey's essay on Palestine, Anderson provides an interesting case in favour of eschewing clarity and precision in peace negotiations.

The West's relationship with Iran has been increasingly troubled over the past several years, particularly since the infamous 'axis of evil' speech that labeled Iran an agent of terror along with the likes of Iraq and North Korea. Yet, over this time, Iran's foreign policy has been progressively successful, with victories in Iraq and Lebanon, largely due the leverage created through the "export of instability." Many have suggested this recent aggressive foreign policy merely a brief political manifestation, guided by President Ahmadinejad and his fellow hard liners. Farnam Bidgoli, however, questions the assumption that Western support for a reformist would shift the tides of Iranian foreign policy. In her essay entitled, *Iranian Foreign Policy Making*, she instead argues "that in fact Iranian foreign policy making is largely unified within the bounds of the Islamic regime," and that "ultimately Iranian foreign policy is characterized by continuity and cohesion." Finally, critiquing the dominant "factions-based perspective of Iranian politics," Bidgoli offers a new model based on a more cohesive Iranian foreign policy, and prescribes engagement with Iran based recognizing Iran's status as

regional power, as opposed to attempting to exploit factionalism.

Iran is not the only place of concern regarding nuclear weapons, as demonstrated by Tina Park's essay, *North Korea's Weapons Programme: Domestic and External Obstacles to a Negotiated Solution*. In her paper, Park analyzes "various dimensions of the North Korean nuclear weapons programme to understand the past failures of the international community to halt the DPRK's nuclear ambition." Eschewing simplistic explanations of North Korea's continued possession of nuclear weapons, Park identifies a multitude of factors that have coalesced to produce the current situation. While nuclear weapons are important in light of the *juche* ideology followed in the DPRK, Park argues that the international factors are equally vital, as North Korean leader Kim Jong Il sees nuclear weapons as a "bargaining chip" in international diplomacy. Furthermore, Park attributes the ineffectiveness of the international community to divergent approaches. Each member of the six-party talks "shares a different diplomatic history with the DPRK and each has a unique set of domestic interests and priorities which must be considered in dealing with North Korea." For a solution to be found, Park contends, a harmony of interests must be developed among these nations when confronting Kim.

Sources of conflict are not always out in the open, and as Travis Coulter demonstrates, continuing violence is often a function of deep-rooted psycho-cultural factors. In his essay, 'Patriotic History' and Psycho-Cultural Factors in Zimbabwe's Continuing Conflict Since 2000, Coulter seeks to test the psycho-cultural sources of conflict outlined by Marc Ross, using Zimbabwe as his case study. "Many scholars of African affairs," writes Coulter, "as well as popular western media, have described the conflict as being interest based and greed driven." Yet Coulter finds these explanations to be unsatisfying, since they fail to account for not only "the lack of active resistance, but also [President Mugabe's] continued support despite both violence and a devastated national economy." Coulter accounts for this phenomena through the psycho-cultural factors, outlined by Marc Ross, "particularly the distortion and reinvention of Zimbabwe history into a new 'Patriotic History'." In other words, by co-opting the language of nationalism and patriotism, Mugabe managed to stifle opposition despite the increasingly desperate situation of Zimbabweans.

Striving for objective detachment is a useful tool in scholarship, but if followed too closely, may close analytical avenues for understanding cases at hand. The utility of a hands-on approach is clearly demonstrated by Jayne Grigorovich in her essay, *Social Change in the Wake of Disaster: The Tsunami and Humanitarian Response in Aceh Province, Indonesia*. Based heavily on field research, Grigorovich analyzes many of the long-term effects of the tsunami on a province in Asia, the kind of impacts "that numbers alone do not reveal." Grigorovich highlights how "disasters, and especially their ensuring humanitarian responses, have a wide social dimension in their impact, often shifting aspects of culture sedimented in tradition and established political order." Consequently, as good-intentioned as they may be, humanitarian actors can nonetheless exacerbate certain problems arising from the tragedy of natural disasters. These problems are in large measure attributable to one-size-fits-all approaches to aid work, and Grigorovich brings attention to the "bigger need for humanitarian programs to be tailor-made to their particular locations." Properly considered, Grigorovich's prescriptions offer the basis for much more effective aid programs in the future.

The essays published in this year's issue of the *Attaché* represent some of the finest examples of student scholarship in the field of international affairs. They exhibit not only rigorous trolling through the existing scholarly literature, but also the formation of new ideas as well as compelling research from the field. These authors demonstrate that introducing new approaches to problems in global affairs is well within the bounds of undergraduate students. It is our hope that the readers of this journal are able to draw upon the insights contained in the following pages, find a place for them within their own considerations of the issues, and make their own distinct contributions to the discourse. Indeed, a scholarly journal could have no higher goal.

Akash Toprani and Miranda Lin
Editors-in-Chief

Self-Defense versus Self-Determination:

An International Law Perspective on the Palestine-Israel Conflict

by Ariana Lopes Morey

"When we were exiled from our country and removed from our land we became victims of the nations of the world among whom we lived, and throughout the generations we tasted the bitterness of persecution, oppression and discrimination merely because we were Jews 'whose religion is different from that of other peoples.' Given this sorrowful experience, which deeply affected our national and human consciousness, it is to be expected that we will not adopt these aberrant ways of the nations of the world…"

- Supreme Court of Israel [1]

The Palestinian-Israeli conflict is one of the most controversial conflicts in the world today, inspiring the full spectrum of passions, from great sympathy to deep hatred. In an attempt to assess the nature of the conflict and the opportunities for its resolution, one critical lens of analysis is that of the international legal order. International law was created precisely in order to stabilize interstate conflict and promote peace through the creation of an institution mandated to regulate the actions of one state towards another. Since 1948, the United Nations has attempted to fulfill this mandate in relation to Israel and Palestine;

1 David Kretzmer, *The Legal Status of the Arabs in Israel* (Boulder, Westview Press: 1990), 9.

indeed, it has criticized the policies of Israel in over 60 General Assembly and Security Council resolutions. Although Israel vowed to uphold the spirit and word of the United Nations, its violations of international law have largely been carried out with impunity. This raises questions regarding the role of international law in the Palestine-Israeli conflict and whether the legal order provides an opportunity for a legitimate and sustainable peace.

The paper cannot reasonably seek to analyze all legal aspects of the conflict, which range from the legality of the creation of the state of Israel to the status of Palestinian refugees in neighbouring Arab countries. The paper seeks to address specifically the nature of Israeli and Palestinian aggression as defined by international law as well as the Israeli obligations in the occupied territories under humanitarian law. The purpose is to establish where each party stands as one way of evaluating what a just and legal international response and resolution to the conflict would entail. Given the historic, religious, and emotionally charged nature of the conflict, it is argued that international law must be the foundation of a sustainable peace agreement.

My belief is that although international law is imperfect (in application, enforcement, and its inevitable politicization) it is a vital mechanism for stabilizing and improving international relations. States and nations do not interact in a vacuum but within a normative framework that has been established over time. International law attempts to codify and articulate that normative framework, institutionalizing it for clarity and as a basis for enforcement. One of its primary functions is to provide the foundation for dispute settlement, and thus it is an important tool to provide legitimacy to peace agreements, especially where parties can find no common ground.

With a focus on the post-1967 period of the conflict, this paper will assess Israeli actions in the occupied territories, particularly focusing on settlements, the security barrier, and the treatment of Palestinians under humanitarian law. It then turns to Palestinian aggression as it relates to the Palestinians' right to self-determination. This paper confines its examination of relevant international law to the law of military occupation and international humanitarian law, as well

as UN resolutions passed with specific attention to the conflict.[2]

Context

Palestine has been an occupied land for most of its history. Part of the Turkish Empire until 1919, Palestine became a British Mandate after the First World War until such time as its people would be able to exercise their right to self-determination. However, in light of the political controversy raised over the question of a Jewish homeland in Palestine, the British referred the question of Palestine to the UN in 1947. The UN determined by a vote of 33 to 13 (with 10 abstentions) that the land should be divided into two states, while Jerusalem would remain an international protectorate. The Arabs rejected the partition of what they saw as their country, while Zionists were determined to create a Jewish state. Armed hostilities broke out soon after and have continued largely uninterrupted since then, at varying degrees of intensity. After the Arab-Israeli war of 1967, Israel occupied the Gaza Strip (previously annexed by Egypt), the West Bank (previously annexed by Jordan), and part of East Jerusalem, along with other territories in Syria (the Golan Heights) and Egypt (Sinai Peninsula).

Following the war, the UN Security Council passed Resolution 242, one of the most famous resolutions pertaining to the conflict, in which the Council emphasized the "inadmissibility of the acquisition of territory by war" and called for Israel to withdraw from the occupied territories.[3] While this resolution indicates that the occupation of the territories by Israel is illegal, the law of occupation comes into effect

2 While it is understood that Security Council resolutions are the only resolutions considered legally binding, General Assembly resolutions are relevant as expressions of what the international community believes to be critical to interstate relations, and may provide a foundation for the creation of customary international law. For example, that the General Assembly has passed approximately 70 resolutions affirming annually the Palestinian right of return is an indication that the majority of the international community perceives there to be a binding obligation on Israel to address this right.

3 United Nations Security Council, "Resolution 242(1967)," (22 Nov. 1967) http://domino.un.org/unispal.nsf/d9d90d845776b7af85256d08006f3ae9/7d35e1f729df491c85256ee700686136!OpenDocument (Accessed on 13 Dec. 2008).

once the factual situation of occupation comes into effect, regardless of the illegality of the occupation itself.[4] The test for determining when a territory is occupied is based on whether the foreign power exercises "effective control" over that territory, and it was affirmed as of 2008 that Israel still exercised effective control over the West Bank and Gaza.

Despite the unilateral withdrawal of Israeli forces and settlements from Gaza in 2005 and the characterization of Gaza as "hostile territory", Israel maintains effective control over Gaza based on its control over: the six land crossings, Gaza airspace and territorial waters, military "no-go" zones, and the Palestinian Population Registry which defines who is "Palestinian" and who can travel through the land crossings.[5] Therefore, the law of occupation remains applicable to Gaza as well as the West Bank, and Israel's legal obligations in the territories and in relations with Palestinians are informed by its status as the occupying power. The next section will analyze the legality of three forms of Israeli policy that affect the character of the territories: settlements, the construction of a security barrier, and the violation of humanitarian law.

Israeli Position: The Occupier

At the time of its accession to the United Nations in 1948, foreign minister Moshe Shertok, acting as the official representative of Israel, affirmed the state's respect for international law. He declared that "the State of Israel hereby unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a member of the United Nations."[6] In fact, Israel's

4 ICRC, "Occupation and international humanitarian law: questions and answers," (4 Aug. 2004). http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/634kfc?opendocument (Accessed on 12 Dec. 2008).

5 John Dugard, "Human Rights Situation in Palestine and Other Occupied Arab Territories: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," United Nations, (21 Jan. 2008) http://www.cjpme.ca/documents/Dugard-Report-2008.pdf (Accessed 11 December 2008), 8.

6 United Nations General Assembly, "Application of Israel for Admission to Membership in the United Nations," (2 Dec. 1948) http://domino.un.org/unispal.

membership in the international community as a member of the UN was contingent upon its assurance that the organization's resolutions would be fully respected and implemented. The UN demanded the recognition and implementation of two resolutions in particular, those of 29 November 1947, on the partition of Palestine into an Arab and a Jewish state, and Resolution 194 of 11 December 1948, which affirms the right of return of Palestinian refugees wishing to live in peace.[7] This last resolution on the right of Palestinian refugees to return has been reaffirmed every year since 1948.

In 1972 the General Assembly expanded the international community's affirmation of Palestinian rights by declaring that "changes carried out by Israel in the occupied territories in contravention of the Geneva Conventions of 1949 are null and void. It called upon Israel to rescind them forthwith and to desist from all *policies and practices affecting the physical character or demographic composition of the occupied territories*."[8] (emphasis added) Any change rendered to the physical or demographic character of the territories is significant not only as a violation of international law and the rights of the occupied populations, but also as a factor that will determine the future of peace-building (and the achievement of a just settlement) between Israel and the Palestinians. The three aspects of Israeli policy that will be analyzed below are settlements, the security barrier, and humanitarian law, as each has a direct influence on peace-building in the conflict.

a) Settlements

In forty years of occupation, Israel established 121 settlements in the West Bank (labeled "communities" by the Israeli government), twelve settlements on land annexed in Jerusalem, and about 100 further settlements currently referred to only as "outposts." In 2005, Israel dismantled the sixteen settlements that had been established in

nsf/2ee9468747556b2d85256cf60060d2a6/-4a9a96807f788857052566c60059d4ff!OpenDocument (Accessed on 10 Dec. 2008)

7 Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict* (London: Longman Group, 1973), 95-6.

8 Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, 156.

the Gaza Strip and three from the northern West Bank as part of Israel's unilateral disengagement plan.[9] The Security Council has condemned the establishment of Israeli settlements in the occupied territories numerous times since 1967, characterizing the Israeli practice as without legal validity and constituting "serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East."[10] The foundation for this criticism lies in article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. The article prohibits the transfer of the Occupying Power's civilians into the occupied territory, as well as the forcible transfer or deportation of occupied civilians out of the territory.[11]

Addressing the status of these settlements under international law, the Israel Ministry of Foreign Affairs asserts that the Geneva Conventions do not prohibit the movement of individuals to land that was not originally part of a sovereign territory. This position clearly fails to address the spirit and purpose of the Convention; however, even if it were accurate, it must be noted that as early as 1920 "Palestine, as one of the territories detached from the Turkish Empire, was one of the countries whose independence was provisionally recognized 'subject to the rendering of administrative advice and assistance by a Mandatory.'"[12] Therefore, an independent Palestine had long been envisioned before the settlements were established. The Ministry further states:

> The provisions of the Geneva Convention regarding forced population transfer to occupied sovereign territory cannot be viewed as prohibiting the voluntary return of individuals to the towns and villages from which they, or their ancestors, had been ousted.[13]

9 B'Tselem, "Land Expropriation and Settlements," (No date) http://www.btselem.org/English/Settlements/ (Accessed on 8 Dec. 2008)

10 UNISPAL, "Security Council Resolution 446," (22 Mar. 1979) http://domino.un.org/UNISPAL.NSF/c25aba03f1e079db85256cf40073bfe6/ba123cded3ea84a5852560e50077c2dc!OpenDocument (Accessed on 13 Dec. 2008)

11 While also an issue of importance, deportations of Palestinians from the occupied territories are not examined here.

12 Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, 26.

13 Israel Ministry of Foreign Affairs, "Israeli Settlements and Interna-

It is interesting to note that the Israeli government defends the settlements based on the historical claim of the Jewish people to the land, and yet denies the Palestinians both their right of return to land inside Israel as well as full access to the occupied land despite their equal historical claim. It is estimated that Palestinian refugees numbered 914, 000 in 1950 and this number had increased to 4.6 million by 2008. None of these Palestinians, nor their descendants, have their right to return to their land inside what is now Israel recognized by that state. If one is to accept the Israeli argument as legitimate, it must equally be applied to Palestinians. It would follow that the creation of Israel does not invalidate the Palestinian right to return home, nor the right of Palestinians to the land in the West Bank and Gaza upon which Jewish settlements have been built.

The Israeli government further insists that the settlements do not violate the prohibition on changes to the status of the territories:

> It has been charged that the prohibition on unilateral steps which alter the "status" of the West Bank and Gaza Strip, which is contained in the Interim Agreement and in subsequent agreements between the parties, implies a ban on settlement activity. This position is disingenuous. The building of homes has no effect on the status of the area. The prohibition on unilateral measures was agreed upon in order to ensure that neither side take steps to change the legal status of this territory (such as by annexation or unilateral declaration of statehood), pending the outcome of permanent status negotiations.[14]

Yet permanent status negotiations will themselves be altered by the establishment of these settlements. In talks with Palestinians, Israel may propose to make "painful concessions" by offering to relinquish

tional Law," (20 May 2001) http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process /Israeli+Settlements+and+International+Law.htm (Accessed on 10 Dec. 2008)

14 Israel Ministry of Foreign Affairs, "Israeli Settlements and International Law," (Accessed on 10 Dec. 2008)

select settlements (that were never legal) and disengage from occupied territory in exchange for Palestinians relinquishing their right of return or making other compromises. To allow Israel to use withdrawal as a bargaining tool during the negotiation process allows Israel to reap the benefits of an international wrong, and aggravates the original offense. Moreover, it implicitly gives international endorsement to the achievement of a settlement based on the use of force.[15]

Most importantly, these settlements necessarily change the *de facto* territorial and demographic situation in the West Bank. The Jewish settler population in the West Bank numbered close to 500, 000 by 2007.[16] As the settler population increases, concentrated in identifiable communities, the Israeli government will be under greater pressure (or have greater incentive) to protect these settlers and the land they occupy, and incorporate them into the state of Israel. These "facts on the ground" will influence any final settlement with Palestinians.

Israel indicated that this is precisely what it intends to do when it began construction on the security barrier in 2002. The route of the barrier has been designed to incorporate major Israeli settlements into Israeli territory. This constitutes the annexation of land. It is extremely difficult to imagine how the construction of the barrier around the Israeli settlements will not affect the final borders given the effect it will have on the demographic segregation of the two peoples. Since international law in general, and Security Council Resolution 242 in particular, reject Israel's occupation of the land, any final resolution with a legal foundation would invariably demand a full Israeli withdrawal from the territories. Therefore it is most likely that Israel's goal in establishing settlements is to change the status of the territories in such a way that they will maintain the occupied land as an integral part of Israel.

The representatives of the Palestinian village of Bil'in powerfully

15 Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, 154-5.

16 "Palestinians: Number of West Bank settlers jumped nearly 4% in 2007," Haaretz.com. 3 August 2008. Accessed 5 March 2009. http://www.haaretz.com/hasen/spages/1008083.html; see also CJPME, "Factsheet: The Geneva Conventions and Israeli Activities in the Occupied Territories," Factsheet Series No. 1 (March 2004) *www.apacottawa.com/additional_info.pdf* (Accessed 13 Dec. 2008)

articulated this point in their motion for a precedent-setting suit against a Canadian contracting company involved in constructing buildings for Israeli settlements. The village submitted that

> In recent years, and since the Camp David Summit in 2000, Israeli government policy has concentrated on what is known as "the settlement blocs," the Modi'in Bloc (including Modi'in Illit) being one of them. It is the declared policy of the State of Israel to ensure that the settlement blocs will remain part of the State of Israel in any future agreement with Palestine. Transferring Israeli population and creating new "facts on the ground" is the State's strategy for achieving this policy.[17]

All Israeli settlements in the territories constitute a violation of international law and must be removed. While this is invariably a long-term process, the government of Israel must take immediate action to prevent the expansion of settlements and begin the relocation of settlers inside Israeli territory. Whether or not the movement of settlers to Palestinian territory is voluntary is immaterial, as it has no effect on the legality of the settlements and creates a barrier to establishing a just peace.

b) The Security Barrier

The second, or the Al-Aqsa, *intifada* began in late 2000 following the visit of Ariel Sharon to the Temple Mount. It was during this period that suicide bombing emerged as a form of Palestinian attack on Israel. In response, Israel began construction on a security barrier, also referred to as a security fence, or the Wall, in June of 2002. The barrier is being constructed of chain link fence, razor wire, trenches, and eight- to ten-foot concrete walls around the West Bank and East Jerusalem, and is designed to restrict the movement of Palestinians between Israel and the territories.

17 *Bil'in (Village Council) and Yassin v. Green Park International Inc, Green Mount International Inc, and Laroche* (Superior Court of Canada, No: 500-17-044030-081) 6-7.

It is estimated that upon completion the barrier will stretch approximately 750 kms.[18] By contrast the Green Line, which demarcates the 1967 armistice line, is approximately 315 kms long. The fact that the security fence will be more than twice as long as the Green Line is an indication of the extent to which the barrier projects into the occupied territory. In one area of the northern West Bank, the fence is planned to be built around the Ma'ale Adumim and Ariel/ Emmanuel settlements, reaching across over 40 percent of the width of the territory.[19] In total, most estimates indicate that the proposed route of the barrier will have the effect of annexing 10 to 12 percent of the West Bank's (most fertile) land.[20]

In October 2003, the UN General Assembly condemned the barrier and urged Israel to stop and reverse construction. When Israel refused to comply, the question of the barrier was brought before the International Court of Justice (ICJ) for an advisory opinion. In their opinion, the judges of the ICJ determined that the construction of the barrier was contrary to international law due to the course it takes into Palestinian land as well as the infringement on Palestinian human rights, including the right to self-determination. "The Court… made it clear that the right of peoples to self-determination is today a right *ergu omnes*," that is, a right belonging to all. The court went further and specifically extended this right to the population of the occupied territories when it "emphasized that current developments in 'international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all [such territories]'."[21]

18 CJPME, "Factsheet: Canada and the ICJ Decision on the Wall," Factsheet Series No. 11, (December 2005), http://www.cjpme.ca/documents/En%20ICJ%20Decision%20v.1.pdf, 1.

19 Arjan El Fassed, "One Year After ICJ Ruling, Israel OKs Wall in Jerusalem," Global Policy Forum. (10 July 2005) http://www.globalpolicy.org/security/issues/israel-palestine/land/2005/0710israelwall.htm (Accessed on 11 Dec. 2008)

20 See for example Phyllis Bennis, *Understanding the Palestine-Israel Conflict: A Primer* (Northampton: Olive Branch Press, 2007), and CJPME "Factsheet: The 'Seam Zone' – Israeli Land Grab," Factsheet Series No. 40, (June 2008) www.cjpme.ca/documents/40%20En%20Seam%20Zone%20v.1.pdf

21 *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004. http://www.icj-cij.org/ (Accessed

The Israeli Ministry of Foreign Affairs defends the security barrier primarily by arguing that it is necessary as a means to save Israeli lives from Palestinian terrorism, which it argues is a worse violation of international law. It also asserts that the barrier will not determine the border, that it will not cut off Palestinians from their land or livelihood, nor change their legal status,[22] all issues which are to be determined in final negotiations. Nonetheless, there is already evidence that the impacts of the barrier include all of these negative consequences. As has been discussed, the route of the barrier has been drawn to incorporate Israeli settlements on the western side, and it is likely that this will influence the drawing of final borders. Additionally, in the process of the construction of the fence many Palestinians have been cut off from their farmland, which often serves as the primary source of income for agricultural communities located along the route of the barrier.[23]

Although the Israeli government has assured these Palestinians that they would have access to their land on the other side, the UN found that as of November 2007 only 18 percent of Palestinians who used to work the land were able to get the 'visitor permits' required for them to cross Israeli checkpoints, and these checkpoints may be located very far from farmers' homes. Moreover, in October 2003 the area between the barrier and the Green Line in the northern West Bank was declared a closed military zone. As a result, the estimated 50, 000 Palestinians living in the zone were also required to obtain permits from the Israeli government in order to continue living in their communities. As with those who have been separated from their land, many have not been able to obtain this permit for security reasons and feel that they cannot leave their homes for fear of not being able to return.[24] Upon completion, some 250,000 Palestinians (or 11 percent

on 28 November 2008)

22 Israel Ministry of Foreign Affairs, "Saving Lives – Israel's Security Fence," (26 Nov. 2003) http://www.mfa.gov.il/mfa/mfaarchive/2000_2009/2003/11/ (Accessed on 10 Dec. 2008)

23 B'Tselem, "Separation Barrier," (No date) http://www.btselem.org/English/Separation_Barrier/ (Accessed on 8 Dec. 2008)

24 CJPME, "Factsheet: The 'Seam Zone' – Israeli Land Grab," Factsheet Series No. 40, (June 2008) www.cjpme.ca/documents/40%20En%20Seam%20Zone%20v.1.pdf (Accessed 1 Dec. 2008)

of the population of the occupied territories) will be located between the barrier and the Green Line.[25] The barrier therefore poses a serious restriction on Palestinians' legal status, economic activity, and freedom of movement.

Although Israel asserts that the inconveniences suffered by Palestinians as a result of the construction of the barrier are reversible, it is reasonable to presume that the barrier will change facts on the ground that are reflected in the final settlement – the barrier may have serious impacts on the size and characteristics of a future Palestinian state. As the widely respected Israeli human rights organization B'Tselem observes:

> The overall features of the Separation Barrier and the considerations that led to determination of the route give the impression that *Israel is once again relying on security arguments to unilaterally establish facts on the ground that will affect any future agreement between Israel and the Palestinians*. In the past, Israel used "imperative military needs" to justify expropriation of land to establish settlements and argued that the action was temporary. The settlements have for some time been facts on the ground. It is reasonable to assume that, as in the case of the settlements, the Separation Barrier will become a permanent fact to support Israel's future claim to annex additional land.[26] (emphasis added)

Israel, as all other states, has the right to self-defence, articulated in Article 51 of the UN Charter. In exercising this right, a state may take reprisals against an enemy, where a reprisal is understood to mean an action taken to prevent the adversary from violating international law. The reprisal, however, *must* be proportional to the threat or offense[27] and may not take the form of collective punishment. Evidence indicates that the Israeli response to the threat posed by Palestinians has not

25 CJPME, "Factsheet: Israel's Apartheid Wall," Factsheet Series No. 3, (March 2004) *www.apacottawa.com/additional_info.pdf (*Accessed 1 Dec. 2008)

26 B'Tselem, "Separation Barrier," (No date) http://www.btselem.org/English/Separation_Barrier/ (Accessed on 8 Dec. 2008)

27 Michael Dieter Fleck, *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford University Press, 2000), 205.

been proportionate and it penalizes the civilian population as a whole. In fact, it has been argued that "the route was based on extraneous considerations completely unrelated to the security of Israeli citizens."[28] This lends weight to the claim that the barrier has as a priority the incorporation of West Bank territory into the state of Israel.

c) Humanitarian Law

Humanitarian law is the law that governs the conduct of hostilities and provides for the protection of civilians in war time. The principal articulations of international humanitarian law are the Geneva Conventions of 1949 and the Hague Convention of 1907. Israel is party to the Geneva Conventions and so is bound by them. Some of the fundamental rules defined by the Conventions, as interpreted by the International Committee of the Red Cross, are as follows:

a) Those who do not take part in hostilities are entitled to respect for their lives and for their moral and physical integrity. They must be treated humanely at all times;
b) Captured combatants and civilians are entitled to respect for their lives, dignity, personal rights, and convictions. They must be protected from acts of violence and reprisals. They have the right to receive relief;
c) No one shall be held responsible for an act he has not committed. *Collective punishment is prohibited*; (emphasis added)
d) It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering;
e) At all times, the distinction between civilians and military targets must be made. At no time can civilians be the target of attack.[29]

Specifically, the fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War prohibits, among other things, torture, corporal punishment, collective punishment,

28 B'Tselem, "Separation Barrier," (No date) http://www.btselem.org/English/Separation_Barrier/ (Accessed on 8 Dec. 2008)

29 ICRC, "Basic rules of international humanitarian law in armed conflicts," (31 Dec. 1988) http://icrc.org/web/eng/siteeng0.nsf/htmlall/668BF8 (Accessed on 11 Dec. 2008)

intimidation, individual or mass forcible transfers, and destruction of personal property (except where absolutely necessary for military operations).[30] In 1971, the UN created a Commission to review the situation of human rights in the occupied territories. The Commission

> strongly deplored Israel's policies in the occupied territories aimed at placing the population in a general state of repression, fear and deprivation… *including policies aimed at changing the status of the territories*, and condemned specifically: (*a*) denial of the right of the refugees and displaced persons to return to their homes; (*b*) resort to collective punishment; (*c*) the deportation and expulsion of the citizens of the occupied territories; (*d*) arbitrary arrest and detention of the citizens of the occupied territories; (*e*) ill-treatment and torture of prisoners; (*f*) destruction and demolition of villages, town quarters, houses, and confiscation and expropriation of property; (*g*) evacuation and transfer of sections of the population of the occupied territories; and (*h*) transfer of parts of its own civilian population into the occupied territories.[31] (emphasis added)

The findings of the Commission in 1971 are remarkably similar to the findings of John Dugard, the Special Rapporteur on the situation of human rights in the Palestinian territories, made over 35 years later in 2008. Dugard has extensively documented Israeli policies directed against Palestinians, ranging from military action to the blockade on Gaza with consequences on health care, unemployment, poverty, and access to food. Specifically documented are the Palestinian casualties caused by Israeli military incursions. Between 2006 and 2007, close to 700 Palestinians were killed by Israeli security forces. Of these, over half were not involved in hostilities when killed, and at least 126 were minors. Only 29 were targeted for assassination (the legality of targeted assassination as a military tactic is itself debatable). Over the same

30 Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, 142-3.

31 Yearbook of the United Nations 1971, (31 Dec. 1971) http://domino.un.org/unispal.nsf/361eea1cc08301c485256cf600606959/53d487b44ad62df785256316005656d0!OpenDocument (Accessed on 12 Dec. 2008)

period, four Israelis were killed by the 2,800 Qassam rockets fired into Israel.[32]

Outside of official military offensives, the most influential and destructive Israeli policy towards Palestinians is that of collective punishment. Collective punishment is unequivocally prohibited under international humanitarian law, and consists of the punishment of persons for a crime they have not committed. In response to Palestinian attacks, Israel frequently closes the borders to Palestinians, taking a devastating toll on Palestinian employment and the Palestinian economy as a whole. The most illustrative example of this practice is the blockade put in place against Gaza in response to the continued firing of rockets into Israel. The blockade has seriously restricted essential supplies of food, fuel, medicine, and energy required to run hospitals and other critical infrastructure. Many seriously ill or wounded Palestinians are refused the permits required for them to cross into Israel or other territory for emergency or chronic medical treatment. In November alone, 13 people died as a result of the delay or denial of access to medical treatment by the Israeli authorities.[33]

In November 2007, the UN Office for the Coordination of Humanitarian Affairs (OCHA) released a report documenting some of the major effects of the blockade on the civilian population. Among the most significant: 210,000 people have access to drinking water for only 1-2 hours per day; 20% of essential drugs and 31% of essential medical supplies were at zero availability by October; only 41 percent of Gaza's food import needs are being met, while over 80 percent of the population is dependent on food aid, and; Gaza has experienced a 90-99 percent reduction in purchases of meat, dairy, and fruit purchases.[34] In addition to this appalling standard of living, the inhumane treatment of

32 John Dugard, "Human Rights Situation in Palestine and Other Occupied Arab Territories: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," 9.

33 John Dugard, "Human Rights Situation in Palestine and Other Occupied Arab Territories: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," 11.

34 OCHA, "Gaza Strip Humanitarian Fact Sheet," (28 November 2007) http://domino.un.org/unispal.nsf/361eea1cc08301c485256cf600606959/53ac24fe7d0b581c852573a2005748d7!OpenDocument (Accessed 15 Dec. 2008)

Palestinians at checkpoints has been widely documented, and includes unnecessary wait times, insults, slaps, kicks, and severe brutality including the use of torture. In some cases, "detainees receive threats of death, rape or home demolition against themselves or members of their families."[35] The demolition of Palestinian homes has been carried out across the occupied territories. In 2004 the Security Council denounced this practice in the city of Rafah, Gaza and reiterated "the obligation of Israel, the occupying power, to abide scrupulously by its legal obligations and responsibilities."[36]

Although violations of humanitarian law are not always considered a direct threat to peace, humanitarian conditions are particularly significant to peace-building in the Palestinian-Israeli conflict. This is because the Israeli denial of Palestinian dignity fuels extremism and violence. Palestinian terrorism is "not madness, but a bottomless despair… The explosion [of Palestinian aggression] was spontaneous – against Israel, due to the absence of hope for the end of the occupation…"[37] As indicated in a report by the international humanitarian medical organization Médecins Sans Frontières/Doctors Without Borders (MSF):

> Everyday, [MSF] doctors and psychologists witness the profound trauma suffered by the Palestinian people... Assistance to those affected by armed conflict is never a matter of simply providing food and shelter or healing bodies: *only the key players involved can determine what can be tolerated, in terms of offense to human dignity. … The Palestinian people's capacity has been sorely tried*.[38] (emphasis

35 IRCT, "IRCT member centre reports torture at Israeli checkpoints in the Occupied Palestinian Territories," (18 April 2007) http://www.irct.org/Default.aspx?ID=159&M=News&PID=5&NewsID=725 (Accessed 9 Dec. 2008)

36 United Nations Security Council, Resolution 1544 (19 May 2004) http://domino.un.org/UNISPAL.NSF/ (Accessed 2 Dec. 2008)

37 Ami Ayalon, interview reprinted in Charles D. Smith, *Palestine and the Arab-Israeli Conflct, 5th ed*. (Boston: Bedford/St. Martin's, 2004), 530-1.

38 Médecins Sans Frontières, "The Palestine Chronicles: Trapped by War," (2 Nov. 2002) http://www.msf.org/msfinternational/invoke.cfm?component=report&objectid=EAB633B0-79E4-4BDF-BCBE64A50E075D2C&method=full_html (Accessed on 6 Dec. 2008)

added)

In order to properly assess the impact of the humanitarian situation on the conflict, and therefore also its resolution, the paper now turns to the nature of Palestinian aggression against Israel under international law. Israel has responded to Palestinian aggression, and in some cases Palestinians' violation of international law, with further violations of the law, but from a position of vast military and territorial superiority. The Palestinian violence contrary to international law must be condemned as such, but must also be understood within the context of the Palestinian right to self-determination, the right to resist occupation, and the limitations on their ability to exercise these rights in their current situation.

Palestinian Position: The Occupied

In 1948, an estimated 750, 000 Palestinians who had been living in the land that became Israel were made refugees in the occupied territories or in neighbouring Arab countries. That number has since grown to 4.6 million.[39] Some of these refugees continue to fight for their right to return home, or to receive compensation, while others who live in the occupied territories seek the creation of a sovereign Palestinian state as the realization of Palestinian self-determination. The paper will only address Palestinian aggression that derives from inside the occupied territories themselves and therefore can be analyzed, as was the Israeli position, under the law of occupation.

The right to self-determination is enshrined in the International Covenants on Civil and Political, and Economic, Social and Cultural, Rights. It is further iterated in Article 15 of the Universal Declaration of Human Rights that everyone has the right to a nationality and the UN Commission on Human Rights affirms that "No one shall be arbitrarily deprived of his nationality or forced to renounce his nationality as a means of divesting him of the right to return to his

39 UNRWA, "Who is a Palestine Refugee?" (No date) http://www.un.org/unrwa/refugees/whois.html (Accessed 10 Dec. 2008)

country."[40] Early Israeli policy towards Palestinian nationality was expressed by Minister of Information Galili's comment in 1969: "We do not consider the Arabs of the land an ethnic group nor a people with a distinct nationalistic character."[41] Palestinians and the international community at large have rejected this position.

In the clearest statement of support for the Palestinian people, the United Nations affirmed the "inalienable rights of the people of Palestine"[42] on 10 December 1969. As has been expressed, the imminent independence of Palestine had already been recognized as early as 1920. The "recognition of the Palestinian people as a national entity provides a firm judicial foundation upon which the Palestinian people … can effectuate the same rights which have been achieved by other peoples under the United Nations Charter. This recognition of the Palestinians as a people is equally as important as the establishment of the P.L.O. as a public body."[43] Recognition as a people is significant as the precondition to exercising the right to self-determination.

The right of a people not only to self-determination but to *fight* for the realization of this right through any means consistent with the Charter is also clearly articulated in international law. United Nations Resolution 2787 of 6 December 1971 affirms the "legality of the people's struggle for self-determination and liberation from colonial and foreign domination and alien subjugation."[44] The resolution further affirms "the inalienable rights of … the Palestinian people, to freedom, equality and self-determination, and the legitimacy of their struggles to restore those rights. [It is] man's basic human right to fight for the self-determination of his people under colonial and foreign

40 Edward Said, *The Question of Palestine* (New York: Vintage Books, 1992), 48.

41 Mallison, Jr., W.T. and S.V. Mallison. *An International law appraisal of the juridical characteristics of the resistance of the people of Palestine: the Struggle for Human Rights* (Beirut: Palestine Research Center, 1973), 25.

42 W.T. Mallison, Jr,, "Foreword" in Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, vii.

43 Mallison, Jr., W.T. and S.V. Mallison. *An International law appraisal of the juridical characteristics of the resistance of the people of Palestine: the Struggle for Human Rights*, 25.

44 W.T. Mallison, Jr,, "Foreword" in Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, vii.

domination."[45]

The fact that the Palestinians remain without a state has left them without standing in international bodies that only recognize states, such as the International Court of Justice. The Palestinian people have no armed forces and a highly restricted means of resistance given the standard of living they endure and the nature of life under occupation, documented above. The exercise, then, of their right to self-determination and resistance has, by necessity, taken a unique form.

Aggressive Palestinian resistance to Israeli occupation emerged in the late 1980s during the first *intifada* as a response to increasingly repressive Israeli governmental policies, ranging from property confiscation and the deportation of thousands of suspected activists to the difficulty of obtaining basic permits. One Palestinian academic describes the emergence of a consciousness of oppression in this way:

> The denial of natural rights and more harsh treatment caused eventually an awareness that 'we are occupied.' Everyone felt threatened. Your national existence was targeted. This realization finally sunk into the consciousness of Palestinians, so the occupation was resisted.[46]

The intifada was characterized by civil disobedience, mass protests, boycotts, strikes, and most famously, young Palestinians confronting the heavily armed Israeli military by throwing stones. Insofar as these non-violent acts were designed to protest and oppose the military occupation, and what may be considered violent acts (stone-throwing) were directed towards military targets, they were legal under international law as part of a popular struggle for self-determination

45 United Nations General Assembly, *Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights*, Resolutions adopted by the General Assembly during its twenty-sixth session (6 December 1971) http://www.un.org/documents/ga/res/26/ares26.htm (Accessed on 12 Dec. 2008)

46 Quoted in David W. Lesch, *The Arab-Israeli Conflict: A History* (New York: Oxford University Press: 2008), 301.

and the struggle against a foreign occupation. Nonetheless, as a result of the Israeli attempts to subdue the uprising, by the end of 1989 some 626 Palestinians had been killed, compared to 43 Israelis.[47]

Violence against Israel intensified after 2000 during the second *intifada*, and especially after the election of controversial Israeli leader Ariel Sharon at which time the tactic of suicide bombing emerged. Originally only used by the Islamic groups Hamas and Islamic Jihad, it soon spread to secular groups as well. Between 2000 and 2008, Palestinians killed an estimated 482 Israelis in the occupied territories and 580 inside Israel. Of these 1 062 fatalities, approximately 700 were Israeli civilians.[48]

The illegality of the occupation and the presence of security personnel inside the settlements do not alter the status of the majority of settlers as civilians, and as such, attacks against them by Palestinians are illegal. Similarly, firing Qassam rockets into Israel is considered illegal because the rockets are not always fired at military targets and they lack a guidance system that could ensure they do not unnecessarily endanger Israeli civilians. Moreover, firing these rockets from civilian locations leaves Palestinian civilians vulnerable to the inevitable, albeit illegal, Israeli reprisals such as the shelling of Palestinian towns and villages. Still, the Qassam rockets caused only 11 Israeli deaths between June 2004 and the end of 2007.[49] Therefore, the collective punishment of Gazans by Israel in the name of these attacks remains unjustified.

The Geneva Conventions provide protection to lawful combatants fighting as part of a resistance where: combatants are identified by a clearly identifiable symbol, they operate under a chain of command, they carry arms openly, and they respect the rules of warfare.[50] Palestinian resistance does not meet these criteria, and the argument has been made that the Palestinian resistance is therefore not lawful, erasing Israel's obligations under humanitarian law in

47 Charles D. Smith, *Palestine and the Arab-Israeli Conflict*, *5th ed.*, 409.

48 B'Tselem, "Statistics: Fatalities," (No date) http://www.btselem.org/English/Statistics/Casualties.asp (Accessed on 11 Dec. 2008)

49 B'Tselem, "Attacks on Israeli Civilians by Palestinians," (No date) http://www.btselem.org/english/Israeli_Civilians/Qassam_missiles.asp (Accessed 12 Dec. 2008)

50 Françoise Bouchet-Saulnier, *The Practical Guide to Humanitarian Law* (Lanham: Rowman & Littlefield Publishers, 2002), 262-3.

responding to the resistance. However, as one legal scholar explains, the Geneva Convention's protection of lawful resistance does not

> restrict or deny basic international law protections to guerilla-type resistance undertaken by inhabitants of occupied territories against an occupant's violations of international law… [The Convention] could not be interpreted in such a way as to deprive persons not covered by the provisions of Article (4), of their human rights or of their right of self-defence against illegal acts… [Therefore,] unorganized resistance may be lawfully conducted by the civilian population, provided that the military occupant commits 'illegal acts' in violation of the Geneva Civilians Convention…[51]

The Palestinian resistance certainly falls under this type, as documented by the illegality under international law of Israeli policies outlined above, as well as the fatality statistics that illustrate the disproportionate nature of reprisals suffered by Palestinians.

The Palestinian-Israeli conflict, and the Palestinian resistance itself, was greatly altered by the war on terror declared by the United States after 2001. Israel was largely able to justify the systematic violation of international law and Palestinian human rights by calling theirs a fight against terrorism and benefitting from the sympathy that this inspires; however, according to the definition of terrorism provided by the ICRC, many of the Israeli tactics described may also be considered terrorism. The ICRC declares as forms of terror attacks on civilians and civilian objects, indiscriminate attacks, and murder of those no longer involved in hostilities.[52]

Palestinian aggression must also be considered in the broader historical context. As special rapporteur to the UN for the occupied

51 Mallison, Jr., W.T. and S.V. Mallison. *An International law appraisal of the juridical characteristics of the resistance of the people of Palestine: the Struggle for Human Rights*, 17-8.

52 ICRC, "What does humanitarian law say about terrorism?" (31 October 2002) http://www.icrc.org/web/eng/siteeng0.nsf/html/5L2BUR (Accessed 16 Dec. 2008)

territories, John Dugard, points out:

> "Until [the occupation comes to an end] peace cannot be expected, and violence will continue. In other situations, for example Namibia, peace has been achieved by the ending of occupation, without setting the end of resistance as a precondition. Israel cannot expect perfect peace and the end of violence as a precondition for the ending of the occupation. "[53]

Therefore the 'terrorist' acts must be considered in the context of reality that Israel imposes on Palestinians daily. The nature of the threat to Israeli security is integrally linked to the nature of the occupation itself. Without this acknowledgement, peace will be impossible to achieve.

Implications

The rejection by the international community of the subjugation of one people to another is documented in practice by the universal condemnation of the practice of colonization and the push for independence of all remaining colonies after the Second World War. Moreover, the General Assembly expressed in 1997 that Israeli violations of international and humanitarian law constitute a threat to international peace and security;[54] according to Article 42 of the Charter, such a threat warrants international response, up to and including the use of force, against the offending member state. Yet after forty years, the systematic violations of UN resolutions by Israel have elicited little effective action by the international community.

As Canadians for Justice and Peace in the Middle East wrote following the ICJ opinion on the Wall, in light of "inaction on the part of the international community… the Palestinians can only conclude

53 John Dugard, "Human Rights Situation in Palestine and Other Occupied Arab Territories: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," 6.

54 *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004. http://www.icj-cij.org/ (Accessed on 28 November 2008), 146.

that they have no legal protection."[55] In order to prevent Palestinian terrorism by undermining popular support for terrorist tactics, the international community needs to enforce sanctions against Israel for violations of Palestinian rights, and needs to demand a full withdrawal from the occupied territories. At the least, the UN should immediately send an observer mission to the territories to monitor Israeli action and ensure that the humanitarian needs of the Gazan and West Bank populations are met without compromise.

In final status negotiations, Israel must not be allowed to bargain with respect to their withdrawal from occupied territories in return for concessions. It is imperative that the international community maintain that "…an illegal fait accompli creates no rights in international law."[56] The lack of enforcement, or selective enforcement, of provisions of international law undermines the credibility and universality of the law. This in turn lessens the incentive and obligation of other nations to adhere to international law. If the Israeli-Palestinian peace agreement acknowledges any rights of Israel to the occupied territory, the precedent for the acquisition of territory by force will have been set, if only as a means of improving a state's relative bargaining position.

The establishment of the state of Israel – which was founded on the legitimate call for a homeland for a persecuted people – is undermined by the displacement of another people. Prominent Palestinian academic Edward Said observes that further peace talks need to be held "in the intellectual context of a Zionist acceptance of the fact that Jewish national liberation… took place upon the ruins of another national existence, not in the abstract."[57]

Conclusions

Israel's very membership in the United Nations, impossible for Palestinians to achieve until they have a state of their own, legitimates

55 CJPME, "Factsheet: Canada and the ICJ Decision on the Wall," Factsheet Series No. 11, (December 2005), 2.

56 Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab Israeli Conflict*, 157.

57 Edward Said, *The Question of Palestine*, 52.

Israeli behaviour as the actions of a sovereign. Most states hesitate to condemn Israeli policies when these are justified as national security measures. Although the suffering of the Israelis as a result of Palestinian aggression should not be underemphasized, Palestinian suffering is experienced on a much larger scale. The withdrawal from the territories and the assurance that Palestinian rights will be respected are preconditions for quelling the violence that originates in the territories.

The solution to an imperfect system is not to abandon the system, but to work for its betterment. International law, especially international humanitarian law, must be strengthened to protect human rights, particularly as states struggle to meet the new challenges of terrorism and other threats to security. It must also be sharpened to address the violations of human rights that produce terrorism and insecurity. It is critical to adopt enforcement mechanisms in order to ensure that international law is perceived to be both neutral and effective. International law provides a promising foundation for a sustainable peace agreement that is perceived to be legitimate by both sides; however, this can only become reality if meaningful consequences can be imposed by the United Nations in the face of clear violations of conventions and laws.

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'Patriotic History'
and Psycho-Cultural Factors in Zimbabwe's Continuing Conflict Since 2000

by Travis Coulter

Introduction

Since the beginning of the twenty-first century Zimbabwe has witnessed a continuing trend of state-sponsored oppression, destruction of the rule of law, and what one scholar describes as a "descent into barbarism and anarchy."[1] Many scholars of African affairs, as well as popular Western media, have described the conflict as being interest based and greed driven. While it is unquestionable that the regime of President Robert Mugabe has utilized fear and violence to maintain power, this social-structural based approach fails to explain not only the lack of active resistance, but also his continued support despite both violence and a devastated national economy. I will argue that it is the psycho-cultural factors as outlined by scholar Marc Ross, particularly the distortion and reinvention of Zimbabwe history into a new 'Patriotic history', that are the key causes for the prolonged state-controlled violent conflict in Zimbabwe since 2000.

This paper will examine the psycho-cultural factors of the conflict in Zimbabwe through three major topics and conclude with a brief examination of possible responses. I will begin by reviewing

1 Robert Martin. "The Rule of Law in Zimbabwe." *The Round Table* 95, no. 384 (2006): 250

the important theoretical aspects of the psycho-cultural perspective as outlined by Marc Ross. In my assessment, I will first examine the roots of patriotic history and the way in which war veterans' revolutionary discourse hijacked political dialogue throughout the 1990s, setting the stage for 'Patriotic history' following 2000. Secondly, I will examine the major themes and goals of the reinvention of Zimbabwe revolutionary history, namely to justify violent land seizures, delegitimize opposition members, and entrench Mugabe and the ZANU-PF's as national heroes. Third, I will explore the ways in which 'Patriotic history' is promulgated to the Zimbabwe population and examine the effectiveness and inefficiencies of this system. Lastly, I will briefly look at some possible responses to the ongoing Zimbabwe crisis from a psycho-cultural perspective.

Theoretical Framework

In his book, *The Management of Conflict*, conflict theorist Marc Ross provides a framework for examining the causes of violent conflict along two interdependent lines: socio-structural and psycho-cultural. Ross states that socio-structural factors consist of tangible interests and can include material and raw resources as well as economic and political power. On the other hand, psycho-cultural factors are the group-specific interpretations of a situation and the interests being fought over. Ross contends that while the intrinsic value of interests being fought over are important, it is the psychological and emotional importance and perspective of those interests that dictate the intensity of the conflict.[2] In Zimbabwe's case these interests are the political and material control of the nation's resources. More simply put, interests are what is being fought over, but psycho-cultural perspective determine the degree to which they will be fought over.

In his 2007 book, *Cultural Contestation in Ethnic Conflict*, Ross outlines the use of historical narratives in conflict. This framework is essential for understanding how Robert Mugabe's ZANU-PF regime has used and distorted history to their advantage since 2000. Ross

2 Marc Ross, *Cultural Contestation in Ethnic Conflict*, (Cambridge: Cambridge University Press, 2007), 3.

states that narratives have the capacity to create and use metaphors and images to create a specific understanding of a conflict and an environment. Narratives create clearly defined in-groups and out-groups, identify and define group fears, threats, and past grievances, and enforce in-group conformity.[3] Mugabe's 'Patriotic history' aims to specifically accomplish all of these tasks.

The role of psycho-cultural factors is central, more so than socio-structural factors, to the key causes of conflict in Zimbabwe. Theorists such as Paul Collier, however, would argue otherwise. Collier's interest-based interpretation of civil conflict places economic agendas and the fight for national resources and political power as the sole cause for conflict; grievances and group perspectives are epiphenomenal.[4] While tangible interests do play an important role in what is being fought over, they do not account for why the conflict manifests violently, the reasons why masses do not act, and the way the elite legitimize their actions. Without psycho-cultural factors, conflicts surrounding Zimbabwe's political contests may not have become violent and elite legitimacy would depend on the economic standing of the nation. With this in mind, one would think a revolution or coup would be much more likely than the toleration Mugabe's regime has received in its violent targeting of opposition groups.

Group specific interpretations of conflict, as outlined by Ross, are highly subjective and the role of leaders and societal elites in distorting or creating new historical and cultural perspectives is a major contributing factor to conflict. Ross further emphasizes the subjective nature of psycho-cultural factors stating that, "the need to alter either disputants' dominant images and metaphors concerning what is at stake or the relationships between key parties" is key in understanding the role of constructed histories in conflict. Furthermore, these dominant images and metaphors are embedded in a group's cultural identity; any competing view is seen as a threat to group existence.

In the second chapter of Ross' book, *Interests, Interpretations, and the Culture of Conflict*, he describes the ability of shared history

3 Marc Ross, *The Management of Conflict* (New Haven: Yale University Press, 1993), 30-39.

4 Paul Collier. "The Market for Civil War." *Foreign Policy* (2003), 91-92.

and culture to emphasis or create group differences. Through the "conceptualization of enemies and allies" or "we-they oppositions," psycho-culturally created histories have an enormous capacity to vilify opposition groups, and over-emphasize or manufacture false threats to group existence.[5] Here, Ross' work builds upon a collection of work by another constructivist conflict theorist.

In 1973, Herni Tajfel's theory of social identity showed how humans are prone to create in-group, out-group categorizations in an attempt to better understand their environment, and that in-group favouritism stems from human desire to maximize self-esteem. While the creation of social groups is neither primordial nor instinctual, the importance of membership in a strong in-group to an individual's self-worth has a real capacity to separate and motivate groups into conflict. I will show how in Zimbabwe, Mugabe's capacity to create a national Zimbabwe in-group through a shared, albeit fabricated history and his ability to place opposition members and foreign states in a collective 'demon' out-group has legitimized his reign of terror.[6]

Theories on the use of and creation of ethnicity in violence have similar applications. James D. Fearon and David D. Laitin show that large group conflicts tend to flow along elite interests because, "[in-group] publics are conditioned or constituted by [in-group] discourses that predispose them to violence against ethnic others."[7] In this way, the language used by leaders to create images of out-group members is crucial in directing and legitimizing the violent conflict.

Ross' constructivist explanation of the causes and perseverance of violent conflict aptly accounts for the post-election violence in Zimbabwe's most recent and previous elections. I contend that Mugabe and the ZANU-PF's creation and distortion of Zimbabwe's historical narratives is a necessary contributing factor to the violent levels of conflict seen in Zimbabwe since 2000. It has been used to justify and legitimize post-election violence, to demonize and delegitimize opposition groups, and to scapegoat devastating economic policies

5 Ross, Ch2, 18-20.

6 Roger Brown. "Ethnic Conflict: Introduction." *Social Psychology: The Second Edition* (Free Press, 1986), 584.

7 James Fearon and David Laitin. "Violence and the Social Construction of Ethnic Identity." *International Organization* 54, no. 4 (2000): 846.

onto previous colonial powers.

Towards a 'Patriotic History'

First examined by historian Terence Ranger in his influential 2004 article, 'patriotic history' in Zimbabwe is a relatively new and highly complex phenomenon. Ranger notes that 'Patriotic history' aims to rebuild the glory of the Zimbabwe revolution against the British through education and policy.[8] Through school and military education programs, state-owned media, and government speeches and policy, stories of heroism and treachery are given to justify government denial of basic human rights. Scholar Norma Kriger describes the divisive nature of 'patriotic history', stating that it divides Zimbabwe into two races – indigenous Africans and European whites – and further divides Africans into 'patriots' and 'traitors'.[9] Although these divisions may at first seem simplistic, the land seizures and post-election violence since 2000 exemplify the devastating impact this process and its consequences can have on individuals and the state.

'Patriotic history' emerged from a decade of poor democratic practises and attempts by elite groups within Zimbabwe, specifically the war veterans, to advance their own interests. Kriger notes how following the 1987 integration of the Zimbabwe African People's Union (ZAPU) into the Zimbabwe African National Union-Patriotic Front (ZANU-PF) – two previously opposing revolutionary armies – military and political veterans began to demand increased recognition and support by drawing on stories of their experiences during the war.[10] Dissenters were ostracized, and those who did not recognize the contributions of veterans or chose not to participate – such as a young Morgan Tsvangirai – were labelled traitors to the nation. Within the veteran groups, military veterans criticised political veterans for their inability to defeat colonialism, while politicians ridiculed the youth

8 Terence Ranger. "Nationalist Historiography, Patriotic History and the History of the Nation: the Struggle over the Past in Zimbabwe." *Journal of Southern African Studies* 30, no. 2 (2004): 215.

9 Norma Kriger. "From Patriotic Memories to 'Patriotic History' in Zimbabwe, 1990-2005." *Third World Quarterly* 27, no. 6 (2006): 1163.

10 Ibid, 1154.

and lack of education of the majority of the fighters. Tajfel's Social Identity Theory can be used to see how each group worked to create clear distinctions between their 'superior' in-group and the opposing 'inferior' out-group. The process of retelling history to inflate a group's role in the conflict while diminishing an opposing group's efforts were direct attempts at utilizing psycho-cultural narratives for personal gain. By the early 1990's, nearly all of the Zimbabwe national parliament consisted of veterans of the revolutionary war who continued to fight for an increased share of Zimbabwe.

Since the violent post-election crises of 2000, scholars of Zimbabwe history and politics have noted a dramatic shift in the official policies of both the ZANU-PF and their leader, Robert Mugabe. Growing unrest because of the country's hyperinflation, devastated and overcrowded farmland, high unemployment rates, and extreme poverty meant that the newly created opposition party, Movement for Democratic Change (MDC), provided an actual threat to the leading party, winning 57 of 120 seats.[11] Opposition leader, Morgan Tsvangirai, was arrested and charged with treason and threatening to kill President Mugabe. Opposition members and supporters were arrested, intimidated, beaten, and even killed. The use of overt violence following the election provided the catalyst for the breaking down of the rule of law in Zimbabwe, or what scholar Robert Martin called a "descent into barbarism and anarchy."[12] Martin explicitly states that the threat posed by an opposition group forced Mugabe in a new direction which would be characterized by violence and the creation of a new, 'Patriotic history'.[13]

Central Themes of 'Patriotic History'

'Patriotic history' was introduced as government policy for national history beginning in 2001, and has three central goals. Firstly, the creation of a new Zimbabwe 'Patriotic history' aims to distract or

11 International Crisis Group. "Negotiating Zimbabwe's Transition." *African Briefing* N. 51 (2008): 1.

12 Martin, 250.

13 Ibid.

deflect the central economic and human rights crises within the country away from Mugabe's regime. Secondly, it serves to vilify, contemn, and justify the use of overt violence against members of the opposing MDC through demonizing rhetoric and connecting them to previous colonial power, Britain. Thirdly, to glorify Robert Mugabe and the members of the ZANU-PF as patriotic veterans of the war for independence, thus legitimizing both their oppressive rule and non-adherence to the rule of law. It is important to examine exactly what is 'Patriotic history', and what narratives it creates.

First and foremost, Mugabe's history acts as a scapegoat for the ZANU-PF to exercise complete control over the nation, regardless of reckless policies. One of the most central documents to the dissemination of 'Patriotic history' is a history manual entitled *Inside the Third Chimurenga*. First issued in 2001, the textbook breaks Zimbabwe's fight for independence into three overly simplistic historical periods: the first *chimurenga* being the 1896-1897 civil uprisings, the second being guerrilla wars of the 1970s, the third *chimurenga* is the fight for land in modern Zimbabwe[14] Kriger shows how this educational manual is used to connect the violence of post-2000 Zimbabwe to earlier episodes of violent resistance.[15] This creation and oversimplification of history is seen in Ross' framework in the importance of created histories. By oversimplifying the nation's history, it expands the in-group membership to include a wide variety of Zimbabweans and justifies both land grabs and the overt violence against out-group members.

ZANU-PF's attempt to divert attention and blame has not gone unnoticed or uncriticized within Zimbabwe. Critics point to the disproportionate resources spent on heritage in the midst of economic crisis, deploring Mugabe's emphasis on 'Patriotic history' as the "last refuge of the scoundrels" and, "rubbished patriotism... used to justify the training of wholesale murderers."[16] In a letter to the *Independent* in February 2003, Zichanaka Munyika says of 'Patriotic history': "The message seems to say 'never worry about the prevailing drought, political

14 Ranger, 219.
15 Kriger, 1163-1164.
16 Ranger, 232.

history will intervene. Stop worrying about the polluted water, polluted air, extinction of species, declining soil fertility, siltation of rivers ... since all this is set to be solved by political history."[17] Unfortunately, because of the lack of alternative historical narratives, Zimbabweans have allowed Mugabe's history to take root.

The second aim of the creation of 'Patriotic history' is to discredit the opposition party, MDC, and its leader Morgan Tsvangirai. One youth told non-governmental organization Solidarity Peace Trust about the education being administered in *Inside the Third Chimurenga*: "War veterans told trainees that if anyone voted for the MDC, then the whites would take over the country again."[18] Mugabe and other members of the ZANU-PF repeatedly attacked Tsvangirai, both as a politician and a Zimbabwean. Mugabe equated Tsvangirai's denial of 'Patriotic history' as a denial of the sacrifices of revolutionary veterans, and proclaimed that if elected, Tsvangirai would turn "Zimbabwe into a British and American overseas territory."[19] Ranger notes how Tsvangirai was regularly mocked leading up to the 2002 election, as well as in the 2005 and 2008, for his lack of participation in the guerrilla war and for failing to appreciate or understand 'real' Zimbabwe history.[20]

Historians also note the way in which Mugabe's regime attempts to connect the MDC to the previous colonial oppressor, Britain. Ranger states that Mugabe's history vehemently attempts to connect the MDC to Britain, saying that "during the presidential campaign it often seemed that Robert Mugabe was campaigning against the man he called 'Tony B-Liar' rather than against Tsvangirai."[21] In 2002, the anti-British rhetoric used by the ZANU-PF went as far as to state that Tony Blair was possessed by the demonic spirit of Cecil Rhodes, the British-born South African businessman who founded the state of Rhodesia which would later become Zimbabwe and Zambia.[22] In reality, Tsvangirai was an avid Zimbabwe Trade Union activist, and was once a member of the ZANU-PF party for several years following

17 Ibid, 232-233.
18 Ibid, 219.
19 Ibid, 219.
20 Ibid, 219-220.
21 Ibid, 221.
22 Ibid, 227.

the revolution, moving up quickly through the ranks. Historian Sarah Bracking describes the 'Patriotic history' as depicting Zimbabwe in a start of "unfinished business" and "being in a permanent, unending war against the (former) colonialists and imperialists."[23] In the 2005 election campaign, ZANU-PF ran what Bracking labelled the "2005:Anti-Blair Campaign" and included promised policies to "Get back your land", "Keep our Zimbabwe", and put an "End to Blair's MDC."[24] Finally, one of the most prominent campaign slogans proclaimed "Bury Blair, Vote ZANU-PF." Connecting the historical narrative of imperial impression and its negative social implications to Tsvangirai's MDC party is a central way in which Mugabe has used psycho-cultural tools, as outlined by Ross, to maintain power and control key resources.

The third aim of the creation of a 'Patriotic history' is to build the legitimacy and reinforce Mugabe's and the war veterans' statuses as national heroes. One article printed in the March 16, 2003 edition of the Zimbabwean *Sunday Mail*, described Mugabe as:

> "Every African who is opposed to the British and North American plunder and exploitation... Mugabe as Pan-African memory, Mugabe as the reclaimer of African space, Mugabe as the African power of remembering the African legacy and African heritage which slavery, apartheid and imperialism thought they had dismembered for good."[25]

Whereas the opposition MDC is tied, through 'Patriotic history', to imperialist oppression, Mugabe is envisioned as the protector and true historian of not only Zimbabwe, but all of oppressed Africa. Ranger points to how Mugabe is celebrated in his role as a national historian as well as a military hero. He is described as both organizing revolutionary bases into effective military forces while personally delivering historical and political lessons of a 'true' Zimbabwe history to motivate resistance forces.[26] History is used by Mugabe to paint a picture of a national hero, and the inclusive rhetoric used by Mugabe aims both to broaden

23 Sarah Bracking. "Development Denied: Autocratic Militarism in Post-Election Zimbabwe." *Review of African Political Economy*, 2005: 346.

24 Ibid, 350.

25 Ranger, 222.

26 Ibid, 222.

ZANU-PF's in-group to include as many Zimbabweans as possible and legitimize himself as the only capable leader of the country.

These historical narratives are in accordance with Ross' description of historical narratives. They aim to: draw a direct link between past and present events in order to create a sense of shared identity; emphasize specific events in order to be as inclusive as possible; be purposefully selective to not include members of the opposition and foreign states who oppose Mugabe's regime; and create and invoke deep-seeded group fears of threats to collective existence.[27] Perhaps the most important ability of Mugabe's created historical narratives, as perceived using Ross' model, is the ability to force in-group conformity and externalize responsibility.[28] This is seen across all spectrums of 'Patriotic history'; disagreement with the patriotic narratives is demonized as treachery and disloyalty as both opposition members and academic historians who oppose Mugabe's history are labelled "sell-outs", "Uncle Tom's", and "traitors."[29] Tsvangirai and members of the MDC have been arrested on treason charges, and several have been killed. Psycho-cultural narratives have played a crucial role in Robert Mugabe's ability to maintain an oppressive stranglehold on Zimbabwe and continue to use violence against those who oppose him.

Promulgation of 'Patriotic History

In his 2007 book, Ross states that an important aspect of narratives is the way in which they are enacted and spread throughout a society.[30] Ross places specific emphasis on the use of symbols, historical education, government speeches, and state-owned media. In Zimbabwe these tools play a crucial role in the promulgation of 'Patriotic history'. Teresa Barnes, a scholar at the University of Western Cape, researched the evolution of historiography in Zimbabwe. Barnes noted a change in the national syllabus particularly concerning history following 2000. History became "narrower, less comparative and with

27 Ross, *Cultural Contestation in Ethnic Conflict*, 32-37.
28 Ibid, 38
29 Ranger, 223.
30 Ross, *Cultural Contestation in Ethnic Conflict*, 41.

less emphasis on the development of critical reading and interpretive skills."[31] She concludes that the new syllabus, which focused heavily on 'Patriotic history' of the third *chimurenga*, was designed to coincide with "a desire on the part of the state to concentrate young minds on a more legitimising narrative for the status quo and the ruling party."[32] One interviewed teacher even went so far as to refer to Syllabus 2167, instituted in 2002, as a "cheap propaganda tool."[33] In 2001, the Zimbabwe government made youth militia training camps mandatory, blaming teachers and parents for their failure to effectively pass on the messages of the liberation struggle. The camps were run by revolutionary veterans, all of whom were strong supports of the ZANU-PF party, and they relied heavily on ZANU-PF campaign material and political speeches given by Mugabe as training material combined into a textbook entitled *Inside the Third Chimurenga*.[34] In this environment, where Mugabe and the ZANU-PF are described as heroes and the MDC as villains and traitors, youth are particularly vulnerable to accept and reify 'Patriotic history' as true, unquestionable fact.

Ranger, Barnes, and Kriger all note the extensive use of state owned media, including ZTV television, newspaper and radio stations, to spread 'Patriotic history'.[35] Kriger notes that 'Patriotic history' was created and spread by party 'intellectuals' on television, radio, and print media.[36] Ranger describes how state run media is bombarded with 'historical' programs and articles, giving stories of how the ZANU-PF defeated Rhodesian helicopters and planes, only achieving victories and never enduring a loss, despite the fact that not a single colonial settlement had fallen to the liberation forces.[37] Western press is depicted as being neo-colonial and untrustworthy, and the universities and

31 Teresa Barnes. "'History has to Play its Role': Constructions of Race and Reconciliation in Secondary School Historiography in Zimbabwe, 1980-2002." *Journal of Southern African Studies* 33, no. 3 (2007): 633.
32 Ibid, 649.
33 Ibid, 649.
34 Ranger, 219.
35 Ibid, 232; Barnes, 648; Kriger, 1166.
36 Kriger, 1166.
37 Ranger, 232.

colleges of Zimbabwe were described as "anti-Government mentality factories." As of 2003, it was required that all university professors and lectures be instructed in 'Patriotic history' by war veterans; "you can only be patriotic if you undergo this course," stated one government official.[38]

Psycho-Cultural Responses

Responses to conflict in Zimbabwe, both internally and on the international scene, have tended to focus specifically on socio-structural factors. The International Crisis Group's (ICG) May 2008 report *Negotiating Zimbabwe's Transition* makes several recommendations for ensuring peace, all of which focus on changing the structure and interest-based dynamics of the conflict. These include access to resources, land reforms, increased regional and international security forces, and election observers.[39] These recommendations have been mirrored by the international community, which has responded with economic and trade sanctions against the country. These responses have, however, failed to curtail state-sponsored violence or force Mugabe to relinquish his control over the nation. These responses attempt, unsuccessfully, to address short-term solutions and fail to appreciate the level of historical credibility Mugabe holds within the country. Tsvangirai himself stated that if he won the Presidency, Mugabe would receive a full pardon and honourable exit as "father of the nation."[40] Mugabe's ability to embed himself as a national icon and hero through historical narratives has made strictly interest-based responses useless. This is the most significant point – even the opposition has to acknowledge Mugabe in order to gain legitimacy in the minds of the public.

Any real response to the Zimbabwe conflict must consider the importance of historical narratives in Zimbabwe. Currently, the ZANU-PF controls nearly all of the media, press, and education within the country. Responses must first look to broaden accessibility to media within the country and allow room for alternative narratives

38 Ibid, 229.
39 ICG, 14.
40 Ibid, 8.

to be taught. As Ranger suggests, new narratives based in both Africa's and Zimbabwe's history, focused on human rights and rule of law, have the best chance of disseminating Mugabe's legitimacy and preventing further violence.[41] Ranger notes how the textbooks using a universal and multi-perspective approach to Zimbabwe's liberation history already exist, but they sit in guarded warehouses around the country.[42] Barnes' research into textbooks in Zimbabwe notes some promising developments. Textbooks created before 2000, many of which tell pluralistic histories and emphasize critical-thinking skills, are now being bought as used textbooks by the country's growing lower class. She states that "older textbooks written for earlier syllabi will be read and used until the pages disintegrate," creating the potential for alternative narratives.[43] Although research does not yet exist on the effects of these alternative historical narratives, the growing popularity of the MDC seen in the 2008 elections shows some promising signs that the image of Morgan Tsvangirai and the MDC as western demons is not as prevalent.

Conclusion

In line with the arguments of Mark Ross, the use of historical narratives in Zimbabwe is the psycho-cultural factor that has allowed the oppressive ZANU-PF regime to maintain power since 2000. In this work, I examined the roots of 'Patriotic history' in the war veterans' fight for increased control of national resources. Secondly, I showed how 'Patriotic history' legitimizes the use of oppressive power for land seizures and opposition demonization and cements Mugabe and the ZANU-PF's standing as national heroes. Thirdly, by examining the methods through which 'Patriotic history' is promulgated, I showed how entrenched and reified the narrative is in Zimbabwe culture. Responses to the conflict, both by the MDC and the international community, have failed to appreciate the influential nature which narratives play in Zimbabwe ; they must change to reflect psycho-cultural realities. Even as the controversy over the 2008 elections continues to unfold, variations of the nation's 'true' history continue to play an important

41 Ranger, 234.
42 Ibid, 225.
43 Barnes, 650.

role in legitimizing Mugabe's leadership. If these narratives are not addressed, it is highly likely that Zimbabwe will be unable to escape the turmoil of a country suffering both real and created crises.

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The 'Art of the Fudge':
Merits of Constructive Ambiguity in the Good Friday Agreement

by Noel Anderson

With fighting spanning over four centuries, the region of Northern Ireland has been deadlocked in conflict. The signing of the Good Friday Agreement in 1998 marked what appeared to be a real breakthrough in the conflict in the eyes of political elites in Dublin and London: a commitment from all parties involved to resolve political differences through "exclusively democratic and peaceful means."[1]

Yet key issues remained unresolved: the implementation of paramilitary decommissioning was repeatedly delayed, uncertainty remained with regard to the procedures to be followed to remove from office parties found to be engaged in violence or undemocratic activity, and devolution of policing remained a contentious issue between Northern Ireland's divided political parties. Indeed, the optimism of political elites following the signing of the Agreement seems to have been premature. Evidence reveals paramilitary violence actually increased in the post-Agreement period through to 2003 and remains a problem in Northern Ireland to this day. Critics of the Good Friday Agreement have argued that signatories were in fact never in agreement, but rather used the "constructive ambiguity" which lies at the heart of the Agreement to interpret it differently and construe its language to

1 Northern Ireland Office, The Good Friday Agreement (1998), Declaration of Support, Section 1.4.

their suiting.

While it is tempting to conclude that clarity would have yielded a more orderly implementation of the Agreement, it is equally likely that absolute clarity would have produced a political stalemate and no peace agreement at all. This paper thus asks the following questions: How was ambiguity strategically applied to the Good Friday Agreement and what were the merits of such a strategy for the Northern Ireland peace process from 1998 through to the present day? This paper will first provide an overview of the theoretical debate of the utility of ambiguity in the crafting of political agreements. Next, it will present a brief historical introduction to the conflict in Northern Ireland, followed by an analysis of the levels of violence in Northern Ireland during the post-Good Friday Agreement period. The paper then identifies the ambiguous sections of the peace document and provides a synopsis of the arguments presented by critics of the Agreement. Finally, an assessment of the merits of constructive ambiguity in the Good Friday Agreement is presented. Investigation reveals that while ambiguity has caused delays in the implementation of numerous Agreement obligations, over time it has successfully created a non-violent political environment that has enabled both sides of the conflict to believe, credibly, that they can fulfill their political agenda without recourse to violence. It thereby entrenched norms of non-violence over time, dramatically improving the overall security situation in the region and advancing the peace process.

'Constructive Ambiguity'

Geoff Berridge and Alan James define constructive ambiguity as "the deliberate use of ambiguous language on a sensitive issue in order to advance some political purpose."[2] In political negotiations, constructive ambiguity can be a tool used to obscure an issue which remains contentious, while simultaneously framing the discourse so as to enable each side to claim that some concession has been won. Berridge and James go on to explain: "It may also be hoped that, having

2 Geoff Berridge and Alan James, *A Dictionary of Diplomacy*, Second Edition (New York: Palgrave-Macmillan, 2003), __ .

thereby shelved this particular point in a way that causes neither side excessive discomfort, they will be able to make real progress on other matters."[3] In other words, by avoiding the most controversial issues – those upon which negotiating parties are in diametric opposition to each other – space is created to solve more peripheral problems. It is hoped that, once such peripheral issues are addressed, the ground might then be prepared to return to the unresolved issues and find compromise.

Such a strategy, however, can also generate controversy. James Dingley has noted that while constructive ambiguity may encourage all parties of a dispute to sign on to an agreement, it implies that they will sign on to different interpretations and as such were never in agreement in the first place.[4] Moreover, a political agreement is likely to be undermined when rival interpretations come into conflict in the implementation phase of the agreement. Dingley also argues that ambiguity can in fact exacerbate conflict by allowing political leaders to avoid the real substantive issues while simultaneously permitting them to window-dress an agreement as a breakthrough to a political impasse.[5] Similarly, Itay Fischhendler has noted that mechanisms built into agreements designed to address future instability can often get bogged down in disagreements around ambiguity.[6] Abbott and Snidal also point out that while ambiguity may reduce the costs of bargaining during the negotiation process, it may also increase the post-agreement costs of managing and enforcing commitments if parties interpret the agreement differently.[7]

The Good Friday Agreement,[8] the peace agreement that brought Northern Ireland's 'Troubles' to an end in 1998, has become infamous

3 Ibid.

4 James Dingley, "Constructive Ambiguity and the Peace Process in Northern Ireland," *Low Intensity Conflict and Law Enforcement* 13, no. 1 (2005): 1.

5 Ibid.

6 Itay Fischhendler, "Ambiguity in Transboundary Environmental Dispute Resolution," *Journal of Peace Research* 45, no. 1 (2008): 106.

7 Kenneth Abbott and Duncan Snidal, "Hard and Soft Law in International Governance," *International Organization* 54, no. 3 (2000): 434.

8 The Good Friday Agreement, named after the day in which it was signed, is also known interchangeably as the Belfast Agreement, after the city in which it was signed.

for its application of constructive ambiguity. Proponents argue that such ambiguity was necessary to bring all parties to the negotiation table, and point to the improving security situation as proof that the Agreement has brought benefits to the region. On the other hand, critics argue that the ambiguity of the Agreement has rendered it ineffective and that the paramilitaries of Northern Ireland will resume their war once political negotiations begin to falter.

The Troubles: A Brief Historical Introduction[9]

Any analysis of the conflict in Northern Ireland necessitates a brief historical introduction.[10] While the origins of the Northern Ireland conflict can be traced back to the Ulster Plantation of the 1600s, contemporary conflict stems from 1916, the year in which the Easter Rising was staged by elements of the republican group the Irish Volunteers, who challenged the British refusal to grant the Irish Home Rule. While the rising was defeated by the British, it nonetheless radicalized the nationalist agenda.[11] In the general election of 1918, the nationalist party, Sinn Féin, won a majority of seats and proclaimed itself the first Irish Parliament, issuing a declaration of independence.[12] The Irish Volunteers morphed into a self-declared national army of

9 When discussing the conflict in Northern Ireland, it is important to clarify the commonly referenced terms. A nationalist is most likely Catholic and is in favour of a unified Ireland, independent from British rule. A unionist, on the other hand, is most likely Protestant, and is in favour of Northern Ireland remaining a part of the United Kingdom, under British rule. The terms republican and loyalist denote the more radical factions of nationalists and unionists, respectively. It is also important to qualify the term 'paramilitary' in the context of the Northern Ireland conflict, as there is an important distinction to be made. As Peter Neumann (Spring 2002) points out, while outside Northern Ireland the term generally refers to "militias that are organized, or controlled, by the security forces," inside Northern Ireland it refers to "sub-state groups that use violence for political ends."

10 For a succinct history of the conflict in Ireland, see Richard Killeen, *A Short History of Modern Ireland* (Dublin: Gill and MacMillan, 2003). For a detailed analysis of the history of the conflict in Northern Ireland, see Michael Hughes, *Ireland Divided: The Roots of the Modern Irish Problem* (New York: St. Martin's Press, 1994).

11 Richard English, *Armed Struggle: The History of the IRA* (Oxford: Oxford University Press, 2003), 3-13.

12 Ibid., 13-15.

the Republic, renamed themselves the Irish Republican Army (IRA), and began a military campaign against the British. In 1920, the bitter guerrilla war between the IRA and British forces led the British to partition Ireland into 'North' and 'South' Ireland; 'South Ireland' would become a Republic in 1949.

From 1920 to 1967, Northern Ireland's Protestant unionist majority dominated the devolved parliamentary assembly at Stormont, marginalizing Catholics politically, culturally, and economically.[13] By the late 1960s, however, a grassroots civil rights movement inspired by the teachings of Martin Luther King in the United States began to develop, seeking equal rights for all citizens of Northern Ireland. Unionists, however, saw the movement as a threat to their state and security – as yet another attempt by radical republicans to destroy the Northern Irish state. In response, loyalist groups began to form, seeking to provoke a sectarian clarification to the civil rights movement.[14] Conflict between the nationalist and unionist communities soon erupted. By 14 August 1969, intensifying violence had led the unionist regime to request the British army be deployed to regain order. While initially welcomed by the nationalist community[15], the relationship quickly soured due to heavy-handedness by the Army.[16]

In the face of increasing repression by the unionist government and widespread nationalist mistrust of British police and military forces, a new paramilitary organization emerged to fill the protection void of the nationalist community. An offshoot of the historic Irish Republican Army of the early 1920s, the Provisional Irish Republican Army (PIRA), quickly developed a radical *raison d'être* that went beyond communal defence, launching a systematic offensive against British forces in 1971.[17] In turn, British forces initiated a counter-insurgency

13 For a full discussion, see: Bob Purdie, *Politics in the Streets: The Origins of the Civil Rights Movement in Northern Ireland* (Belfast: Blackstaff Press Limited, 1990).

14 Marc Mulholland, *The Longest War: Northern Ireland's Troubled History* (London: Oxford University Press, 2002), 67-68. See also: Patrick Bishop and Eamon Mallie, *The Provisional IRA* (London: Corgi Books, 1989), 100; Purdie, 214-217.

15 Conor Cruise O'Brien, *States of Ireland* (London: Granada Publishing Limited, 1972), 172.

16 Peter Taylor, *Provos: the IRA and Sinn Fein* (London: Bloomsbury, 1997), 78-80.

17 Richard Killeen, *A Short History of Modern Ireland* (Dublin: Gill and Mc-

campaign to root out paramilitarism in Northern Ireland. The period 1968-1998, commonly dubbed 'The Troubles,' would see some of the worst paramilitary violence in Irish history, claiming the lives of at least 3,700 people and injuring over 30,000 more.[18] This period of violence came to an end on 10 April 1998 with the signing of the Good Friday Agreement.

The Contemporary State of Affairs

Mac Ginty et al. remind us that "[r]eaching a peace deal is not the same as reaching peace."[19] The peace process in Northern Ireland exemplifies this statement. The Good Friday Agreement was signed by the British and Irish governments and was supported by the majority of political parties in Northern Ireland. It was approved in a referendum by 71 percent of the voters in Northern Ireland and 94 percent of voters in the Irish Republic.[20] It established a power-sharing executive in Northern Ireland, detailed police reform, formed a new bill of rights, and addressed a demilitarization agenda aimed at putting all paramilitary arms beyond use. Most importantly, the Agreement obliged all participating parties to resolve political differences through peaceful and democratic means.

To be sure, the Good Friday Agreement has contributed to an overall decrease in paramilitary-related deaths (see appendix, Figure 1.1). However, empirical data reveals that 'security-related incidents,' a term used by the Police Service of Northern Ireland (PSNI) to denote paramilitary-related incidents, either increased or remained constant in the post-Good Friday Agreement period through to 2003. For example, bombing incidents spiked in the years 2000-2003, reaching an all-time high in the 2001-2002 period. Incidents decreased after 2002 and in recent years have decreased even further (Figure 1.2). Shooting incidents have decreased since spiking in 2000-2003, but

Millan, 2003), 115.

18 Ed Moloney, *A Secret History of the IRA*, Second Edition (London: Penguin Books, 2007), xvii-xviii.

19 Roger Mac Ginty, Orla Muldoon, and Neil Ferguson, "No War, No Peace: Northern Ireland after the Agreement," *Political Psychology* 28, no. 1 (2007): 1.

20 English, *Armed Struggle*, 301.

remained fairly consistent until the 2006-2007 statistic period, with only an approximate 36 percent reduction from pre-Good Friday Agreement levels (Figure 1.3). Explosives, ammunition, and firearms finds remained constant, with the exception of 2005/2006, which saw a significant rise in finds (Figure 1.4). The 2006/2007 period saw a substantial reduction in firearms and ammunition finds, though explosives finds spiked upwards that same year. These statistics embody Mac Ginty's statement, revealing that reaching agreement does not guarantee the implementation of that agreement.[21]

The Good Friday Agreement, Ambiguity, and its Critics

As noted above, the Good Friday Agreement has become infamous for its use of constructive ambiguity in the crafting of political settlement in Northern Ireland. Varying levels of ambiguity can be seen in some of the most important aspects of the Agreement, not least of which include the implementation of paramilitary decommissioning, the procedures to be followed to remove those parties from office which are found to be engaged in violence or undemocratic activity, and the devolution of policing. However, this built-in ambiguity has become contentious: while proponents praise the Agreement for its breadth of participation, critics have argued that the Agreement's deliberately vague language has rendered its depth of commitment inadequate.

One of the biggest areas of ambiguity left open by the Agreement was the decommissioning of paramilitary arsenals. James Dingley notes that while the Agreement, and its founders, seemed to imply decommissioning was an essential part of the Agreement, "in practice it did not actually say that."[22] The operative clause of the Agreement reads:

> All participants … reaffirm their commitment to the total disarmament of all paramilitary organizations. They also confirm their intention to continue to work constructively and in good faith with the Independent

21 Police Service of Northern Ireland, *Statistics Relating to the Security Situation: Statistical Report No. 6*, National Statistics Publication (Belfast, 2006), 1-7.

22 James Dingley, "The Road to Peace? Northern Ireland after the Belfast Agreement: Causes of Failure," *Democracy and Security* 2, no. 2 (2006): 270.

> Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.[23]

Nowhere in the above passage, nor in any other section of the Agreement, is decommissioning presented as a necessary condition. The ambiguity of this passage allowed the republican party Sinn Féin, most often seen as the political wing of the PIRA, to argue that the Good Friday Agreement does not *require* decommissioning, but rather only that the parties use their influence to attain it.[24] When unionists later refused to enter into power sharing in the absence of decommissioning, Sinn Féin argued that delays in establishing devolution and its attendant institutions meant that republicans did not have enough time to establish trust in such institutions, and as such they ought not be coerced into giving up their sole means of community self-protection (i.e. their physical force capabilities).[25] Instead, Sinn Féin contended that because they were a democratically elected party which was separate from the PIRA, they had the right to participate in government.

Sinn Féin's argument was further bolstered by yet more ambiguity within the Agreement, this time with regards to the procedures to be followed to remove those parties from office which are found to be engaged in violence or undemocratic activity. The Agreement clearly imposes conditions on the ability of political parties to hold office: "Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions."[26] David Trimble, former leader of the Ulster Unionist Party (UUP), points out that the "cross-reference between office and decommissioning is also included in the

23 The Good Friday Agreement, Decommissioning, paragraph 3.

24 Jonathan Stevenson, "Irreversible Peace in Northern Ireland?," *Survival* 42, no. 3 (Fall 2000): 11.

25 Ibid.

26 The Good Friday Agreement, Strand 1, paragraph 25.

Agreement."[27]

However, ambiguity lies in the Agreement's outlining of the *procedures* for exclusion or removal of those parties found to be engaged in non-democratic or violent activity; it merely states that removal requires a vote in the Assembly on a cross-community basis. This means that no matter what a political party does, it can only be removed if both the opposition community, as well as its own community, vote to remove it. For example, if the PIRA failed to decommission its weapons and Sinn Féin could not effectively distance itself from the group, they could only be removed if their nationalist brethren in the Social Democratic Labour Party (SDLP) agreed – an unlikely scenario. This ambiguity was likely built into the Agreement by the Irish and British governments to ensure Sinn Féin would become a signatory (as they surely acknowledged it would be impossible for Sinn Féin to adequately demonstrate complete autonomy from the PIRA). This lack of substantive procedure enabled the PIRA to remain armed while Sinn Féin shared power in the Northern Ireland Assembly.

As Jonathan Stevenson notes, the "blend of vague off-stage representations and obscure precatory formal terms … permitted unionists and republicans alike to construe the Agreement's language however they wished."[28] The consequent result was political deadlock, with Sinn Féin refusing to pressure the PIRA into decommissioning without power sharing, while unionists refused to enter into power sharing without decommissioning. The Executive was suspended on numerous occasions, leading to serious delays in the full implementation of the Agreement.[29] Writing in 2002, James Dingley, a vocal critic of the Agreement, argued that the equivocation over PIRA decommissioning "suggests that the process itself might actually be considered a triumph

27 David Trimble, "The Belfast Agreement," *Fordham International Law Journal* 22, no. 1137 (April 1999): 1167.

28 Stevenson, "Irreversible Peace": 11-12.

29 The Assembly has been suspended on four occasions: 11 February 2000 – 30 May 2000; 10 August 2001 (24 hour suspension); 22 September 2001 (24 hour suspension); and, 14 October 2002 – 7 May 2007. Thus, the Assembly has only operated intermittently, and has been suspended more often than it has been running.

for PIRA violence over politics."[30]

The deadlock only deepened as more issues were added to the political mix. The issue of devolution of policing from Britain to Northern Ireland became intertwined with the issue of decommissioning when unionists began to refuse police reform without progress on the decommissioning of paramilitary weapons. The Agreement states that policing "arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community."[31] Sinn Féin had long argued that, without substantive police reforms, they would continue to refuse to recognize the largely unionist Northern Ireland police service, which they saw as instruments of the unionist state and alien to the nationalist population. Unionists, however, argued that police reform could not go forward if paramilitary groups held onto their weapons. Once again, both parties became trapped in political deadlock, with Sinn Féin refusing to recognize an unreformed police force and unionists refusing to implement reform without decommissioning. Dingley argues that these political deadlocks are the result of "clever word games and spin by politicians and senior civil servants [which] have created an, in some ways, worse situation, largely because real, substantive issues were ducked."[32]

To be sure, devolution of policing remains a contentious issue to this day. While republicans have now recognized the police service, unionists paradoxically now refuse to support devolution – once again, a consequence of ambiguity within the Good Friday Agreement. The Agreement states that "the British Government remains ready in principle, *with the broad support of the political parties* … to devolve responsibility for policing and justice issues."[33] However, the Good Friday Agreement has no mechanism to guarantee that political parties will grant the British Government the ability to devolve policing. Unionists have manipulated this to their advantage, using the issue of

30 James Dingley, "Peace in Our Time? The Stresses and Strains on the Northern Ireland Peace Process," *Studies in Conflict and Terrorism* 25, no. 6 (2002): 357.

31 The Good Friday Agreement, Policing and Justice, paragraph 2.

32 Dingley, "Constructive Ambiguity": 1.

33 The Good Friday Agreement, Policing and Justice, paragraph 7 (emphasis added).

devolution of policing as leverage over their nationalist rivals in other political negotiations.

Thus, critics of the Good Friday Agreement have much ammunition to demonstrate that the constructive ambiguity which was fashioned into the Agreement has been the primary source of its implementation delays. It is the ambiguity, they claim, which alienated republican and loyalist politicians from one another and led to political deadlock on the key issues of the Agreement, from decommissioning to police reform. They point to statistics provided by the PSNI (as detailed above) as demonstrable proof that paramilitary violence has been unaffected despite the signing of the Good Friday Agreement. What we are seeing, the critics claim, is merely a new PIRA strategy of periods of constitutional politics interspersed with periods of violence.[34]

Analysis of Criticisms and the Merits of Ambiguity

Although critics are quick to point to the statistics on paramilitary-related violence to strengthen their arguments against the Good Friday Agreement, these statistics must be carefully scrutinized. It is true that levels of violence increased in the post-Good Friday Agreement period, but the kinds of violence executed across the region were distinctly different. While violence continued (and continues) to exist across the region, *inter-communal* conflict has decreased over time. The strategic use of "punishment attacks" by paramilitary groups sheds light on this contradictory situation. This vigilante style of justice enforcement, while not new to the region, has been the enforcement method of choice of paramilitary groups on both sides of the conflict to 'police' their territories since 1998 and has become known, and to some degree accepted, as an "alternative justice system" in the region.[35] This alternative system possesses a hierarchical sanctions structure: attacks escalate from low-level sanctions, such as threats or curfews, to medium-level sanctions, such as exiles and beatings, and culminate in rather exceptionally violent attacks, such as kneecappings. Crucially,

34 Dingley, "Peace in Our Time?": 370.

35 Colin Knox, "See No Evil, Hear No Evil: Insidious Paramilitary Violence in Northern Ireland," *The British Journal of Criminology* 42, no. 1 (2002): 173.

punishment attacks are generally *not inflicted upon rival paramilitary groups*, and as such have "implicitly been regarded by state actors as a 'tolerable,' if distasteful, form of violence and a necessary price to pay during the period of reform and transition."[36] Colin Knox argues this form of violence has been able to thrive in Northern Ireland because of a government policy of "see no evil, hear no evil," which has been taken up given the political stakes at hand in the long term.[37] The government and police services have elected to turn a blind eye so as not to derail the current political peace process and ceasefire, waiting patiently for political institutions to stabilize. Once these institutions have become entrenched, the logic continues, the police service will be free to take a more aggressive approach in combating criminal activity of all kinds without the risk of spoiler groups undermining their legitimacy.[38]

While the ethics of such an approach are certainly debatable, the strategy appears to be working: violence has become less and less severe (i.e. has deescalated from murder to punishment attacks and beatings) and is increasingly non-sectarian in nature.[39] What is more, the number of paramilitary-related deaths has decreased significantly (Figure 1.1). In other words, the conflict has been transforming itself from a military enterprise into what can more appropriately be called a criminal enterprise. Furthermore, as state institutions develop and trust is built between both communities of Northern Ireland, trends indicate that absolute levels of violence are on the decline (Figures 1.2 and 1.3). These facts are testament to the improving security situation in Northern Ireland following the Agreement.

Nevertheless, James Dingley argues that, at root, the Good Friday Agreement is a failure because "[t]he fundamental philosophical problems…behind the Troubles have yet to be resolved."[40] This statement, however, implicitly assumes that the fundamental conflict between the nationalist and unionist communities in Northern Ireland

36 Neil Jarman, "From War to Peace? Changing Patterns of Violence in Northern Ireland 1990-2003," *Terrorism and Political Violence* 16, no. 3 (2004): 424.

37 Knox, "See No Evil": 164.

38 Jarman, "From War to Peace?": 424.

39 Independent Monitoring Commission, *Twelfth Report of the Independent Monitoring Commission*, Section 5.

40 Dingley, "The Road to Peace?": 269.

are actually resolvable. In fact, they *cannot* be resolved – Northern Ireland cannot be both united with the Republic of Ireland and remain a part of Britain at the same time. The conflict in Northern Ireland is so entrenched precisely because it hinges on mutually exclusive national identities: the unionists identify with and wish to remain a part of the United Kingdom; the nationalists identify with and wish to reunite with the Republic of Ireland. The Good Friday Agreement acknowledges the legitimacy of both aspirations and seeks to address the substantive issues upon which mutual agreement *can* be reached, such as power-sharing, the creation of a charter of human rights, and the need for an end to violence. Arguing that the Agreement is a failure because it does not solve a fundamentally unsolvable problem is not only unreasonable, it is counterproductive.

Indeed, the Good Friday Agreement must be seen as a means, albeit sometimes of limited effectiveness, to achieve greater security: while the full implementation of the Agreement was confounded on a number of fronts and remains uncertain in some ways, the *process* of arriving at the Agreement has made gains in security less and less reversible.[41] In the words of George Mitchell, one of the primary architects of the Agreement, "It is important to recognize that the Agreement does not, by itself, provide or guarantee a durable peace, political stability, or reconciliation. It makes them possible."[42] Thus, the Agreement must be analyzed not as a stand alone document, but in tandem with the significance of arriving at that agreement itself. Its ability to bring radical nationalists and radical unionists together in a political contract is of unprecedented value for the overall peace process in Northern Ireland.

The most obvious accomplishment of the Good Friday Agreement process is the facilitative role it has played in reducing inter-communal violence and enabling a prolonged period of relative peace between the two communities of Northern Ireland. It has transformed the confrontational discourse which perpetuated the conflict-laden attitudes seen throughout the Troubles and replaced it with a common

41 Stevenson, "Irreversible Peace": 5-6.

42 George Mitchell, "Toward Peace in Northern Ireland," *Fordham International Law Journal* 22, no. 1137 (1999): 1139.

discourse, however watered-down, of consensus government.[43] This is a crucial contribution: as republicans and loyalists alike become incorporated into the Northern Irish state and as their agendas begin to be addressed in the constitutional realm, recourse to violence is not only delegitimized, but also made unnecessary. The PIRA's historic decommissioning of September 2005, along with the election of Martin McGuiness, a former PIRA commander, as Deputy First Minister of Northern Ireland in May 2007, exemplifies that once the republican movement could believe, credibly, that it could fulfill its objectives through democratic politics, it would make a move to disarm its militants. By giving a voice to all parties involved in the conflict and transforming the political discourse from confrontation to consensus, space was created for all parties to achieve their political goals in the absence of violence.

This consensus and political space has in turn created and entrenched norms of non-violence over time. A norm is a "standard of appropriate behaviour for actors with a given identity."[44] The stability of political and social institutions rests on the existence and maintenance of these commonly perceived norms; they help regulate the conduct of actors and act as informal controls on an actor's behaviour, guiding an actor's perception of what constitutes appropriate behaviour. As norms are created and observed, they become more deeply entrenched in the political arena and throughout society at large. In turn, the costs of disobeying norms increase over time. By breaking the discourse of confrontation and creating an environment which values constitutional change, new norms of non-violence were created to guide behavior amongst Northern Ireland's various actors. Once political institutions were established, and political parties could work for change constitutionally, norms of non-violence took on increasing permanence.

The pinnacle of this process came on 28 January 2007, when republicans officially recognized and supported the police service in Northern Ireland; such recognition was unprecedented in the republican

43 Dingley, "Peace in Our Time?," 362.

44 Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 891.

movement's history. Similarly, loyalist paramilitaries have increasingly been applying their efforts to community development and restorative justice initiatives, as evidenced by recent projects undertaken by the Ulster Political Research Group, the political wing of the Ulster Defense Association.[45] Both loyalist and republican groups have also engaged the community by acting as stewards during protests and parades.[46] These actions indicate that, by acknowledging the legitimacy of the political aspirations of both of Northern Ireland's communities, the Good Friday Agreement has enabled norms of non-violence to grow and develop in the region. As these norms have become learned and observed, they have gained increased permanence in Northern Irish society. As domestic and international expectations of continued improvements in cooperation between the two communities remain high, a return to violence by Northern Ireland's main paramilitary groups seems highly unlikely.

Drawing Conclusions

Paramilitary-related violence and crime remains a protracted problem across Northern Ireland, despite the signing of the Good Friday Agreement some eleven years ago. At the same time, however, the security situation is rapidly stabilizing. Bombings, shootings, and other paramilitary-related offences are on the decline. What is more, a relatively stable power-sharing executive has been running at Stormont for nearly two years, with the republican party Sinn Féin successfully sharing power with the loyalist Democratic Unionist Party. While critics argue the Good Friday Agreement's ambiguity rendered it ineffective, this paper has argued that such ambiguity was essential for the advancement of the Northern Ireland peace process. And while ambiguity may have provided – and still provides – delays in the implementation of numerous Agreement obligations, overtime it has enabled a non-violent political environment which has encouraged

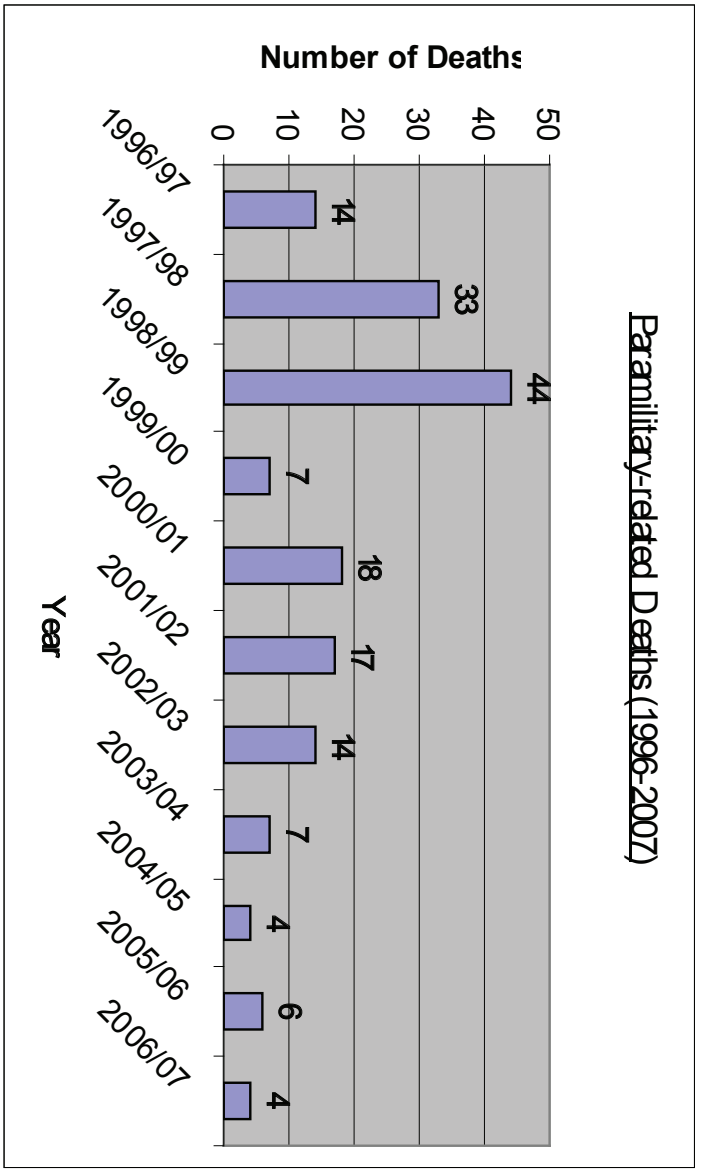
45 Independent Monitoring Commission, *Twelfth Report of the Independent Monitoring Commission*, paragraph 4.7.

46 Independent Monitoring Commission, *Thirteenth Report of the Independent Monitoring Commission*, paragraphs 2.13, 2.25, 2.29, 4.7, and 4.10.

both sides of the conflict to believe, credibly, that they can fulfill their political agenda without recourse to violence. It has thereby entrenched norms of non-violence over time, dramatically improving the overall security situation in the region and advancing the peace process. The political poets of Northern Ireland successfully implemented the "art of the fudge" to bring greater security to the region's divided communities – that much is clear to see.

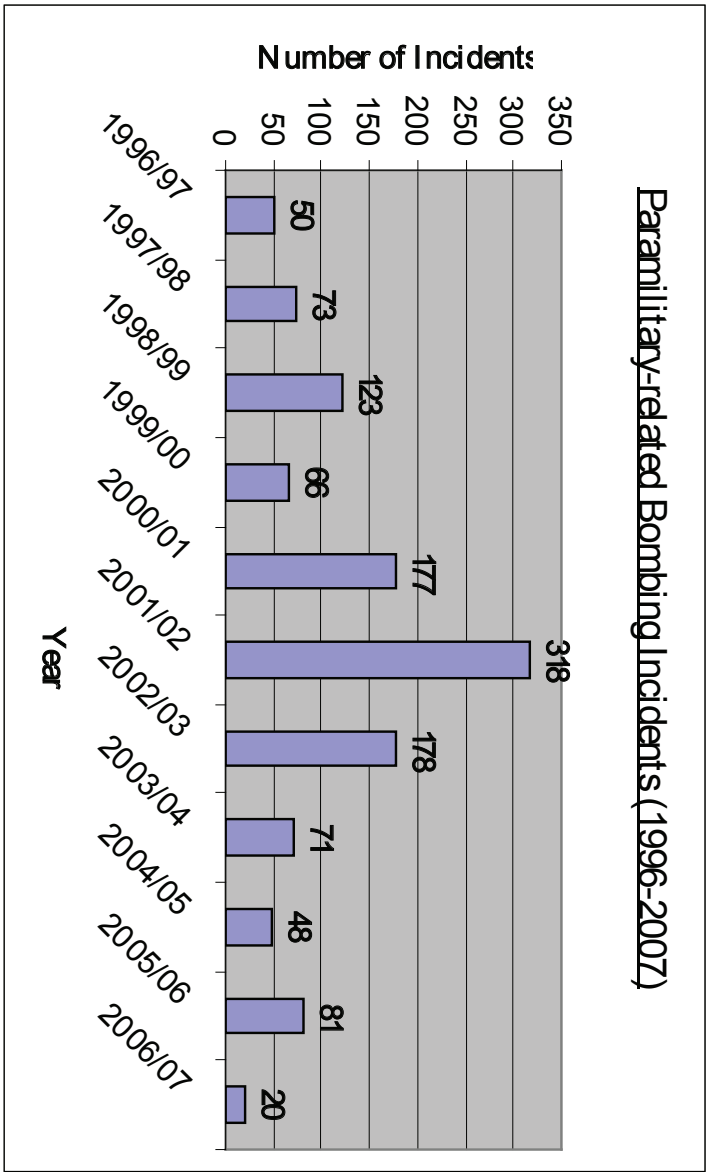
Appendix

Figure 1.1



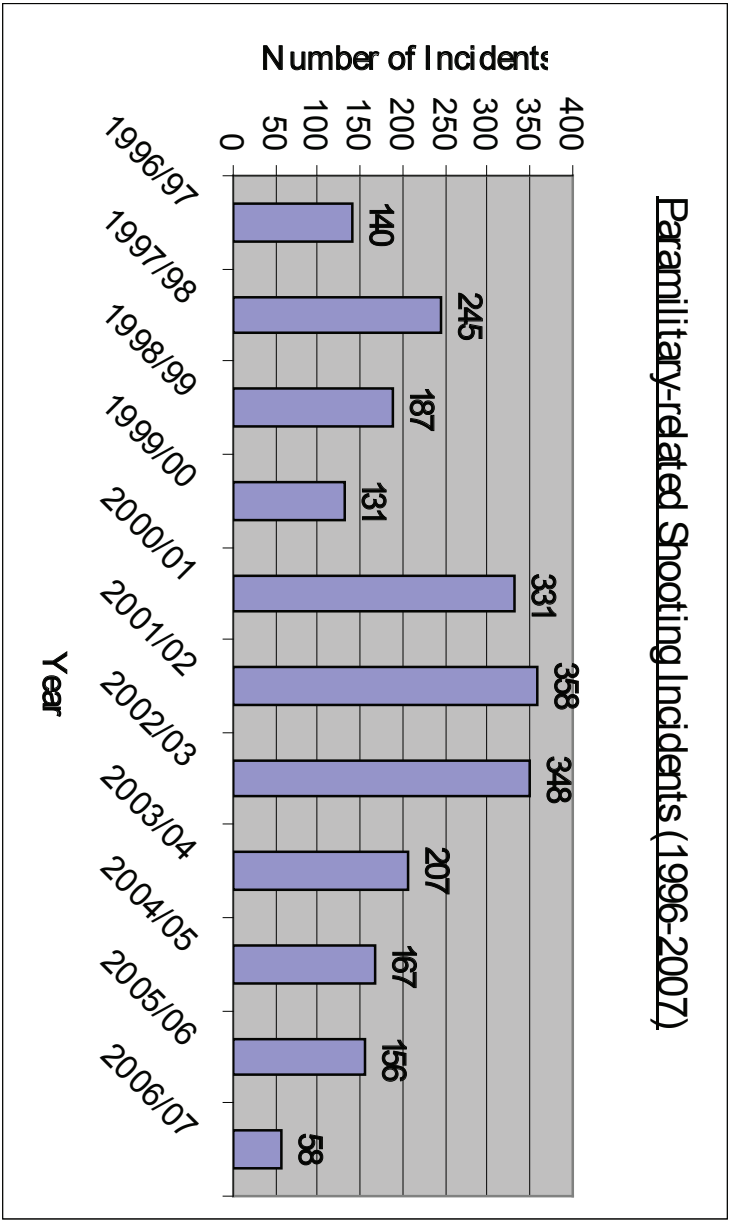
DATA SOURCE: Police Service of Northern Ireland

Figure 1.2



DATA SOURCE: Police Service of Northern Ireland

Figure 1.3



DATA SOURCE: Police Service of Northern Ireland

Figure 1.4

Paramilitary-related Firearms, Ammunition, and Explosive Finds (1996-2006)

Year	Firearms	Ammunition (rounds)	Explosives (kgs)
1996/97	102	12,043	2462.6
1997/98	97	9984	661.7
1998/99	104	13,416	778.4
1999/00	110	12,414	240.4
2000/01	134	12,970	98.9
2001/02	96	9241	96.2
2002/03	129	18,549	19.9
2003/04	148	19,017	92.1
2004/05	81	23,822	26.5
2005/06	365	112,748	35
2006/07	55	5,086	132.2

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Iranian Foreign Policy Making

by Farnam Bidgoli

Introduction: The View from Tehran

During the 2006 congressional hearing with Commanding General of the Multi-National Force in Iraq David Howell Petraeus, Senator Barbara Boxer made an observation that has been echoed throughout academia, the media, and the political sphere: five years after the invasion of Iraq, the only clear winner is the Islamic Republic of Iran (IRI).[1] Indeed, the benefits have far exceeded simply the fall of the IRI's most despised foe, Saddam Hussein, as the Shiite coalition of the United Iraqi Alliance, who also has close ties to Iran, now dominates the Iraqi political scene, earning major victories in the 2005 elections for the Iraqi Council of Representatives and the National Assembly. Iran also holds two critical resources that have thus far eluded the Americans: ties with Iraq's most influential politicians, including the Ayatollah Sistani, and the power to make Iraqi politicians deliver on substantive issues.[2] Iran has clearly benefited from the American quagmire in Iraq.

1 Maureen Dowd, "Toil and Trouble," *New York Times*, April 9, 2006.

2 Geoffrey Kemp, *Iran and Iraq: The Shia Connection, Soft Power and the Nuclear Factor, Special Report No.156* (Washington, DC: United States Institute for Peace, November 2005).

The war in Iraq is one of the six most important challenges in the realm of Iranian foreign policy today. The others include Iranian regional standing, the American role in the Middle East, relations with Hezbollah, the nuclear program, and the Iranian role in the Arab-Israeli conflict. Analysts have observed successes from the Iranian side in regards to all six challenges. Indeed, Senator Boxer's comment echoed that of many foreign policy authorities following the war in Lebanon in 2006. In *The Atlantic*, analysts calculated Iran to have benefited even more than Hezbollah from the conflict, claiming that Iran had successfully proven its leverage over the West through the "export of instability." By demonstrating that it held great currency as a regional power, Iran in the process strengthened its own negotiating position with regards to the nuclear crisis – while also successfully diverting the world's attention away from that crisis during the critical time of the G8 Summit.[3] The 2006 Lebanon War also added credence to the contention of many Arab leaders of a Shiiite Crescent rising – a comment first made by Jordan's King Abdullah in regards to the growing power of Shiite movements from Lebanon to the Persian Gulf, and later echoed by Egypt's President Husni Mubarak.[4] All of this came at a moment when Iran was reveling in its rise in regional standing among Shiites, Sunnis, Arabs, and Persians alike as a result of its refusal to acquiesce to Western pressures to cease its nuclear program.

All in all, the Islamic Republic, while remaining largely isolated from international politics, now holds unprecedented influence on the international stage, which combined with Tehran's increased intransigence, has caused concern among Western governments. Yet in order to formulate a policy to counter this rising power, a more critical analysis of its source is needed. Is Iran simply enjoying a fortuitous moment born out of the Bush Administration's blunders in the Middle East and the resultant plunge in American standing in the region? Or has the hardline President Mahmoud Ahmadinejad, nearly thirty years after the Islamic Republic's inception, finally formulated a foreign policy that consolidates Iranian hegemony over the region?

3 *The Atlantic Monthly*, "Poll: The War in Lebanon," October 2006.

4 Joost Hiltermann, "A New Sectarian Threat in the Middle East?," *International Review of the Red Cross* 89, no. 868 (December 2007): 804.

This in itself provokes a prerequisite question: what is Iranian foreign policy? Analysts of Iranian politics have observed a multitude of power sources, both formal and informal, leading some to argue that Iranian foreign policy is largely incoherent, the product of a complex and nearly unintelligible set of actors using the international stage as an arena by which to consolidate their domestic power. This line of argument contends that the current rise in Iranian power can be attributed to a conservative consolidation in Iran, which has enabled the most radical and anti-American of these factions, led by Ahmadinejad, to pursue a hostile and belligerent foreign policy that threatens the stability of the Middle East. Proponents point to the reconciliatory reformist faction, led by Ahmadinejad's predecessor Mohammad Khatami, as proof that Iran's current aggression is the product of the current governing regime. Empowering the reformist faction, or the West-friendly pragmatic faction of former President Ali Akbar Hashemi Rafsanjani, would produce better results for the West.

However, I argue that in fact Iranian foreign policy-making is largely unified within the bounds of the Islamic regime. Within a set of ideological and structural constraints, actors vie for power, but to label this as factionalism exaggerates the differences between the groups and disregards the unifying factors. Decision-making in Tehran is better conceptualized through the model of organizational politics. Though tensions inevitably exist between actors, Iranian foreign policy is ultimately characterized by continuity and cohesion.

This essay will proceed in four parts. First, I will present an overview of Iranian foreign policy as it currently stands, mapping out the multiple factors that are driving foreign policy making today. This extensive introduction will emphasize the systemic overlap and internal tension that is critical to the framework of my argument. Secondly, I will outline an argument that has dominated the discourse on Iranian foreign policy: the game between political factions in Iran, where foreign policy is utilized to achieve domestic hegemony and Iran's behavior is erratic and incoherent. In the third section of this paper, I will critically evaluate this argument, exposing the weaknesses of relying too heavily on a factions-based perspective of Iranian politics. Finally, I will build upon this critique to construct an alternate model of Iranian

foreign policy making. In order to demonstrate its validity, I apply the model to the challenges Iranians face in the realm of foreign policy. In the conclusion of this paper, I reflect on how this conceptualization impacts the way that that Iran should be treated in the international arena.

Players, Plans and Proxies: Disaggregating Iranian Foreign Policy

Institutions

The republican legacy of the Islamic Revolution has created a complex set of institutions in order to check power and avoid any one actor (or set of actors) from dominating the system. The result is institutions that often overlap in function: not separated powers, as Richard E. Neustadt once wrote, but in fact "separated institutions sharing power."[5] While the system does protect any one centre of power – aside from the Supreme Leader – from superseding any others, it has evolved beyond simply checks and balances to enabling "friction and competition among state elites at the highest levels," often to the point of deadlock.[6] Appendix I provides visual depictions of the multi-nodal institutional framework through which politics in Iran is conducted and some insight into the power each node holds. Below, I detail the most significant of these institutions.

1. The Supreme Leader

The Supreme Leader of Iran, Ayatollah Ali Khamenei, is undoubtedly the most powerful player in Iranian politics. Vested with ultimate veto power over any decision made within the regime and oversight over the armed forces, judiciary, the Guardian Council, the Expediency Council, and the Revolutionary Guard, he has, in practice, been interested in maintaining the status quo within Iran. This has partly to do with the fact that Khamenei lacks the clout or popularity of his predecessor, Ayatollah Ruhollah Khomeini, among the Shi'a elite and among the populace. He has therefore attempted to avoid

5 Richard E. Neustadt, *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: Macmillan Publishing, 1960), 26.
6 Mehran Kamrava, "Iranian National-Security Debate: Factionalism and Lost Opportunity," *Middle East Policy* XIV, no. 2 (Summer 2007): 85.

provoking any major opposition, favouring neither accommodation nor confrontation with the West.[7] While some analysts have painted Khamenei as a hardliner, empirical evidence demonstrates that Khamenei has intervened to prevent any faction from gaining too much power. Kenneth Pollack has characterized his contribution as "injecting paralysis in the system…he has not been reckless, but rather somewhat restrained."[8]

It should be noted that there have long been rumours surrounding Khamenei's health, and the question of who will succeed him is an unknown variable when constructing any model of Iranian foreign policy-making. As noted, Khamenei's actions as Supreme Leader are a consequence of his own individual circumstances; whoever follows him will likely also be a product of his own idiosyncrasies. According to the constitution, the Assembly of Experts elects the Supreme Leader and while it is unlikely that they have not already created a contingency plan if the Leader was to pass away, it is unknown to the public who will succeed Khamenei. Rafsanjani has alluded to the fact that he believes the Constitution should be rewritten in order to remove the institution of the Supreme Leader and replace it with a consultative council (*Shura)*. However, it is unclear if this idea has enough currency among the regime's elite to actually pass.

2. The President

Iran's President is elected by popular vote for a four-year term. The President has limited power in the Islamic Republic of Iran, having control only over the Foreign and Interior Ministries. Presidential candidates are subject to the Guardian Council's approval. In 2005, seven contenders were chosen from over one thousand initial candidates.

Despite the limited power afforded by the Constitution, the contrast between the past two presidencies proves that as the public face of the Islamic Republic on the international stage, the President does exercise considerable power. The international community's perception of Iran has changed considerably during the era of Ahmadinejad due

7 James Dobbins, Sarah Harting, and Dalia Dassa Kaye, *Coping with Iran: Confrontation, Containment, or Engagement?: A Conference Report* (Santa Monica, CA: RAND Corporation , 2007), 5.

8 Ibid., 31.

to his incendiary comments on the Holocaust and Israel. Furthermore, Ahmadinejad's nationalist-populist rhetoric (a purported return to the ideals of the revolution) has allowed him to essentially force the hand of many others in the regime, as no one wants to be over-trumped on nationalist or revolutionary credentials.[9]

3. The Guardian Council

While not directly involved in crafting foreign policy, the Guardian Council essentially decides the scope of debate that elected officials will engage in by virtue of vetting all parliamentary and presidential candidates. Since the surprise electoral sweep of reformist candidates in the 2001 parliamentary elections, the Guardian Council has been increasingly severe in its selections, disqualifying thousands of candidates based on Islamic credentials – what essentially translates to regime loyalty.

4. The Parliament

On the whole, the 290 members of parliament have marginal input in foreign policy-making. The Ministry of Foreign Affairs has seen its power to make foreign policy decisions severely limited by the Supreme National Security Council (see below). Thus while the Ministry's affairs are debated, no real policy is made at this level. Furthermore, as noted above, the Guardian Council screens the candidates running for Parliament and vets each bill that is passed. Parliamentary representatives who engage in advocacy or politics that the regime considers 'un-Islamic' or treasonous also run the risk of being arrested by the judiciary, as was the case for Abdullah Nuri, former Minister of the Interior under President Mohammad Khatami.[10]

5. Supreme National Security Council

During the Iran-Iraq War, Khomeini formed the Supreme National Security Council (SNSC) in order to expedite national security decisions. It has steadily been strengthened in the past twenty years,

9 Gawdat Bahgdat, "Nuclear Proliferation: The Islamic Republic of Iran," *Iranian Studies* 39, no. 3 (Fall 2006): 322.

10 Ali M. Ansari, *Iran, Islam and Democracy: The Politics of Managing Change* (London: Royal Institute of International Affairs, 2000), 199.

eroding the powers of the Ministry of Foreign Affairs to become the principal foreign policy body. Members are chosen by the Supreme Leader from the regime's elite, including members of the Guardian Council, Revolutionary Guard, and Assembly of Experts.[11]

6. The Military

While boasting nearly half a million troops and out-numbering all other regional forces (including Saudi Arabia and Israel), Iran's military has been described as a "second rate conventional force" that is largely outdated.[12] The command, control, communications, and intelligence infrastructures have seen little renewal since the Iran-Iraq War, and only one of the ten divisions of the Iranian army is truly armoured. According to Anthony Cordesman, Iran's forces are generally slow-moving with limited capabilities, and at most could be deployed into Kuwait or Iraq.[13]

In order to compensate for these limited military capabilities, Iran has established a national security strategy of deterrence and regional détente. The 1998 test of a medium-range ballistic missile, the *Shahab-3*, has provided Iran with a credible deterrent that has been highly publicized so as to increase its impact.[14] Regional détente has been accomplished through diplomacy and an increasingly reconciliatory tone from Tehran, the success of which is evident in the improvement of relations with Saudi Arabia (once declared a sworn enemy of Iran) and the other states of the Arabian Peninsula.[15]

If Iran were to be attacked, it would seek to leverage its strengths by hitting its opponent with unconventional warfare and a war of attrition. A 2001 article in the military journal *Saff*, entitled "What Future Wars Will Be Like," gives some indication as to what the plan

11 Ali Gheissari and Vali Nasr, "The Conservative Consolidation in Iran," *Survival: Global Politics and Strategy* 47, no. 2 (2005): 182.

12 Anthony H. Cordesman, *Iran's Developing Military Capabilities* (Washington, DC: Centre for Strategic and International Studies, 2004), 1.

13 Anthony H. Cordesman, *Iran's Support of the Hezbollah in Lebanon* (Washington, DC: Centre for Strategic and International Studies, 2006), 6.

14 Steven R. Ward, "The Continuing Evolution of Iran's Military Doctrine," *Middle East Journal* 59, no.4 (Autumn 2005): 570-1.

15 Ibid., 562.

consists of: Brigadier-General Amir Ebrahimi stated the Iranians had been training in guerrilla warfare, rapid response operations, and ambushes.[16] Using terrorism and threats to regional oil exports, Iran will try to internationalize an attack in order to incite diplomatic pressure of a ceasefire. Most of all, Iran will probably capitalize on its numbers once again, allowing it to both launch the infamous "human waves" seen in the Iran-Iraq War and to sustain high casualties. This strategy is influenced significantly by the insurgencies in Iraq and Afghanistan and the knowledge that fighting a war of attrition by unconventional means will eventually force the United States to withdraw.[17]

7. The Islamic Revolutionary Guard Corps

The Islamist Revolution Guard Corps (IRGC) is one of the most prominent institutions in the Islamic Republic, established at the dawn of the revolution as an elite fighting force in order to spearhead the fight against Iraq and to export the revolution. It is through that export that the relationship between Hezbollah and the IRGC was born, as the IRGC provided much the critical training, resources, and funds that Hezbollah needed in its infancy.[18] Today, the IRGC has greatly expanded their role and control key positions in the police force, national radio, and state television, as well as the Ministry of Defence and the Ministry of Intelligence. They also comprise a significant number of members of parliament and have gained a sizeable portion of the economic resources of Iran through cronyism, private foundations (*bonyads*), and government contracts.[19] The IRGC (or *Pasdaran*) has both ground and naval forces, numbering approximately 100,000 and 20,000, respectively.[20]

The IRGC also comprises an unconventional division called the 'Qods' (Jerusalem) Force. About 5,000 men operate in eight Qods directorates in Lebanon; Israel, Palestine, and Jordan; Iraq; Afghanistan,

16 *Saff*, "What Future Wars Will be Like," March 21, 2001, 18.

17 Ward, "The Continuing Evolution of Iran's Military Doctrine": 562-3.

18 Anthony H. Cordesman and Martin Kleiber, *Iran's Military Forces and Warfighting Capabilities* (Westport, CT: Praeger Security International, 2007), 22.

19 Anthony H. Cordesman, *Iran's Military Forces in Transition* (Santa Barbara, CA: Greenwood Publishing Group, 1999), 127.

20 Cordesman and Kleiber, *Iran's Military Forces and Warfighting Capabilities*, 7.

Pakistan, and India; Turkey and the Arabian Peninsula; North Africa; the republics of the former Soviet Union; and finally, Europe and North America. Very little is known of the Qods force other than the fact that they provide training for foreign intelligence and unconventional warfare.[21]

The IRGC also controls the Basij, a force of over one million men. Basij literally means 'volunteer,' and the force was first mobilized as part of the "human wave" assaults on Iraq during the Iran-Iraq War. They are currently used mostly for internal security purposes and are expected to act as reserve forces if Iran is ever engaged in conflict.[22]

Strategic Cards

1. Hezbollah

Hezbollah is an offshoot of the IRGC, founded after the revolution to train Shiites during the Lebanese Civil War. Today, Iran sees its support for Hezbollah as a necessary measure in order to defend Lebanon and, in particular, Lebanese Shiites from Israeli aggression. Fifteen hundred members of the IRGC were originally deployed in 1982 to Baalbak Lebanon, and while the number of men still there now is down to about one hundred and fifty, financial assistance to the region remains at an estimated $10-20 million a month.[23] Most analysts disagree with the perception that Hezbollah is a puppet for the Iranian government, but concede that Iran retains significant ties through both the provision of resources and the deployment of IRGC commanders to train members.[24] According to Anthony Cordesman, Hezbollah's "de-facto win" over Israel in 2006 was only possible through Iranian resources, including military training, anti-tank weaponry, and Katyusha rockets.[25] However, Iran is not thought to have ordered the kidnappings that led to the war, and one consequence of that success was an increase in stature for Hezbollah and a concomitant shift in the

21 Nathan Gonzalez, *Engaging Iran* (Westport, CT: Praeger Security International, 2007), 98.

22 Gonzalez, *Engaging Iran*, 89.

23 Ibid., 102.

24 Kamrava, "Iranian National-Security Debate": 92.

25 Cordesman, *Iran's Support of the Hezbollah in Lebanon*, 3.

power dynamic between Hezbollah and Tehran.[26]

2. Shiite Proxies

The United Iraqi Alliance, the coalition of Shiite parties in Iraq, is closely tied to Iranian leadership. While the Alliance's spiritual mentor, the Ayatollah Ali al-Sistani, has had a tenuous relationship with his homeland of Iran, some members, such as the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the associated *Badr* militia, have been linked directly to Iran. [27] In Iraq, these parties are referred to as *Safawiyin*, which translates to the descendents of Iran's Safavid Dynasty.[28] While undoubtedly made more salient after the American invasion of Iraq, support for these groups is not new as the former Iranian ambassador to the United Nations, Javad Zarif, noted in 2006:

> At a time when every country in the world, including the United States, was supporting Saddam Hussein, we were supporting the opposition. And it is this opposition that now sits in the halls of power in Baghdad.[29]

The United States has unequivocally stated that Iran is arming militias and aiming to destabilize Iraq, but from the Iraqi perspective, the situation is more ambiguous. The bipartisan Iraq Study Group accused Iran of providing Improvised Explosive Devices (IEDs) to both Shiite and Sunni insurgents in Iraq. The United States has also accused Iran of providing mortars, sniper rifles, and training to Shiite militias.[30] King Abdullah of Jordan alleged in 2006 that Iran was providing salaries to Iraqis in order to cultivate their favour and establish an Islamic Republic of Iraq.[31] It should be noted, however,

26 Gonzalez, *Engaging Iran*, 64.

27 Sistani's mentor, the late Grand Ayatollah Al-Khoei, was the Ayatollah Khomeini's rival. The two were fiercely divided on the idea of clerical involvement in politics and both Al-Khoei and Sistani are opposed to Khomeini's doctrine of the guardianship of jurist (*velayateh-faqih*). See Vali Nasr, *The Shia Revival* (New York: W.W. Norton, 2006).

28 Hiltermann, "A New Sectarian Threat": 805.

29 Gonzalez, *Engaging Iran*, 87.

30 *New York Times*, "Iraq Team to Discuss Militias with Iran," May 1, 2008.

31 Cordesman and Kleiber, *Iran's Military Forces and Warfighting Capabilities*, 204.

that the Iranians cooperated with the British in the Shi'a dominated areas of South Iraq and a British intelligence report recently stated that the United States had overstated the support provided by Iranians to Iraqis.[32] Furthermore, Iranian non-governmental organizations, religious charities, and the IRGC have all played an active role in providing social services to areas ignored by the Coalition Forces. Due to this ambiguity, the Iraqi government itself has taken a much more cautious tone regarding Iranian involvement in Iraq.[33]

Other Factors

Oil plays a significant role in Iran's foreign policy as the regime uses its oil reserves as a deterrent and as a part of its policy of asymmetric warfare. Iranian oil reserves are currently at 130.8 billion barrels and its natural gas reserves total 940 trillion cubic feet, second only to Russia.[34] Given that the price of oil at the moment is particularly sensitive to any volatility in the supply of crude oil, Iran undoubtedly benefits from any heightened rhetoric. The value of these resources cannot be overstated: for every $1 increase in the price of crude oil, Iran earns an extra $900 million in export revenues.[35] Iran has also used its natural resources as leverage over the international community, with Iranian negotiators often hinting that Iran would respond to any punitive actions by holding back on oil sales.[36]

Iran's unique geo-strategic position can also be utilized as a bargaining chip. One of its greatest geographic advantages is the Strait of Hormuz, through which over 40 percent of the world's oil exports pass. Iran exercises primary control over the Strait and has contingency plans to block the Strait on five to seven minutes notice using IRGC and Navy forces.[37] Iran also has the benefit of being both a Persian Gulf state and one of the Caspian littoral states, making it the only strategic

32 *Daily Telegraph*, "John Bolton: U.S. Should Bomb Iranian Camps," May 6, 2008.
33 *New York Times*, "Iraq Team to Discuss Militias with Iran," May 1, 2008.
34 *Reuters*, "US Still Opposes Iran-Pakistan-India Pipeline," March 7, 2006.
35 Roger Howard, *Iran Oil* (London: I.B. Tauris & Company, 2007), 128.
36 Ibid., 9.
37 Cordesman and Kleiber, *Iran's Military Forces and Warfighting Capabilities*, 76.

link between the two critical bodies of water.[38]

One element missing from the list above is allies. Iran has no real allies and suffers from what Ray Takeyh has characterized as "strategic loneliness."[39] Its close relations with Syria can best be characterized as a relationship of mutual convenience, and ties with Russia and China have been critical insofar as they have provided Iran with sizeable markets to exchange oil for arms (both conventional arms and nuclear technology), but Iran remains cautious as to the level it can rely on any of those powers.[40]

Factions

In the absence of Iranian political parties, analysts of Iranian foreign policy have taken to dividing the relevant players into three major factions: the pragmatists, the reformists, and the conservatives. It is worth emphasizing that all of these factions consist of actors who have been vetted by the Guardian Council for regime loyalty, and all share a commitment to the endurance of the Islamic Republic. Therefore, I argue that while these factions hold some weight in the domestic arena over questions such as economic policy or individual freedom, the differences between them are nearly negligible in the foreign policy arena. Furthermore, while classifying these factions is useful insofar as they illustrate the spectrum of Iranian politics, few actors commit definitively to any one faction and, as Kazemzadeh has documented, there are multiple ties across factions by marriage or blood.[41] Overall the picture is marked by great fluidity, as will be further described below.

1. Pragmatists

Often described as Iran's 'realists' or 'technocrats', the pragmatists are most concerned with economic performance and overall

38 Eva Patricia Rakel, "Iranian Foreign Policy Since the Iranian Islamic Revolution: 1979-2006," *Perspectives on Global Development and Technology* 6, no. 1-3 (2007): 175.

39 Dobbins, Harding, and Kaye, *Coping with Iran*, 16.

40 Ibid.

41 Masoud Kazemzadeh, "Intra-Elite Factionalism and the 2004 Majles Elections in Iran," *Middle Eastern Studies* 44, no. 2 (2008): 192.

productivity. With regards to foreign policy, pragmatists are focused on economic integration, which they believe is the key to the Islamic Republic of Iran's accommodation by the rest of the world since the economic incentives of including the IRI cannot be ignored.[42] Hence, by identifying American geopolitical and economic interests and essentially pandering to them, relations would be rekindled. Pragmatists looked to the American cooperation with the Taliban in Afghanistan as evidence that the Islamic ideology of the regime is not a real impediment.[43]

Many consider the pragmatists to be the most powerful of the Iranian factions as they occupy several key institutional positions, including the Expediency Council, the Special Court for the Clergy, and the Assembly of Experts, as well as much of the regime's bureaucracy and the Qom and Tehran clerics. Hojjateslam Ali Akbar Hashemi Rafsanjani, who served as the President of Iran from 1988 to 1997 and is currently the President of the Expediency Council, is the most prominent member of this faction. The support base for the pragmatists lies mainly in the lower middle classes, bazaari merchants, and many mid-ranking clerics.[44]

2. Reformists

The reformists are considered to be the moderates of Iranian politics. Overall, their reign in Iranian politics (controlling the presidency from 1997-2001 and both the presidency and the parliament from 2001-2005), was characterized by attempts to develop Iranian civil society. Led by Ayatollah Mohammad Khatami, the reformists believed that reintegration into the globalized world would only occur when the rest of the global community recognized Iran's political independence and maturity. Khatami thus tied Iranian isolation on the international stage to problems of communication and undertook a "dialogue of civilizations" that emphasized cultural and ideological sensitivity as a prerequisite to reconciliation.[45]

The reformists arguably have the largest popular support base in

42 Ansari, *Iran, Islam and Democracy*, 58.
43 Ibid., 107.
44 Ibid., 52.
45 Ansari, *Iran, Islam and Democracy*, 133.

Iran, including the backing of the intelligentsia, academics, journalists, students, the majority of the middle class, and many prominent figures in the Shi'a elite. However, their inability to deliver political or economic goods or re-mobilize following the end of Khatami's two terms in office has led to a decline in the faction's relevance on Iran's political landscape and pushed many reformists to re-cast themselves as pragmatists.[46]

3. Conservatives

Sometimes also referred to as traditionalists, hardliners or radicals, the conservative faction is defined by their ardent belief in: revolutionary values; the guardianship of the jurist and the Supreme Leader; and concomitant rejection of any rapprochement with the West. A majority of the members in this faction are veterans of the Iran-Iraq War who rose through the ranks of the Islamic Revolutionary Guard Corps and the Basiji militia. While the conservatives undoubtedly hold the largest base of power, deriving most of its support from rural areas and the lower classes, there remains a spectrum of perspectives in this group, ranging from the very radical (those who currently control the IRGC, judiciary, Council of Guardians, and the President) to the more mainstream (those dominating the NSC and often form tactical alliances with the pragmatists).[47]

Even with the brief summaries above, a complex and convoluted map of policy making emerges, one that has left many analysts confused. They have thus chosen to interpret the complexity as a lack of cohesion, causing a struggle for domestic hegemony between the three factions, which is often transferred to the international arena using control of institutions and/or strategic cards. Pointing to several examples of incoherence in Iranian policy-making, scholars conclude that there is no single Iranian policy and that each faction is pursuing its own goals, hoping to sabotage the positions of their opponents.

One example of this incoherence is the so-called *Karine A* affair, in which Israel seized a ship destined for Palestine loaded with weapons and thought to have originated from the IRGC. The incident happened

46 Ibid., 168.

47 Afshin Molavi, *The Soul of Iran* (New York: W.W. Norton, 2005), 353.

at a critical moment in Iran-US relations. In the wake of September 11th and the NATO invasion of Afghanistan, Iran had offered to share with the Americans its superior intelligence on the Taliban's strategic capabilities and granted them access to the Iran-Afghan border. The Iranian support was not purely tactical either; according to Hillary Mann Leverett, who was a senior National Security Council official on Iran at that time, just weeks before the capture of the *Karine A* occurred, a senior Iranian diplomat had told her that Iran wanted to "change the dynamic for the first-time in twenty-five years."[48] However, the weapons seizure shocked the Israeli population and undermined the spirit of negotiations between Iran and the National Security Council, eventually prompting the infamous "axis of evil" comment by President George W. Bush during his first State of the Union address in 2002. While secret negotiations between Iran and the United States continued afterwards, rapprochement with the United States became much less popular in Iran. Having approved cooperation with the United States and the secret negotiations, Khamenei felt compelled to respond to the "axis of evil" comment, stating that "Iran is proud to be the target of the rage and hatred of the world's greatest Satan."[49]

Another example of sabotage can be discerned in the events of Spring 2006, when signs pointed to an agreement between nuclear negotiator Ali Larijani and EU Special Representative Javier Solana. Ahmadinejad reportedly disfavoured the agreement because it included a suspension in the enrichment of uranium, which would have conflicted with the celebratory nationalist and populist rhetoric he had been presenting. Equally, if Larijani were to resolve the nuclear issue and maintain Iranian integrity, Ahmadinejad would have been 'trumped' on the domestic stage. Curiously, the President chose that sensitive moment of negotiations to announce that Iran had crossed the threshold for enriching uranium for fuel production. Several experts doubted the technical feasibility of the announcement, yet Ahmadinejad was determined to stage a spectacle around the announcement, including

48 John H. Richardson, "The Secret History of the Impending War with Iran That the White House Doesn't Want You to Know," *Esquire*, October 18, 2007.
49 Joe Klein, "Shadow Land," *The New Yorker*, February 18, 2002.

a celebratory parade in Tehran featuring yellow cake and giant tubes.[50] The agreement consequently stalled as Larijani's Western counterparts pondered the faith in which they were negotiating.[51]

Ahmadinejad's truculence in such cases has led many to expand upon the faction-based argument of Iranian foreign policy to posit that a "conservative consolidation" of power has resulted in a "new aggressiveness" in Iranian foreign policy.[52] Proponents of this theory argue that after the collapse of the reformist movement under former President Mohammad Khatami, the conservative faction in Iran – who had always retained a degree of institutional power – had capitalized on the power vacuum and seized authority. Ahmadinejad, as the face of this movement, has fit neatly into this narrative. His belligerent and often provocative criticism of Israel and the United States stands in staunch contrast to Khatami's calls for a "dialogue of civilizations." Furthermore, his ties to the IRGC are also thought to create a new link between the IRGC and the office of the president that signals a revived militarism in Iranian politics and may even lead to a military coup.[53]

Interestingly, it is precisely this theory that begins to unravel the argument that Iranian foreign policy-making is solely, or even primarily, attributable to factional divisions. The first point of contention is *which conservatives?* While Ahmadinejad does occupy the presidency and has, as noted above, managed to exercise some influence from what has been described as an "essentially symbolic position," many other influential conservative figures in the government have publicly criticized him, choosing to ally themselves with pragmatists like Rafsanjani instead.[54] Distinguishing factions within the Iranian political scene often leads to an oversimplified analysis as the collection of actors influencing foreign policy cannot be definitively labelled. Attempts at disaggregating the political scene have consistently caused problems for analysts of Iranian foreign policy because these labels

50 Nazila Fathi, David E. Sanger, and William J. Broad, "Iran Says It Is Making Nuclear Fuel, Defying UN," *New York Times*, April 11, 2006.

51 Ansari, *Iran, Islam and Democracy*, 175.

52 Gheissari and Nasr, "The Conservative Consolidation": 189.

53 Gheissari and Nasr, "The Conservative Consolidation": 178.

54 Stephen Zunes, "My Meeting with Ahmadinejad," *Foreign Policy in Focus*, September 28, 2007. http://www.fpif.org/fpiftxt/4592

often cannot account for the nuances of the Iranian political scene. This has led to the construction of a host of sub-factions, such as 'principlists' or "radical conservatives" or "constructive reformists."[55] While titles do provide a useful conceptualization of the alliances in Iranian politics in the absence of real political parties, the reality is far more fluid as boundaries are largely undefined and, at any given point, the picture shifts accordingly. For example, in comparison to Ahmadinejad, Ali Larijani is a pragmatist: he sought compromise over the nuclear program and, as detailed above, brought Iran to the brink of a resolution. Yet Larijani's hardline credentials easily outdo those of Ahmadinejad, and when he was first appointed to the position of nuclear negotiator, he warned ominously against compromise with the West, stating that "the West wants two classes of nations, those who have nuclear technology and can be advanced, and nations that must be restricted to produce only tomato juice and air conditioners."[56]

This leads itself to the underlying point: relying too heavily on factions and two-level games produces a picture of divisions that is incongruent with the fundamental unity of the Islamic regime's foreign policy. Since the death of Khomeini in 1989 and the emergence of real factions in Iranian politics, the pragmatists, reformists, conservatives, and radical conservatives have each dominated the government at different times. Iranian domestic politics have been dynamic with periods of experimentation and major policy shifts. Yet a survey of foreign policy decisions over the past twenty years does not correspond with these fluctuations. While there are some isolated examples of disharmony, as noted above, Iran has remained remarkably consistent in terms of behaviour, objectives, and policy. While proponents of the "conservative consolidation" views, such as Vali Nasr and Ali Gheissari, may declaim a new authoritarian abrasiveness in Iranian politics, they ignore the equally vitriolic rhetoric spewed by Rafsanjani, who in 2001, mused that while a nuclear strike could destroy Israel, the equivalent

55 James Walsh, "Multilateralizing Iran's Fuel Cycle: The Viable Policy Option" (paper presented at the Bonn International Centre for Conversion "New Chances for a Comprise in the Nuclear Dispute with Iran?" conference, Bonn, Germany, December 4, 2008).

56 Karim Sadjadpour, Prepared Testimony on Iran's Political/Nuclear Ambitions and U.S. Policy Options, Senate Foreign Relations Committee, May 17, 2006.

on Iran would only damage the Muslim world.[57] Extremism is not particular to any one faction. Equally, support for Hezbollah, Hamas, and other militia groups has been consistent over the past two decades and, true to its constitution, Iran has continued to refuse recognizing Israel. Moreover, since the ceasefire was declared with Iraq, all three Iranian presidents have sought regional détente and improved relations with the countries in the Arabian Peninsula. How can one reconcile this consistency with the confusing set of actors outlined above?

Governmental Policy as Organizational Output

Conceiving the foreign policy of a country as the *organizational output* of its government structure is a helpful alternate lens by which to approach this problem. In this paradigm, the multiple overlapping institutions of the Islamic regime have resulted in power distributed among several nodes. However, each of these nodes operates within a centrally coordinated framework of fixed objectives and standard operating procedures. Objectives are not necessarily formal mandates, but rather adhere to common principles, with different institutions pursuing those principles according to their capabilities. Consequently, while any given foreign policy challenge is in the hands of multiple actors, these are in actuality only quasi-autonomous. Any rogue elements can only marginally disturb the overall picture.[58]

Central to this paradigm are three contentions regarding Iranian foreign policy: first, that the central goal of the Islamic Republic is self-preservation, and thus its activities can be objectively interpreted as rational. Secondly, there is a central coordination to the sources of power in the Islamic Republic through the Guardian Council and the Supreme Leader. This is essential as it reconfigures the multi-polar depiction of power in Appendix I as an organization that is sharing power, not separating power. Finally, that the common principles guiding foreign policy-making are the myth of political emancipation and Iranian power projection in the region.

57 *Iran Press Service*, "Rafsanjani Says Muslims Should Use Nuclear Weapon Against Israel," December 14, 2001.

58 Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown & Company, 1971), 80.

A self-preserving pragmatism has consistently been on display by politicians across the spectrum throughout the past twenty years. Although it may seem redundant to note that the Islamic Republic of Iran is primarily concerned with maintaining its own existence, the strategic decisions taken by all three 'factions' demonstrates that ultimately all other factors (including ideology and revolutionary ethos) are subordinate to this concern. Distinguishing this self-preserving instinct is also critical insofar as it discredits any arguments that the Islamic regime is 'messianic', 'fanatic', or 'rogue'. Arguably, this is a principle that was first practiced by Ayatollah Khomeini himself. In the 1980s, the Islamic Republic of Iran purchased arms from the United States via Israel in what became known as the Iran-Contra scandal. The consolidation of a new pragmatic outlook by the Islamic Republic – a reorientation that can be conceived as the death of revolutionary idealism – occurred with the decision of Khomeini to "drink the poison chalice" and sign a ceasefire agreement with Iraq.[59] Having sustained the war for nearly five years after reclaiming all of the territory that Saddam had invaded, Khomeini eventually conceded after the US re-flagging of Kuwaiti ships, which seemed to indicate America's willingness to enter the war against Iran.

Similar to Khomeini's "poison chalice," the regime offered a "grand bargain" in March 2003. Following the American invasion of Iraq and defection of the Iraqi army, a member of the regime's elite, Sadeq Kharrazi, and the Swiss Ambassador, who represents American interests in Iran, drafted a comprehensive proposal for full normalization, which included a number of concessions, including an end of support for all terrorist organizations, cessation of the nuclear program, and an agreement to recognize Israel. The State Department ignored the offer on the orders of the White House.[60]

Today, what is arguably the most convincing example of the prevailing pragmatism in Iranian foreign policy-making is the fact that the Revolutionary Guard has been hesitant to support the insurgents in Iraq with any sophisticated weaponry that could potentially escalate the

59 Manouchehr Ganji, *Defying the Iranian Revolution* (Santa Barbara, CA: Greenwood Publishing Group, 2002), 128.

60 Richardson, "The Secret History of the Impending War," *Esquire*.

US-Iran standoff. Assistance to Shiite militias also remains minimal, particularly relative to the assistance Iran has provided to Hezbollah and Hamas, and US intelligence officials have acknowledged that this is a deliberate precaution so as to deny the Bush Administration justification for an attack.[61] Iran's subdued response to Shiite militias can also be attributed to the fact that the United Iraqi Alliance is a fragile coalition that already shows signs of an internal power struggle. Iran has intentionally refrained from granting any particular group within the alliance preferential treatment so as to retain favour with all factions, from Ahmad Chalabi in the far-right to Moqtada al-Sadr on the left.[62]

The predominance of pragmatism is a critical point as it provides a fixed operational context in which to approach Iranian foreign policy making and discredits the contentions that the Islamic Republic of Iran is an irrational or messianic actor. However, it is ultimately insufficient in providing a model for decision-making within the regime. There are two other key factors that must be included in any understanding of Iranian foreign policy making: the inhibitory framework created through the Islamic Republic's institutions, which constrains all actors; and continued adherence to revolutionary ethos, which form the principles on which action repertoires are based. I contend that these factors, along with the commitment to self-preservation, are central to understanding the organizational ethos of the IRI. Within these limits a degree of debate exists. Yet, as will be demonstrated, this process is so heavily constrained that actors are incapable of radical changes.

As summarized above, the formation of foreign policy occurs at several discrete nodes in the multi-polar political landscape of Iran, including both formal institutions and informal sources of power. Yet as already illustrated, nearly the entire system is bound to the approval of the regime's elite via the Guardian Council. By approving the candidates for the Presidency, parliament, and the Assembly of Experts (who then exercise power over other key nodes of the system,

61 Ryan Carr, "Understanding Iran's Motivations in Iraq: The Cost Calculus of External Support," *Strategic Insights* VI, no.5 (August 2007): 5.

62 Kayhan Bazegar, "Understanding the Roots of Iranian Foreign Policy in the New Iraq," *Middle East Policy* XII, no. 2 (Summer 2005): 51.

including the Supreme Leader), the Guardian Council ensures that any potential critics who may damage this equilibrium are disqualified from participation. With the addition of multiple ties by blood and marriage across institutions and factions, the system is intertwined at all levels. The result is a stagnant system where the clear preference is the status-quo. The most significant example of this can be seen in the only actor that could potentially break out of this mould: the Supreme Leader. In the absence of his predecessor's charisma or clout, Khamenei has chosen to engage in a path of least resistance, balancing the different nodes of power against each other in order to essentially keep the system inert.

Khamenei's determination to retain the status-quo has been particularly clear during the presidency of Ahmadinejad. As noted above, Ahmadinejad has used the public pulpit afforded to him as President to heighten nationalist-populist rhetoric and essentially force the hand of many other actors. Khamenei has resisted caving to this pressure, instead finding new institutional means by which to restrain Ahmadinejad. For example, when Ahmadinejad appointed his close ally, Manoucher Mottaki, as his minister of Foreign Affairs, Khamenei intervened in order to appoint another envoy, Ali Larijani – Ahmadinejad's rival during the 2005 elections – to the nuclear negotiations and to the Supreme National Security Council (SNSC).[63] Considering that Larinjani's hardliner credentials were greater than those of Ahmadinejad, the question was not one of balance between the 'factions'. A former revolutionary guard who was known for his severe censorship as head of the Islamic Republic of Iran Broadcasting organization, Larijani had beaten Ahmadinejad in attaining the endorsement of the conservative establishment, including the Council for the Coordination of the Forces of the Revolution, during the 2005 elections.[64] Khamenei's intervention was intended to prevent Ahmadinejad from overestimating his own power, but Ahmadinejad was not easily restrained and he began to publicize a policy line that

63 Mark Gasiorowski, "The New Aggressiveness in Iran's Foreign Policy," *Middle East Policy* XIV, no. 2 (Summer 2007): 129.

64 Arang Keshavarzian, "Regime Loyalty and Bazari Representation Under the Islamic Republic of Iran: Dilemmas of the Society of Islamic Coalition," *International Journal of Middle East Studies* 41, no. 2 (May 2009): 239.

not only made the regime's elite increasingly uncomfortable, but also overstepped the bounds of presidential power as it had been practiced under Khatami. In response, Khamenei shifted greater policy-making responsibilities to the Expediency Council. He also created a new foreign policy advisory council, to which he appointed two former foreign ministers, a former defence minister, and a former ambassador, the four of whom represented the full spectrum of Iranian politics.[65] This power struggle demonstrates an exercise of supreme central power by Khamenei. What is interesting to note is that for the interests of regime stability, he chose to use institutional means to limit Ahmadinejad rather than to publicly undermine him through the use of veto power.

While the inhibitory institutional structures of the Islamic Republic explain the general inertia of Iranian foreign policy, what elements account for constructive decisions? The objectives behind decision-making were established in the 1979 revolution and have rationalized the consistency of foreign policy-making ever since. Adherence to revolutionary ethos is the active factor behind Iranian foreign policy making and is critical for an understanding the decisions made. Three principles dominated Iran's foreign policy outlook after the Islamic Revolution of 1979: (1) revolutionary export; (2) the myth of political emancipation; and (3) asserting Iran's role as the regional hegemon.

Revolutionary export has been discarded with the death of Khomeini. Following the Iran-Iraq War, Iran was effectively crippled and hence more interested in rebuilding relationships with neighbouring countries then empowering their populations to revolt against them. This process actually began prior to the end of the war and the death of Khomeini as Iran sought relations with many of its Gulf neighbours in the mid-1980s, such as Oman and Bahrain, discarding its original plans of exporting the revolution.[66] Furthermore, Khamenei's meagre religious credentials (before being appointed as Supreme Leader, he was a *hojjatoleslam*, the lowest rank of the Shi'a hierarchy) meant that the clerical elite of the Islamic Republic had little credibility in exporting

65 Kamrava, "Iranian National-Security Debate": 97.
66 Rakel, "Iranian Foreign Policy": 169.

its religious ideology.[67]

While it may seem curious not to include Shi'ism as one of the major principles in Iranian foreign policy-making, there is little evidence that it has actually played a role in the decision-making of the Islamic Republic. Iran supports (or has supported) Sunni groups like the Islamic Salvation Front (FIS) in Algeria, the National Islamic Movement in Sudan, and Hamas and Islamic Jihad in Palestine.[68] If one was to look at the ideology of Islam more generally, again, there is little evidence that it factors into decision-making as an element in its own right, rather than following from the other identified principles. Iran remained neutral in the conflict in Chechnya, denying support to the Muslim Chechens so as not to offend its ally, Russia; and sided with Christian Armenia over Muslim Azerbaijan in the Nagorno-Karabakh conflict.[69] Nathan Gonzalez has commented on this discrepancy, arguing that the idea of a "Shiite Crescent" should be replaced with that of an "Iranian Crescent," as the ultimate goal has never been piety or doctrinal issues, but in fact the projection of Iranian power and leadership in the region.[70]

This is directly related to the two remaining principles that have continued to dominate Iranian foreign policy-making: political emancipation and power projection. The legacy of the 1979 Islamic Revolution is at core a nationalist one – the myth of political emancipation, or the end of foreign involvement in Iran. The historical narrative was that Iranians had overcome centuries of humiliation through foreign interference and dominance, including the 1953 coup d'état in Iran and twenty-five years of rule by "American puppet" Mohammad Reza Pahlavi, and had finally risen to liberate itself. This legacy has remained at the forefront of the self-perception of the Islamic Republic, even in periods of reconciliation and 'dialogue', as under President Mohammad Khatami. As he sought to bring Iran out of isolation, Khatami continued to stress that Iran had freed itself from

67 Saskia Geiling, "The *Marja'iya* in Iran and the Nomination of Khamanei in December 1994," *Middle Eastern Studies* 33, no. 4 (October 1997): 778.

68 Ganji, *Defying the Iranian Revolution*, 156.

69 Adam Tarock, *Iran's Foreign Policy Since 1990: Pragmatism Supersedes Islamic Ideology* (Commack, NY: Nova Science, 1999), 135-9.

70 Gonzalez, *Engaging Iran*, 102-3.

"the yoke of our masters," and would "never again submit to anyone."[71] The myth of political emancipation has, since Khomeini's era, often been conflated with a populist message of self-sufficiency and anti-imperialism. First characterized by Khomeni's defiant "Neither East nor West but the Islamic Republic," this populism was, according to Abrahamian's concept of *Khomeinism*, a "radical rhetoric directed against imperialism, foreign capitalism, and the political establishment."[72]

Corresponding with the myth of political emancipation is a reassertion of Iran's role as a regional hegemon. There is consensus among Iranians that Iran deserves to be a regional power and, in this respect, the post-revolutionary government has very much followed the policy of the Shah as they both considered Iran to be the dominant power in the Persian Gulf and resented American presence in the region.[73] The Islamic regime has been subject to an even greater influx of American troops with the establishment of US military bases in many of Iran's island neighbours after the Gulf War. Iran has adopted a policy of rapprochement with its Arab neighbours and, as previously noted, has initiated a military doctrine which emphasizes joint training and operations, strategic alliances, and regional defence with the goal of reducing the United States' influence and, ultimately, causing their withdrawal from the Middle East.

It is the convergence of these two principles – political emancipation and power projection – that has continued to drive the process by which Iranian foreign policy has been made over the past thirty years, particularly with regards to Iran's relations with the United States. The United States has refused to recognize the Islamic Republic of Iran since its inception in 1979, and since then has continuously supported opposition forces, specifically the exiled Pahlavi monarchy and the Muhajedeen-e-Khalq (MKO) organization. The United States has even

71 Cordesman, *Iran's Military Forces in Transition*, 17.

72 Ervand Abrahamian, *Khomeinism: Essays on the Islamic Republic* (Berkeley, CA: University of California Press, 1993), 17.

73 Ansari, *Iran, Islam and Democracy*, 37. Indeed in the final years of the Shah's regime, Iran was often portrayed as a regional menace led by a megalomaniac. See the 1976 novel by Paul Erdman, *The Crash of '79* (New York: Simon & Schuster, 1976).

called for regime change under President George W. Bush.[74] Coupled with crippling sanctions that have persisted during the revolutionary regime, the Islamic regime perceives the United States as a direct threat to its existence. Yet the Ayatollah Khomeini was very clear during his lifetime that a normalization of relations with the United States was entirely possible if they occurred on the basis of mutual respect.[75] In the perceived absence of this mutual respect, Iran has pursued an admittedly misguided and sometimes contradictory policy of both trying persistently to normalize relations with the United States in the long-term in order to absolve itself of the American threat entirely, and to resist American encroachment on the region in the short-term. The latter is best evidenced by the Iranian support for militia groups in the region. The convergence of interests in preventing American or Israeli dominance in the region has created the basis for the continuing Iranian cooperation with Hezbollah and particularly with Sunni groups such as Hamas, Islamic Jihad, and according to some reports, even Al-Qaeda.[76] As noted by Nathan Gonzalez "terrorist connections are a symptom of Iran's calculating *realpolitik*," a point that is proven by Iran's willingness to denounce all of these groups in the "grand bargain" presented to the United States in 2003.[77]

Even while providing significant resources (both moral and material) to these terrorist organizations and regional militias, Iran has experimented with different means of courting American relations with an eye towards eventually normalizing relations. Under Rafsanjani's administration, this took the form of offering the Dutch affiliate of an American company, Conoco, a lucrative $1.6 billion deal to develop two of Iran's offshore oil fields in 1996.[78] The repudiation of the Iranian offer occurred through US Presidential Executive Order No.12957 and No.12959, which banned oil development deals and all commercial and financial transactions between the United States and Iran during

74 Shahram Chubin, *Iran's Nuclear Ambitions* (Washington: Carnegie Endowment for International Peace, 2006), 113.

75 Ansari, *Iran, Islam and Democracy*, 116.

76 Hiltermann, "A New Sectarian Threat": 805.

77 Gonzalez, *Engaging Iran*, 95.

78 Rakel, "Iranian Foreign Policy": 171.

a "state of emergency with Iran".[79] Compounding this rejection was the passing of the Iran-Libya Sanctions Act (ILSA), legislation that essentially sanctioned any company that invested in Iranian oil and gas beyond $20 million.[80] The regime was scathed by this insult and further incensed by the tentative American support for the Taliban radical Islamist regime that had just taken hold in Afghanistan.

Following the failed the courtship with the United States during Rafsanjani's presidency, Khatami took a resolutely different approach than economic interest, reaching out for reconciliation through social and cultural ties. While Secretary of State Madeline Albright did offer regrets over Iranian historical grievances, particularly the 1953 coup d'état, ultimately Khatami's approach did not yield any tangible consequences. The containment sanctions remained in place, Iran won no new allies within American politics, restrictions were tightened on student visas, and in a final insult (particularly, as noted above, in the wake of Iran's cooperation in toppling the Taliban), Iran was labelled as part of the "axis of evil" during President Bush's 2002 State of the Union address.[81]

Some analysts note that Iran under Ahmadinejad has also tried to ameliorate ties with the United States, pointing to Ahmadinejad's 18-page letter to President George Bush and, perhaps more credibly, the Supreme Leader's March 2006 offer for direct talks between Tehran and Washington in regards to Iraq.[82] Contrary to some speculations, efforts to engage Washington have not diminished because of the so-called "conservative consolidation." Rather, they have diminished because the two principles of foreign policy-making outlined in this paper have led themselves to two overarching goals in the wake of the American invasion of Iraq: firstly, preventing the establishment of a regime in Baghdad that takes its orders from Washington; and secondly, avoiding an American invasion. I have detailed Iran's strategic interests in Iraq above, and its ties there to the principles of political emancipation and

79 US National Archives, *Executive Order 12957: Prohibiting Certain Transactions with Respect to the Development of Iranian Petroleum Resources* (College Park, MD: The National Archives and Records Administration, 1995).

80 Howard, *Iran Oil*, 83.

81 Gonzalez, *Engaging Iran*, 86.

82 Dobbins, Harding, and Kaye, *Coping with Iran*, 44.

regional hegemony are clear. Most importantly, Iran has not forgotten the United States' refusal of its "grand bargain" in 2003, or America's refusal to provide security guarantees to Iran in incentive packages. Iran has interpreted both of these events, as well as the perception that Iran was 'next', to mean that the political emancipation of Iran is at risk.[83] In 2003, government spokesman Abdullah Ramanzadeh explicitly stated that "in a unipolar world, Iran had to adopt a policy that would prevent war with the United States."[84] Hence, while Iran has been interfering in Iraq – and, as alluded to above, analysts are at odds over whether this interference is simply aimed at bringing about an Iran-friendly regime in Baghdad or a deliberate attempt to further exasperate and tie down the American military – it has deprived the United States of any evidence that could justify an invasion.[85]

How has the nuclear crisis, the most critical foreign policy challenge currently facing Tehran, evolved through organizational output? The nuclear issue has become a vital part of Iran's foreign policy repertoire. At the time of writing, Iran was subject to three rounds of sanctions from the United Nations Security Council, yet it continues to reject demands to end its enrichment program. Key analysts agree that Iran's decision to pursue nuclear weapons – or simply maintain ambiguity with regards to their pursuit – is strategic calculus in order to increase Iranian standing in the region and dissuade the United States from staging an attack. To be sure, the regime has not missed an opportunity to trumpet its achievements, and while part of this is undoubtedly in order to heighten nationalist sentiment, it is also directed at an international audience. In April 2008, Ahmadinejad took a highly publicized tour of the Iranian nuclear facility in Natanz. Forty-eight photos of the tour were released to international media; the publicity surrounding the photos, and the act of conducting such a tour in itself, clearly reflected Iran's defiance of the West and the UN Security Council.[86] Weapons of mass destruction (WMDs) are a critical

83 Gonzalez, *Engaging Iran*, 87.

84 Kamran Taremi, "Iranian Foreign Policy Toward Occupied Iraq, 2003-2005," *Middle East Policy* XII, no. 4 (Winter 2005): 39.

85 Ibid.

86 *New York Times*, "A Tantalizing Look at Iran's Nuclear Program," April 29, 2008.

deterrent to add to the *Shahab-3*, and certainly even the ambiguity has served the same ends, ultimately benefiting Iran's military doctrine.

Overall, nuclear politics is one issue where the unity of purpose amongst the various institutions of the Iranian government can be observed. While much has been made of Ahmadinejad's intransigence regarding the nuclear issue, including his lack of concern for the UN Security Council, analysts such as Karim Sadjadpour of the Carnegie Endowment for Peace are nearly unanimous in their agreement that support for nuclear energy spreads across all political factions.[87] Nuclear power fits neatly with Iran's principles of power projection and political emancipation as it effectively represents "self-reliance, independence, regional power, and equality with other great powers."[88] However, it is certainly constrained by self-preservation. As Kenneth Pollack stated in his testimony to the United State Senate's Foreign Relations committee, "Stated in a vacuum, without regard for potential trade-offs, such sentiments are meaningless."[89] As sanctions on Iran have been approved, a growing chorus from the regime's elite has been calling for Ahmadinejad to lower his rhetoric regarding the program, and institutions such as the Supreme Leader and the SNSC have been countering Ahmadinejad's vitriol by quietly seeking alternate avenues of compromise.[90]

The recent history of the nuclear negotiations provides a credible argument for policy-making as organizational output. Power for decision-making is always distributed among several nodes and ach institution is working within the parameters formed by the central principles of foreign policy-making. The suspension of uranium enrichment is in direct contravention of these principles, not only

87 Karim Sadjadpour, Prepared Testimony on Iran's Political/Nuclear Ambitions and U.S. Policy Options, Senate Foreign Relations Committee, May 17, 2006.

88 Jalil Roshandel, "Iran's Populist President, Strategic Foreign and Nuclear Policy: The Influence of Domestic Politics on the Current Iranian Nuclear Stand-off," in *Shia Power: Next Target Iran?*, ed. Michel Korinman and John Laughland (London: Vallentine Mitchell Academic, 2007), 143.

89 Kenneth Pollack, Prepared Testimony on The Iranian Nuclear Program: Motivations and Priorities, Senate Foreign Relations Committee, May 17, 2006.

90 Kamal Nazer Yasin, "Iran: Conservatives Trying to Get President Ahmadinejad to Moderate Behaviour," *EurasiaNet*, June 10, 2008. http://www.eurasianet.org/departments/insight/articles/eav061008.shtml

because, as President Ahmadinejad says, nuclear energy is the "inalienable right" of the Iranian people, but also because Iran sees its rights (as enshrined under the Non-Proliferation Treaty) compromised if it concedes. During the Khatami presidency's previous freeze on enrichment from 2002-2005, Iran saw its nuclear file virtually ignored by the Europeans (the Americans were not party to the treaty that produced the freeze agreement), but the freeze did not yield any real concessions for the Iranians from their counterparts. It follows, then, that for Iran to submit to another freeze before winning key concessions from the Europeans would be tantamount to submission, in direct contravention of the myth of political emancipation. Indeed, Khamenei has been unequivocal in his refusal to concede to EU and American demands for suspension, claiming that the United States and its allies are denying Iran the modern technology it rightfully deserves in order to prevent the Iranian nation from progress and development.[91] The nuclear crisis has become significantly more complicated since 2004, when the United States became the "back-seat driver" to the negotiations. The Bush Administration has repeatedly refused to sign onto any incentives packages that address Iranian security interests, which has legitimized the regime's intransigence on the issue by providing it with national support.[92]

Despite basking in resurgent support, the Islamic regime is well aware of the limits of intransigence. Shahrum Chubin has noted that Iran has deliberately cooperated at critical times in order to prevent the international community from mobilizing against it.[93] Such tactics are evidence of the self-preserving instinct in Iranian foreign policy-making. That same instinct has produced what the Western media has lauded as the backlash to Ahmadinejad. Members of the regime's elite – across factions, including Ahmadinejad's own allies – have warned that he is needlessly compounding the tense situation through his aggressive posturing. One of Ahmadinejad's primary critics is Hassan Rowhani, head of the SNSC, who noted that "more balance, more reason and less

91 Chubin, *Iran's Nuclear Ambitions*, 134.

92 Flynt Leverett and Hillary Mann Leverett, "How to Defuse Iran," *New York Times*, December 11, 2007.

93 Chubin, *Iran's Nuclear Ambitions*, 138.

emotion" are needed in regards to the nuclear issue.[94] The conservative mouthpiece *Resalat*, owned by the IRGC, is also among Ahmadinejad's critics, noting that "neither weakness nor inexperience and unnecessary rhetorical aggression iare acceptable in our foreign policy."[95] Even radical conservative Revolutionary Guard Commander Brigadier-General Mohammad Bager Qalibaf has argued that there should be a balance between Iran's rights and Iran's commitment to peace.[96]

How does this perspective of the nuclear crisis bode for American policy-making? Consensus and cohesion in the Iranian regime today far outweigh the factionalism and convolution by which it is often characterized. There is a degree of discord, but the international community's attempts to exploit this discord have failed. An alternate approach would look towards the "fixed points" of the Iranian foreign-policy making: the precedence of self-preservation and the belief in Iran's role as a regional hegemon and an emancipated power. The aim should be to cater to those points rather than depend on a factionalism that is ultimately too minute to enable any negotiating successes.

For the United States, this means recognition of the Iranian power in the region. Some have whittled this down to territorial integrity, and indeed this was a stumbling block for several key agreements on the issue of nuclear energy and for the "grand bargain" of 2003. Territorial integrity, however, is hardly a silver bullet if there is no fundamental change in Iran-US relations. Security guarantees are only realistic when allies shares interests. If the United States pledges not to invade Iran – much as it pledged not to intervene in Iranian affairs in the 1980 Algiers Accords that freed the embassy hostages – whilst continuing to undermine Iran's role in the Middle East, conflict is inevitable. On the other hand, if the Americans conceded recognition of Iran's territorial integrity, it would likely allow for a countering concession from the Iranians in the short-term – perhaps even the suspension of uranium enrichment. Yet it would not change Iranian behaviour in the region

94 Michael Herzog, *Domestic Debate About Ahmadinezhad's Confrontational Approach* (Washintong, DC: The Washington Institute for Near East Policy, June 2006), 8.

95 *The Guardian*, "Ahmadinejad Under Fire For Hardline Nuclear Stance," February 27, 2007.

96 Chubin, *Iran's Nuclear Ambitions*, 32.

if Iran continued to perceive threats to the two "defining myths" that I have outlined.

Most significantly, in recognizing the importance of the revolutionary myths and the hermetic environment in which policy is currently being made, the West (specifically the United States and the 'EU-3' consisting of Great Britain, France, and Germany) would do well to avoid further escalating the nationalist or populist claims by threatening "regime change." Such discourses effectively stifle debate, putting the myth of political emancipation at the forefront of negotiations and allowing the regime to continue legitimizing their treatment of the nuclear crisis with diatribes on Western oppression.

The organizational model of analysis, with its emphasis on static principles and constraints deciding the organizational output, ultimately points to the current Iranian strength as matter of a serendipitous moment for Tehran – a matter of Iranian policy interacting with advantageous exogenous factors. This does not mean that policy-makers should wait for Iran to fall into weakness, as it did in 2003, before they engage in real negotiations, for Iran's fundamental principles of political emancipation and power projection will remain at odds with American interests until détente or rapprochement is achieved.

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North Korea's Weapons Programme:
Domestic and External Obstacles to a Negotiated Conclusion

by Tina Park

Introduction

Amongst the security threats facing the international community today, none compares in magnitude to nuclear weapons proliferation. When the Cold War came to an end in the early 1990s, the international community initially believed it was relieved from the threat of nuclear conflict. However, such optimism was short-lived. In 1993, North Korea (the Democratic People's Republic of Korea) shocked the world with the eruption of the First Nuclear Crisis. The DPRK rejected requests made by the International Atomic Energy Agency (IAEA) to inspect the suspicious facilities at Yongbyon, threatening to withdraw from the Nuclear Non-Proliferation Treaty (NPT) which forbids the use of nuclear weapons in the international arena. [1] Though the United States quickly negotiated an *Agreed Framework* with the DPRK on October 1994, it had only temporary effects. The Second North Korean Nuclear Crisis began in 2002 when U.S. intelligence reports detected a highly enriched uranium weapons programme in North Korea. Despite the American request for a complete nuclear disarmament, the Kim Jong Il regime decided to undo the core vestiges

1 Leon Sigal. *Disarming Strangers: Nuclear Diplomacy with North Korea.* (Princeton: Princeton University Press, 1998),6.

of the 1994 *Agreed Framework*.[2] North Korea then quickly re-started production of weapons-grade plutonium at its main nuclear complex, which led to its first ever nuclear test in October 2006.[3] After a promise in February 2007 to close its nuclear facilities in Yongbyun, the DPRK finally began to disable its facilities in early November 2007. However, at the time of writing this paper, North Korea has not yet met its commitment to fully disable its nuclear facilities, arguing that it has received only fifty percent of the aid it was supposed to receive in return.[4] Until present, numerous bilateral and multilateral diplomatic attempts at halting North Korea's pursuit of nuclear weapons program have been largely unsuccessful.

This essay will analyze various dimensions of the North Korean nuclear weapons programme to understand the past failures of the international community to halt the DPRK's nuclear ambition. First, a brief history of Korea and an overview of the domestic characteristics of North Korea will be discussed to set the historical context. Attention will then be paid to the legacy of the Korean War, the political system centered on *juche* ideology, as well as the effect of the Cold War on North Korean politics. After examining the economic and social implications of *juche*, the next section of this essay will seek to analyze the Kim Jong Il regime's motivations for pursuing nuclear weapons development. It will outline arguments raised by various international relations scholars, such as Kenneth Quinones, Alexandre Y. Mansourov, and Young Whan Kihl. The differing views on North Korea's motivations help illuminate why past diplomatic efforts have been so unfruitful. Finally, an examination will be made of North Korea's diplomatic history with five major countries (the United States, Russia, China, Japan and South Korea). Ultimately, I will argue that, although these countries have used economic and diplomatic means to appease North Korea, divergence in national interests and their diplomatic history

2 John S. Park. "Inside Multilateralism: The Six-Party Talks." *Washington Quarterly* (Autumn 2005), 75.

3 Burt Herman. "Koreas Sign Peace, Economic Co-operation Deal." *The Toronto Star* (October 3, 2007).

4 Sang-Hun Choe and Steven Lee Myers. "North Korea Says Earlier Disclosure Was Enough." *The New York Times.* (January 5, 2008).

with the DPRK present insurmountable barriers to cooperation.[5]

History of Korea

Geographically, the Korean peninsula is located in the strategic centre of Northeast Asia, a region which includes China, Mongolia, Japan and Russia. This region has the highest concentration of military and economic capabilities in the world and the United States has played a critical role in maintaining a regional strategic balance.[6] In 1910, Korea was annexed by Japan, an act still remembered by many Koreans.[7] In 1950, the outbreak of the Korean War turned the Cold War into a hot war, confirming the division of the Korean peninsula into the Republic of Korea (ROK) and the Democratic People's Republic of Korea (DPRK).[8] Although the Korean War ended with the armistice agreement signed in 1953, what was initially perceived as a temporary administrative division at the 38th parallel turned into a lasting border between the two countries. [9] The so-called demilitarized zone (DMZ) at the 38th parallel remains the most heavily fortified conflict zone in the post-Cold War era, where over 1.8 million military personnel confront each other, "armed to the teeth" with the latest military weapons. [10] Since the end of the Korean War, the two Koreas have become economically and politically polarized despite the fact that they are ethnically and linguistically homogeneous with a history

5 Park, 75.

6 Samuel S. Kim. *North Korea and Northeast Asia.* (Lanham: Rowman & Littlefield Publishers, Inc., 2002), 4-6.

7 Wayne S.Kiyosaki. *North Korea's Foreign Relations: The Politics of Accomodation, 1945-1975.* (New York: Praeger Publishers, 1976),1.

8 Ellsworth Blanc. *North Korea – Pariah?* (United States: Novinka Books, 2001), preface.

9 Young Whan Kihl, *Transforming Korean Politics.* (New York: M.E.Sharpe Inc., 2005), 259.

10 Kim, 5-6; According to Dr.Donald Rickerd, some people believe that the DPRK, while strong on artillery and now a nuclear device, is far behind in other military equipment such as planes, ships, etc.

of political unity.[11] While the South eventually took a democratic, free-market route with American support, the North assumed a totalitarian dictatorship and command economy under the Soviet umbrella.[12]

During the Cold War, the position of the two Koreas in the international system remained frozen between the two superpowers.[13] Kim Il Sung's goal of a unified Korea, free from any foreign interventions, began to look unrealistic by the 1980s. Instead, the theme of "One nation, two systems" came to surface among the North Korean rhetoric.[14] Disconnected from the traditional Soviet aid upon which it relied, North Korea has been making threats with its nuclear weapons program to acquire more energy and food aid from the outside world. The end of the Cold War did not make the world safer. Rather, it marked the rise of new threats in the international arena, best exemplified through cases like North Korea's nuclear program.

Juche Ideology

To understand North Korea's nuclear programme, it is necessary to examine the *juche* ideology, which forms the core of its political culture and nuclear weapons development. Kim Il Sung, the deceased leader of the DPRK, defined *juche* as "a revolutionary, people-centered view of the world that aims toward the realization of the independence of the masses as the guiding principle of its actions."[15] In North Korea, *juche* reigns over politics. The 1998 DPRK Constitution explicitly states that the DPRK is a "socialist fatherland of *juche*, which embodies the idea of, and guidance by, the great leader Comrade Kim Il Sung."[16] In

11 Bruce Cumings, *The Two Koreas: On the Road to Reunification.* (New York: Foreign Policy Association,
1990), 5.

12 Campbell et al, 255.

13 Cumings,6.

14 Robert Manning, "United States – North Korean Relations: From Welfare to Workfare?" as seen in Samuel
S.Kim and Tai Hwan Lee eds. *North Korea and Northeast Asia.*(Lanham: Rowman & Littlefield
Publishers, Inc., 2002), 64.

15 Kihl, 259.

16 Young Whan Kihl. "Staying Power of the Socialist Hermit Kingdom" as seen

answering a question raised by Japanese journalists in September 1972, Kim Il Sung unwrapped the rationale for *juche* as a necessary principle in North Korea's ability to become "the master of its own destiny," and to demand complete equality and respect among all nations. [17]

Further developed by Kim Jong Il, the son and the successor of Kim Il Sung, the *juche* ideology maintains that the leader (*suryong*), the party and the masses make up a trinity, where the *suryong* forms the core of its system. Accordingly, the masses ought to obey the *suryong* unconditionally since he sits at the centre of the *body politic*.[18] This leader-centered ideology has enabled Kim Jong Il to pursue military-first politics.[19] Often translated as "self-reliance," *juche* has been used by Kim to justify the development of nuclear weapons under the slogan of building *kangsong taeguk* (Strong and Prosperous Great State).[20]

The *juche* ideology has significant economic and social implications, which add to the vulnerability faced by Kim Jong Il regime since the collapse of the Soviet Union. Despite *juche,* North Korea had been heavily dependent on Soviet and Chinese aid since its birth. Between the early 1950s and the early 1990s, Moscow and Beijing were Pyongyang's major supporters, supplying over US$2.2 billion and US$900 million in aid, respectively. [21] The collapse of the Soviet Union served as a serious shock to the North Korean economy, because of not only the cut-off in aid, but also the virtual termination of trade

in Young Whan Kihl and
Hong Nack Kim, eds. *North Korea: The Politics of Regime Survival.* (New York: M.E.Sharpe Inc.,
2005), 8-9.

17 Kim Il Sung. *On Some Problems of Our Party's Juche Idea and The Government of the Republic's Internal*
and External Policies: Answers to the Questions Raised by the Japanese Newspaper Mainichi
Shimbun on September 17, 1972. (Pyongyang:Foreign Languages Publishing House, 1972), 8.

18 Cumings. *The Two Koreas,* 56-57.

19 Joel S.Wit, Daniel B.Poneman and Robert L.Gallucci , eds. *Going Critical: The First North Korean*
Nuclear Crisis. (Washington: Brookings Institution Press, 2004), 381.

20 Bruce Cumings. *Korea's Place in the Sun.*(New York: W.W. Norton, 1997), 404.

21 Samuel S. Kim. *Northeast Asia in World Politics.* 41.

with external powers.[22] Under the notion of self-sufficiency, the North Korean regime has attempted to minimize trade with outside world and restrict foreign direct investment.[23] Yet a closed economy can never be self-sufficient. Between 1990 and 1998, the North Korean economy recorded negative growth, resulting in the most isolated economy in the world, heavily dependent on foreign aid.[24] Some researchers argue that the former financial support from Moscow was the only reason North Korea survived for so long.[25] While the average North Koreans receive only about half of the minimum daily energy requirements and many have died from starvation, the elites of the society – mainly the party leaders and the military – live a comfortable life with luxurious imported goods.[26] Remarkably, North Korea spends as much as 30 percent of its national income on the military, again using *juche* to justify such heavy expenditure. When the "Soviet umbrella" was lifted, North Korea's main source of survival was threatened, encouraging the regime to seek for an alternative source of food and energy.

North Korea's Motivations

Although some consensus exists on the political and economic status of the DPRK, scholars disagree on North Korea's motivations for pursuing the nuclear weapons programme. Given the closed nature of the country itself, it is only possible to *speculate* upon the motivations for its nuclear weapons programme. There is also a possibility that North Korea's real motivations may differ from the speculations of scholars living outside the regime. However, it is nonetheless extremely critical to make an effort to understand the DPRK's rationale, which could significantly increase the chance of success in any diplomatic negotiations with Pyongyang, and assist in devising an effective solution for dealing with the seemingly "irrational" regime. For North Korea,

22 Ibid.

23 Dick K.Nanto. "North Korea's Economic Crisis, Reforms, and Policy Implications" as seen in Kihl & Kim eds, 121.

24 Ibid, 118-119.

25 Gavan McCormack. *Target North Korea: Pushing North Korea to the brink of nuclear catastrophe.* (New York: Nation Books, 2004), 18-20.

26 Ibid, 3-5.

the nuclear weapons could be a response to the "hostile policy" pursued by the United States, a source of national defence as a pariah state, and a bargaining chip for its survival in the post-Cold War era. The differing views on North Korea's motivations are useful for understanding why the past diplomatic efforts have been so unsuccessful.

According to Kenneth Quinones, the first U.S. diplomat to visit North Korea and a member of the U.S. negotiating team that resolved the first Korean Nuclear Crisis, Pyongyang's main concern is responding to Washington's "hostile policy" – a rhetorical phrase which has been consistently emphasized by North Korean negotiators in multilateral forums.[27] Since its birth, the DPRK has been arguing that the American forces in the neighbouring countries present an imminent threat to its survival. During the first nuclear crisis in 1993, North Korean First Vice Minister of Foreign Affairs, Kang Sok Ju, announced: "Our decision to withdraw from the Nuclear Non-proliferation Treaty is the consequential outcome of the policy pursued by the United States over the last four decades since the end of the Korean War, a policy of hostility against the DPRK."[28] Among ordinary North Korean citizens, their nuclear weapons programme is believed to be a symbol of "self-defence" against "American aggression."[29] Pointing to the remark made by the American President George W. Bush categorizing North Korea as a member of the "axis of evil" and subsequent halting of fuel oil delivery,[30] North Korea argues that it has the "sovereign right" to develop nuclear weapons, especially for peaceful purposes of generating electricity.[31] From the DPRK's perspective, the "hostile policy" of the United States, exemplified by the analogy of "axis of evil" has been, and continues to be, the cause of nuclear proliferation on the Korean

27 Kenneth Quinones. "Reconciling Nuclear Standoff and Economic Shortfalls." in Kihl & Kim eds, 78-79.

28 Kang Sok Ju. "Opening Remarks of First Vice Minister of Foreign Affairs at the DPRK-US Talks." (New York: June 1993), as seen in Kihl & Kim, 78.

29 Personal interview with a North Korean refugee. Toronto: 23 December 2007.

30 Elizabeth Rosenthal. "North Korea Defends Decision to Restart the Nuclear Programme". *New York Times.* (3 January 2003).

31 David Sanger. "North Korea Says It Seeks to Develop Nuclear Arms". *New York Times.* June 10, 2003.

peninsula.[32]

This hostile policy argument relates to the Pariah State Syndrome suggested by Alexandre Y. Mansourov, a specialist in Northeast Asian security and politics. Mansourov argues that when the DPRK suddenly lost its major allies at the end of the Cold War, with Russia and China increasingly adopting "western" attitudes, North Korea was forced to find the means to defend itself.[33] As the Wall Street Journal's Karen E. House further notes, "the lesson Kim Jong Il almost surely has deduced from the impending war with Iraq is that all that stands between his fate and Saddam's is his credible confession that he has a nuclear capability and a credible fear abroad that he might use it."[34] Being an isolated hermit kingdom, North Korea may see its nuclear weapons as a threatening and prestigious source of national defence. Keeping in mind that all five permanent members of the UN Security Council possess nuclear weapons, the *juche*-oriented regime may believe that their nuclear weapons could help portray its image on the world stage as the *kangsong taeguk* (A strong and prosperous nation).[35]

Another possible motivation for North Korea's pursuit of the nuclear weapons programme has been put forward by a prominent Korean scholar, Young Whan Kihl. He sees the DPRK's nuclear programme as a "bargaining chip" for national survival, which the Kim regime has been skilfully using on the international negotiating table. Considering its profound economic shortcomings, especially since the collapse of the Soviet Union, Pyongyang became heavily dependent on the assistance of "outsiders", such as the United States and South Korea, for its survival.[36] According to Kihl, North Korea has been using nuclear weapons to solicit more aid from its donor countries. Scott

32 Choe Su Hon, DPRK Vice Minster of Foreign Affairs, "Statement by Head of the Delegation of the DPRK at the General Debate of the 59th Session of the UN General Assembly," September 27,2004; press release text distributed by the DPRK Permanent mission to the UN in New York.

33 Alexandre Y. Mansourov. "Emergence of the Second Republic" as seen in Kihl & Kim eds, 49.

34 Ted Galen Carpenter and Doug Bandow. *The Korean Conundrum: America's troubled relations with North and South Korea*. (New York: Palgrave Macmillan, 2004), 72-73.

35 Ibid.

36 Quinones, Kihl & Kim, 76.

Snyder further contributes to this argument by emphasizing that North Korea's approach to negotiations is not characterized by irrationality or craziness, but rather a consistent policy of maximizing leverage in crisis diplomacy and "negotiating on the edge" to gain concessions. [37]

DPRK-Soviet Relations

Motivations alone do not explain the complicated nature of Pyongyang's nuclear programme – there still remains the question of why North Korea announced its nuclear weapons development in the 1990s, and not earlier. Pyongyang's earlier nuclear developments were driven largely by the Soviet leadership. Between the leaders, Kim Il Sung enjoyed a special relationship with Joseph Stalin – for it was Stalin who put Kim into power. North Korea initially began to develop its nuclear industry with the aid of the Soviet Union in 1950s, when it started sending officials to experimental labs in Russia. [38] By the *Treaty of Friendship, Cooperation and Mutual Assistance* (1961), Russia agreed to defend the DPRK automatically in the event of war.[39] Indeed, the agreement between Stalin and Kim included the key features of "satellite treaties."[40] Even in 1985, it was with Russia's encouragement that Pyongyang decided to join the NPT and consent to full inspections by the IAEA, though it remains unclear whether North Korea actually intended to abide by the IAEA's rules.[41] Throughout the Cold War, therefore, Pyongyang maintained a friendly relationship with Moscow, with its nuclear development largely directed by the Soviet Union.

However, relations between the USSR and the DPRK began

37 Scott Snyder. *Negotiating on the Edge.*(Washington, D.C. : United States Institute of Peace Press,1999), 43-44.

38 Natalya Bazhanova. "North Korea's Decision to Develop an Independent Nuclear Programme" as seen in James C. Moltz and Alexandre Y. Mansourov, eds. *The North Korean Nuclear Programme: Security, Strategy & New Perspectives From Russia.* (New York: Routledge, 2000), 127.

39 Peggy Falkenheim Meyer. "Russo-North Korean Relations Under Kim Jong Il" as seen in Kihl & Kim eds, 204.

40 Chin O.Chung. *Pyongyang between Peking and Moscow: North Korea's involvement in the Sino-Soviet Dispute, 1958-1975.*(Alabama: The University of Alabama Press, 1978), 11.

41 Bazhanova as seen in Moltz & Mansourov eds, 128; Manning,65.

to deteriorate, due partly to Gorbachev's new policy initiatives and to the end of the Cold War. When Mikhail Gorbachev came to power in 1985, he introduced the principles of *glasnost* and *perestroika* (maximum transparency and restructuring).[42] Though Moscow continued to provide economic and military assistance to Pyongyang, Gorbachev sought to develop more trade relationships with non-communist countries. In a timely fashion, the South Korean President Roh Tae-Woo was also seeking to develop trade and diplomatic relations with North Korea's communist allies to gain more leverage against North Korea. [43] Thanks to this policy of "nordpolitik," the two heads of state met on 4 June 1990 and formally announced their diplomatic rapprochement, with the South Korean agreement to provide loans and trade credits to the Soviet Union. [44] Surprised by the sudden change of the Soviet-South Korean relationship, North Korea's party newspaper announced: "The Soviet Union sold off the dignity and honour of a socialist power and the interests and faith of an ally for 2.3 billion dollars."[45] Russia had much more to gain economically from an improved relationship with Seoul than with Pyongyang.[46] Gorbachev's pragmatic approach in foreign affairs marked a clear diplomatic departure from Stalin's ideological approach, which greatly alarmed the North Korean regime.

In addition to Gorbachev's new policy initiatives, the changed nature of international affairs in the 1990s also deteriorated the relationship between Pyongyang and Moscow. The disintegration of the Soviet Union and the transition to the post-Cold War era reflected a general criticism of, and disillusionment with, socialism, as well as purely dogmatic approaches to the conduct of international affairs.[47] To

42 Joseph M.Ha and Linda Beth Jensen. "Soviet Policy Toward North Korea" in Jae Kyu Park et al. eds., *The Foreign Relations of North Korea: New Perspectives.* (Seoul: Kyungnam University Press, 1987), 154-156.

43 Gills, 222.

44 Samuel S. Kim eds. *North Korean Foreign Relations in the Post-Cold War Era.* (Oxford: Oxford University Press, 1998), 117.

45 Nodong Sinmun, 5 Oct 1990, as seen in "Pyongyang Raps Moscow on Diplomatic Ties with Seoul" *The People's Korea,* no.1491 (13 October 19990), 1 &8.

46 Vasily Mikheev. "South-North Reconciliation and Prospects for North Korea-Russian Relations." *Asian Perspective* 25:2 (2001), 40.

47 B.K Gills. *Korea versus Korea: A Case Of Contested Legitimacy.* (London: Routledge, 1996), 191

North Korea's amazement, Soviet society was slowly moving towards democratization and liberalization. In November 1990, the Soviet Union announced that trade with North Korea would henceforth be conducted on a hard currency basis at world market prices.[48] There was no way North Korea could pay for the oil it kept receiving from Russia; Soviet-built factories in the DPRK had to immediately shut down.[49] The withdrawal of Soviet economic and technical assistance, which had been provided for over four decades, had serious repercussions on the North Korean economy.[50] Though Soviet weapons purchased under previous agreements continued to make their way into North Korea, Pyongyang began to question the USSR's commitment to the 1961 mutual assistance treaty. Following the general consensus of other powers, Moscow even began to criticize North Korea's nuclear development program as "irrational and dogmatic." [51] Infuriated, North Korean newspapers announced: "We cannot regard Russia otherwise than as an ally of the United States in the attempts to stifle the DPRK."[52] Faced the changes taking place in the Soviet politics and their foreign policy, the North Korean regime no longer saw the USSR as its ideological, military and political ally. Some scholars argue that this changed relationship between the DPRK and the USSR served as the primary rationale for North Korea's nuclear announcement in the early 1990s. It is likely that the North Korean regime felt increasingly vulnerable in the post-Cold War era, seeking a substitute for security assistance and diplomatic recognition.[53]

In light of North Korea's public announcements about its nuclear intentions, Russia's efforts in the post-Cold War era have been

48 Oh, 155.

49 Yong Chool Ha, "Russo-North Korean Relations in Transition." as seen in Kim, *Foreign Relations of North Korea,* 344.

50 Jane Shapiro Zacek, "Russia in North Korean Foreign Policy." as seen in Kim, *North Korean Foreign Relations in the Post- Cold War Era,* 84.

51 Eugene Bazhanov and Natasha Bazhanov. "Soviet Views on North Korea: The domestic scene and Foreign Policy." *Asian Survey*, Vol.31, No.12. (Dec.,1991), 1135.

52 "Mind Your Own business." *Nodong Sinmun,* 24 April 1994, transcribed by Foreign Broadcast Information Service, *Daily Report: East Asia,* 93-078, 26 April 1993, 28-29.

53 Bazhanova as seen in Moltz & Mansourov eds, 131.

unsuccessful due to its internal political divisions and its declining leverage in Pyongyang. When the first North Korean nuclear crisis broke out in 1993, Moscow saw the opportunity to restore its great power status. However, Russia's attempts to play a mediating role between the extreme policies of the DPRK and the United States were unsuccessful. Russia was largely excluded from the process, and its inner political circle remained largely divided.[54] Whereas Russia's political elites recognized the importance of developing a friendlier relationship with the United States, a large portion of Russian foreign policy elites remained anti-Western. This, in turn, led to a foreign policy that appeared highly inconsistent to the outsiders.[55]

By the time the second North Korean Nuclear Crisis erupted in 2002, Moscow was encouraged to play a more active role in resolving the crisis by cooperating closely with China. However, Russia's abilities were constrained due to Pyongyang's growing dependence on China and the nature of its relationship with China in the post-Cold War era.[56] China and Russia had become competitors for South Korean investment and trade; China won due to its economic stability, bigger market, and wider choices for foreign capital investment. [57] China and Russia have had different national interests in the Korean peninsula. Whereas Moscow favours a unified Korea to constrain China, Beijing concurs with Pyongyang's position on the need to withdraw American troops from the Korean peninsula.[58] Also importantly, since the United States is the only remaining superpower, Pyongyang prefers to deal directly with Washington rather than through Moscow. [59] Russia's recent participation in regional security dialogue should be interpreted not as a sign of its growing influence in Asia, but rather as a sign that South Korea, Japan, and the United States are worried about the negative repercussions of the instability in the Russian Far East for

54 Meyer as seen in Kihl & Kim eds, 212.

55 Ibid, 206.

56 Elizabeth Wishnick. "Russian in Inter-Korean Relations." as seen in Samuel C.Kim eds, *Inter-Korean Relations,*118.

57 Ibid, 150.

58 John B.Kotch, "Korea's Multinational Diplomacy and U.S.-Korea Relations: The Challenge of Change in the Twenty-First Century." *The Journal of East Asian Affairs* 14,1 (Spring-Summer 2000), 149.

59 Wishnick, 150.

Asian security.[60]

DPRK-China Relations

Unable to extract economic and political benefits from Moscow in the post-Cold war era, North Korea became heavily dependent on China's support.[61] It is estimated that about one-third to one-quarter of China's overall foreign aid went to the DPRK.[62] Historically, China has played a unique role in inter-Korean relations because of its large population, geographical proximity and cultural influence.[63] In the words of one Korean scholar, China is "Asian rather than European and agrarian rather than industrial."[64] China had a history of heavy influence in North Korea,[65] although North Korea maintained a "utilitarian" political and economic relationship with the Soviet Union.[66] Kim Il Sung consulted Mao Zedong before launching the Korean War, and Mao's one million soldiers were deployed to repel UN forces. During the Korean War, an estimated 180,000 Chinese were killed, which led to the common saying that Chinese-North Korean relations are "sealed in blood".[67] Throughout the Cold War, China and North Korea maintained a cordial relationship – with North Korea siding with China against the "imperialistic tendencies" of the Soviet Union during the Sino-Soviet dispute. During his official visit to China in 1982, Kim Il Sung commented:

60 Peggy Falkenheim Meyer, "Russia's Post-Cold War Security Policy in Northeast Asia." *Pacific Affairs,* 67:4 (Winter 1994-95), 511.

61 Dunbar Lockwood. "The status of U.S., Russian and Chinese nuclear forces in Northeast Asia." in Young Whan Kihl and Peter Hayes, eds. *Peace and Security in North East Asia.* (New York: M.E.Sharpe, 1997), 302.

62 China's aid to North Korea in 2002 amounted to 1 million tons of wheat and rice and 500,000 tons of heavy fuel oil, accounting for 70-90 percent of North Korea's fuel imports and about one-third of its total food consumption. (Samuel S.Kim. "Sino-North Korean Relations in the Post-Cold War World." as seen in Kihl & Kim eds, 197.)

63 Andrew Scobell. "China and Inter-Korean Relations: Beijing as Balancer." As seen in Samuel S. Kim eds., *Inter-Korean Relations,* 81.

64 Oh, 155.

65 Kiyosaki,2.

66 Oh, 155.

67 Ibid, 155-156.

> We are very pleased with the invariable, continued development of great Korea-China relationship…an invincible one which has a historical tradition and that no one can break…It will last as long as the mountains and rivers to the two countries exist.[68]

Beijing has multiple national interests *vis-a-vis* North Korea. First and foremost, China wants to maintain peace and stability on the Korean peninsula at all costs. Second, China hopes to expand economic activities with South Korea while assisting the survival of North Korean regime. Third, China wants to stop the flow of North Korean refugees into Jilin Province.[69] It is estimated that about one-third to one-quarter of China's overall foreign aid goes to the DPRK.[70] Aid from Beijing played a critical role in the North Korean regime survival – for instance, China supplied North Korea with 200,000 tons of food aid and 500,000 tons of fuel in 2000.[71] Such hefty donations reflect Beijing's interest to limit the influx of North Korean refugees. Above all, Beijing supports a nuclear-free Korean peninsula, in order to minimize regional instability and to prevent domino-effects on other neighbouring states, such as Japan.[72] Furthermore, China has traditionally believed that North Korea must be kept free from the direct control of any external state, be it Japan, Russia, or the United

68 Pyongyang Times, 25 September 1982 as seen in Ilpyong J.Kim, "China in North Korean Foreign Policy." as seen in Samuel S.Kim eds. *North Korean Foreign Relations in the Post-Cold War Era,* 95.

69 Samuel S. Kim as seen in Kihl & Kim eds, 185.

70 China's aid to North Korea in 2002 amounted to 1 million tons of wheat and rice and 500,000 tons of heavy fuel oil, accounting for 70-90 percent of North Korea's fuel imports and about one-third of its total food consumption. (Samuel S.Kim. "Sino-North Korean Relations in the Post-Cold War World." as seen in Kihl & Kim eds, 197.)

71 Nicholas Eberstadt, "Korea." As seen in Richard J. Ellings and Aaron L.Friedberg eds. *Strategic Asia: Power and Purpose 2001-2002,* (Seattle: National Bureau of Asian Research 2001), 138.

72 Eric A.McVadon. "Chinese Military Strategy for the Korean Peninsula" in James R. Lilley and David Shambaugh eds., *China's Military Faces the Future.* (New York: M.E.Sharpe Inc., 1999), 273-274.

States - mainly because of the DPRK's geostrategic location.[73]

China's past policies regarding North Korea have been viewed as a "dubious balance" by many scholars. In the mid-1970s, China assisted North Korea in developing short-range ballistic missile capability; this assistance came to a halt with the end of the Cold War.[74] Most scholars agree that Beijing has played an influential role in pushing Pyongyang to come out of its shell, through acts such as entering the United Nations in 1991.[75] Some point to the Kosovo crisis in 1999 as the turning point in the diplomatic rapprochement between China and the DPRK, when they were both shocked by the American ability to wage a war against any country in the world, and their inability to stop the NATO action against Milosevic.[76] Ever since China joined the United Nations, it has consistently supported Pyongyang's positions in the Security Council.[77]

China, today, with its move towards economic liberalisation, is trapped between a desire to be a part of the great-power nuclear non-proliferation "club" and a hesitancy to openly criticize a former ally with whom the Chinese were once "as close as lips to teeth".[78] At the very least China desires the maintenance of stability on the Korean peninsula. Ideally, China would also like to see a "resolution of the creeping nuclear crisis, lessening of regional tensions, increased economic interaction between North and South Korea and a more reform-minded Pyongyang" to improve its economic status.[79] This is not to say that China wholeheartedly supports Washington's agenda.

73 Willliam J.Barnds ed. *The Two Koreas in East Asian Affairs.* (New York: New York University Press, 1976),42.

74 Joseph S.Bermudez. *The Armed Forces of North Korea.* (London: I.B.Taurus, 2001), 231.

75 Chae-Jin Lee, *China and Korea: Dynamic Relations* (Standford, CA: Hoover Institution Press, 1996), 121-122; Samuel S.Kim, "The Making of China's Korea Policy in the Era of Reform." as seen in David M. Lampton ed. *Chinese Foreign and Security Policy in the Reform Era,* (Standford: Standford University Press,2001), 379; Scobell, 83.

76 Tom Hart, "The PRC-DPRK Rapprochement and China's Dilemma in Korea." *Asian Perspective* (2001), 247-259.

77 Ibid.

78 Wendy Frieman. *China, Arms Control And Nonproliferation.* (New York: Routledge, 2004), 130-131.

79 Scobell, 91.

In fact, Chinese analysts contend that Washington's "Axis of Evil" rhetoric has been destructive, because it only aggravates Pyongyang's paranoia. As a solution, Beijing has offered to host multi-lateral talks.[80] Given its influence in North Korea, China has been the host of major six-party talks involving the United States, Japan, Russia, South Korea and North Korea.[81] In the immediate future, Beijing's interest in the Korean peninsula is "reconciliation without unification."[82] Replacing DPRK's traditional ties to the USSR, China has its own set of interests concerning the North Korean nuclear weapons development, which are quite different from those of other major powers.

DPRK-US Relations

The United States, long regarded as an "enemy" by North Korea, has made continuous efforts to convince North Korea to abandon its nuclear programme. After intervention in the Korean War and subsequent military presence in South Korea, the United States replaced Japan as the primary enemy of the DPRK.[83] For the four decades since the armistice was signed, the U.S. and the DPRK maintained an unfriendly relationship, especially with the 1968 seizing of the USS Pueblo, which was intercepted on a mission allegedly in North Korean waters, and the 1976 axe murders of American soldiers in the DMZ.[84] While Pyongyang used nuclear weapons as a bargaining chip, Washington was interested in reducing the threat of nuclear proliferation and responding to humanitarian crisis in North Korea.[85] The United States also wants North Korea to stop exporting missiles. The DPRK wants food aid, a peace treaty, the withdrawal of the American troops from South Korea, and a complete lifting of the economic embargo.[86] From the perspective of North Korea, Washington's threat

80 Erik Eckholm. "China Offers to be Host of Direct U.S.- North Korea Talks." *New York Times,* 15 Jan 2003.

81 Bruce E. Bechtol Jr. *Red Rogue: The Persistent Challenge Of North Korea.* (Washington: Potomac Books Inc., 2007), 23.

82 Scobell, 92.

83 Manning, 63.

84 Ibid.

85 Ibid, 61.

86 Oh, 169.

to Pyongyang has not lessened since the end of the Cold War.[87] In fact, the North Koreans see the bargaining process with the United States as a way of manipulating a major power's concerns for its interests. The end of the Cold War signalled that the United States was becoming the primary target for Pyongyang, ranging from regime survival to enhancing international legitimacy, as well as obtaining economic aid, investment trade, and tactical benefits in its relations with South Korea.[88] Pyongyang has been justifying its military planning on the basis of Washington's "hostile policy" aimed at the eventual destruction of the DPRK through political, economic and military methods.[89] Yet the Americans see North Korea very differently. From the perspective of the United States, North Korea represents a residue of the Cold War, with the added dimension of being a nuclear threat with serious implications for American interests in East Asia.[90]

The *Agreed Framework* was the centerpiece of the Clinton Administration's response to the first North Korean nuclear crisis. [91] The Clinton administration initiated a containment policy towards North Korea called the "Strategy of Engagement and Enlargement."[92] Experts agree that this policy resulted from the perceived dangers of North Korea's nuclear programme, the vulnerability of Seoul due to its proximity to Pyongyang, and the possibility of large-scale warfare.[93] In return for Pyongyang's promise to suspend all its plutonium reactor activities, Washington agreed to send 150,000 tons of heavy fuel oil by October 1995 and 500,000 tons annually thereafter until the completion of the civilian light water reactor project.[94] In addition,

87 Bazhanova as seen in Moltz & Mansourov eds, 133-134.

88 Manning, 62.

89 Ibid.

90 Manning,64.

91 Robert Litwak. *Rogue States and US Foreign Policy: Containment After the Cold War.* (Washington DC: Woodrow Wilson Center Press, 2000), 111.

92 Key-young Son. *South Korean Engagement Policies and North Korea: Identities, Norms and the Sunshine Policy*. (New York: Routledge, 2006), 33.

93 Leon Sigal. "The United States and North Korea: cooperative security on the Agreed Framework and Beyond." as seen in Richard Haass and Meghan O'Sullivan eds. *Honey and Vinegar: Incentives, Sanctions and Foreign Policy.* (Washington DC: Brookings Institution Press, 2000), 70.

94 Michael Mazaar. "Opportunities seized: preventive diplomacy in Korea." As

North Korea promised to remain in the NPT, signifying the economic and political normalization of two countries.[95] Although there has been much debate on the effectiveness of the *Agreed Framework*, it is difficult to imagine how events would have unfolded in its absence. The *Agreed Framework* was not the perfect solution, but given the lack of a plausible counterfactual, it is difficult to dismiss the agreement as a "failure". Moreover, the *Agreed Framework* undoubtedly advanced the American national interest of containing North Korea.[96]

The "cold peace" which existed between the Clinton administration and North Korea came to a halt with the inauguration of George W. Bush.[97] The *Agreed Framework* was seen as "Clinton-style appeasement" by the Bush administration.[98] The already-bad relationship between the United States and North Korea visibly worsened in 2002 when President Bush identified North Korea, Iran, and Iraq as members of an "axis of evil."[99] In response, the North Korean foreign ministry called Bush "an idiot," and "a tyrant who puts Hitler in the shade."[100] Realizing that bilateral forums no longer suited the nature of the North Korean nuclear threats, the United States opted for a multilateral approach in dealing with North Korea. At the first round of the six-party talks, held in Beijing in late August 2003, the United States demanded that North Korea dismantle its nuclear programmes "completely, verifiably, and irreversibly."[101] North Korea responded that

seen in Bruce Jentleson ed. *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World.* (Oxford: Rowman and Littlefield, 2000), 68; Korean Peninsula Energy Development Organization. *Agreed Framework between the USA and the DPRK*. Geneva: 2 October 1994. www.kedo.org/pdfs/Agreed-Framework.pdf (Accessed on 26 March 2008).

95 James C. Moltz and Sarah J. Diehl, eds. *Nuclear weapons and Nonproliferation.* (California: ABC-CLIO, 2002), 193.

96 Wit, Poneman &Gallucci, 389.

97 Ibid, 377.

98 McCormack, 157.

99 Martin Schram. *Avoiding Armageddon.* (New York: Basic Books, 2003), 39.

100 Andrew Ward and Song Jung-A, "North Korea Blames 'Idiot' Bush For Stall In Nuclear Talks" *Financial Times,* August 22, 2004, 1.

101 Seongji Woo. "North Korea – South Korea Relations in the Kim Jong Il Era" as seen in Kihl & Kim eds, 232.

they were willing to *freeze* the nuclear facilities in Yongbyon, provided that the United States guarantee energy assistance, removal of its name from the list of terrorist-associated nations, and the end of economic sanctions. When their requests were denied, the DPRK argued that the United States was demanding an unconditional surrender by asking North Korea to give up all of its weaponry prior to a security guarantee.

In response to the DPRK's first nuclear detonation in October 2006, the six-party talks produced an agreement in February 2007 whereby North Korea promised to shut down the Yongbyon nuclear plant.[102] This deal, whereby the United States agreed to compensate $25 million U.S. dollars for the dismantlement of nuclear reactors in North Korea[103], has not produced any satisfying result. Rather, the six-party talks have provided Kim Jong Il with "the most precious resource of all: the time to enhance, conceal and even disperse his nuclear weapons programmes."[104] For the past 13 months, Pyongyang has "ignored, stalled, and renegotiated" the agreements of the six-party talk, which led to considerable criticisms directed at the Bush administration and the effectiveness of the six-party forums.[105]

DPRK-Japan Relations

Identified as the "puppet of the United States" by the North Korean regime, Japan does not have a track record of success in dealing with North Korea. Despite geographical closeness, North Koreans have long viewed Japanese with hostility due to the colonial past.[106] In Pyongyang's words, Japan has been "a principal collaborator with the US imperialists in East Asia."[107] However, since the death of

102 Sang-Hun Choe. "North Korea Receives Funds and Says It Will shut Down Its Main Nuclear Reactor."
The New York Times. 26 June 2007.

103 Steven R. Weisman. "U.S. Close to Deal to Release Frozen North Korean Funds." *The New York Times.*
(12 June 2007).

104 John R.Bolton. "Salvaging Our North Korea Policy." *The Wall Street Journal.* (17 March 2008:A17)

105 Ibid.

106 Cumings, *The Two Koreas,* 18.

107 Denny Roy. "North Korea's Relations with Japan: The Legacy of War." *Asian*

Kim Il Sung in 1994, North Korea has attempted to normalize its diplomatic relations with Japan so as to gain economic concessions. [108] When North Korea requested aid from Japan during its food crisis, Japan offered 500,000 tons of rice, which overshadowed South Korea's offer of 150,000. [109] Though North Korean officials actively engaged in subsequent diplomatic encounters with their Japanese counterparts, Japan was warned by the South Korean government not to act unilaterally in dealing with North Korea.[110] When Japan did take the initiative to normalize its relationship with North Korea, such efforts were met by Pyongyang's inconsistent behaviours, such as the 1998 *Taepo-dong* missile test over Honshu Island and the kidnapping of Japanese citizens.[111] Japan's relationship with the DPRK, therefore, had an irregular "on and off" characteristics.

In the face of a nuclear North Korea, Japan sought to reshape its global image as an "economic giant but a political dwarf." [112] But while the other major states, such as the United States, China and Russia, have publicly expressed their interests in the security concerns of the Korean peninsula, Japan has been generally quiet.[113] There is no doubt that Japan's imperial legacy has contributed to its reluctance to be actively involved in inter-Korean affairs. The memory of Japan's colonization years is still fresh in the minds of many Koreans, North and South alike.[114] Particularly in North Korea, Japan is viewed as an enemy on two accounts: first as an "unrepentant" colonial aggressor and also as a major ally of the United States.[115] However, it is also argued that Japan's detachment may be "more a function of self-interested

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Survey, (Dec 1998), 1282.

108 Samuel S. Kim eds. *North Korean Foreign Relations in the Post-Cold War Era,* 116

109 Ibid, 126-127.

110 Ibid, 127.

111 John S. Park. "Inside Multilateralism: The Six-Party Talks". *The Washington Quarterly*. (28:4), 86.

112 Ibid, 178-179.

113 C.S. Eliot Kang. "Japan in Inter-Korean Relations" in Samuel S.Kim eds. *Inter-Korean Relations.*,97.

114 Ibid.

115 Oh, 160.

calculation than a complication arising out of history."[116] With the United States looking after South Korea and the socialist neighbours looking after North Korea, some scholars believe that Japan had every reason to stay relatively passive during the Cold War.[117]

Japan's policies regarding North Korea's nuclear programme resemble those of the United States, except that Tokyo has always stressed the need for dialogue, as well as for pressure.[118] In line with the United States, Prime Minister Koizumi called on North Korea to "dismantle" its nuclear weapons programme "in a prompt and verifiable manner" at the APEC meeting in Mexico, 2002. [119] When the Japanese parliament made an attempt to impose economic sanctions on North Korea, a spokesman for the DPRK Foreign Ministry warned that Japan would be responsible for "all consequences entailed by its foolish moves."[120] Since then, the North Korean media has accused Japan of adopting Washington's hostile policy towards North Korea's nuclear weapons programme.[121] In response to the DPRK's confrontational attitude, Japan has moved towards stronger defence preparedness and increased military capabilities.[122] When the DPRK announced its nuclear test in 2006, Japan's Prime Minister Shinzo Abe called the test "unpardonable" and said the region was "entering a new, dangerous nuclear age".[123] To this date, Japan's role in multilateral efforts to halt North Korea's nuclear programme has generally been insignificant.

DPRK-South Korea Relations

Whereas the United States and Japan see the DPRK as an

116 Ibid.
117 Oh, 164.
118 Carpenter & Bandow, 80.
119 Hong Nack Kim as seen in Kihl & Kim eds,169.
120 Ibid, 167.
121 For example, *Nodong Sinmun,* the official newspaper for the North Korean regime, claimed that the Japanese "right-wing forces" were committing wrongful acts by blindly following Washington's hostile policy towards North Korea. (See "North Korean Paper Urges Japan to Drop Its 'Inborn U.S.-toeing Policy," *BBC Global News Wire- Asia African Intelligence Wire*, 3 January 2003)
122 Ibid, 179.
123 "North Korea claims nuclear test", *BBC News.* 9 October 2006.

irrational and dangerous regime, South Korea's first concern in North Korea is the state of desperate poverty. In the past, South Korean policies toward North Korea have been influenced "more by pity than fear".[124] At one point in history, South Korea was also pursuing its own nuclear programme, until the United States pushed for its abandonment in the late 1970s.[125] Although many South Koreans hope for an eventual re-unification of the two Koreas, Seoul has been very cautious about engaging Pyongyang.[126] The First North Korean Nuclear Crisis erupted under President Kim Young Sam, whose government was notorious for its policy inconsistency.[127] Despite the resolution of the crisis with the *Agreed Framework* in 1994 and the South Korean pledge to pay the majority of costs for creating civilian-purpose nuclear reactors, the Kim Young Sam administration officially maintained a hard-line position towards the DPRK.[128] With the outbreak of the East Asian Financial Crisis in the late 1990s, South Korea soon became occupied with its internal domestic economy rather than inter-Korean relations.[129]

Under the Kim Dae Jung administration, the South Korean government initiated the *Reconciliation and Cooperation Policy*, commonly known as the "Sunshine Policy". President Kim Dae Jung summarized this policy as "zero tolerance of military provocation of any kind, no pursuit of absorption of the North and an active search for reconciliation and cooperation." [130] From the South Korean perspective, the North Korean nuclear weapons programme is a central threat that requires highly strategic engagement. But the "nukes" are not the only threat to the ROK's national security - conventional weapons placed along the DMZ are powerful enough to destroy Seoul within hours. The worst-case scenario for South Korea is not a North Korean nuclear attack, but an American attack on North Korea which could turn the whole peninsula into a battlefield.[131] South Korea's

124 McCormack, 107.
125 Manning,65.
126 Seongji Woo as seen in Kihl & Kim eds, 226.
127 Son, 34.
128 Kihl & Kim eds, 227.
129 Hong Nack Kim, 74.
130 Kihl, *Transforming Korean Politics,* 248-249.
131 President Roh Moo Hyun announced on 30 December 2002: "I always

central goal in pursuing the Sunshine Policy was to help the DPRK feel secure, economically and politically, so that Pyongyang might abandon its nuclear ambitions. Once the outside world, especially the United States, offered security guarantees through economic assistance and non-aggression treaty, Seoul believed that North Korea would be ready to scrap its nuclear weapons programme.[132] Through this policy, the Kim administration prevented the United States from taking any actions which could escalate the tension, risking South Korea's traditional alliance with the United States. Clearly moving away from South Korea's reactive approach towards North Korea, the Sunshine policy sought to take a coherent and proactive approach.[133] This proactive diplomacy involved engaging neighbouring states to play a bigger role, such as regional development projects in the Russian Far East. [134]

A more detailed examination of the Sunshine Policy reveals that it stood in opposition with Washington's hardliner approach. President Roh Moo Hyun's "Peace and Prosperity Policy" marked a continuation of his predecessor's Sunshine Policy – aimed at furthering inter-Korean trade relationship.[135] Through South Korean investments such as growing economic exchanges and the joint Industrial Park construction in Kaesong, Pyongyang made significant economic progress during President Roh's tenure.[136] To South Korea, it did not matter much whether North Korea's nuclear programme was a bargaining chip or a bargaining goal: a bargaining chip could be traded off with some incentives and a bargaining goal could be abandoned once its regime survival was guaranteed.[137] President Roh made it clear that U.S. sanctions against North Korea would be undesirable and

have one question in mind. The most worrying scenario is when the United States launch an attack on North Korea, though a limited one, how would North Korea react to it? Wouldn't they launch a retaliatory attack against South Korea? When attacked, how could our military avoid a counter-attack?" (Kukmin Ilbo, 31 Dec 2002)

132 Son,153.

133 Kihl, *Transforming Korean Politics,* 248-249.

134 Wishnick, 151.

135 Ibid.

136 Kihl & Kim eds, 233.

137 Son, 181.

that Washington should provide a "security guarantee". Seoul's "carrot-based" approach contrasted sharply with President Bush's policy of isolation and the portrayal of the DPRK as a part of the "axis of evil".[138] Undoubtedly, South Korea's approach was more actively supported by China than the United States. Even the historic inter-Korean summit in June 2000 highlighted the fact that South Korea's goal of mitigating tension on the Korean peninsula was more in line with Beijing's policy framework than with Washington's.[139] In addition, there has been growing antagonism toward the United States among the South Korean public.[140] This divergence of views between Seoul and Washington has made it more difficult to have a unified strategy for a nuclear North Korea.

Breaking with the previous South Korean administrations' traditions in dealing with North Korea, the new president of the ROK, Lee Myung-Bak, was elected in 2008 on a platform of pursuing a hard-liner approach to the North Korean nuclear programme. In his inaugural speech, Lee announced, "Once North Korea abandons its nuclear programme and chooses the path to openness, we can expect to see a new horizon in inter-Korean cooperation."[141] With denuclearization, President Lee announced that South Korea and the international community will actively assist the DPRK to increase its GDP per capita to $3,000 within 10 years.[142] Though the six-party talks in 2007 achieved two key agreements in February and October to outline North Korea's denuclearization process, Pyongyang has not yet fully complied with all of its promises.[143] In response to President Lee's hardline approach, North Korea has launched missile tests on the

138 Bechtol, 27.

139 Jae Ho Chung. *Between Ally and Partner: Korea-China Relations and the United States.* (New York: Columbia University Press, 2007), 105.

140 Carpenter & Bandow, 3.

141 Myung-Bak Lee. *President Lee Myung-Bak's Inaugural Speech: Together We Shall Open A Road to Advancement.* (Seoul: 25 Feb 2008) http://www.korea.net/News/ Issues/issueDetailView.asp?board_no=18994 (accessed on 1 March 2008).

142 Lee Myung-Bak Campaign Team. "Lee's Foreign Policy Based on Pragmatism – President-elect Takes Realist Approach Toward North Korea". *Korea Policy Review.*(Jan 2008), 11-13.

143 Joo-Hee Lee. "2008: Crucial Time for North Korea Denuclearization and Six-Party Talks." *Korea Policy Review.*(Jan 2008), 31-33.

Korean sea in late March 2008.[144] Pyongyang has warned pre-emptive nuclear strikes against South Korea, and there has been a war of words between the two countries.[145] The North's Korean Central News Agency quoted an unidentified commander as saying: "Everything will be in ashes, not just a sea of fire, once our advanced pre-emptive strike begins."[146] Whether these threats will actually materialize remains to be seen, though there is no doubt that President Lee's hard-liner approach is rapidly escalating tensions in the Korean peninsula.

Conclusion

An end to the Cold War did not mean that the world was safer, especially with the emergence of new local sources of instability such as North Korea's nuclear weapons programme. Today, North Korea's negotiating objectives are as much at odds with the rest of the world, as they have been at every point since the founding of North Korea. The DPRK's nuclear programme should be understood not only as the product of internal *juche* factors and consequence of changed international relations in the post-Cold War era, but also as a bargaining chip used by the reckless Kim regime. Barely surviving as the Hermit Kingdom in the post- Cold War era, North Korea's motivations for the development of nuclear weapons are flawed and harmful. Despite numerous bilateral and multilateral diplomatic efforts to bring a halt to North Korean nuclear weapons development, the five major countries involved in this issue, Russia, China, Japan, the United States and South Korea, have not succeeded in their efforts to this date. Each country shares a different diplomatic history with the DPRK and each has a unique set of domestic interests and priorities which must be considered in dealing with North Korea.

144 "North Korea Steps Up Provocations". *Digital Chosunilbo*. 31 March 2008. http://english.chosun.com/w21data/html/news/200803/200803310011.html. (accessed on 1 April 2008).

145 Leo Lewis. "North Korea Warn Of Pre-Emptive Nuclear Strike Against Its Neighbour." *The Times Online.* 31 March 2008. http://www.timesonline.co.uk/tol/news/world/asia/article3648882.ece (Accessed on 1 April 2008).

146 "World News In Brief." *The Guardian Online.* 31 March 2008. http://www.guardian.co.uk/world/ 2008/mar/31/1 (Accessed on 1 April 2008).

The Soviet Union, which used to be a close ally for North Korea, lost its influence in the post-Cold War era, as it moved towards democratization and market liberalization. Russia was invited to participate in the six-party talks, but has shown no capacity to lead the outcome of discussions. China, whose primary concerns are the survival of the DPRK regime and the prevention of refugee influx, is torn between its wish to become a leader in multilateral diplomatic forums and its traditional ties to North Korea. China remains one of the only countries which can exercise its economic and political leverage to dissuade the North Korean regime, but has been generally reluctant to adopt a hardliner approach towards the DPRK. The United States, which has repeatedly called for complete nuclear disarmament, has turned away from Clinton's engagement policy and towards Bush's "hostile" approach. In addition to a history of deep mistrust between the two countries, growing antagonisms between the leaders have most certainly hindered progress in diplomatic negotiations. It remains unclear what the Obama administration's approach will be, though his campaign rhetoric favoured negotiation with the United States' enemies rather than confrontation and escalation of conflict. Japan, whose colonial legacy is still vivid in the memory of many Koreans, never really achieved the status of influence on the Korean peninsula to seriously affect the outcome of nuclear weapons discussions. Japan's diplomatic history in dealing with North Korea has been inconsistent and irregular at best. South Korea, whose primary interest is peace on the Korean peninsula, traditionally pursued a policy of engagement rather than coercion towards the DPRK – which sometimes conflicted with the American approach. The effects of recent hardliner approach taken by the Lee administration remain to be seen. Unless all of these countries manage to overcome their national interests and work towards a common goal, it is likely that any future attempts at brining a halt to the North Korean nuclear weapons programme will be unsuccessful. Possessing nuclear weapons and delivering them for the purpose of destruction are two different issues. Nevertheless, the very fact that the North Korean regime can even attempt to use nuclear weapons as a bargaining chip for its survival is a critical concern with far-reaching implications for regional and international stability.

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Social Change in the Wake of Disaster:
The Tsunami and Humanitarian Response in Aceh Province, Indonesia

by Jayne Grigorovich

Introduction: Loss and Change After the Tsunami

The 2004 tsunami was one of the most devastating natural disasters in Indonesia's history. When the wave receded, Aceh's landscape was unrecognizable to those who knew it before the devastation. Entire towns and villages washed away, local economies, buildings and roads were destroyed within minutes and about 167,000 people were dead or missing. For those, like me, who in December 2004 watched the devastation unfold on the news, the images and death tolls were numbing and incomprehensible; I found the numbers especially difficult to grasp. What does it mean for a quarter of your community to instantly disappear? Once the humanitarian response was underway and the recovery effort began, numbers were again everywhere: appeals for hundreds of thousands of dollars in relief aid were being called for to help the 500, 000 people who needed water, food, medication and new homes. The infrastructure and economy sustained billions of dollars in damages, and billions more were being

pledged for reconstruction. Numbers are one way in which we can conceptualize the impact of natural disaster. By quantifying damage and loss, numbers summarize what has happened in its entirety and immediacy. Looking at the figures we get the sense that the tragedy caused an instant and devastating transformation in society, one that has to be restored through an equally daunting process of rebuilding.

Yet the tsunami has also had other, more diffused and long term impacts that numbers alone do not reveal. These impacts are more sociological in nature, capturing the various ways that the lives of people have been transformed since the tsunami opened up, reshuffled and disturbed the domestic and public spheres in society. In this paper I will discuss this more qualitative, social understanding of impact, drawing on observations I made during a summer spent in Aceh in 2008, researching the tsunami response and working for an intergovernmental aid agency. In my capacity as a researcher and an intern, I interviewed various humanitarian agency staff, assisted with the coordination of socio-cultural events and conducted a field survey for a pre-project implementation study. By both researching and participating in the tsunami recovery effort I had the opportunity to learn about life in Aceh before and after the tsunami, as well as gain an understanding of how people learned to cope and attempted to rebuild their lives after the disaster. In the following sections I will discuss some of the unanticipated societal changes the tsunami and post-tsunami recovery process have brought about in Aceh. After a brief background overview in section two, section three, four and five will elaborate on how both destruction and reconstruction caused changes in cultural practices, the political landscape, and local professional capacities and power structures, respectively. Overall I hope to show how disasters, and especially their ensuing humanitarian responses, have a wide social dimension in their impact, often shifting aspects of culture sedimented in tradition and established political order.

While overall I think the response has been a successful and well-managed effort, in a few cases it has been problematic and worked to unravel some of the positive changes that have occurred in Aceh since the tsunami. In section six I will consider this finding in light of the realities constraining the work of humanitarian agencies and ask

to what extent we can hold agencies responsible for the problematic effects. While three months in Aceh was certainly not enough time for me to address this question in full, the issues raised in this paper do reveal something about the locally specified nature of humanitarian work.

Background: Conflict and the Tsunami Disaster Response

Before I go on to discuss the ways in which the tsunami transformed Aceh's political scene I will first provide a brief overview of the history of Aceh's secessionist conflict and details about the tsunami which effectively ended it. The roots of conflict in Aceh stem from a history of economic exploitation and underdevelopment under General Suharto's authoritarian regime in the 1960s and '70s. Aceh is a province rich with liquefied natural gas deposits and crude oil reserves. The natural gas complexes built there by national and foreign-owned companies constituted an enclave economy that was completely disconnected from local enterprises. Local economic development outside of gas extraction was neglected[1] and Acehnese businesses without connections to Suharto's regime were unable to benefit from economic development.[2] Unemployment in Aceh was high because what little work was available was unsuitable for the predominantly low-skilled Acehnese workers, and land was routinely expropriated to make way for new factories, without displaced landowners being adequately compensated. [3]Although by 1985 Aceh's per capita GDP was equal to 282 percent of the national average,[4] all the export and tax revenue earned by Acehnese industries went directly to the central government, and Aceh was issued a provincial allowance that was substantially lower than its contribution to the center.[5]

1 Tim Kell, *The Roots of Acehnese Rebellion, 1989-1992* (Ithaca, NY: Cornell University Press, 1995), 21.

2 Geoffrey B. Robinson, "Rawan Is as Rawan Does: The Origins of Disorder in New Order Aceh," in *Violence and the State in Suharto's Indonesia*, ed. Benedict R. O'G. Anderson (Ithaca, NY: Cornell University Press, 2001), 223.

3 Ibid, 222.

4 Ibid, 220.

5 Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (New York:

Because of these inequitable economic conditions, in 1976 a small group of Acehnese elites and intellectuals initiated an armed struggle under the banner of the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM) for an independent Acehnese state. From the onset of the insurgency until the devastating impact of the tsunami in 2004, local communities were simultaneously terrorized by the Indonesian military forces and police on the one hand, and extorted for money and supplies by GAM on the other. Caught in between the two sides, the people were routinely subjected to campaigns of popular control, human rights abuses and extortion.

The conflict continued until the tsunami hit the province on December 26th 2004, at which point Aceh's landscape was completely transformed. The Indonesian government estimates that the productive sector of Aceh's economy suffered over $1.2 billion in damages, that anywhere between 80,000 to 110,000 houses were destroyed and that over 3,000 kilometers of road were made impassable due to damage.[6] Worst of all, a quarter of Aceh's people died or went missing after the tsunami, and another 500, 000 were displaced. For a relatively small province with a population roughly equal to that of Toronto, the devastation was unbelievable:

> In a matter of minutes, towns and villages in the affected areas were wiped form the map…tens of thousands of dead bodies littered the streets; thousands more remained trapped in the wreckage… the scale of death and devastation shocked even the most experienced of relief and rescue workers.[7]

In the early emergency phase of the response, operations included rescue services, food distribution, the provision of healthcare and shelter and the clearing of debris. Aid workers struggled with the amount of work to be done, often sleeping for only a few hours in between shifts. As an aid worker I spoke with said, "I cannot really think at that time

Cambridge University Press, 2004), 170.

6 Badan Rehabilitasi dan Rekonstruksi, *Aceh and Nias One Year After the Tsunami: The Recovery Effort and Way Forward* (Nanggroe Aceh Darussalam, Indonesia: Badan Rehabilitasi dan Rekonstruksi, 2005), 16.

7 *Eye on Aceh*, "Responding to Aceh's Tsunami: The First 40 Days," April 2005, 5

[*sic.*]…I was working like a robot, from morning up to dusk…we just did whatever we could at the time."[8]

A few months into the relief efforts the central government took the lead in coordination of the recovery process and set up the Badan Rehabilitasi dan Rekonstruksi (BRR), a centralized government agency responsible for coordinating and implementing programs with international aid agencies. The recovery programs included everything from community resettlement, family reunification, infrastructure and livelihoods projects, rebuilding of local legal and governmental institutions, and so on. The humanitarian actors that took the leading roles in the response were those that had significant financial resources and logistical competencies in areas of health, housing, livelihoods, water and sanitation. These included both international non-governmental organizations like Save the Children, Islamic Relief, Oxfam and the Red Cross Societies, as well as intergovernmental organizations like the International Organization for Migration (IOM), the United Nations Development Programme (UNDP), and the United Nations World Food Programme (WFP).

Today Aceh bears little visual evidence of the devastation. The debris has long been cleared, many roads and buildings have been rebuilt, and certain locations (including that of a huge ship sitting in the middle of the provincial capital Banda Aceh) have been designated as monument sites. Although the reconstruction process is far from over, according to the BRR website, roughly 124, 454 houses, 979 government buildings, 1,450 schools and 954 health clinics have already been rebuilt.[9] In addition, over $313 million dollars have been disbursed for livelihoods projects and over $274 million has been given for institutional development programs.[10] These numbers reflect a mere fraction of the unprecedented sum of $7.8 billion dollars committed by various private and government donors to the reconstruction of Aceh.

Yet, as I mentioned in the introduction, much of the impact of

8 IOM, personal communication with author, 2 June 2008.

9 Badan Rehabilitasi dan Rekonstruksi, "Aceh-Nias Recovery Progress," BRR, http://www.e-aceh-nias.org/home/default.aspx?language=EN.

10 Public Reports, Project Overview, Projects by Sector Recovery, in the Recovery Aceh-Nias (RAN) Database, http://rand.brr.go.id/RAND/rc?sessionid=12311811777968906.

the tsunami cannot be captured through statistics and reconstruction outputs. Many of the significant changes the tsunami has brought about are intimately connected to people's lives. I realized this one day while chatting with an employee from the Ministry for Religious Affairs on an outbound flight from Banda Aceh. When he recounted his tsunami story, he spoke of being suddenly separated from his family, of a panicked search for his wife and three children among the wreckage, the death that surrounded him everywhere he looked, and then of being finally reunited with his loved ones – even though his house and every single one of his family's belongings were destroyed.

My conversation with my co-passenger was a first step towards my understanding that disasters shift more than just landscapes; they rearrange lives, and they do so in a way that numbers and statistics never reveal. Up to that point, I had been in Aceh researching the reconstruction effort from the strictly institutional perspective of the international agencies working there. I was interested in the ways that organizations coordinated relief efforts, and was more familiar with the details of various recovery projects and their associated aid packages than with any personal narratives of the disaster. On the plane, I came to appreciate how the numbers I had been studying were linked to every shop-keeper, driver, doctor, and aid worker I had met in Aceh so far.

Once I started considering the personal experiences of the people around me, I began to see that the ministry worker's account of the disaster was part of a bigger process of ongoing social change that was unfolding in Aceh. As I will elaborate in the following sections, the tsunami and the recovery effort have rearranged the lives and political organization of people, bringing about changes in cultural practices and settlement patterns, the end of the secessionist conflict and a fledging peace process, as well as allowing new political voices and power-based relationships to emerge.

The Tsunami and Cultural Dynamics

Many communities along Aceh's shoreline were devastated by the wave, with whole villages being washed away. In the process of

rebuilding and coping with loss, a number of changes have occurred in the established relationships between genders and social classes within society. For instance, soon after the disaster there was a general increase in the number of marriages in the province. Besides the need to repopulate communities devastated by disaster, another reason for the spike in marriages has been people's need to secure economic stability in their day to day lives. For men and women who became poor, widowed or single-parents as a result of the tsunami, remarriage has been a way to access assets and economic security, as well as lessen the dual burden of domestic and breadwinning responsibilities in single parent households. After the tsunami traditional gender roles and the division of labor between men and women changed as people attempted to cope with loss and poverty. Many widowers took on domestic tasks and widows were obliged to enter the workforce to support their families. Remarriage significantly reduced the double burden of earning and childrearing, and allowed people to gain a sense of normalcy back in their lives.

There also occurred a notable shift in the cultural values regulating marriage. Since a disproportionate number of women died in the disaster, there was a shortage of women of marriageable age, which is typically between eighteen and twenty years-old.[11] In my correspondence with IOM aid workers, I have been told that many forced and underage marriages– so called 'tsunami marriages,' have been reported. Inter-class marriages have also become more common. Whereas men and women traditionally marry within their own communities to people of a particular social class, the shortage of potential brides meant that men had to look for wives outside of their communities and often married women of a different lineage.[12]

As part of the reconstruction effort, considerable changes have occurred in Aceh's settlement patterns and land titling laws, and though at the moment these do not pose a problem for Acehnese women, there is the possibility that in the future these changes may be

11 Wenty Marina Minza, *Gender and Changes in Tsunami Affected Villages in Nanggroe Aceh Darussalam* (Nanggroe Aceh Darussalam, Indonesia: Oxfam GB & United Nations Populations Fund, 2005), 8.

12 Ibid, 27.

problematic. Due to the unprecedented amount of aid made available for tsunami-affected reconstruction, a $3 billion surplus will be left over for the BRR's 'Building Back Better' initiatives,[13] which will be used to upgrade facilities and implement new development programs in the province. These are initiatives that will go beyond recovery needs by improving infrastructure and livelihoods to a better standard than existed before the tsunami.

In many cases improvement projects have yielded positive results in the post-tsunami resettlement sector. For example, whereas before the tsunami housing settlements were sharply stratified along income brackets, houses rebuilt by international aid organizations came in a standard two-bedroom template. What resulted was a curious socioeconomic leveling, with rich and poor settling side by side in identical communities reminiscent of North America's suburban landscape. This is an example of a positive development in Aceh's resettlement program because the reconstructed houses were not only built to a better standard than before, but they also led to a reduction in social inequality within the local communities.

However, with projects that target intangible things like social institutions or local laws, attempts to improve them can be problematic. Aceh's National Land Agency (Badan Pertanahan Nasional, or BPN) is the government body responsible for tracking land records and land titling. The BPN sustained heavy damages after the tsunami, with the result that many land records indicating the boundaries of land ownership were lost.[14] The reconstruction effort involved the recovery of ownership databases through 'community land mapping,' a process where settlement inventories were re-charted to determine where people used to live and in what kinds of properties.[15] With financial support from the Building Back Better initiative, the construction of a new BPN inventory will also bring with it so-called 'improvements' in the way that land in Aceh will be titled. The ongoing 28.5 million dollar initiative, known as the Reconstruction of Aceh Land Administration project (RALAS), aims to clarify Acehnese property rights and root

13 BRR, *Aceh and Nias One Year After*, 23.
14 Ibid, 40.
15 Ibid.

future transfers and titling of land in "a strong legal basis," where the BPN will have the sole legal authority to issue formally-recognized land titles.[16]

Changing the way land is titled, however, may have serious implications for female landholders. Traditionally, Acehnese law regulating the inheritance of property and land has been informal, operating at the village level in accordance with local custom known as *adapt*.[17] *Adat* custom dictates what people should do according to a set of cultural and Islamic norms that change over time and vary from one location to the next.[18] In regards to the distribution of land, *adat* law says that both male and female heirs have a right to their parents' property and that the division of property should be decided on a case-by-case basis within the family.[19] Importantly, this system of land transfer tends to favor women in the distribution of non-movable property. While men tend to be favored in the distribution of parental assets, *adat* law compensates women through a custom called *hareuta peunulang,* which says that upon marriage women are entitled to a "non-movable" gift in the form of land or a house. The property is vested in the name of the daughter, and upon marriage does not become the property of her husband or their children.[20] In this way women are guaranteed access to economic security in the form of concrete land assets.

Shifting land titling away from *adat* custom towards a more formal, standardized process through the BPN may be problematic because it could disadvantage women, who traditionally have less power within formal and public realms. At the moment, women are protected within Aceh's Islamic traditions because Islamic norms dictate that they should be favored in the distribution of land. These norms are referenced and upheld when settling disagreements, which are mostly resolved at the village level. Within formal government

16 Ibid, 41.

17 Minza, 12.

18 Erica Harper, *Guardianship, Inheritance and Land Law in Post-Tsunami Aceh*. (Nanggroe Aceh Darussalam, Indonesia: International Development Law Organization, 2006), 14-15.

19 Minza, 12.

20 Harper, 46.

structures, the *hareuta peunulang* custom is not recognized, and even if it were to be absorbed into the formal system (although it may not be, since the custom is not universally practiced in Aceh), women typically have less education, resources and power when it comes to asserting their rights through formal channels. Although this issue would certainly require more research, it is not inconceivable that even if there were government laws that granted women the 'right' to access land before marriage, women would nevertheless have less power and access to assert these rights, and would therefore be disadvantaged in the distribution of parental assets.

The RALAS project is an example of a potentially problematic response to infrastructural recovery in Aceh. It is being financed through a fund put together by various government donors called the Multi Donor Fund (MDF). As such, it is a foreign-sponsored project aiming not only to rebuild institutions destroyed in the disaster, but to also reform them in accordance to laws that ultimately conflict with established local practice. While both 'tsunami marriages' and the re-titling of land are examples of problematic post-disaster changes to cultural practice, there is an important distinction to be made between the two. While the former evolved as a coping strategy to deal with the destruction of communities, the latter has been put into place by external actors under the guise of improvement. The changes in land law were not necessitated by altered circumstances in the aftermath of the disaster; they were neither needed nor requested by local communities. As such, while both may be negative effects, the land law changes are, in a sense, 'worse' than the 'tsunami marriages.' The problems associated with the RALAS project put into question the notion of 'Building Back Better' and the role humanitarian work plays in the reconstruction of disaster affected communities.

The Tsnami and Aceh's Political Landscape

Much like Aceh's cultural practices, which have undergone changes because of internal and external pressures associated with the reconstruction process, politics in Aceh are being similarly transformed. While the tsunami ended the conflict and brought

about peace, the recovery process may ultimately compromise the positive changes the tsunami has brought about. The impact of the tsunami played an important role in ending the secessionist conflict in Aceh. The humanitarian crisis that followed the disaster created a window of opportunity to bring an end to the conflict by altering the so-called 'governable spaces' of Acehnese territory: after the tsunami Aceh transformed from a region of disputed sovereignty to a region of humanitarian crisis that demanded the collaboration of belligerent parties in a massive reconstruction effort.[21] With the influx of international relief agencies, GAM, civilians, as well as government and military personnel were united in a common project of rebuilding. As a UNDP project manager told me: "Everyone wanted to move forward, it was amazing to see…UN organizations that were traveling during the day, apparently met GAM on the road and they said, 'We are fully supportive of what you are doing and there is not going to be any intervention from us.'"[22] In this spirit of cooperation, the conflict officially ended with the signing of the Memorandum of Understanding (MOU) in August 2005.

For both the government and the rebels, the tsunami posed a set of opportunities and constraints that pushed both parties towards peace. Considering both the potential costs and benefits to signing the MOU, both GAM and the government chose peace because it was in their best interests to do so. The government's decision was mainly shaped by logistical and financial considerations. Still recovering from the 1997 Asian financial crisis, the government did not have the resources to rebuild Aceh without foreign assistance.[23] Moreover, since the tsunami destroyed much of the military's infrastructure, the government's ability to exert coercive control became very limited. Since it could not risk alienating international donors by continuing counterinsurgency campaigns, the government chose peace to appease them.

21 Philippe LeBillon and Arno Waizenegger, "Peace in the Wake of Disaster? Secessionist Conflicts and the 2004 Indian Ocean Tsunami," *Transactions of the Institute of British Geographers* 32, no. 3 (2007): 417.

22 UNDP, personal communication with author, 2 July 2008.

23 Rodd McGibbon, "Transforming Separatist Conflict," *Georgetown Journal of International Affairs* 7, no. 2 (2006): 124.

GAM's considerations were also affected by the tsunami. With the massive influx of foreign journalists and media, many people around the world were suddenly interested in GAM's agenda and past grievances. The post-tsunami spotlight offered the best possible conditions under which GAM's input might be considered in the reconstruction process. As McGibbon writes, "The recovery operation provided an opportunity to secure international support for…reforming the basic structures of governance that had sparked local discontent in the first place."[24] Aceh had to be rebuilt, and by agreeing to peace, GAM guaranteed that it would be granted political and economic concessions for cooperating.

GAM leaders were quite right to assume the tsunami would open up new opportunities for political participation. The disaster reshuffled the established political power structures in Aceh and elevated GAM to unprecedented levels of popularity. As part of the MOU the military significantly reduced its presence in Aceh and, for the first time in Acehnese history, local political parties were allowed to form. In this way the MOU allowed GAM to transform itself from a fringe guerilla movement to a legitimate political authority that, in the absence of military repression, could develop and grow as a political movement. Today GAM is known as
as *Partai Aceh*, and it is undoubtedly more popular and influential than before the tsunami. While traveling through former rebel strongholds in North and East Aceh, I saw the black, red and white *Partai Aceh* flag everywhere I went. There were also *Partai Aceh* chapters operating at the district, sub-district, and, remarkably, even at the village level. Whereas before the tsunami the military was the strongest political actor in Aceh, after the disaster former rebels have become very influential – so much so that many people I spoke with said *Partai Aceh* is virtually guaranteed to win majority seats in the upcoming April 2009 legislative elections.

The third, and arguably much more problematic, impact of the tsunami on politics did not occur as a result of the disaster itself, but rather as a result of the distribution of humanitarian aid after the disaster occurred. The injection of huge sums of reconstruction aid into the province has created a number of complications for Aceh's

24 Ibid.

peace process, including an inadequate peacebuilding approach and the emergence of social tensions between aid recipients. In the remainder of this section I will examine how the work of humanitarian aid agencies has contributed to these two problems.

To begin with, following the tsunami and the signing of the MOU, peacebuilding in Aceh has been a conservative process mostly consisting of financial compensation to former GAM leaders, ex-combatants and, to a more limited extent, conflict victims. Typically, a post-conflict process of peacebuilding includes measures that extend beyond just compensation, in order to address unresolved issues of justice that stem from past abuses during the conflict. To address these issues, peacebuilding needs to involve various steps where the wrongs of the past are acknowledged alongside a commitment to forgive and preserve group identity and human rights in the future. An important component of peacebuilding includes a process of reintegration, where former combatants are given alternative means for income generation through skill-building programs.

To date, besides a reparations program set up by a government agency know as the Aceh Reintegration Agency (Badan Reintegrasi-Damai Aceh, or BRA), there has been very little progress made in addressing the root causes of the conflict in Aceh. Partly because of the tsunami recovery process, peacebuilding measures acknowledging the human rights violations civilians experienced during the conflict have yet to take place, and with the exception of a few post-conflict programs, very few reintegration initiatives have been launched. One of the reasons for this lack of progress has been the ready availability and distribution of post-tsunami aid, which has worked to conceal the need for a more holistic, human rights-based peacebuilding approach.

At the beginning of 2008, about US$ 4.2 billion was disbursed for recovery projects in various sectors like housing, agriculture, livestock and fisheries. Another US$ 2.6 billion will be disbursed before the end of 2009.[25] For a population of about four million Acehnese, the injection of such a large sum of money into an economy depressed by years of conflict provided several material gains, such as new houses, hospitals, and schools, as well as new employment

25 World Bank, personal communication with author, 17 July 2008.

opportunities within the reconstruction effort. As a conflict analyst for UN Office of the Recovery Coordinator for Aceh and Nias (UNORC) told me, the recovery process has been a so-called "smoke screen" for the peace process: the massive inflows of aid have led to a temporary economic boom masking the reality that peacebuilding in Aceh has not really begun.[26] Because it has not yet settled disputes over long standing issues of justice, the MOU should be thought of more like a ceasefire than a comprehensive peace agreement.

The economic prosperity brought about by reconstruction has worked to reduce the perceived need for human rights and reintegration-based peacebuilding programs, since in Aceh, peace is entirely understood in material terms, and therefore improvements in material welfare have become synonymous with the peace process itself. A major finding of a field survey I worked on as an intern was that the majority of people interviewed thought the benefits they acquired in the course of the recovery process (e.g. new roads, new jobs or new houses) were signs that peace had come to Aceh. In other words, what people thought about the stability and viability of the peace was closely tied to their perceptions of economic progress. Since the tsunami response has played a central role in improving the standard of living in Aceh, many people do not see the need to discuss things like human rights tribunals or reintegration. This perception, of course, extends to the policymakers and members of the international community normally responsible for developing peacebuilding initiatives. As the UNORC conflict analyst put it, the general opinion seems to be that "we have an MOU, peace is here thanks to the tsunami, and everything is perfect."[27]

The second way in which aid may compromise peace in Aceh is through an unbalanced distribution of assistance between conflict and tsunami victims. After the tsunami, most international aid organizations were required to direct assistance towards tsunami projects alone. This meant that most humanitarian agencies were not able to allocate funding towards reintegration programs for ex-combatants and that almost all loans and housing and development projects were targeted

26 UNORC, personal communication with author, 4 July 2008.
27 Ibid.

exclusively towards tsunami victims. Aid towards conflict victims has been less comprehensive in terms of dollars and projects allocated. According to a World Bank study, tsunami areas received twice the amount of aid that conflict areas have received, and though it is unclear exactly to what extent, social tensions have resulted between coastline and inland communities.[28]

While one could look at the tsunami as an event that has allowed people (at least some people) to prosper and move past the painful experiences of the conflict, the recovery process is not a substitute for a comprehensive peace process. Besides the fact that infrastructure and livelihood recovery says little about acknowledging past human rights abuses, in the long run tsunami aid may actually compromise peace in Aceh. The problems with the peace process may not be visible now, but the prosperity in Aceh is only temporary. Once the BRR and aid organizations start closing down programs in 2009, many people in Aceh will lose their jobs. The closing down of the BRR will also mean that certain government-mandated privileges that were conducive to infrastructure development, such as the waiving of taxes on imported reconstruction materials, will end as well. Reconstruction activities in Aceh will then become more cumbersome and expensive, and foreign investment will therefore shrink. With fewer job opportunities and less investment, the economic 'bubble' will burst. At that point, people will once again experience poverty, and their understanding of the peace process will change accordingly, leading them to conclude that peace is in peril.

Although it is difficult to predict the extent of the problem, a reasonable conjecture can be made that a shrinking of the economy coupled with a large population of former combatants with no income generating skills and a widespread sense of injustice about the distribution of aid would jeopardize an already fragile peace. In light of the fact that the majority of tsunami aid in Aceh is being disbursed through government bodies (like the BRA and BRR), a sudden downturn in economic wellbeing will be closely linked with people's perceptions about the government's performance. With the provincial elections coming up in March 2009, rival political parties

28 World Bank, personal communication with author, 17 July 2008.

may manipulate the rising levels of social tension to win votes, which would contribute to political instability in the region.[29]

I do not want to overemphasize the humanitarian community's role in shaping the peace process. Other actors, including the national and provincial governments, played a part in creating the disparity between tsunami and conflict recipients. The incompetence of the BRA, for instance, has played a key role in sowing discontent among conflict victims. The BRA is a decentralized provincial agency that does not control its own finances. Consequently, in stark contrast to the effectiveness of a more centralized BRR structure, the BRA's assistance program performance record has been patchy, varying from district to district. Moreover, the government in Jakarta has been oddly reluctant to get involved, or allow other agencies get involved, in post-conflict and reintegration work. This reluctance stems from its mistrust of international agencies, particularly because of the United Nations Assistance Mission in East Timor's (UNAMET) role in organizing a popular referendum on Timorese independence in 1999. As a result of the secessionist movement that referendum helped propel, the government in Jakarta is highly suspicious of any post-conflict work in other politically sensitive regions.[30]

Besides the humanitarian aid community, local factors have also shaped politics in Aceh. Nevertheless, as was suggested above, the role of aid agencies in shaping and shifting Aceh's political landscape needs to be pointed out. When the actions and decisions of humanitarian agencies shape local affairs in unanticipated and negative ways, these effects contradict the humanitarian intent of these agencies.

The Tsunami and Local Capacities

This section will explore the effect of the tsunami response on Acehnese humanitarian agency staff. Like in the previous two sections, here the tsunami had both negative and positive effects on local affairs. While it severely limited the capacity of Acehnese people

29 International Crisis Group, *Asia Briefing No.81 – Indonesia: Pre-Election Anxieties in Aceh*. (Washington, DC: ICG, September 2008), 5-6. http://www.crisisgroup.org/home/index.cfm?id=5664&l=1.

30 UNORC, personal communication with author, 4 July 2008.

to manage and respond to the crisis themselves, it later brought about new opportunities for local humanitarian workers to achieve goals and overcome longstanding power structures. In various ways, different actors have been able to leverage factors like experience, education and language in the pursuit of their objectives.

Orchestrating a disaster response requires the presence of highly professionalized agencies with core competencies in particular sectors like health provision, food distribution, infrastructure construction, and so on. These agencies must hire educated and experienced project managers and technically trained staff to design and manage recovery programs, and act as interlocutors between local project beneficiaries and international donors.

The tsunami crippled the capacity of the Acehnese bureaucracy and civil society to respond to the disaster themselves. The national and provincial emergency management agencies, as well as the local Red Cross chapter in Aceh, either sustained heavy casualties among their staff, or were temporarily incapacitated due to the staff's trauma and loss of family members.[31] Moreover, the debilitating effect of the conflict on the Acehnese education system meant that the availability of qualified staff was already rather limited before the disaster. As a result, a great number of international and Javanese experts came to Aceh to coordinate relief operations. The professional class in the humanitarian response mostly consisted of international expatriates or national staff from outside the province – typically from the better educated strata of Javanese professionals. The lower paid jobs, such as field staff and administrative staff, were usually held by the members of Aceh's civil society.

Since the local staff were located lower on the professional hierarchy in terms of wages and prestige,[32] the recovery process was inevitably characterized by a professional power imbalance. Some of the project managers I spoke with were very much aware of this and told me that despite their best efforts, they had difficulty recruiting Acehnese staff with right technical or managerial competencies. Despite my understanding of the reasons behind this imbalance, it nevertheless

31 IOM, personal communication with author, June 2, 2008.

32 Although there are exceptions to this, as I did interview a number of mid- and senior level Acehnese staff at the World Bank and the Red Cross.

struck me as being problematic- perhaps because at first glance I saw 'power' being exercised in English, from the top down. Moreover, staff hierarchies were based on levels of education and experience that mirrored differences in nationality, culture and religion. This meant that it was typically the European or Javanese people who were making all the decisions, and the Acehnese who were receiving instructions and following orders. Whether or not anyone else noticed this, I certainly sensed an uncomfortable hint of paternalism in the air.

Nevertheless, looking back, it is difficult for me to conceive this imbalance strictly in negative terms, simply because the staff hierarchies turned out to be more complex and varied than I initially realized. There were many different and subtle power dynamics evident everywhere in the disaster response, and the 'office hierarchy' was just one among many. When I had the opportunity to travel to the field offices I saw that the professional power imbalance in the office was somewhat levelled because of the interdependent nature of the relationship between the local staff and 'the experts.' The office hierarchy was not simply a top-down relationship of command, but one side of a dual exchange between local and national staff.

The local staff are themselves significant holders of power. Outside of the office, they became the decision makers because they were the ones who had the comprehensive knowledge of Aceh, including knowledge of the customs, language and politics necessary to contextualize recovery programs. The Acehnese staff acted as the translators who fit project goals to the confines of local customs and authority, particularly in projects where consultation and community participation played a big role. Just as without international and Javanese staff there would not be enough of a concentration of skill to orchestrate a disaster recovery of scale, without local staff those very recovery projects would never get off the ground. Both the outsiders and the locals had power: the local staff need the outsiders, and the outsiders need the local staff.

As a result of this interdependency language emerged as a source of power in the recovery process. Depending on where one was situated within the organization, language was used and appropriated in various ways to achieve results. For example, in my experience, project

coordination meetings that included both international and Indonesian staff were usually conducted in English. Despite their capacity to contribute to the discussion, Indonesian staff either remained silent or participated much less than they otherwise would. Within such meetings the ability of the international staff to articulate and propose ideas placed them in a position of power, whereas the language barrier placed Indonesian staff at a disadvantage when expressing ideas and presenting findings.

This unequal relationship, however, is completely reversed in the field, where local knowledge and language become important sources of authority. For example, the ability of agencies to strategically use the language of immunity often grants them access and protection in inaccessible areas. Many former-rebel strongholds are still subject to control by local former guerrilla, these days operating as a political entity called the *Komite Peralihan Aceh* (KPA), who still consider themselves the legitimate authority in remote areas. The KPA routinely demands bribes from international agencies working in these areas. Some organizations, like the International Committee of the Red Cross, try to avoid extortion through the use of language that brands agencies as being neutral and impartial. Although these labels sometimes allow agencies greater access to restricted areas, the rhetoric of impartiality mostly operates at higher levels of project management, where impartiality encourages government bureaucrats to sign entry visas for expatriate staff.

At the level of day-to-day project implementation, however, it is knowledge of the Acehnese language and how things 'really' work that ultimately grants local staff immunity and diffuses potentially confrontational encounters. I experienced this first hand when travelling to different villages around Aceh assisting with peace celebrations commemorating the signing of the MOU. The contracted event organizer, knowing that he would be working in KPA territory, was fluent in Acehnese and recruited staff that were themselves KPA members, thus making himself an insider to the local political scene. When local KPA members approached him for bribes to hold the events, he was in a position to refuse them based on his ability to respond in Acehnese and his knowledge of the local political scene.

Although that very same event organizer did not speak fluent English, and was therefore in a weaker position when negotiating his contract with the aid agency that hired him, his local knowledge and language skills transformed him into a powerbroker in the field. Whereas the international staff present did not have the language skills or local knowledge to manage the situation, the event organizer had the ability to anticipate barriers, solve problems, and proceed with the project as planned. While in some circumstances English fluency, technical education and experience placed international and Javanese staff at the top of professional hierarchy, in a different context this hierarchy was completely reversed.

From this it can be gathered that the tsunami response was not entirely a top-down, expert-driven process that rearranged passive recipients. Depending on the situation, the power to make decisions and achieve goals rested with those who had the relevant knowledge. The above example also shows that new power relationships developed not only between aid agency staff, but also between staff and other actors involved in the response, such as former guerrillas and KPA members. Another such example includes the case of a local IOM warehouse manager who was able to resist the military's long-standing kleptocratic habits in Aceh because of his affiliation with an international organization. The aid worker's job was to keep an inventory of relief supplies coming and leaving the airport warehouse in Aceh. When military personnel showed up and demanded supplies, he felt confident to refuse them:

> When the expats and international NGO came, I didn't think to worry when the army come to the warehouse [*sic.*]... Before the tsunami [the military] did whatever they want [*sic.*]...but it changed, I feel, after the tsunami when people from other countries came to Aceh. I didn't feel afraid...I said I am an IOM staff and I am responsible for these things, and if you want to take something you should follow the procedure that IOM has. Sometimes they were angry, but we didn't care about that.[33]

33 IOM, personal communication with author, 6 June 2008.

Here, an affiliation with an international aid agency allowed a previously powerless actor to gain and exercise control in a way that would likely have not been possible outside the framework of immunity put into place by disaster response. The presence of international aid agencies made them witnesses to the abuse of power in Aceh, while simultaneously granting their staff a status of impartiality and immunity that protected them from established power relations.

The use language and local knowledge to achieve goals was also appropriated by actors beyond aid agencies themselves. For example, some beneficiary communities have incorporated Western definitions of gender equality into village development project proposals in order to improve the likelihood of their being approved for loans and grants by international NGOs. An Oxfam researcher I spoke with said that in Aceh, female and male roles in society are sharply delineated, with "very high walls in between."[34] Men and women do not have equal power in all matters. Women are in charge of the domestic sphere, community life and volunteerism, while men are in charge of economic and security issues pertaining to safety and village development. Genders typically do not contribute input to each other's decision-making realms.

After the tsunami, many of the agencies providing opportunities for development projects incorporated women's programs and minimum requirements for women's participation within funding packages. These programs promoted decision-making equality in both female and male domains. According to the Oxfam researcher, despite the fact that a lot of women were not interested in making decisions outside of their traditional roles, "In only three years, people [suddenly became] aware of what gender issues are [and] what is required in order to improve gender relations…simply because everyone [knew] that if you put gender into any proposal, the likelihood of it being accepted [was] much higher" (Personal communication, Oxfam, June 5th 2008). For the researcher, the speed with which attitudes towards gender roles have transformed was indicative that these attitudes reflected a change in the use of language, rather than a change in beliefs- which according to him, remained staunchly patriarchical. Like with local humanitarian agency staff, the right use of language has allowed beneficiaries to

34 Oxfam, personal communication with author, 5 June 2008.

achieve their goals and maximize benefits within the tsunami response.

So far this section has covered some of the more positive effects of the tsunami response on local capacities. To summarize, while the tsunami initially reduced the capacity of civil society and government to respond to the disaster, the influx of international agencies into Aceh allowed various local actors to participate in the reconstruction effort through their knowledge of local politics, language and affiliation. All of these have emerged as sources of power that have enabled local actors to achieve goals, whether for the purpose of implementing programs, maximizing resources or withstanding corrupt authority structures.

However, there have been negative effects as well. The existence staff hierarchies are a sign that professional roles in the reconstruction process were sharply delineated. There are certain tasks that the incoming experts took on, and certain tasks that the local staff did, and these did not overlap in the course of project implementation. This division of labour will emerge as a problem for those projects that will have to be handed over to national staff when the mandates for many international agencies end at the end of 2009. When the international and Javanese staff leave, local competencies will be weak in those areas which are currently the sole responsibility of expatriate staff.

The closing down of the BRR is exemplary here. The BRR is an agency representing the government's participation in the tsunami response. It is both a coordinating and implementing body that manages over 2.3 billion dollars in recovery programs. When the BRR was set up in 2005, it was assumed that the reconstruction effort would be completed within four years, and that the BRR could as a result be dissolved by late 2009. Many projects, however, remain unfinished, and when the BRR closes, these programs will be handed over to the provincial government.

When interviewing a senior administrator at the World Bank, he told me that "capacity building has been a major problem of the BRR's work in Aceh" and as a result "transition will not be that smooth."[35] The majority of the staff at the BRR are Javanese civil servants from the federal bureaucracy: talented and effective individuals that have achieved many of the reconstruction goals set up within the BRR's

35 World Bank, personal communication with author, 17 July 2008.

mandate. However, due to the pressure by the federal government to achieve results, the BRR has focused on implementing programs with a limited participation by local Acehnese bureaucrats (Personal communication, World Bank, July 17th 2008). The local government has acted in a supporting and coordinating role without really getting involved in implementation. The division of labour between those responsible for implementation and those merely assisting the process will mean that the local government will struggle with implementation once the BRR shuts down. Thus although in some cases local actors have been empowered to achieve goals, in other ways, their capacities to take over unfinished tsunami programs have been undermined and remain underdeveloped. As with the above discussions on political and cultural change, the impact of the disaster response has been both negative and positive, allowing actors to overcome local power structures, while simultaneously limiting their capacity to continue reconstruction after the international community leaves.

Discussion: The inadvertent Effects of Recovery Programs

The tsunami brought about a number of transformations in Acehnese society, both positive and negative. Some of the changes, like the rise in the incidents of marriage, the ending of the conflict and the paralyzing of local disaster response capacities resulted directly from the devastation of the tsunami. Other changes resulted from the recovery process that followed. In a number of cases the effects of the reconstruction programs have been problematic, particularly when they have led to social tensions due to an unequal distribution of aid and, more recently, to competency gaps in the takeover of unfinished tsunami programs. Unlike the effects of the tsunami itself, the negative effect caused by the actions of the humanitarian community raise questions about the responsibility of these agencies for the wellbeing of the beneficiaries they pledge to support and as such, they necessitate further discussion.

To what extent were the negative effects avoidable? Since negative effects have been caused by human activities and decisions, in theory they are avoidable. Yet is it realistic to expect humanitarian

agencies to know about and fix these problems once they occur? After spending three months in Aceh, I can attest that this is not an easy question to answer. There are number of constraints on the actions of humanitarian aid agencies that make predicting, researching and addressing negative effects challenging. For one, many of the problematic effects associated with recovery programs stem from donor guidelines limiting the duration and scope of recovery projects, therefore placing full responsibility for these problems on agencies is somewhat unfair. Aid organizations accepting public and private donations to run programs are required to spend aid in a given period of time and in accordance to donors' intent. Even if agencies wanted to spend more time training local staff and expanding their programs' scope beyond tsunami areas, conditions placed on their funding would limit their ability to do so.

Moreover, donors are quite insistent on projects yielding timely and measurable results, which might be slower to appear if managerial staff placed more emphasis on capacity building. This is certainly the case with the BRR handover. If BRR managers had spent more time training the local bureaucracy, the handover in 2009 would likely have been a smoother transition, though training would have come at the expense of achieving "visible" results.[36] Since problems with aid distribution and project duration often originate outside of humanitarian aid agencies themselves, it not clear that these problems can be easily avoided.

Not only are aid effects difficult to avoid, but at times they are difficult to foresee as well. Negative aid effects only come about when standard protocols operate in an environment with unique conditions that cause these protocols to be problematic. In the case of Aceh, the earmarking of aid spending was problematic mainly because donors' intent was applied within a particular context, one that was shaped by decades of conflict. The conflict created grievances and entrenched poverty among the Acehnese people, and discontent with the distribution of tsunami aid only resulted when aid was given to a section of a population equally burdened by years of hardship. Because of the idiosyncratic conditions under which negative effects sometimes

36 Ibid.

emerge, it would have been difficult to predict which protocols would have been problematic and which would not have been. In a different setting the earmarking of aid towards disaster victims would not have resulted in economic disparities and discontent. Although the case of Aceh has given rise to a body of research on disaster management in conflict affected regions, I would imagine that upon first going into Aceh, it would have been difficult to predict with certainly how standard aid protocols and programs would have affected politics and society.

Lastly, drawing on my own experiences of doing fieldwork in Aceh, I know that it is not easy for organizations to gather and interpret data on the progress and effects of their programs, which means that they are not always aware of the negative impact their programs sometimes cause. During my internship I worked on a field survey where I assisted with various focus group discussions and later the interpretation of their results. We asked participants various questions about the effect of the conflict on village community life. In practice, it turned out to be incredibly difficult to connect people's testimonials to the broader societal forces that caused the everyday changes and turbulences they experienced.

In the same way, it would be difficult for an aid organization to fully grasp the effects of its programs, its aid distribution and its training practices on people, because people tend to recount the problems they are encountering without necessarily being aware of their causes. It would be difficult to figure out whether their problems were caused by the tsunami or the tsunami response. For example, if one were interviewing women, a widow's need to enter the workforce and her struggling to access land within an eroding *adat* system would be two issues with different causes. The former would be a direct result of the tsunami, while the latter would result from a tsunami improvement program. Yet she may recount the changes and hardships that she is experiencing without necessarily linking her problems to a cause, so the organization conducting the program may not fully aware that it is contributing to her problems. Most of all, the sheer multitude of different recovery programs being simultaneously implemented in Aceh makes it a difficult research terrain to navigate, to the say the

least. Therefore it is difficult for organizations to fully be aware of and understand the impact of recovery programs.

Predicting problems and understanding or addressing these issues after they do occur is challenging. Negative effects are at times unforeseeable, difficult to research and beyond the control of humanitarian agencies. In light of these difficulties, can agencies really be expected to avoid these problems? Although I cannot answer this question in full, perhaps a few comments can be made. For one, I think it is important not to lump 'negative impact' into one broad category because, although all are unwanted, different problems arise for different reasons. For example, social discontent and the lack of interest in the peace process have resulted from many stakeholders following standard procedures over time, inadvertently shaping social relations and stimulating the local economy in ways that will later prove problematic. On the other hand, the effects of the RALAS project have directly resulted form a shortage of knowledge about local custom, as well as an attitude endemic to the humanitarian and development community which says that, given the opportunity and extra funds, the local way of doing things could always be 'improved.' These are very different types of problems. In the former case, the nature of the negative impact is cumulative and diffused in away that makes it difficult to trace the problem to any one decision or actor, while the latter example can be traced directly to what I can only say is arrogance marked by ignorance. Therefore despite their effects, the sources of all the problems associated with the disaster response are subject to different types of critique.

If anything, I think the above discussion speaks to a bigger need for humanitarian programs to be tailor-made to their particular locations. Similar to the effects of a natural disaster, the work of the humanitarian community can have significant political and social implications and, as I hope I have demonstrated, these effects are context specific: they will show up in some locations but not in others, and often for reasons difficult to foresee, avoid or fully understand. Therefore, to the greatest extent possible programs need to integrate local knowledge about local traditions, society and politics in order to avoid negative impact.

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