

FLUX

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FOREWORD

In this first issue of volume 9, the team of editors, authors, and reviewers at Flux: International Relations Review has worked tremendously hard. This semester we refined our peer review process, shortened editing timelines, and developed a new brand. However, I am certain that these changes will serve the journal well in the future and have created an excellent journal for you to enjoy. This issue spans all the continents and breaches issues from climate change, to immigration policies, and from civil conflict to international conflicts. Each team of editors and authors worked tirelessly during midterm season to prepare polished, clear, and thorough academic pieces. Even before editing began, our team of peer reviewers highlighted the strengths and weaknesses of papers helping determine the final selection and guide the editing process later. Every individual in the process has helped contribute to the fantastic papers in the coming pages.

This issue especially reflects the scope of topics which fall under international relations. In “The Safe Third Country Agreement and Global Order” and “Conditional Love and Canada’s care Regime”, gaps between Canada’s rhetoric and practice surrounding refugees and immigration are highlighted, drawing attention to the human element of international policy. “Fishery Depletion and Militarization in the South China Sea” also draws attention to the importance of subnational actors in international conflicts and the intersection of climate change and international relations. “Willful Blindness: Franco-American Relations and Escalation

of the Vietnam War” takes us back to the 1960s to see how the United States completely ignored the idea that their solution to communism in Vietnam may be futile. Also, historical, “From the Bush to the Office: Explaining Renamo’s Sustained Base During and After the Mozambique Civil War” shows how external influences on the civil war were be overstated in existing scholarship and the importance of local grievances. “Proxy Warfare’s Effect on Securitization: the Case of Saudi-Iranian Rivalry” also highlights the importance of pre-existing tension for external forces to involve themselves in a war, this piece also sheds light on the contemporary conflicts in Yemen and Syria.

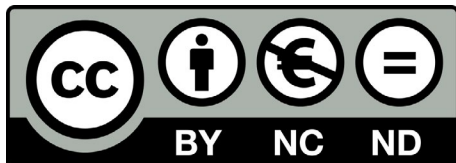
The journal would not be possible without the help of the authors, editors, and reviewers. I would like to thank our authors and editors for sticking out the process, which can be very grueling and often includes unexpected hurdles, your effort and meticulousness shows in the pages of this journal. I would also like to thank Alexandra Kohn, Jennifer Lynne Innes, and Jessica Lange at the McGill Library for their help with developing our licensing policy and work on helping us move to the Online Journal System. Thank you also to our faculty advisor Vincent Pouliot for bearing with the journal and supporting our work for the past years. Last, I would like to thank IRSAM and the Board of Directors and our sister publication, the McGill International Review (Online), for their continued support.

I hope you find the papers as insightful as I did and that they inspire you to seek out more international relations literature.

Marie Fester
Editor-in-Chief

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Willful Blindness: Franco-American Relations and Escalation of the Vietnam War

Olivier Bergeron-Boutin

edited by Hannah Drinkell and Liz Wagner

Cover art: *Charles DeGaulle and Ho Chi Minh.*

Source: *United States Army* [Public domain], via *Wikimedia Commons*.

This article was submitted to HIST 438: Topics in Cold War History.

Abstract

The long and stable Franco-American diplomatic rapport was undermined throughout the American escalation of the Vietnam War. This paper specifically examines French President Charles de Gaulle's increasing discontent at his ally's involvement in Southeast Asia and analyzes the decisions of successive American presidents to ignore him. Beginning in 1961, with the inauguration of American President John F. Kennedy, the paper proceeds chronologically to 1964, by which point transatlantic relations had worsened considerably as a result of de Gaulle's growing confrontation of the Indochina question. Using archival diplomatic documents from both countries, this paper seeks to explain why the United States government refused to comply with De Gaulle's requests. This paper makes two main conclusions: American policy makers were willfully blind to their ally's suggestions and the French proposal for the neutralization of Vietnam was not realistic. These findings are supported by various policy decisions made leading up to the war, relying heavily on primary sources to demonstrate the failings of both the French proposal and the American willingness to consider the perspective of a crucial ally.

Introduction

On 29 August 1963, the French Minister of Information took the highly unusual step of publicizing President Charles de Gaulle's remarks at a Cabinet meeting earlier that day. After years of private misgivings, the general had finally elected to speak his mind: the future of Vietnam, he proclaimed, should be left for the Vietnamese people to decide. "Independence from exterior influences," Minister Peyrefitte quoted, could be achieved through a "national effort" leading up to reunification. An undivided Vietnam "would find France ready, to the extent of her own possibilities, to set up a cordial cooperation" (New York Times 1963).

Despite de Gaulle's refusal to make explicit reference to the United States, the August 29 pronouncement imbued a sense of Franco-American tension that seemingly threatened to destabilize the Western bloc's web of alliances. The declaration was a clear challenge to American policies in Southeast Asia, and it triggered a frantic public relations campaign by Kennedy administration officials to discredit the French proposal (Logevall 1992, 78-79). But to the intense displeasure of successive American presidents, de Gaulle was undeterred: as casualties mounted and progress stalled in Indochina, his public rebuke in

August 1963 would be followed by many others. Initially unclear, the French position evolved into a simple, yet controversial proposal: the neutralization of Vietnam through an international conference.

The strategic missteps that led to the fateful US involvement in a war some 13,000 kilometers away have been well documented (Logevall 1999). The existing historiography examining the role that France played—or sought to play—in American policy in Indochina is far less satisfying. De Gaulle's dissent, though lonely, resonated loudly in Washington's corridors of power: because of France's status as a crucial ally, American decision-makers could not afford to ignore the general's pleas. The French position, by virtue of its dissonance with the opinions of other Western leaders, can help refine our understanding of the American decision to escalate the conflict in Vietnam.

The purpose of this paper is to shed a novel light on the uneasy relations between France and the United States during the Cold War by examining the diplomatic tensions that resulted from the Vietnam War. The existing historiography examines Franco-American relations to some length but neglects one crucial aspect of the situation. From 1961 to 1964, as de Gaulle became increasingly assertive, it was still possible for the superpower to reverse course and withdraw from Southeast Asia. This begs the yet unanswered question: why did American policymakers not heed de Gaulle's advice on the subject of Vietnam?

After historians have exposed the flawed decisions that led to the Vietnam quagmire, it may seem patently clear that the de Gaulle's exhortations should have been considered carefully. Deepening involvement in Southeast Asia ultimately failed and weakened the American position in the Cold War (Gaddis 2005, 267). But, as is often the case, the geopolitical reality was complex and riddled with uncertainty. From the American point of view, de Gaulle's intentions were muddled by his perceived "petty intransigence" and his desire to reassert France's role as an independent actor in international relations (Costigliola 1992). After consulting French and American primary sources, I have reached two main conclusions. First, American policymakers were obsessed with de Gaulle's motives for promoting an alternative strategy—so much so that they failed to consider seriously the substance of his proposals. Second, France's neutralization proposal was unrealistic given the Vietnamese and Chinese communists' steadfast commitment to a protracted revolutionary struggle. However, I will later argue that despite the "unworkable" French solution, the dissent from such an important ally should have compelled the Americans to reconsider their approach.

The Genesis of Gaullist Foreign Policy

Charles de Gaulle's path to the 29 August 1963 declaration was remarkably

tortuous. To any informed observer in the 1940s and early 1950s, the Frenchman would have appeared as an improbable proponent of Third World independence movements. After World War II, de Gaulle sought to reassert colonial control over Indochina and insisted that France would benefit from maintaining its empire. Warned by an Indochina specialist that this would prove to be impossible, de Gaulle replied: “Dear Professor, we will win because we are the strongest” (Goscha 2016, 228). Even as the situation in the Asian colony worsened, de Gaulle remained adamant. It is only with the disaster at Dien Bien Phu in 1954 that he grudgingly accepted France’s defeat (Journoud 2011, 42-48).

But despite his unyielding attitude during the First Indochina War, the seeds of Gaullist thought regarding Third World nationalism had already been sown. The general viewed the nation as the defining feature of international affairs—as the irreplaceable unit of human organization. The nation, he believed, is permanent and it supersedes the conflict of ideologies (Costigliola 1994). In his memoirs, de Gaulle argues that “in the world’s incessant movement, all doctrines, all schools, all rebellions, last only for a while. Communism will pass away. But France will not pass away” (De Gaulle 1954, 232). He felt that “in the long run, no regime can hold on against national wills”—a peculiar conviction for a man who had long supported the French colonial project (De Gaulle 1959, 47). The Algerian crisis would resolve this seeming incongruence between beliefs and actions. Following his return to power in May 1958, de Gaulle confronted a fierce independence movement in the North African colony. On 16 September 1959, after five years of resilient conflict, the president promised a “government of Algerians by Algerians, backed up by French help and in close relationship with her” (Byrne 2010, 67). The colonized, he stated, were entitled to self-determination. Though de Gaulle insisted that a close association between the two countries should continue, his outlook had evidently adapted to changing circumstances (Wall 2001, 92). France’s failures in Algeria had convinced him that external powers were bound to fail in their attempts to suppress nationalist movements (Logevall 1992).

In conjunction with France’s colonial misadventures, the country’s purportedly unfavorable position in the post-war order left an indelible imprint on the president’s worldview. The Republic had been humiliated by its surprisingly swift defeat at the hands of Germany in 1940, by its absence at the Yalta conference of Allied powers, and by the Suez crisis. De Gaulle, along with many of his fellow citizens, believed that his country had been unfairly ostracized from the great power club. He perceived the hegemonic power of the United States to be particularly threatening and argued that France needed strong, assertive statesmanship to restore its prestige and reassert its independence. The situation in Vietnam provided him with an excellent opportunity to show that France would not submit to American expectations (Bozo 2010).

Rumblings of Discontent

In the days following President John F. Kennedy inauguration on 20 January 1961, an aura of agitation emanated from the State Department’s anxious bureaucracy: the challenges that the new administration faced, not the least of which the unpredictable behavior of Soviet Premier Nikita Khrushchev, were intimidating. One of the problems identified early on was France: a memorandum circulated to Secretary of State Dean Rusk singled out President de Gaulle as a potential troublemaker (Foreign Relations of the United States 1958, 223). To be certain, this was not an attitude singular to the incoming administration; as soon as the general had returned to power in 1958, President Dwight D. Eisenhower complained that he was becoming “increasingly troublesome” and concluded that the United States had to “watch out for him” (Foreign Relations of the United States 1958, 79). On the French side, as inauguration day approached, new instructions were sent out to Ambassador to the United States Hervé Alphand. In his message to Alphand, Foreign Minister Maurice Couve de Murville emphasized the importance of a firm, yet respectful defense of French interests as he stressed that frequent quarrels with US officials were to be expected (Documents Diplomatiques Français 1961, 63-68).

The disagreements that would later sour Franco-American relations were not yet present: neither differing views on NATO nor differences on the nuclear deterrent in Europe prevented healthy discussions between allied countries whose leaders shared mutual respect. Indeed, an inclination to accommodate and accept dissent permeated conversations from the early days of the Kennedy administration. In a meeting between President Kennedy and Ambassador Alphand on 10 February 1961, for instance, the American leader nonchalantly confessed that initial US positions on the Congo crisis were wrong-headed and that France had been vindicated by recent events (Documents Diplomatiques Français 1961, 60). Such an honest appraisal would have been unthinkable a mere two years later.

Franco-American differences over the policy to pursue in Indochina, however, had already emerged. Despite exhortations in favor of a “coordination of policies” by officials from both nations, disagreement on Southeast Asia was manifest, particularly with regards to the situation in Laos (Foreign Relations of the United States 1958, 225). Although both France and the United States agreed that a communist takeover of the country was undesirable, they diverged on the best means to beat back the violent insurgency. President Kennedy was reluctant to commit to a political solution: for him, the success of an international conference depended on a credible military threat that would force opposing parties to negotiate in good faith (Documents Diplomatiques Français 1961, 399-401). The French foreign affairs apparatus argued that a reconvened Geneva Conference involving the world’s great powers would ensure the viability

of a neutral Laos (Documents Diplomatiques Français 1961, 397-399). This foreshadowed the looming conflict over Vietnam, during which the French executive would make precisely the same suggestion.

The position of the French government was rooted in President de Gaulle's conviction that involvement in Southeast Asia by external forces was doomed to fail. In the Republic of Vietnam (RVN), recent events justified such skepticism. Relations with President Ngo Dinh Diem had precipitously worsened in the last weeks of 1960 as he became increasingly suspicious that American diplomats had had a hand in a recent coup attempt against him. US pressures for political reform of the regime exacerbated those tensions. To make matters worse, the National Liberation Front, a new communist insurgent organization, had recently been created and threatened the stability of the RVN (Miller 2013, 211-213). These concerning developments could not be obscured by Vice President Lyndon B. Johnson's visit to South Vietnam in May 1961. Days after the trip ended, French Ambassador to Saigon Roger Lalouette noted that "it would not be paradoxical to believe that Johnson's visit, rather than solve past problems [in Vietnamese-American relations], could be the cause of long-lasting and deep misunderstandings" (Documents Diplomatiques Français 1961, 641-645).

Ultimately, the French view was informed by the Republic's colonial history and the perception of adverse structural circumstances. Even if the RVN were stabilized and the Ngo brothers replaced with more efficient administrators, direct intervention in Southeast Asia would still risk disastrous consequences. In bilateral meetings during Kennedy's first visit to France in May and June 1961, de Gaulle stressed that the region was "a bad terrain militarily, politically and psychologically to fight a war" and that the chances of successful Western intervention had dimmed since the First Indochina War. France, he declared, would never again deploy troops in Indochina but "would not oppose" US involvement if it proved necessary (Foreign Relations of the United States 1961, 230).

During the three-day visit, differences of opinion were apparent but cordially expressed and diplomatically handled. In a conciliatory gesture toward Kennedy, for instance, the general agreed to keep his non-interventionist views private to foster uncertainty in the communist camp (Documents Diplomatiques Français 1961, 265). Though prepared to face significant opposition and to "combat" de Gaulle's views on Laos, the American leader concluded that the differences with France were of "secondary importance compared to the agreement:" the press, he triumphantly announced to US Congressmen days after his return, had blown disagreements out of proportion (Documents Diplomatiques Français 1961-1963, 22, 231). The US intelligence services, which had warned of the French president's "aversion to concessions," were also guilty of hyperbole (Digital National Security Archive 1961).

The genuine eagerness of both French and American officials to work out disagreements and maintain an appearance of collegiality is strikingly clear from the records of the early Kennedy administration. Both sides were cognizant of their differences. Nonetheless, high-level conversations were frank and substantively productive. Frustration had not yet set in; duplicitous behavior had not yet become the preferred diplomatic strategy. Moreover, the greatest areas of disagreement concerned Europe and the Soviet Union; Southeast Asia was not the original site of dispute which undermined Franco-American relations.

But while forbearing, the Kennedy administration was very much concerned with the so-called "problem of international opinion." As the situation in Vietnam stalled, the often naïve sense of renewal that enlivens a new government subsided and gave way to growing restlessness. "It would greatly improve our position," Johnson declared at a July 1961 meeting, "if the world could understand more clearly what in fact is happening there" (Foreign Relations of the United States 1961-1963, 109). In that regard, France was not yet a severe problem, but clearly it was not of great help either. It is possible that the American administration expected repeated prodding of de Gaulle to coerce him into adopting a position on Vietnam similar to that of the United States. However, in all likelihood, Kennedy's national security team was sworn in with a sincere intent to accommodate dissenting views from allies but grew impatient as success in Asia and elsewhere eluded them. The pressure was compounded by the failed Bay of Pigs invasion in April 1961, which drew widespread criticism and humiliated Kennedy (New York Times 1961).

In the fall of 1961 Franco-American relations manifestly worsened. Transatlantic discussions on NATO, nuclear arms, and communist insurgencies in Third World countries had barely progressed since the Kennedy inauguration. De Gaulle appeared intransigent and distant; his attention was, in fact, consumed with the ongoing crisis in Algeria. Frustrated, the Americans attempted to rationalize their continued commitment to friendly relations with France: Ambassador James Gavin noted that, regardless of his stubbornness, the French president was "a Western leader of proven sagacity whose councils can be of great value in our deliberations" (Foreign Relations of the United States 1961-1963, 236).

But with French officials increasingly voicing their disapproval of the strategy in Indochina, US officials grew impatient. Alarmed urgings replaced the conciliatory tone characteristic of early 1961. Speaking with Secretary Rusk on 13 November, Ambassador Alphand warned that "we fear that an American intervention in Vietnam would, instead of circumscribing the communist threat in Southeast Asia, precipitate a region-wide crisis" (Documents Diplomatiques Français 1961, 171). By the beginning of 1962, French and American officials were openly discussing the "unfortunate" tensions between their countries

(Foreign Relations of the United States 1961-1963, 240). A 9 March 1962 telegram from Ambassador Gavin to Kennedy perfectly captures the situation: Gavin apologized for the long list of France-related quandaries he included in the memo but said it “emphasizes the magnitude of the problem” (Foreign Relations of the United States 1962, 242). By then, the press had caught on to the latest developments and, to the dismay of the American president, was exacerbating the problem by publishing inflated claims (Foreign Relations of the United States 1962, 248). Regardless of the media’s tendency to hyperbole, the dynamics of Franco-American diplomacy were clearly changing: deteriorating relations were no longer an afterthought -they required immediate attention.

In this context, a meeting between Ambassador Gavin and President de Gaulle on 26 May rapidly lapsed into inflammatory and accusatory remarks. Discussing United States commitments abroad, de Gaulle implicitly faulted the superpower for its late intervention in both world wars. The discussion was abruptly ended by de Gaulle, which prompted Gavin to report that he had “never seen de Gaulle in more unfriendly and tense state of mind...[The] gap between our two governments is now farther apart than it has been in a long time” (Foreign Relations of the United States 1962, 252).

Despite boiling frustrations, there was still a willingness to cooperate and find mutually agreeable solutions. In October 1962, instructions addressed to Charles Bohlen, the new Ambassador to France, made clear that the United States’ approach was to “seek the closest and most confident relations with France” regardless of the Republic’s opposition to much of US foreign policy (Foreign Relations of the United States 1962, 260). To some extent, the Cuban Missile Crisis also helped mend ties. The imminent Soviet threat generated a warm “reaffirmation of solidarity and support” from de Gaulle (Digital National Security Archive 1962). Documentary evidence from October 1962 shows that de Gaulle acted as a supportive ally and was careful not to criticize unduly the American reaction.¹

The first half of 1963 was characterized by an awkward, uneasy relation: numerous diplomatic reports mention that mutual incomprehension inhibited warmer ties.² Asked what France, and de Gaulle more specifically, desired, French officials mechanically responded with “independence and alliance,”

1 See, for instance, “Dean Acheson’s Meeting with Charles de Gaulle on Cuban Situation,” 22 October 1962, *Digital National Security Archive*. Note that this interpretation is subject to debate. Fredrik Logevall has argued that the Cuban Missile Crisis reinforced de Gaulle’s desire to pursue an independent foreign policy since it demonstrated that Europe could be drawn into a war it had not provoked. See Logevall, *De Gaulle, Neutralization...*, p.77-78. I have found little evidence supporting this claim in primary sources.

2 See, for instance, “Alphand à Couve de Murville,” 16 February 1963, *DDF* 1963, Volume 1, Document 75 (pp.216-218). “Alphand au Ministère des Affaires Étrangères,” 18 February 1963, *DDF* 1963, Volume 1, Document 77 (pp.221-222). “Couve de Murville à Alphand,” 19 February 1963, *DDF* 1963, Volume 1, Document 78 (pp.223-225).

as if a bland diplomatic platitude provided any additional clarity (Documents Diplomatiques Français 1963, 132, 384-385). But the tensions had not yet boiled over. In the summer of 1963, the situation would quickly spiral out of control.

Simmering Tensions

On 29 August 1963, roughly two years after Charles de Gaulle had begun to express private qualms regarding American involvement in Southeast Asia, the French President elected to publicize his views through his Minister of Information. The general’s thinly-veiled criticism of the United States strategy in Vietnam triggered a bureaucratic frenzy in Washington; in the following months, American officials would question de Gaulle’s motives for speaking out and ignore the substance of his proposal in the lead-up to the deployment of combat troops in the RVN.

While the symbolism of the August 29 statement was unmistakable, the plan’s specifics did not hold up to careful scrutiny. Successful neutralization of Vietnam required a radical departure from recent Chinese behavior. Despite Vietnam’s historical antipathy toward China, the Chinese and Vietnamese communist parties had developed an “intimate relationship” during the First Indochina War (Zhai 2000, 42). Whereas the Soviet Union under Khrushchev had embraced “peaceful coexistence,” Chinese leader Mao Zedong remained committed to an activist foreign policy (Lüthi 2008, 161). His agenda was to “fight against the imperialists, revisionists, and reactionaries in all countries and, at the same time, to promote revolutionary developments at home and abroad.” In fact, mere days after de Gaulle’s 29 August declaration, Chinese Premier Zhou Enlai told Asian communist leaders assembled in Beijing that China would act as the “great rear” of revolutionary movements in the region (Chen 2010, 83, 208). De Gaulle’s hope for a neutral Vietnam achieved through an international conference disregarded the reality on the ground. China was still an expansionary power and would remain so for much of the decade, which made neutralization unrealistic in the short-term. The agreement for the neutralization of Laos made in 1962 had already begun to unravel, which the French president conveniently ignored (Lüthi 2014, 117).

Regardless of the serious flaws that plagued the French proposal, the American reaction to public dissent was uncoordinated and unconvincing. In a meeting with Ambassador Alphand on 30 August 1963, Secretary Rusk argued that the United States government was not seeking a military solution in Vietnam but was forced to respond to repeated communist aggression of the RVN. A neutralized Vietnam was an unrealistic solution given the continuing insurgency fueled by the leadership of the Democratic Republic of Vietnam (DRV) (Documents Diplomatiques Français 1963, 76, 214). Alphand conceded that Northern hostility made things more difficult; France “had no immediate

solution” and “de Gaulle’s statement was intended merely as a long term proposition, not as something that could be put into effect in the near future” (Foreign Relations of the United States 1963, 28). This, of course, was not immediately clear from the general’s declaration and in the following months, American policymakers would consistently nag French officials to clarify this specific point.

The 30 August discussion offers a rare glimpse at candid diplomatic interactions between France and the United States following de Gaulle’s remarks. Soon after, the American government’s public relations machine began to churn out manufactured statements whose aim was to discredit the French president’s opinion. The latter’s proposal was never considered seriously; inasmuch as effort was expended to analyze the neutralization plan, it was with the intent of rejecting it more forcefully.

This uncompromising attitude is evident in a memo sent by national security adviser McGeorge Bundy to President Kennedy on 1 September. In his note, Bundy listed four possible responses to de Gaulle’s declaration—none of which recommended giving serious thought to neutralization. Rather, the four options focused on two defamatory tactics. The first was to feign ignorance: “[w]e have noted the French statement, but we do not know just what it means.” Failure to understand the proposal was improbable, particularly in light of the fact that the Kennedy administration had sponsored the 1962 Geneva Conference on Laos. The second tactic was to belittle France and downplay its role in Southeast Asia: “[a]s we understand this statement, it is simply a general expression of good will from a country which has no present responsibility in the area...Expressions of good will are always welcome.” Again, such a dismissive response was hardly justified by de Gaulle’s declaration. For good measure, Bundy also personally derided de Gaulle: “we find only our own personal irritation as an argument against [the] well-established conclusion that we do best when we ignore Nosey Charlie” (Foreign Relations of the United States 1963, 43).

The memo, through its evocative wording and unyielding substance, is a window into the Kennedy administration’s thinking. Though peculiarly combative, it set the tone for a ferocious campaign of French vilification. The conciliatory attitude of 1961–62 had definitively been abandoned. Public dissent on the issue of Vietnam would not be tolerated.

The American government’s new approach was on display on 2 September when President Kennedy sat down for an interview with CBS anchor Walter Cronkite. Following Bundy’s directives, the Commander-in-chief emphasized that the United States had been “carrying the burden” of liberty in Southeast Asia while France had done little. The president argued that it did no good to say “well, why don’t we all just go home and leave the world to those who are our enemies” (New York Times 1963). This was of course a gross oversimplification

of the French position, but the end goal was not to represent differing views accurately—it was to justify the existing Vietnam policy.

Meanwhile, Foreign Minister Couve de Murville continued to reassure allies that his president’s proposal was a “long-term” solution (Documents Diplomatiques Français 1963 85, 232–245). The minister’s prudent approach, however, was undermined by de Gaulle’s sustained intransigence: the general refused to qualify his stance even as it became clear that Franco-American relations suffered as a result. In private conversations, the president of the Republic posed as a valiant truth-teller: “every country thinks like us, but some stand up while others stay quiet” (Documents Diplomatiques Français 1963, 122, 335–339).

By the beginning of October, the Kennedy administration had come to doubt the sincerity of de Gaulle’s intentions: his proposal was not only unrealistic, but also motivated by blatant anti-Americanism. US officials believed that the French leader’s decision to make public comments on Vietnam stemmed from his desire “to annoy the United States” after years of perceived inferiority (Foreign Relations of the United States 1963, 83). The Republic’s president had not come to terms with his country’s status as a junior partner in the post-war Western order and his childish reaction was to pester the superpower.

Admittedly, there was some truth to that assertion, but suspicion of ulterior motives does not grant one a license to disregard entirely the opinion of others. The French proposal, though partly inspired by a desire to reassert the country’s foreign policy autonomy, was nonetheless worthy of consideration—if only because US policy at the time was so visibly failing. By October 1963, the alliance with the ruling Ngo brothers had completely disintegrated and efforts to eradicate the National Liberation Front had only created more frustration. One would expect an administration confronted with such a bleak situation to be open to policy alternatives. Besides, there were other reasonable explanations for de Gaulle’s inflexible beliefs on Third World nationalist movements. France’s experiences in Indochina in the 1940s and 1950s and, the country’s misadventures in Algeria had had a major effect on the general’s thinking. Restoring France’s status was only one of multiple competing explanations. Paradoxically, America’s insistence that their ally’s dissent was selfish was itself based on self-serving assumptions. By dismissing de Gaulle as “highly egocentric,” the Kennedy administration could disregard his criticism and accuse him of injuring Western interests (Foreign Relations of the United States 1963, 277).

Boiling over

This image of de Gaulle as a self-absorbed leader would prove remarkably resilient. The French leader’s intervention had come at a particularly unpropitious moment, when tensions between President Diem’s government in

the RVN and the United States reached unsustainable levels. Even assuming that de Gaulle was genuinely concerned about developments in Southeast Asia, the timing of his declaration was conspicuous (Documents Diplomatiques Français 1963, 129), particularly given that just two years earlier he had promised not to publicize Franco-American disagreements on the Indochinese situation, as previously mentioned.

Once breached, confidence could hardly be repaired. De Gaulle was now considered one of three major threats to US global interests (Foreign Relations of the United States 1964, 9). The perception that he “will accept any concessions or courtesies as a natural right and a recognition of his ‘greatness’” made any semblance of conciliatory behavior disappear (Foreign Relations of the United States 1963, 277).

France forewarned that the new military government in power after Diem’s overthrow would escalate the war, demand increased assistance from the US, and alienate the South Vietnamese population. Though prescient, the warning went unheeded (Foreign Relations of the United States 1963, 297). Similarly, dissenting voices from within the US administration were marginalized or pressured to conform. A report David Nes, the Deputy Chief of Mission in Vietnam, notified the administration that “escalation may be the only alternative to inevitable neutralization” (Foreign Relations of the United States 1964, 52). Even such a clear statement from *within* the American government was ignored.

Tensions escalated further as France prepared for mutual recognition with the People’s Republic of China (PRC) in January 1964. Though French officials insisted that the Asian nation’s demographic weight made such a gesture necessary, American officials were alarmed: their allies had once again engaged in a dangerous course of action with the sole purpose of “showing independence” (Documents Diplomatiques Français 1964, 26). On 31 January, four days after the official recognition of the PRC, de Gaulle again publicly called for an international conference on, and neutralization of, Vietnam—this time with the added demand that China be involved (New York Times 1964). The proposal instantly stoked anxiety in Washington foreign policy circles regarding the effect it would have in South Vietnam (Foreign Relations of the United States 1964, 32).

If the media had exaggerated Franco-American tensions in the early days of Kennedy’s presidency, the Johnson administration was guilty of exaggerating de Gaulle’s hostility and overestimating his influence on world affairs. Renewed demands for neutralization triggered hysterical reactions from a broad spectrum of US decision-makers. Ambassador to Saigon, Henry Cabot Lodge warned of a “French neutralist plot” and counselled that “it is good tactics to start making a list of the things which he is doing which are against our vital interests. We can decide what use to make of the list later on” (Foreign Relations of the United

States 1964, 19). In an almost inconceivable turn of events, rumors of a “neutralist plot” forced Ambassador Alphand to assure Secretary Rusk that “France is not engaged in conspiracy in Southeast Asia against US effort” (Foreign Relations of the United States 1964, 63). McGeorge Bundy, for his part, recommended that the administration pressure key political figures favorable to de Gaulle’s proposal to ensure that they kept quiet (Foreign Relations of the United States 1964, 39). President Johnson, in a remarkable act of willful blindness, continued to highlight that “the French have no plan or program” for Vietnam (Foreign Relations of the United States 1964, 107, 76, 84).

Throughout this period of early 1964, France’s suggestions were never seriously considered. Notwithstanding the recognition of the PRC, the French position on neutralization was still naïve. Foreign Minister Couve de Murville himself had admitted that “the present situation has deteriorated so much that even the solution we have envisaged has only a small of succeeding” (Documents Diplomatiques Français 1964, 67). China was still an aggressive regional power, and the DRV did not seem intent on halting its support for armed struggle in the South. But regardless of the worthiness of alternative views, the mere presence of dissonant voices should have prompted administration officials to reconsider their approach. The war in Vietnam, after all, was fought on the basis of a purported need for credibility. The overriding concern was the reaction of allies around the globe should the United States be unable to defend them against blatant communist aggression (Logevall 1999, 388-389). Even the faintest signal indicating that involvement in a war halfway around the world was unnecessary should have been examined carefully. Regardless of his motives, Charles de Gaulle provided such a signal. Disagreement from a major ally should have made clear that American credibility did not hinge on the outcome of a conflict in a region that most Westerners knew little about. Instead, repeated warnings, both private and public, by the French over a period of several years yielded no change in United States policy. Obsessed with underlying motives, the Kennedy and Johnson administrations systematically rejected proposals that would have given them more room to maneuver. In short, the Americans had deceived themselves into believing their own theory of credibility.

Conclusion

On 2 April 1964, President Charles de Gaulle painstakingly clarified his views on the Vietnam situation to Ambassador Charles Bohlen. The United States, he argued, “could not possibly succeed” by continuing the policy it was currently pursuing. The Americans “would merely repeat the experience the French had earlier,” which, as a loyal alliance partner, de Gaulle felt obliged to point out. The Vietnamese people “had no stomach for the war,” and only an international conference resulting in neutralization could solve the Americans’ dilemma

(Foreign Relations of the United States 1964, 105). After months of complaints regarding the vagueness of France's proposal, the Johnson administration was finally delivered a clear, cogent explanation. Yet four months later, the United States president would use purported attacks against an American vessel in the Gulf of Tonkin as a pretext to seek congressional authorization to use all necessary means to combat the communist insurgency in Vietnam. Presented with an alternative and a way out, the United States doubled down.

The French plan for Vietnam, first expressed in May of 1961, was flawed: it suffered from a naively optimistic assessment of communist insurgency. The National Liberation Front, supported by the Democratic Republic of Vietnam, was deeply committed to protracted armed struggle. Additionally, China was devoted to supporting proletarian rebellions in Southeast Asia, with Vietnam being a focal point of this effort. A neutral Vietnam created in the early 1960s almost certainly would not have survived.

But the value of Charles de Gaulle's proposal lies not in its undisputable soundness, but rather in its symbolism. The French president's lonely dissent signified that another way was possible. From this point of view, the resulting increase in the bitterness of Franco-American relations is puzzling, for de Gaulle's outspokenness unshackled American decision-makers who felt trapped by the logic of credibility. The general's motives, however, appeared murky. What if public dissent was a mere façade designed to hide a much more selfish motive? Its sincerity being called into question, the proposal for a neutral Vietnam suddenly seemed self-serving.

Analyzing Franco-American relations in the lead-up to the escalation of the Vietnam War cannot elucidate the entire story, but in reexamining historical events, special attention should be given to those voices that proved prescient; in hindsight, de Gaulle's certainly was. This story of Franco-American tensions may seem like a mere historical curiosity. After all, the United States "won" the Cold War and the alliance of Western capitalist states proved to be much more cohesive than the Warsaw Pact of European communist countries. But willful blindness, misunderstanding, and self-induced pressure form the basic structure of international relations. States operate in a world of imperfect information in which motives are uncertain and long-term consequences are essentially unpredictable. A more complete narrative of the dispute over involvement in Southeast Asia does not magically solve the fundamental problems of world affairs. However, it highlights the inherent human biases which afflict decision-makers, which helps to reduce the effect of those biases.

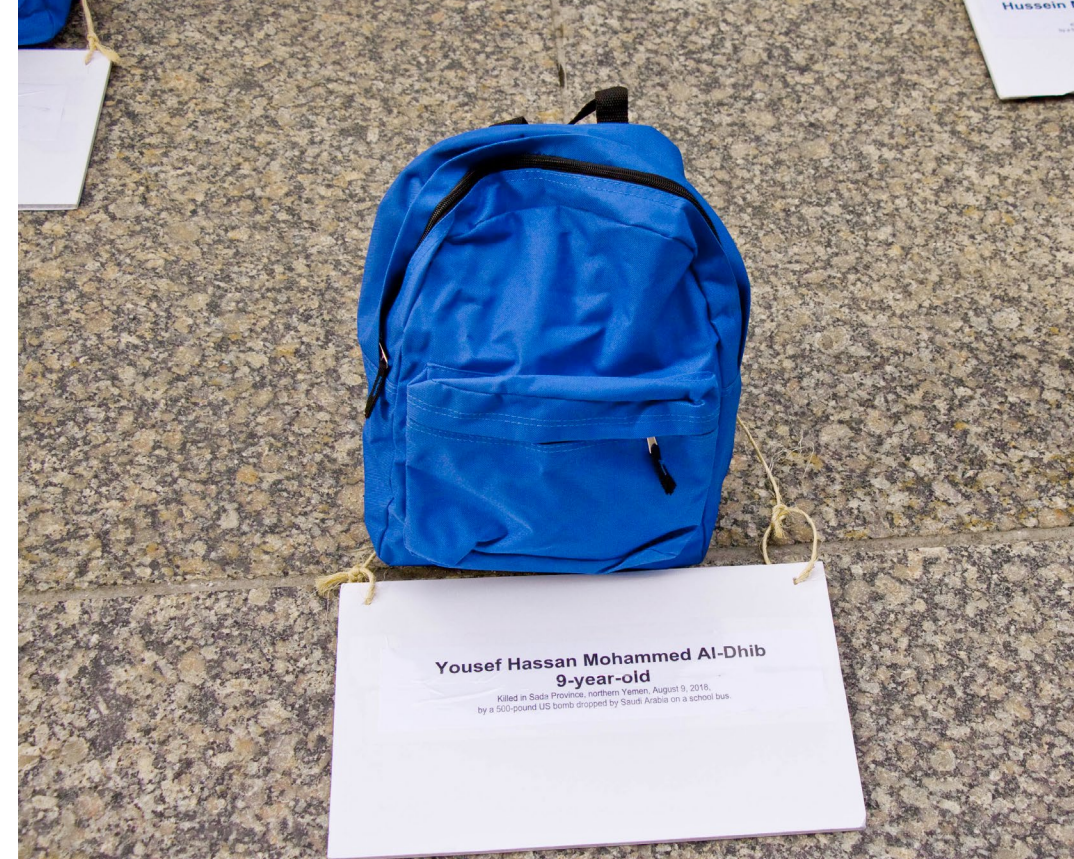
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Proxy Warfare's Impact on Sectarianization: The Case of the Saudi-Iranian Rivalry

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edited by Cassandra Moschella and Madeleine Northfield

Cover art: Saudi Arabia and the United Arab Emirates have committed a school bus bombing in Yemen in August 2018, killing 40 children. In response, an event of blue backpacks was held in Chicago, IL, to remember the loss of these children. Source: Charles Edward Miller. November 30, 2018, <https://flic.kr/p/R9emBy>.

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Abstract

The Saudi Arabian and Iranian rivalry has torn the Middle East apart, aggravating the region's struggles concerning persistent authoritarianism, militia violence, and sectarian tensions. This paper explores the impact of proxy warfare on sectarianization by studying the case of the Saudi-Iranian rivalry in both Syria and Yemen. It analyses the reasons for using the proxy warfare as a means to further assert rival dominance in the Middle East and examines how the rivals use existing sectarian tensions to further their cause, leading to further division. The paper finds that proxy warfare has fortified the sectarian rift in the Middle East, increasing the risk of confrontational war between Saudi Arabia and Iran and exacerbating already existing religious strains across the region.

Introduction

The Saudi Arabian and Iranian rivalry has torn the Middle East apart, aggravating the region's struggle concerning persistent authoritarianism, militia violence, and sectarian tensions. Indeed, the region's marked religious differences have allowed the rivals to form alliances with countries that share their version of Islam. But the Saudi-Iranian rivalry is not exclusively defined by a religious struggle. Rather, it is a multi-faceted competition on economic, political and religious dimensions, as both Tehran and Riyadh vie for control of the politically fraught region. With the obsolescence of total war in the twenty-first century, and in a quest for regional hegemony, the rivals have employed proxy warfare, turning the Middle East into their battlefield. Proxy wars are "conflicts in which a third party intervenes indirectly in order to influence the strategic outcome in favour of its preferred faction" (Mumford 2013, 40). This type of indirect warfare allows the rivals to orchestrate low-cost operations in neighbouring states, providing them with extended influence across the region.

By targeting opposition movements in neighbouring countries, Sunni Saudi Arabia and predominantly Shi'a Iran have further entrenched sectarian tensions and extended their respective influence in the Middle East. Propped against the background of a classic balance of power scenario, which is characterized by a zero-sum game, Riyadh and Tehran both believe that "if one country gains in

the region or makes inroads with Western powers, it has to come at the expense of the other" (Robins-Early 2017).

In order to attain such influence in the region, one wonders what makes the Middle East susceptible to the strategy of proxy warfare. Within the context of the Saudi-Iranian rivalry, the power of religious identity has occupied a central role in the permeability of neighboring states to indirect warfare. In effect, the rivals recognize the possibility for political gain in the conflict between the Sunnis and Shi'as and capitalize on pre-existing sectarian tensions to gain regional dominance. To better understand the prevalence of proxy warfare in the Middle East, one must turn to the sectarianization thesis; sectarianization is "an active process shaped by political actors operating within specific contexts, pursuing political goals that involve the mobilization of popular sentiments around particular identity markers" (Hashemi 2017, 3). In addition to exacerbating identity cleavages in neighbouring states, the rivalry has weakened state institutions and prolonged pre-existing civil wars in Syria and Yemen through proxy warfare. Undoubtedly, Saudi Arabia and Iran use proxy warfare as a tool to expand their regional hegemony at the expense of weaker Middle Eastern nations. Furthermore, religious identities are exploited by the rivals as a political tool for Saudi Arabia and Iran to gather support and influence in neighbouring states, further dividing the Middle East.

Historical Background of the Saudi-Iranian Rivalry

The Iranian and Saudi Arabian rivalry is multi-faceted, with two main dimensions: a positional rivalry in which states compete for political and military influence over the Middle East, and a rivalry between two competing religious identities. Although the religious schism has existed since the creation of these nation-states, the turning point in Saudi-Iranian relations was the Iranian Revolution of 1979, in which Iran threatened the legitimacy of Saudi Arabia. The Saudi Arabian Sunni monarchy was menaced by the rise of Ayatollah Khomeini, a Shi'a authority in Iran, who aimed to replace the Iranian monarchy with a theocracy. Indeed, Khomeini endangered "the territorial integrity of Saudi Arabia by appealing to its disenfranchised Shi'a population in the Eastern Province, unsettling the al-Saud's confidence about the reliability of support from the United States, challenging their claim to Islamic leadership, and imparting a new vocabulary of resistance to Islamists across the region regardless of their sectarian hue." (Wehrey 2009, 13) Khomeini denounced the al-Saud regime as illegitimate puppets of the West and accused Saudi Arabia of propagating an anti-Quranic version of Islam.

The success of the revolution in Iran created severe unrest in Saudi Arabia's Eastern Province, an area heavily populated by Shi'as. As Saudi's National Guard attempted to suppress the riots, the state was plunged into crisis, which

the al-Saud regime blamed on Iran (Terrill 2011, 5). The Islamic Revolution that emanated from Iran therefore exacerbated geopolitical tensions between Saudi Arabia and Iran through the propagation of a revolutionary ideology that opposed the al-Saud monarchy as well as the imperialism of the West. This anti-monarchical and universalist pressure emanated by Khomeini established the grounds for the entrenched sectarianism prevalent in the region. In response to the Iranian Revolution, and faced with dwindling influence, Saudi Arabia found a foothold in the Soviet Union's invasion of Afghanistan in 1979. Riyadh saw this as an opportunity to reaffirm its Sunni legitimacy to both the international community, with support from the United States, and to the Saudis themselves (Wehrey 2009, 14). Saudi Arabia used the Soviet invasion to support the recruitment and training of jihadists in Afghanistan.

From 1980 to 1988, Saudi Arabia launched its first proxy war in Iraq. Tensions had been boiling between Iran and Iraq due to various territorial and political disputes. The Islamic Revolution had incited insurgency in Iraq's Shi'a majority. Iraqi President Saddam Hussein therefore wanted to reassert his country's sovereignty and seize control of Khuzestan, an oil-producing Iranian border region (Chubbin 2004, 5). Iraq, due to its geographic position between the rivals, has always been a central determinant of the power dynamics between Riyadh and Tehran, as "a weak Iraq can arguably be said to increase rivalry between Saudi Arabia and Iran, whereas a strong Iraq can stabilize or moderate the tensions" (Wehrey 2009, 16).

Thus, Saudi Arabia, aiming to hinder the spread of Iranian revolutionary ideas, used Iraq as a buffer against Tehran. Riyadh was heavily supported by the United States in terms of military aid and forces, which weakened Iranian influence in the region. The eight-year war, which resulted in approximately one million deaths, set the pattern of proxy warfare later commonly employed by the rivals. However, the Iran-Iraq war weakened the Iranian devotion to spreading its revolutionary ideas throughout the Middle East, and instead presented the country with a new mission: to topple the Saudi regime supported by the United States (Fisher 2016).

To Saudi dismay, Iraq invaded Kuwait in 1990, which had been an important ally to Riyadh. After the Iraqis were expelled from Kuwait by the United States, Saddam Hussein's regime became particularly sectarian, which allowed Iran to cultivate allies among Iraq's increasingly marginalized Shi'a population. Although Iraq remained relatively hostile to both powers until 2003, the US-led intervention spurred suspicion within the country. Distrustful of Saudi Arabian motives, and fearful that the US and Riyadh would attempt to assemble a new Iraqi government, Iraq saw a possible ally in Iran. Tehran quickly filled the postwar vacuum by utilizing its leverage with Shi'a groups to influence politics in Baghdad, and by supporting Iraqi Shi'a militias, who opposed the

US intervention. After a decade of diminishing influence, Iran was finally able to gain a foothold in Iraq. It became evident that Riyadh's attempt at containing Iran by exploiting sectarianism and attempting to back the region's Sunni majority had backfired.

As the Iraqi conflict escalated in the mid-2000s, another proxy war began in Lebanon. Lebanese political dynamics, characterized by entrenched state sectarianism, made it easily penetrable for Tehran and Riyadh and allowed them to influence domestic parties and militias. With this in mind, Saudi Arabia and Iran waged "a new kind of proxy struggle 'not on conventional military battlefields' [...] but 'within the domestic politics of weakened institutional structures'" (Fisher 2016).

In the midst of the 2011 Arab Spring and the consequent toppling of multiple Middle Eastern regimes, Riyadh quickly attempted to fill these vacuums, promising aid to countries such as Jordan, Yemen and Egypt. In nations such as Syria, Saudi Arabia funded Sunni rebels, with Iran later retaliating by sending Hezbollah to fight on behalf of the Syrian government. The conflict has since escalated after Iran reached nuclear deals with the US and the Saudi-backed president in Yemen was ousted by a rebel group with ties to Iran. Unfortunately, the Middle East's continuing trend of failing governments, continuing crises and proxy wars between Saudi Arabia and Iran will only further entrench sectarian tensions.

The Saudi-Iran Proxy War Hypothesis

Proxy wars occur when State A, the benefactor, encourages the population of State C to fight against State B. It is important to note that State B and/or C can be rebel groups or para-states, and State A is external to the existing conflict. Through indirect warfare, the benefactor supplies its ally with a combination of political, economic and military assistance. Because of the relatively low monetary costs and a lack of direct engagement, proxy wars are a compelling strategy for states looking to expand their regional power. This notion is central to the proxy war hypothesis, which maintains that interventions must be carried out with the intention of maximizing interest whilst minimizing risk.

Essential to the theory of proxy warfare is the presence of pre-existing tensions within the proxy state. Besides the international dimension of proxy warfare, there is an underlying domestic element to the conflict; the war deals first and foremost with local concerns. This allows those intervening by proxy to distance themselves from their actions. External powers operate with the intent to influence the outcome of the internal conflict at hand. Through means such as subversion, military training, and monetary aid, the benefactor can thus "keep aloof or pretend to keep aloof from the warfare" (Loveman 2002, 30). Therefore, unlike traditional warfare, proxy wars occur in an indirect way and allow the

benefactor to influence a country, group or region while suffering only minor consequences from its involvement.

The most common support a proxy receives from a benefactor is the supply of military equipment. By providing abundant resources and weaponry, the patron enhances the proxy's military capability, allowing for improved management of the conflict and reducing the likelihood that the benefactor will have to commit its own forces. By acting as a surrogate for direct intervention, "the proxy is an instrument of the principal state's foreign policy, and that aid gives the principal at least some influence over the proxy" (Loveman 2002, 32). Ultimately, what defines proxy warfare is the benefactor's detachment from the conflict.

Sectarianization Theory and the Saudi-Iranian Rivalry

Contextualizing the Saudi Arabian and Iranian rivalry solely as a product of a 7th century theological divide between Sunnis and Shi'as would not be accurate. However, the schism still plays an important factor in the quest for regional power. In effect, Saudi Arabia and Iran capitalize on the pre-existing sectarian differences within the region to foster ties with weaker countries and oppositional movements. This process of sectarianization allows for the manipulation and entrenchment of identity cleavages based on religious differences, in which the "state actors do not champion the cause of any one community but see political gain in the conflict between the competing identities" (Hashemi 2017, 5).

Central to the theory of sectarianization is the concept of political authoritarianism. Authoritarian governments, characterized by concentrated power in the hands of one leader or the elite, have long dominated the politics of the Middle East and have facilitated the process of sectarianization. By manipulating sectarian identities, anti-democratic regimes can divert demands for political change and maintain their influence. This is a critical factor in understanding the effects of sectarianization in the Middle East as a result of the Saudi-Iranian rivalry. In effect, "to paraphrase the famous Clausewitz aphorism about war as a continuation of politics by other means, sectarian conflict in the Middle East today is the perpetuation of political rule via identity mobilization" (Hashemi 2017, 3). Regimes first use sectarianization to expand their control and the sectarian divide later leads populations to support the regime belonging to their sect.

Sectarianization, shaped by class dynamics, weak state institutions and geopolitical rivalries, is a result of Saudi-Iranian proxy warfare. The increasing sectarianization of Middle East politics has increased the permeability and efficiency of proxy warfare due to the mobilization of people on the basis of sectarian differences. In order to gather regional influence, "local actors [...] seek out regional allies who can supply them with money, guns, ideological cover, and diplomatic support. They look for regional allies who share [...] their

own political and ideological positions, with whom they feel some kinship on ideological or identity grounds" (Gause 2014, 4). Sunni Saudi Arabia appeals to Sunni rebel groups or governments, whilst Shi'a Iran forges ties with those that support Shi'a rhetoric. Through proxy warfare, sectarianization enables the rivals to appeal and infiltrate opposition groups, which weakens state institutions and harvests regional hegemony.

According to Professor Frederic Pearson, there are three primary reasons for which a state may resort to proxy warfare: the protection of social groups, ideology, and regional power balances (1974, 262). As Hans Morgenthau explains, ideology "does not respect national boundaries [...]. It finds enemies and allies in all countries [...] regardless of the niceties of international law" (1967, 428). By funding religiously motivated proxy groups, Saudi Arabia and Iran can expand their respective influence without undergoing the costs of direct warfare. In order to increase their power in the region, rival regimes appeal to group identities competitively in order to preserve their alliances (Telhami 2002, 27). The religious identities of Sunni Saudi Arabia and Shi'a Iran provide them with the agency and legitimacy to expand their influence in proxies. Although the sectarian tensions and state weaknesses amongst proxies were not a product of the rivalry, the rivals certainly take advantage of these pre-existing divides. State weaknesses allow for the rivals to provide arms and economic aid to support sectarian-affiliated allies in states overcome by civil war and disorder. Syria and Yemen, two of the most identity-fragmented states in the region, are victims of the power struggle between Saudi Arabia and Iran.

The Case of Yemen

Yemen is of vital strategic value to both Saudi Arabia and Iran. Saudi Arabia's proximity to Yemen presents the kingdom with a border security threat, as the frontier is susceptible to infiltration by Al Qaeda in the Arabian Peninsula. A stable Yemen is thus indispensable for Saudi Arabia. Perhaps most threatening to Saudi stability, however, is growing Iranian influence throughout Yemen. An increase in Tehran's influence in Yemen consolidates power in favour of Iranian-supported opposition groups, in turn establishing Iranian power in the Gulf region. Yemen is therefore critical to Iran's foreign policy and domestic security, as Tehran will be able to assert military power in a region predominantly influenced by Saudi Arabia.

The modern Yemeni state was formed in 1990, with the unification of the Saudi-supported Yemen Arab Republic and the People's Democratic Republic of Yemen. The patrimonial rule of Ali Abdullah Saleh established the foundations for prospective state collapse. With a failure of unification and a weak central government, Saleh became the main target of oppositional movements directed by the Houthis, a minority group within the Shi'a community (Riedel 2017). The

2003 American invasion of Iraq deeply politicized and radicalized the movement, and the following decade was marked by armed conflict between the Houthis and Yemeni state. However, the rise of Sunni leader Abdrabbuh Mansour Hadi altered the course of events. Critical of the new government, the Houthis formed an alliance with former foe Saleh. After Saleh's assassination on December 4th, 2017, the Houthis continued to make military gains and consolidate power over the Yemeni capital, Sanaa (Sharp 2018, 1).

In 2015, Iranian support of the Houthis in Yemen sparked a Saudi-led intervention in the country. Known as Operation Decisive Storm, the Saudi response was marked as "a first step towards curbing Iranian expansion in the Arab world rather than a step towards protecting Yemen and its legitimacy" ("Operation" 2015). In fact, Iranian influence has increased in Yemen, primarily through artillery shipments to the Houthis. In accordance with the proxy warfare hypothesis, the Iranian provision of weaponry to Yemen has allowed the movement to gather increasing power within the state. Iran continues to sustain the Houthi movement "with an increasingly potent arsenal of anti-ship and ballistic missiles, deadly sea mines and even explosive boats that have attacked allied ships in the Red Sea or Saudi territory across Yemen's northern border" (Schmitt 2017). By using the pre-existing tensions in Yemen between the government and militia movements, Iran is able to permeate the country with much less difficulty. What results is the exacerbation of a local conflict as rebel groups strengthen and the central government weakens. This permits Iran to advance its influence across the Middle East and challenge Saudi Arabia in the context of a broader regional rivalry.

Iranian support of the Houthis has had dramatic consequences in Yemen, the region's poorest country. The Civil War, exacerbated by the Saudi-Iranian rivalry, has led to grave humanitarian grievances. The Houthi offensive and Saudi-led air campaign has led Yemen to the verge of absolute famine (Laub 2016). The coalition and resistance fighters, as well as the Houthi rebels backed by Iran, have targeted hospitals and schools, diminishing access to vital resources. Most adversely, air and sea blockades established by Saudi Arabia upon Yemen prevent the adequate distribution of imports that the country relies on for food and fuel. As a result, the number of Yemenis impacted by food insecurity has increased by 32.5% in the last seven years (Knights 2018). The rivalry between these nations has provoked further airstrikes and ground fighting, and has "also destroyed critical infrastructure, further hampering the distribution of aid" (Laub 2016).

Originally a domestic struggle for power between political and tribal factions, the conflict in Yemen has been sectarianized by the Saudi-Iranian rivalry. It is vital to understand sectarianization "as an instrument in a long-running regional contest between rival narratives of regime legitimacy" (Colgan 2016,

43). Tehran's support of the Houthis has increased Iran's influence over Yemen's Shi'a minority populations. In response, Saudi Arabia attempted to legitimise the Hadi regime by leading a coalition of mostly Sunni states, including Sudan, Kuwait, the United Arab Emirates, Qatar and Egypt.

Since the 2015 Saudi intervention, Tehran and Riyadh have used sharp sectarian rhetoric to divide the population. Currently, "sectarian slurs that were once the exclusive domain of extremist groups have become mainstreamed, and open appeals to sectarian solidarity have been expressed by prominent national voices," resulting in the emergence of deep cleavages within Yemeni society (Baron 2016). The increasingly sectarian divides have been exacerbated by the Saudi-led coalition, which consists primarily of Sunni states supporting the Sunni president. Meanwhile, Iran supports Shi'a militias such as Hezbollah ("Iran-backed Militias" 2016). Ultimately, the sectarianization of the Yemeni conflict underscores the importance of religion for alliance politics. By appealing to sectarian identities in Yemen, Saudi Arabia and Iran have respectively been able to influence politics within the state.

The Case of Syria

The Syrian Civil War, which began in 2011, has been a central battlefield in the Saudi-Iranian rivalry. As Tehran's only consistent ally since the 1979 Iranian Revolution, Syria is of central importance to Iran. Geographically speaking, Syria provides a direct route to the Lebanese Hezbollah, a prime Iranian ally. This means that Iran can more easily supply weapons to Hezbollah through Syria (Levitt 2013). Fearful of Iranian influence in Damascus, Saudi Arabia has advanced an anti-Assad stance and strengthened rebel groups. By fortifying ties with oppositionist militias, Saudi Arabia attempts to ensure that these rebel groups will gain control in the country once the Assad regime is toppled.

In addition to providing rebels with military equipment and financial aid, Saudi Arabia has offered "to boost the status and capabilities of the political opposition to Assad, and especially the National Coalition for Syrian Revolutionary and Opposition Forces" (Berti 2014, 28). Iran, on the other hand, backs the Assad regime through military support by sending military advisers from the Iranian Quds Force and soldiers from its Shi'a proxy units, namely Hezbollah and Iraqi militias (Boghani 2018).

To prevent the overthrow of the Assad regime, Tehran has supported the government through extensive military aid, including weapons, training and intelligence sharing. Iran has also deployed the Islamic Revolutionary Guard Corps to Syria. In fact, Iran provided the state with the resources to create Jaysh al-Shabi, a Syrian paramilitary group consisting of 50,000 soldiers. Iran's strategy in Syria does not rely "on conventional military hardware or control of territory [...] but on building ties with local forces who share its goals and benefit from

its financing and expertise” (Hubbard 2018).

As a benefactor in Syria, Iranian financial aid to Damascus has been critical for the sustenance of the Assad regime. In 2013, Iran provided Syria with a US\$1 billion credit facility agreement. Less than six months later, Iran provided Damascus with an additional \$3.6 billion to finance Syria’s purchase of petrol (Sadjadpour 2013). By supporting the Syrian regime directly in colossal monetary and military ways, Iran is undermining revolutionary movements and strengthening the Assad regime, which ensures Tehran’s own growing power and influence in the Middle East. In line with the proxy warfare hypothesis, Iran and Saudi Arabia use the weakening of state institutions—namely the dwindling Assad regime—and disaster brought by civil war in order to cement their respective influence and power in the Middle East. The conflict in Syria “has become ground zero in the war of position between [Iran and Saudi Arabia],” with both states heavily invested in the crisis (Hashemi 2017, 11). The side that prevails, through the Assad regime or the opposition groups, will grant a dramatic advantage in the quest for regional hegemony.

In the wake of the Arab Spring, peaceful protests focused on political reform intensified, and the Syrian conflict was tainted by sectarian hues. As state authority collapsed, “the regime came to rely more and more on its bedrock constituency, the Alawi minority, and other religious minorities fearful of change. In a mirror image, the opposition increasingly became characterized by Sunni sectarian appeals, and armed Sunni Islamist groups played an increasing role in the conflict” (Gause 2014, 10). Confronted by violence and war, civilians were incited to join groups based on sectarian identities. These groups, politically mobilized by the Saudi-Iran proxy war, searched for external allies who would readily support them in their domestic conflicts. These conflicts were becoming increasingly sectarian in nature, and groups would in turn look to co-religionists for this support, namely Saudi Arabia for Sunnis and Iran for Shi’as (Gause 2014, 10). Anti-Assad resistance, consisting of Sunni Salafist groups, proclaimed Salafi sympathies in order to gain support from Saudi Arabia and other Gulf states.

This growing sectarianization allowed Saudi Arabia and Iran to support militia rebels on the basis of religious identity. Iran supported the efforts of Hezbollah and created various alliances with Assad, Shi’a militias and Kurdish groups to expand its control over the Levant. As mentioned earlier, the Iranians support Assad through the envoy of Shi’a military advisers and militias to fight rebel groups in Syria, which prevents the overthrow of the Syrian regime (Boghani 2018). In Syria alone, Iran has over 25,000 Shiite militia fighters allowing them to grasp control over the region (“Iran-backed Militias” 2016). The militias largely control territory which was once under the authority of the Islamic State (IS). Although Saudi Arabia originally backed the Free Syrian Army and other rebel groups distanced from the Muslim Brotherhood, the

nation shifted some of its support for more sectarian Salafi opposition groups and supported the formation of the Islamic Front in 2013 (Gause 2014, 6).

Conclusion

Aggravated by the Arab Spring and decades of authoritarianism and instability, state weaknesses in Iraq, Yemen, and Syria presented Saudi Arabia and Iran with the opportunity to use proxy warfare. Split amongst a Shi’a-Sunni divide, the rivals capitalized on their respective identities to appeal to sectarian militia groups, which increased their power and influence. Accordingly, sectarian relations are employed as a weapon to mobilise Sunnis and Shi’as under the umbrella of Saudi or Iranian leadership, respectively. It is thus on the basis of a common identity that citizens and militias are more easily mobilized. Tehran and Riyadh understand the possibility for political gain with the conflict between Sunni and Shi’a identities. However, by using state resources and intense propaganda, the rivals further entrench sectarian cleavages, mobilising supporters based on religious identity markers, and, in turn, gathering regional influence. What results is sectarianization, which forms an increasingly divisive and polarised society.

The rivalry has had detrimental effects on Syria and Yemen. Primarily, the struggle for regional hegemony compels the rivals to continue their respective interventions in the Yemeni and Syrian civil wars. Saudi Arabian and Iranian influence in both countries signifies that any prospect of peace in Yemen or Syria is dependent on the foreign policies and relations between the rivals. Additionally, the use of sectarianization in the region entrenches pre-existing societal and cultural cleavages, leading to sectarian violence and the continuous weakening of state institutions. Ironically, though Saudi Arabia and Iran continue to intervene in both Yemen and Syria as a means to impede their respective influence, the use of proxy warfare has made both states less secure. As Riyadh and Tehran seek to increase their relative gains, the escalating tensions between the two regional nations threaten the balance of power. Both states increase their support of regional proxies to guard themselves against the perceived threat of the other, interfering in the internal affairs of surrogate states. As Iran’s influence across the Middle East increases, Saudi Arabia becomes more assertive in proxy conflicts.

In short, proxy warfare has ultimately fortified the sectarian rift in the region and has increased the chances of the rivalry escalating to confrontational war. The region must now address extensively entrenched ideological tensions, seemingly endless civil wars, and a geopolitical rivalry with little prospect for reconciliation.

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From the Bush to the Office: Explaining Renamo's Sustained Support Base During and After the Mozambique Civil War

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edited by Cassandra Moschella and Alicia Wilson

Cover art: two children play amongst ruins of 500-year old building on Mozambique Island. Photo by Bitá Rodríguez. Source: US Agency for International Development. <https://flic.kr/p/9Ev9ia>.

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Abstract

The Mozambique National Resistance (RENAMO) is commonly understood as a Cold War-era puppet terrorist group that was intent on destabilizing the nascent socialist government in Mozambique. Since Mozambique ended one-party rule in 1994, this organization continues to serve as the leading democratic opposition to the majority government of the Mozambique Liberation Front (FRELIMO). This paper argues that, contrary to common understanding, external actors had a limited role in RENAMO's development and success relative to often neglected internal factors. Through an examination of RENAMO's external support base, its evolution, and its recruitment patterns, as well as popular discontent with FRELIMO, this paper will explain the party's successful transition to democratic politics.

Introduction

The Mozambique National Resistance, commonly referred to as Renamo, has been one of the most brutal non-state actors of the twentieth century. It dragged Mozambique into a vicious civil war barely two years after the country gained independence in 1975. Renamo has widely been depicted as a tool of destruction wielded by foreign powers: a terrorist organization with no ideology, popular support, or political platform whatsoever, created with the goal of destabilizing the socialist Front for the Liberation of Mozambique (Frelimo) government. This narrative, however, fails to explain Renamo's sustained support base and its evolution into a functioning political party after the civil war. Professor Stathis Kalyvas, an expert on civil war, points out that most of the literature written during the conflict is biased because it relied on research conducted almost exclusively in pro-government areas, and argues that this has contributed to the construction of a simplistic image of the organization (2001, 109-110).

The portrayal of Renamo as a foreign tool created with the sole purpose of destabilizing the Frelimo government is inadequate; it must be understood how the group survived through democratic transition and continued to garner enough public support to remain Frelimo's main political opponent. Despite leading a campaign of terror, through looting, raping and indiscriminate violence against the Mozambican population, Renamo gained enough legitimacy to be

incorporated into the newly democratic political system at the end of the war.

This paper will argue that, although external powers played an important role in Renamo's creation and evolution, their overall influence was limited. Internal factors such as ideological and regional alienation by the Frelimo government mainly encouraged participation in Renamo. First, I will examine the evolution of external support, from Rhodesia to South African, followed by that of the United Nations after the civil war. I will then discuss how Frelimo's ideology and restructuring of the state apparatus created grievances among the northern and central populations of Mozambique. I will relate this to Renamo's recruitment strategies to show that, though recruits may have been forced to join, the economic and social benefits derived from membership made staying in the group worthwhile. Finally, I will address the difficulties Renamo faced as it transitioned towards democratic politics, specifically in building a cohesive political platform and finding alternative funding. I will also explore how RENAMO overcame these challenges to undergo an arguably successful democratic transition.

The Shifting Role of External Powers

External support has undoubtedly been a major element of Renamo's political survival. During most of the civil war, Renamo had distinct, and often conflicted, internal and external wings. The Rhodesian Central Intelligence Organization (CIO) initially sought to empower a rebel movement within Mozambique, in response to Frelimo's hostile foreign policies, which included supporting the Zimbabwe independence group, ZANLA, and closing the borders between the two countries. The CIO enabled a platform for "disgruntled Portuguese settlers" to express their discontent through the rebel radio station, *Voz da Africa Livre*, with the goal of recruiting more native Mozambicans into the movement (Vines 1991, 16).

Renamo found its leader in former Frelimo commander Andre Matsangaissa, who joined Renamo after escaping a re-education camp in 1977. Until the independence of Zimbabwe in 1980, Rhodesia financed the rebellion, paying for salaries, weapons, food, and clothing, so that Renamo was able to sustain operations despite Frelimo's counterinsurgency efforts (Weinstein 2007, 73).

South Africa had been opposed to providing Renamo with assistance under the Vorster presidency due to a period of 'détente' between the two countries. However, when P.W Botha assumed power in 1984, the South African regime shifted its foreign policy into a significantly more 'hawkish' direction as part of what is understood as the 'Total Onslaught' phase. This change in policy resulted in several proxy wars targeting the African National Congress and any country that supported them, including the Frelimo government in Mozambique (Vines 1991, 18). The Botha administration thus took over the role of financing Renamo

operations as a way of undermining an enemy state.

Despite being a vital means of their financial support, Renamo's external wings remained very disconnected from the internal organization in terms of on-the-ground operations. Renamo's external branch consisted mainly of right-wing groups in Europe and the United States that established a network of loosely linked foreign offices (Manning 1998, 177), which can be seen as part of a broader anti-communist effort. Later on, the external wing helped Renamo develop a political platform centered on democratization and the free market (Manning 2002, 162). However, when it came to influencing Renamo's decision making, their power remained limited. For instance, in 1984, the external wing was pushing for Renamo to recruit more acceptable leadership to the party, and favoured Domingos Arouca, a less brutal candidate, to replace Matsangaissa as the leader of the party (Manning 2002, 77). However, little regard was given to the external wing's demands, and succession to party leadership was settled violently; Afonso Dhlakama, one of the cofounders of the movement, was victorious.

When the Soviet Bloc collapsed in 1991, Frelimo, suffering from chronic economic crises, had to give up on its one-party socialist rule, and the war lost its ideological significance (Vines 1991, 11). Frelimo and Renamo signed a peace agreement in 1992, which effectively ended the war. Renamo consequently became incorporated into the new democratic political system as a legitimate party. After this, sponsoring Renamo's transition to democratic politics became a way of promoting peace and ensuring that Renamo would not return to violent means of conflict resolution (Manning 2002, 162). Indeed, Renamo threatened on several occasions to paralyze all peace negotiations if funding was not provided by their foreign supporters (Waterhouse and Lauriciano 1993). Hence, the United Nations created a trust fund; not only could Renamo bear the costs of a functional administration, but they financially assisted all parties participating in the Mozambican elections. In addition, several international donors, most significantly the Italian government, contributed to assisting Renamo financially (Vines 1991, 63). As Manning posits, the multiplicity of actors involved in supporting Renamo throughout and following the civil war shows that "there was no continuous, united force, no single 'mastermind' behind Renamo" (Manning 1998, 77). Therefore, the external actors, despite being necessary to the financial survival of the party, had a limited role in shaping its course.

Alienation under Frelimo's Rule

Some of the major internal factors that contributed to the creation of a rebel movement stem from Frelimo's beginnings and ideology. Frelimo came to power in 1975 after ten of years of fighting for independence against the Portuguese. According to Professor Jeremy Weinstein, "Renamo's rise came as a surprise to

many outside observers, since Frelimo was thought to be widely popular and working hard on national unity" (Weinstein 2007, 73).

However, at the leadership level, internal dissent had existed since the inception of the movement. As Vines emphasizes, Frelimo was formed when Eduardo Mondlane merged three political parties: MANU, UDENAMO and UNAMI. According to Mondlane, some members felt excluded from the leadership regionally and ethnically, and started to claim that Southerners were favored by Frelimo, while Makonde people in particular were exploited (Vines 1991, 11). Weinstein instead emphasizes the ideological factor, according to which many founders of the party disagreed with Frelimo's sharp socialist turn. The Frelimo leadership reacted to these disputes by expelling party members, which paved the way for the creation of rival nationalist parties. When Frelimo secured Mozambique's independence and assumed leadership of the country, they proceeded to ban all political opposition, and sent hundreds of oppositionists to re-education camps. This prompted defections from Frelimo into Renamo's top ranks (Vines 1991, 11). Therefore, at the elite level, internal disputes allowed Renamo to acquire and benefit from a highly knowledgeable leadership base, which helped consolidate their movement.

The Frelimo government also created new grievances within the population. First, regional tensions, which were a legacy of Portuguese colonialism, were seemingly exacerbated by Frelimo's tendency to place leaders in regions different from their own: in particular, placing leaders from the wealthier and better educated South in the Center and North of the country (Manning 1998, 171). Second, the population suffered from the "disastrous social and economic consequences of the combination of instant decolonization and transformative socioeconomic policy" (Manning 1998, 171). Frelimo completely restructured the country's economic, political and social structures along Marxist-Leninist lines, which tended to upset the traditional leaders of the colonial era, the *regulos* (Weinstein 2007, 3). The effects were especially felt in the countryside, which in part explains why rural populations were the main source of Renamo's recruitment, and how the civil war exacerbated the urban-rural dichotomy over the years. By 1986, Renamo was operating in every province of the country and controlled most of the rural areas, while Frelimo leadership secured the cities (Weinstein 2007, table 2.2). However, Carrie Manning, Professor of Political Science, underlines that these are merely enabling factors: they allow for a greater mobilizable constituency for groups opposing Frelimo, but do not fully explain why people would stay loyal to and participate in violent rebellion with Renamo.

Inadvertently, Frelimo's counterinsurgency methods also led to aggravated alienation, and created a larger mobilizable base for Renamo by propelling the conflict into a cycle of violence. In order to undermine Renamo's ability to recruit

peasants, Frelimo created communal villages, guarded by government troops, into which peasants were often taken by force. Peasants were allowed to cultivate land during the day, however they lived under curfew and constant surveillance of the military by night (Weinstein 2007, 7). This alone caused much discontent. Many peasants had to give up their property to go live in the communal villages, where sanitary and health conditions were often dire. Moreover, Renamo managed to raid the communal villages, which gave peasants the sense that Frelimo could not protect them, and pushed some to live in rebel-controlled areas despite the threat of Renamo raids and brutalities (Weinstein 2007, 7).

Furthermore, Renamo took advantage of the government's inexperience and initial weakness through guerilla warfare. Professor Andrew Mack argues that prolonged, low-intensity guerilla warfare is difficult to combat, even for highly developed nations (1983). Additionally, the goals of the two belligerents are different. In order for the rebels to succeed, they must survive and disrupt the functioning of the state. For the government, success cannot be anything less than eliminating the rebels (Mack, 1983). Because the Frelimo government had to spend considerable resources on combatting the rebels so shortly after the end of a long liberation struggle, they lacked the opportunity to devote those resources on providing proper state security services. Thus, the Mozambican population's first and only experience of Frelimo's rule was administrative failure, which led to widespread distrust towards the government. Ultimately, this worked in Renamo's favour. The reform led by Frelimo had disastrous consequences, not only because large parts of the population disagreed with the underlying ideology, but also because of the lack of resources.

Evolution of Renamo's Recruitment Strategies

I have argued that conditions under the new Frelimo government created a number of grievances. Among the elite, these grievances aided Renamo's growth, while among the masses, they allowed for further recruitment into the rebel movement. I will now look more closely at how Renamo's membership was created and maintained. In this respect, Manning's research conducted among Renamo personnel is particularly insightful in understanding recruitment patterns. She finds that most members of Renamo had not joined by choice, but had been abducted from villages during raids and forced to join the insurgency. This corresponds to the image that Renamo was an "army of captives" (Manning 1998, 172). However, remaining in the movement and actively participating in guerilla activities reveals a certain dimension of choice. Manning mainly underlines that the choices of Renamo forces were interest-driven. In particular, people stayed when there was an opportunity for socioeconomic advancement. In some cases, members of Renamo enjoyed living conditions and social liberties that were superior to those they had known previously (Manning 1998, 172).

Within what Kalyvas qualifies as the greed versus grievance debate, the choice to stay in Renamo is due the possibility of looting falls into the greed aspect. That is, a possibility for combatants to better their situation and gain rewards from taking part in guerilla warfare. However, we have also seen that there were real grievances which caused civilians to prefer life under rebel control rather than government control. Additionally, young rural males frustrated with economic stagnation could be attracted to Renamo by the prospect of overturning societal norms such as arranged marriage (a grievance), as well as the possibility of exerting more power in society (greed) (Geffrey and Odete 1991). Weinstein's distinction between high-commitment individuals — those who act as investors in the cause — and low-commitment recruits — those who follow suit for their benefit and can be likened to consumers — highlights the fact that individual motivations for joining vary within one movement; they can encompass factors of both greed and grievance, or may bypass the dichotomy altogether (Weinstein 2007, 7).

What is suggested, but never explicitly expressed throughout both Weinstein and Manning's accounts of the civil war is that the majority of the population was forced to choose between two undesirable and risk-filled lifestyles. Peasants risked being harmed by Renamo attacks whether they lived in government- or rebel-controlled areas. Elisabeth Jean Wood's argument about pleasure in agency provides relevant insight into this scenario (Wood 2001, 267-81). Wood argues that, since the risks of losing one's life were high in both cases, individuals could gain more agency by joining the ranks of Renamo to fight their grievances with Frelimo, instead of living under the threat of being killed by Renamo and accepting Frelimo's inadequacies.

War is a fluid and evolving process, and the actors, motives and conditions involved may change drastically over its course. It appears that, even if Renamo did not have much support among the Mozambican population in the beginning, the self-reinforcing cycles of violence forced numerous citizens into the ranks of Renamo and, at times, have offered them a chance at socio-economic betterment.

Democratizing Renamo

Once Renamo had been admitted into the realm of democratic politics, their practices had to evolve drastically. As it underwent its political transition, Renamo faced two main challenges: building a cohesive political platform and finding alternative means of financing their new administrative and political needs.

Renamo is not considered to have had any kind of political platform before 1985. Their outlook changed with the 1984 Nkomati accord of non-aggression between South Africa and Mozambique, which threatened to leave Renamo without financial support from South Africa (Manning 1998, 78). In addition,

it was around this time that Renamo leadership changed from Matsangaissa to Dhlakama, and headquarters were moved from Phalaborwa in South Africa to Gorongosa in Mozambique. Thereafter, their recruitment strategy evolved, and they started targeting a more educated public in order to fill political positions and to gain credibility. They tried to lose their reputation of being a foreign created, “loosely organized group of armed bandits bent on total destruction, [...] without political legitimacy or support of any kind” (Manning 1998, 105). Indeed, this depiction of Renamo was also a factor in the prolongation of the war, because Frelimo refused to negotiate with a group it deemed illegitimate.

As part of the need to find qualified rank-and-file members for the party's administration, Renamo recruited a number of high school and university professors and students under the promise of foreign scholarships. This allowed them to establish a secret educated membership within cities. Despite these efforts, Renamo lacked an experienced membership to fill the new positions created by the peace commissions (Manning 1998, 105).

Renamo never mobilized around one strong, cohesive ideology. Other guerilla movements, such as the second Chimurenga guerilla movement in former Rhodesia, made a point of educating their soldiers about the cause they were fighting for (Lyons 1999); the only shared ideology within Renamo was its strict opposition to Frelimo. Manning's research illustrates the ideological disconnect that existed between the elite and the rank-and-file within Renamo.

While the leadership claimed to represent the newly defined ideology of the party with the help of appointed political commissars, most members of the group were taught only a very basic conception of the movement's purpose. In an interview, a Renamo battalion commander told Manning “there was no lack of politics, otherwise the soldiers would run away” (Manning 2002, 178). However, when asked what these politics were, he merely pointed to factors such as the impossibility of running away, and that everyone was promised employment and money once the war was won (Manning 2002, 178). This interview suggests that Renamo indeed had a very limited political platform. Further, the shortage of shared incentives based on ideology or group identity meant that Renamo members were mostly drawn in by promises of financial gains. This, in turn, explains the leadership's urgent desire for financial aid after reconciliation, as money was integral in creating and maintaining loyalty among party members.

Renamo's leader, Afonso Dhlakama, stressed the issue of finding alternate means of subsistence for the party: “This transition is a hard task because the means we need have changed. During the war we could attack an enemy position and capture enough material. In this work of transition things have changed; we need offices, fax machines, financing. And the means we have are not sufficient” (Waterhouse and Lauriciano, 1993). According to Manning, this remained a struggle, as resources were scarce, and senior members often failed

to redistribute them adequately (1998, 114). Instead, they acted in their own interests rather than towards the goal of consolidating the party's support base. The financial constraints on the party and their inability to remunerate former soldiers as promised proved challenging to the successful demobilization of troops and reintegration of war veterans into society. As explained by Professor Jessica Schafer, there were concerns that, even after demobilization, veterans who had been dissocialized in Renamo ranks would continue to resort to banditry and crime as a means of livelihood (Schafer 2007, 96). It turned out that so many soldiers were in favor of demobilization that there were not enough soldiers left to form the state's new army (Vines 1991, 121).

Renamo's transition to democratic politics can be seen as mostly successful, largely due to the financial support created by the UN trust fund and other international donors. Renamo's external wing also had a role to play in helping the party develop a political platform centered on democratization and the free market, even if these efforts had limited results (Manning 2002, 162). The continued political support for Renamo after democratization can also partly be explained by changing public perceptions of the party. As it transitioned and changed its image to a formal and legitimate party, citizens began to realize that affiliating with Renamo was no longer a source of contention and in turn, political participation increased. (Vines 1991, 121). Indeed, the funding allowed them to partake in elections, and while the party has never won a majority in government, they remain the primary opposition (Harrison 1995; Freedom House 2018).

Conclusion

Renamo's political survival throughout the civil war and after the democratization process was in part due to foreign financial support. Despite this, external support was not a definitive factor in the party's development. The party did grow in numbers and strength because of its brutal recruitment strategies; however, sustained support for Renamo could not have been possible without pre-existing grievances from the population with the Frelimo government. Fighters may have remained loyal to Renamo because of individual material incentives, or because of the possibility of acting on their grievances against Frelimo rather than being a victim of Frelimo's policies. Ultimately, Renamo has struggled to build a political platform and a credible administration, but it did make attempts by shifting its recruitment targets to a pool of more educated citizens. The case of Mozambique's post-civil war democratization is one of the most successful in Sub-Saharan Africa. Analyzing Renamo's support base helps us untangle the perplexing realities of participation in mass violence, thus expanding our understanding of the endemic problems of civil war.

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Fishery Depletion and the Militarization of the South China Sea

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Cover art: China's navy ("Liaoning" ship) in South China Sea in April 2018.
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Abstract

Fishery depletion is a driving force in the militarization of the South China Sea. Using Garrett Hardin's theory "the tragedy of the commons" as an analytical lens, this paper explores the relationship between the lack of legitimate territory designations and the illegal overexploitation of wild fish stocks. It argues that China, as the regional hegemon, has triggered conflicts by pursuing an agenda of maritime territorial expansionism. Some Southeast Asian countries, affected by these resource-driven incursions, defend their exclusive economic zones through military buildup. Therefore, the rising violence and decreasing availability of fish force some non-commercial fishermen to pursue piracy as an alternate form of income. The findings of this paper suggest that increased militarism of the South China Sea has not only predominantly affected the lives of non-commercial fishermen but also negatively impacted the regional environmental health. In the future, without multilateral resource management, this militarization will only worsen.

Introduction

In the last eight years, the South China Sea has exploded with incidents of violent clashes between fishermen and coast guards, resulting in the deaths of hundreds of civilians (Boston Global Forum 2015, 14). Simultaneously, over the course of the last two decades fish catch rates have diminished between 66 to 75%, placing millions of people in precarious economic conditions (South China Sea Working Group 2017). How have reduced fish stocks affected geopolitical relationships between coastal Southeast Asian nations competing for natural resources? First, I will draw upon literature on the driving causes of interstate conflict, arguing that shared resources create added pressure on closely situated states grappling with territorial disputes. Next, I situate the nature and importance of fisheries in the South China Sea and the anthropogenic threats to their existence. Subsequently, I will examine Chinese naval expansionism and its impact on neighbouring nations as an example of conflict induced by fish stock depletion on the interstate level. I will then analyze the role of fishery collapse in piracy on the South China Sea, as an example of resource-driven conflict on the subnational level. Finally, I will address the socioeconomic, environmental and security implications of increased militarism in the South China Sea. This essay will identify

the importance of fish stock depletion, by exploring how militarization of the South China Sea threatens interstate and subnational relationships within systems of ambiguous control.

Collective Action and Unresolved Territorial Disputes

In geopolitical regions with unresolved territorial disputes, the issue of resource management poses a crucial collective action problem with the power to exacerbate existing fragilities in the system. Substantial work has been done on the link between territorial disputes and interstate conflict. Scholars such as Paul Hansel and John Vasquez argue that geographical proximity gives nations incentive to engage in conflict, and the significance of border sovereignty in the global system forces target states to respond, despite potential risks (Carter 2010, 969-987). This claim is backed up by Vasquez's research findings that between 1648 and 1990, approximately 79% of wars were fought over territory disputes (Carter 2010, 969-987). Close proximity between states is further complicated when they share a common pool of resources, as understood through Garrett Hardin's collective action theory known as 'the tragedy of the commons.' Within this framework, misuse of natural resources occurs when rational actors participating in a system of shared reserves prioritize their own utility instead of considering what is beneficial for the collective, leading to the inevitable degradation of the common resource (Hardin 1968, 162). As Hardin argues, "freedom in a commons brings ruin to all." (1968, 162) By placing literature on territorial disputes in dialogue with Hardin's "tragedy of the commons", I argue that states with unresolved territorial disputes are simultaneously more likely to engage in violent conflict and degrade the common resources under their stewardship. In the South China Sea, ambiguous control of territory—and, by proxy, the resources within these territories—has forced states to respond with growing urgency to secure through military buildup what they perceive as their legitimate resources.

Employing Hardin's theory, legitimate ownership designations increase in importance as resources dwindle; the South China Sea has long been an area of complex overlapping zones of control. The South China Sea is an important strategic passageway between the Indian and Pacific Oceans, surrounded by the borders of six sovereign states: China, Vietnam, Malaysia, Brunei, Indonesia, and the Philippines, each of which seek to protect their sovereignty and exclusive economic zones (EEZ) (Rosenberg 2009a, 49-50). Under the United Nations Convention of the Law of the Sea (UNCLOS), each state has exclusive economic rights to up to 200 nautical miles from their shorelines, as well as 350 nautical miles of continental shelving (Boston Global Forum 2015, 3). Nevertheless, China has historically claimed the rights of 90% of the sea through their infamous "nine-dash line" which cuts into the EEZ of

other states, on the proclaimed basis of traditional fishing grounds (Lopez 2016). To further complicate matters, in the Paracel Islands, Macclesfield Bank, Scarborough Shoal, and the Spratly Islands, sovereignty has been declared by two or more states in the region (Boston Global Forum 2015, 1). In July of 2016, the Permanent Court of Arbitration ruled that, under UNCLOS, China had no viable claim to the area within the “nine-dash line” and that by failing to recognize other exclusive economic zones, it was infringing on the sovereignty of neighbouring nations (Montgomery 2016). China has rejected this ruling, stating “[it] will neither acknowledge it nor accept it”, thus leaving the territory rights of the sea unclear (Schofield 2016, 7).

In addition to the territory of the South China Sea, the valuable resources within the regional ecosystem are also highly contested. Though the exact amount of hydrocarbon within the South China Sea is disputed, the prospect of oil and gas reserves within the region is profitable enough to raise tensions between states (Storey and Lin 2016, 3). The most well-known valuable resources within the South China Sea are wild fish stocks — an extremely difficult natural resource to assign ownership to. Unlike a plot of land or a body of water, determining the legitimate rights to fish is near impossible due to the migratory nature of most of the stocks. Many species within this common pool have migration patterns so vast that no single country could possibly work to manage the stocks alone (Rosenberg 2009b, 67). Unilateral conservation of South China Sea fisheries has trickle-down effects for policymakers attempting to set sustainable catch standards. Independent groups seeking to certify specific stocks as sustainable, such as the Marine Stewardship Council, are unable to do so when self-reported numbers from states mask declines (Rosenberg 2009b, 76). The combination of unresolved sovereignty issues and ambiguous control of resources makes the South China Sea a hotbed for geopolitical conflict.

The State of Fish Stocks in the South China Sea

The fisheries of the South China Sea are crucial to the global economy and regional livelihoods of millions of people, and they are currently at risk of an anthropogenic collapse. The fish industry is a global economic powerhouse which supports the livelihoods of 1.5 billion people, 97% of whom reside in developing countries (Thomas 2017, 81). At 3 million square kilometers, the South China Sea is relatively small compared to other economically and politically important bodies of water. Despite its size, 55% of the world's fishing ships work in the South China Sea and in 2012 it provided 2% of the world's catch (Schofield 2016, 2). For people living in the area, the fishing industry provides employment, security, and an affordable source of protein, leaving millions at risk of malnutrition if stocks decline (Storey and Lin 2016, 3).

Overexploitation of fisheries has increased tremendously with the growth

of coastal urban communities. Increased traffic and use of post-1970s bottom trawling methods in combination with land pollution from developing cities have caused fish stocks to decline by 70-95% since the 1950s (Rosenberg 2009b, 2; Schofield, Sumaila and Cheung 2016, 2). The coral reefs located in the South China Sea have been in decline at a rate of 16% per decade, which could have devastating effects on the fish stocks (Schofield, Sumaila, and Cheung 2016, 2). This rapid coral decline is in part due to the direct destruction of reefs through giant clam poaching and the building of artificial islands—two activities the Court of Arbitration accused China of authorizing in a July 2016 case (Montgomery 2016). Fish larvae are spread through currents that travel between reefs; the health of the South China Sea reefs is crucially interconnected. If one reef collapses, the chances that the larvae will survive decreases substantially, disrupting the cycle of repopulation and threatening the stability of overall fish stocks (Bale 2016).

The collapse of fish stocks in the South China Sea poses serious security and economic concerns. Knock-on effects of climate change such as warming temperatures of the ocean and reduced reef size affect the migratory patterns of fish, causing them to diverge from their normal habits and skew into new territories (Thomas 2017, 55). Because of reduced availability of fish and changes to their migratory patterns, fishermen are forced to fish outside of their assigned sovereign limits, moving into zones of dispute if they hope to sustain a living (Bale 2016). Losses attributed to illegal fishing practices are estimated to be around \$25 billion annually, and will only increase as the population of Southeast Asia grows in numbers and affluence (Lopez 2016). In order to accurately monitor stocks, UNCLOS legally obligates states with overlapping zones to manage the environment together (Rosenberg 2009b, 70). However, due to intentional misreporting and disagreements over territorial zones of control, multilateral management has failed, and illegal overfishing remains rampant (South China Sea Working Group 2017). Fish depletion serves as a crucial threat multiplier and potentially destabilizing force in an already tense area of control.

Interstate Conflict: Chinese Expansionism

China's incursion into other sovereign zones in the South China Sea has not been driven by sustenance-related motivations. However, the increasing urgency of depleted fish stocks has escalated the conflict from a matter of diplomacy into an armed fight on all sides. In the last decade, the Chinese government expanded its fishing fleet into a 200,000 vessel-strong cohort in an effort to establish regional hegemony (South China Sea Working Group 2017). These aspirations are recognized internationally, as demonstrated by the commander of the United States Indo-Pacific Command, Adm. Philip S. Davidson, who stated in March 2018 that “China is now capable of controlling the South China

Sea in all scenarios short of war with the United States.” (Myers 2018) These commerce ships act as a covert maritime militia to protect the Navy in future warfare, while also serving as proxies for territorial control (Kraska and Monti 2015, 450). In exchange for their commitment, fishermen receive military training, state subsidies for equipment and fuel, and coast guard protection while at sea (Krsaka and Monti 2015, 452).

The program is rooted in both economic and nationalist needs. China is already the largest consumer of fish globally, with per capita consumption averaging at 80 pounds per year – double the global average (Denver 2016). With a growing population and increasing wealth, the Chinese government needs to secure as many food resources as possible to sustain its country, including its billion-dollar fishing industry. For local fishermen, commercial fishing has depleted the stocks within China’s exclusive economic zone, forcing them to travel up to 500 kilometers away from China in order to find sources of fish—sometimes flying another nation’s flag in order to avoid detection (Lopez 2016). State subsidies, training, and protection allow them to safely secure their livelihoods. However, this sea-bound expansion isn’t just an economic move on the part of the Chinese government. The maritime militia is an extension of the “people’s war” philosophy, in which the lines between civilian and military sectors are blurred in order to link the cause of the individual to the state (Kraska and Monti 2015, 455). When asked about government involvement in the fishing industry, one Chinese fisherman expressed gratitude for protection in contested zones, while also describing his job as a means to complete his patriotic duty, saying “it is our water, but if we don’t fish there how will we claim it is our territory?” (Denver 2016)

China’s attempts to extend regional control have not gone unnoticed by neighbouring countries affected by the growing presence of Chinese vessels. The smaller nations of the South China Sea have been actively fighting back against China’s territorial expansionism, in part due to resource anxiety. The presence of Chinese fishing boats accompanied by the coast guard puts added pressure on fisheries already nearing collapse, driving out smaller fisherman with legal rights to the waters. China’s lack of adherence to the Court of Arbitration’s July 2016 ruling has boosted the rest of the coastal states to match Chinese military might with their own armed resistance (Schofield, Sumaila, and Cheung 2016, 2). Vietnam, Malaysia, the Philippines, and Indonesia have begun using their navies in order to stop foreign ships from infiltrating their EEZs, and, in some cases, using explosives to destroy any foreign ships approaching their territory (Thomas 2015, 55). The Philippines is adding 100 new patrol vessels to their current fleet of twenty in an effort to stop foreign ships from trespassing in their zones of control, with a particular emphasis on protecting breeding zones (Lopez 2016).

Tensions have escalated beyond the symbolic action of military buildup. In recent years, animosity has manifested in the rise of violent maritime attacks. Armed naval conflicts have long been a staple of the South China Sea. However, since the turn of the century, the frequency of violent conflicts has escalated to the point that use of force is considered routine (Boston Global Forum 2015, 14). Incidents have ranged from aggressive ramming of vessels to full on shoot-outs. In one notable 2012 case, a dispute between the Philippines Navy and a group of Chinese vessels illegally fishing in the contested Scarborough Shoal are resulted in a ten-week standoff (Bale 2016). The environmental pressure of fishery collapse has pushed coastal states of the South China Sea to resort to increased militarism in order to preserve their food security and national security.

Subnational Conflict: Piracy in the South China Sea

The steady decline of fish stocks in the South China Sea has created a substantial conflict dynamic in the form of piracy. Piracy can be understood as one symptom of a system with serious socio-economic and geopolitical concerns, reflecting the breakdown of territorial control, poverty, corruption and cooperation issues between nations (Liss 2014, 2). In a 2015 study on global piracy rates, the West Indian Ocean was identified as having sixteen total reported incidents with 306 seafarers having experienced attacks. In comparison, in the same year Southeast Asia had 200 reported piracy attacks involving a total of 3574 seafarers (Dussey and Noakes 2015, 6). While these statistics reflect the difference in sheer volume of vessels traveling these two bodies of water, they also indicate that piracy remains a persistent problem in the South China Sea. Of the various forms of piracy, the most popular technique in the South China Sea is hijacking—a practice in which the crew is overpowered by pirates and cargo is stolen (Ong-Webb 2015, 2-4). Politically and ideologically-driven attacks have been infrequent in the South China Sea, indicating that the culprits are driven by a primarily economic need (Rosenberg 2009a, 49-50). The manipulation of lax sea laws to facilitate piracy has resulted in millions of dollars of cargo stolen, thousands of murders, and the perpetration of other crimes through the use of “phantom ships”, making piracy a regional problem with serious global implications (Ong-Webb 2015, 48).

Fishery depletion has been a key factor driving low-income fisherman to piracy. Subsistence fishermen who rely on their catch to feed their families and make a living have had their livelihoods threatened by diminishing stocks. In the Philippines alone, ten out of the thirteen designated fishing zones have been overfished to the point of collapse, with daily catches falling from approximately twenty kilograms per day in 1970 to 4.76 kilograms daily in 2016 (Lopez 2016). Small hauls combined with the growing armed threat at sea in the form of

militarized Chinese fishing vessels has driven impoverished fishermen to pursue alternative sources of income in order to survive. Of the various options for non-traditional employment, piracy is a logical choice for former fishermen. Most already possess the resources and skills necessary to succeed at sea: local territorial knowledge, naval skills, and equipment (Liss 2014, 48).

Historically, when non-commercial fishermen are pushed from their traditional lines of work, instances of piracy increase. There was a significant upsurge in pirate attacks in the years following the 1997 financial crisis in Asia when unemployment levels peaked and impoverished fishermen sought alternative sources of income equipment (Liss 2014, 1). Since the late 2000s, the South China Sea has experienced another upward trend in pirate activity. These attacks are similar to those of the 1990s, characterized by indiscriminate looting of merchant ships regardless of type or national affiliation, with the exception of massive commercial vessels equipment (Liss 2014, 4). Essentially, piracy increased when fishermen's livelihoods were at stake, be it from the financial crisis or dying fisheries. The indiscriminate nature of piracy is crucial to understanding the factors which drive people into this form of subnational insurgency. The actions of maritime terrorists depend upon the notion that sovereignty is irrelevant and in the territorially contentious zone of the South China Sea, weak sovereignty is a wealth to be exploited (Ong-Webb 2015, 42).

Complications of Increased Militarism

Increased militarism linked to fishery depletion has created a series of socioeconomic, environmental, and security issues which threaten the stability of Southeast Asia. The effects of resource scarcity and militarization on daily life have disproportionately affected poor locals. Those most affected are small, non-commercial fishermen who are forced to reconcile with the increasing threats to their illegal designated stocks, while wielding attacks from state patrollers *and* pirates. Typically, fishermen will board their vessels for months on end, making raids on their ships not only an attack on their workplaces but on their homes (Liss 2014, 1). Moreover, increased clashes have led to the collapse of another sector crucial to the livelihoods of locals to the SCS: tourism. Sparked by concerns about piracy and violence, some governments have issued advisories against traveling to areas bordering the South China Sea, such as the government of the United Kingdom warning citizens to avoid the Southern Sulu islands of the Philippines (Liss 2014, 1; United Kingdom 2018). These warnings spread fear amongst potential visitors and make it difficult for locals to find foreign investors for their businesses (Liss 2014, 21).

The rise of armed conflict has had a series of residual environmental effects, which only intensify the foundational problem of depleted resources. More boat traffic not only increases the risk of political clashes, it also creates more pollution; the more tankers in the South China Sea, the more waste is being

discarded into the ocean (Singh 2016). Additionally, by limiting the ability of fishermen to hunt in their established patterns, commercial fisheries and Chinese maritime militias have forced subsistence fishermen to use creative means in order to survive. For example, some fishermen have turned to methods such as "blast fishing", in which homemade bombs are set off underwater to kill mass amounts of fish at a distance (Bale 2016). Others have turned to "cyanide fishing", a practice wherein fishermen squirt their catch with poison in order to stun them. Some fishermen have abandoned the sea completely and have instead taken to burning down coastal jungles in an attempt to forge rice fields, with little success (Jacobs 2017). Each of these tactics cause more damage to the environment than line or net fishing. However, they have become necessary means of survival in the absence of traditional options.

The more militarized a region becomes, the less likely a multilateral solution is possible and without multilateral resource management fishery depletion will only intensify. Without the resolution of the crucial issue of ambiguous territorial control, no further progress can be made in the realm of resource conservation. The importance of a clear cooperation agreement extends to the issue of violence reduction. With the exception of surface level information sharing, there have been no meaningful anti-piracy agreements between Southeast Asian countries affected by pirate activity. Most importantly, there have been no anti-piracy efforts addressing the baseline factors that force people into piracy: poverty, overfishing, and lack of employment opportunities outside of the fishing industry (Liss 2014, 11). With the exception of China, all countries involved in territory disputes have expressed or implied a willingness to meet in order to solve the conflicts associated with UNCLOS (Boston Global Forum 2015, 14). However, without the support of China—the biggest fish producer and consumer in the world—stabilizing the fisheries and by extension the regional politics is impossible.

Conclusion

In systems with contested territorial control, resource management is a crucial collective action problem, which can create added conflict if not managed carefully. In the case of Southeast Asia, the collapsing fishing industry has exacerbated disagreements over territorial rights because, in order to protect their proportion of the common good, countries are forced to deal with the regional hegemon by increasing military buildup. Furthermore, depleted resources have driven subnational actors to seek alternative sources of income through piracy, contributing to the militarization of the South China Sea. This regional militarization has disproportionately affected the lives of poor locals, created more environmental degradation, and inhibited the possibility of a multilateral resolution. As it stands, the six coastal nations of the South China Sea must work together to overcome the tragedy of the commons, in order to

preserve that which sustains them.

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Conditional Love and Canada's Care Regime

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Abstract

Following a shift in gendered norms during the latter half of the 20th century, domestic work, and the Canadian Care Regime more generally, has become a sector dominated by migrant women. As migrants, these women lack basic protections by either state involved, making them one of the most vulnerable populations even in developed countries, such as Canada. This paper addresses this precarious reality by undertaking a critical discussion of Canadian public policy. Through a historical lens, it will show how laws and social practices enforced by the state have institutionalized gendered and racial discourses that assign statuses of inferiority to particular groups, specifically that of migrant women. In examining government documents, newspapers, and immigrant novels to outline the evolution of care work in Canada, the paper will demonstrate how the Canadian state, through its political, social and economic practices, continues to reproduce the subservient and exclusionary position of migrant domestic workers for its own benefit.

Introduction

Lady Tremaine: ...Now let me see... There's the large carpet in the main hall; clean it! And the windows, upstairs and down; wash them! Oh yes, and the tapestries and the draperies—

Cinderella: But I just finished—

Lady Tremaine: Do them again! And don't forget the garden. Then scrub the terrace, sweep the halls and the stairs, clean the chimneys. And of course there's the mending and the sewing and the laundry... Oh yes, and one more thing. See that Lucifer gets his bath. (Cinderella, 1950).

Always working, that Cinderella. Many are familiar with the classic story of the unjustly oppressed woman, forcibly subordinated to a life of house work, yet few recognize her struggle as anything more than a distant fairy tale. For countless contemporary migrant women who toil in domestic work, however, *Cinderella* serves as a cruel reminder of their everyday reality.

Since the late nineteenth century, local demand for care work in the Canadian labour market has consistently surpassed its supply due a lack of domestic interest (Bakan & Stasiulis 1997; Barber 1986, 55-75; Frances, Kealey, & Sangster 1996, 54-89; Lenskyj 1981, 3-11; Sager 2007, 509-37; Scheinberg 2001, 336-42; Ursel 1992). Few Canadian-born women entered into this traditionally feminine market for the same reasons that women today avoid it: low pay, long hours,

isolation, and vulnerability to exploitation and abuse (Lenskyj 1981, 3-11). Unlike the paid public domain, which is governed by rules and practices subject to state legislation, the unpaid private or “domestic” sphere has always been, in both law and custom, sacred ground that the state could not touch (Brodie 2000, 29). The liberalizing effects of neoliberal policies at the global level have only exacerbated these conditions.

This issue has taken on considerable notoriety in recent years, as the traditional male breadwinner model diminishes in developed states. Consequently, the onus of care work has been shifted onto women from the Global South seeking better opportunities away from home (Trappe, Pollmann-Schult, & Schmitt 2015, 230). While many perceive this as a simple exchange within the economics of global migration, this narrow perspective overlooks the implicit and institutionalized racial ideologies and gendered discourses upon which this system depends. Within the global care regime, these migrant women occupy a precarious position where their labour is simultaneously perceived as necessary yet trivial. Such a position ultimately leaves these already vulnerable women exposed to prejudicial policies and programs, primarily in the form of immigration laws and employment regulations, that perpetuate their marginalized status. The most notable consequence of these policies is the imbalanced relationship between employer and caregiver, which often mirrors that of the traditional master-slave relationship. While immigration laws and employment regulations are not responsible for this dynamic alone, these policies institutionalize and thus reproduce the subservient and exclusionary standing of migrant domestic workers in Canada and the rest of the world.

This review aims to investigate this reality and the broader relationship between racial discourse, gender, power, and institutional practice through the examination of government documents, newspapers, and immigrant novels in Canada from confederation up to the late twentieth century. These varied mediums display how a state and its population may preserve the problematic framework of the international care work regime to the detriment of hopeful migrants from the Global South. In examining the changing rights and privileges of migrant domestic workers in Canada's care regime, the development of domestic work in public policy and human rights is understood as an expression of the cultural abstractions of those who control the power to categorically classify populations by ethno-racial and gendered boundaries. In creating these restrictive policies, states contribute to the cognitive and social realities faced by migrant workers. Statutes that constitute contemporary care work highlight the global economy's reliance on a division of reproductive labour, wherein global care chains in states like Canada exploit the care of intersectional women. The transnational process of domestic work reveals various axes of inequality, such as ethnicity, class, and nationality on a global scale.

The “British” Domestic and the “Non-Preferred”

Due to persistent shortages of local domestic workers, Canadian housewives in the early twentieth century increasingly turned to immigration (Barber 1986, 55). Upper-middle class women, who have generally demonstrated the greatest demand for domestic workers, long desired “respectable” British women from rural areas to take up jobs as child care workers, cooks, housekeepers, launderers, maids, and cleaning women (Sager 2007, 510). In the early twentieth century, the term “British” was used in Canada to encompass immigrants from Scotland, England, Northern Ireland, and Wales (Barber 1986, 55). The strong preference for young, white British women stemmed from an affinity for bringing “familiar strangers” — employees who shared the same ethnonoreligious identity of their employers — into the household (Sager 2007, 527).

While classic economic push-and-pull factors from both states served as one of the primary motives of this migration, British emigrants also received institutional assistance in the form of agency support, passage loans, and guaranteed employment placements. This support aided in emigration efforts even if a migrant knew no one in Canada (Barber 1986, 56). Unsurprisingly, a major prerequisite for this assistance was a contractual obligation to domestic service for a period of six to twelve months and a repayment of any transport loans (Macklin 1992, 688). Still, many chose to immigrate as domestics, assuming that they could better themselves in Canada, whether they planned on settling permanently or hoped to return to Britain after accumulating sufficient savings (Barber 1986, 58-59). Upon arrival, however, most found the conditions too difficult. British domestics had little-to-no time off, lacked the social connections or financial capability to leave their employer’s home, and struggled to adapt to the difference between ‘Canadian ways’ and the British character (Barber 1986, 60). Over time, the supply of British migrants willing to labour in care work diminished.

The diminishing supply of British care workers occurred in conjunction with the exigent nature of the First and the Second World Wars, as women were mobilized in high numbers to fill the demand for wartime labour on the home front (Morin 1945, 7-10). These developments permanently reshaped the domestic market’s ability to meet the demands of care work. The expansion of their roles during both world wars provided some women with a growing presence in the public sphere. Following this period, women’s labour-force participation in service and white-collar labour remained a permanent fixture, despite state efforts to encourage women to leave the workforce (Morin 1945, 7-10; Sangster 2010, 254; see Appendix A). In this same period, the supply of care workers declined sharply due to the changing economic and social structures of post-war reconstruction that allowed women more mobility and choice within the labour force (Brodie 2000, 10; Sager 2007, 510). The majority of women who

entered into domestic service did so out of necessity; those who could preferred to work in offices, factories or shops so long as wages were comparable (Morin 1945, 15-16; Sager 2007, 510). This shift compelled the state to assume a more aggressive role in the recruitment of domestic workers. With a shrinking pool of ‘respectable’ British women, the government extended its recruitment efforts to a pool of ‘non-preferred’ persons, such as Eastern Europeans from Poland, Romania, the Soviet Union, and Hungary (Macklin 1992, 688; Sager 2007, 510). Despite notions of preferability, recruitment was not limited to these countries, as domestics possessed an unconditional right to reside in Canada under the legal status of landed immigrants. Facing similar conditions as their Western European counterparts, migration from these groups inevitably waned.

Prior to 1914, the blame for this decline in white, preferred workers was partly placed on male Chinese labourers, as the Royal Commission on Chinese and Japanese Immigration concluded that “as long as you have Chinese for unskilled labour you cannot expect to have white girls for domestics (Clute 1902, 267).” The Commission argued that if Chinese immigrants had not directly displaced unskilled, white labourers, the Canadian working class would marry and produce white daughters who would take up domestic work to assist in their family’s income. This Royal Commission suggested providing avenues of work to white labourers by prohibiting Chinese labourers from working in factories and mills. Despite this, the commissioners also recognized that Chinese ‘domestic servants’ were indispensable in providing domestic services to carry on “the industry of living,” allowing a larger number of white people to enter better paid classes of work in British Columbia. (Clute 1902, 303). All this serves to display that hiring non-white domestics to address labour deficits was a last-ditch endeavour that simultaneously exhibited discriminatory discourses by placing blame on working immigrants for local economic issues all while acknowledging the importance of working immigrants. If given the choice, Canadian families would gladly hire white women from the working class to perform care work over any other group. The lack of willing white domestic workers is caused not by the industry’s underappreciated value in the labour market but rather because of the mythical job-stealing immigrant, whose presence makes it difficult for lower-class white labourers to have daughters who could potentially take up care work. Nonetheless, the progression of women’s rights and the dwindling local supply of domestics pressured Canada to broaden its recruitment horizons.

Legally & Socially Invisible

As previously noted, the exponentially rising participation of Canadian women in the public sphere during the post-war period stoked the growing demand for caregivers in a way that warranted greater recruitment efforts. However, the declining share of white European immigration in Canada meant

that, to meet this demand, Canada would need to import labour from other (i.e., non-white) regions. This was the antithesis of what most Canadians desired, as all levels of society generally expressed a keen unwillingness to integrate “non-white” groups into the predominantly white Canada (Tienhaara 1974, 59). The issue of population growth, cultural diversity, and government polity was a national obsession that characterized Canada’s state of affairs. Race and ethnicity in particular were important factors regarding an immigrant’s acceptance into the state, along with domestic service trending the direction of women who hail from countries away from Western Europe, the question Canada needed to address was how it could respond to its supply-side deficits without integrating undesirable, non-European groups into its fabric.

With European immigrants unwilling to take on the substandard conditions of domestic work, Canada looked to women of colour from the developing world to pick up the slack. Up until the mid-1950s, Caribbean migrants were largely barred from settling in Canada based on assumptions that they could not adapt to the cold climate and that they were too “sexually promiscuous” (Bakan & Stasiulis 1997, 33). Concerns regarding the maintenance of Canada’s preferential trade position in the British Caribbean (where Canada held significant economic links) following complaints of racist immigration policies from several West Indian governments led the state to provide admission to black domestics in 1955 (Bakan & Stasiulis 1997, 33). This, however, came with a few caveats: the Canadian government agreed to admitting a set number of single women, aged eighteen to forty, so long as they were live-in domestic workers for at least a year (Bakan & Stasiulis 1997, 33). In return, West Indian governments promised to bear the expenses of returning domestics back to their country of origin if they were found to be unsuitable for work (i.e., pregnant), adding yet another layer of precarity (Bakan & Stasiulis 1997, 33). Racially charged assumptions of black licentiousness motivated the Canadian government to administer highly invasive gynaecological examinations upon arrival (Bakan & Stasiulis 1997, 34). These harsh conditions would go essentially unchallenged by West Indian governments, as they championed emigration to alleviate the meager employment conditions for their populations (Bakan & Stasiulis 1997, 34). Generally speaking, the introduction of this agreement fostered the association between domestic work and women of colour from developing countries.

In the Caribbean, government officials gave priority to women with more educational experience for new work opportunities in Canada, hoping to exhibit the positive qualities of their citizens overseas (Macklin 1992, 690). Many migrants were in fact teachers, nurses, or civil servants seeking better economic opportunities in the developed world where they could receive higher wages (Macklin 1992, 690). For the most part, employers were generally content with Caribbean domestic workers, claiming that they were more obliging, better

educated, and notably cheaper since employers could pay Caribbean domestic workers up to 150\$ less per month than if they were to hire a white domestic worker (Macklin 1992, 690; Appendix B). This agreement helped alleviate some of the demands for care work, bringing 2,940 domestics into Canada from 1955 to 1966 (Macklin 1992, 690). Nevertheless, the West Indian Domestic Scheme revealed the intersectional prejudice placed on this new set of migrants. Prerequisites based on age and marital status as well as the threat of deportation if found to be pregnant reflect the institutionalized production of the economic and social value of women in the workforce. Migrant care workers are serviceable only when their dual shift as a spouse or parent is unrealized, and thus their ‘value’ as individuals is determined by the use of their bodies in relation to men and children. Furthermore, examining the female body of the West Indian women through invasive testing is in and of itself a rite of passage: the alienated care worker from the Global South must participate in a humiliating ritual that reinforces their subordination and their marginal position in Canadian society. Perceptions of hypersexuality perpetuate sexual abuse rooted in the uneven master-slave dynamics found in their line of work. While needed to meet deficits in care, these domestic workers are reminded that they are otherwise unwelcome and undesired.

In 1973, the federal government authorized the creation of the *Temporary Foreign Worker Program* (TFWP), which issued transitory visas to domestic workers while stripping them of landed immigrant rights (Macklin 1992, 693). Canada’s new visa system dramatically reconstructed domestic labour into disposable work. During the 70s, anti-immigration discourse was centered on the concern that immigrants negatively affected the labour market for domestic workers (Sharma 2012, 36-37). With the passage of the TFWP, foreign care workers encountered severe restrictions in the freedoms they once enjoyed as landed immigrants. Their subordinated and temporary status as ‘foreigners’ increased the economic viability and power of their employers as well as the state at the expense of these migrant caregivers and their country of origin, as they could essentially be shipped back home once their labour power has been exhausted. By calling them temporary foreign workers, the state casted and institutionalized migrants as perpetual others within Canadian society. Unlike European domestics of the early twentieth century who had the mobility to switch into other industries once they landed in Canada, non-white caregivers of the mid-to-late twentieth century could only stay in Canada so long as they were domestic workers (Bakan & Stasiulis 1997, 34; Sharma 2012, 36-37).

The inherently exploitative nature of the TFWP, which arose out of cultural fears and perceptions of non-white immigrants, intensified the likelihood of economic, psychological, and sexual abuse of against these predominantly colored domestic workers, which has been documented through various

mediums by both Canadians and domestic workers alike. Cecil Foster, a male academic, journalist and immigrant, penned the fictional tale *Sleep on Beloved* to provide a poignant portrayal of the struggles of a domestic caregiver from the Global South in building a new life in Canada. Foster follows seventeen-year-old Ona Nedd who arrives in Toronto from Jamaica in the 1970s (Foster 1995). Upon arrival, Nedd discovers that she cannot bring her daughter, Suzanne, into Canada under her temporary status. Furthermore, upon her arrival in Toronto, she is expected to work round-the-clock, every day of the week for the family. Following deductions for room and board, she is left with a paltry 65\$ a month (around 400\$ in 2018 dollars). It is only, however, after suffering sexual abuse and an unexpected pregnancy caused by her employer does Nedd decide to quit.

As a temporary foreign worker, quitting made Nedd an illegal alien. Unbeknownst to her, a few months later she is granted landed immigrant status. Working without this information, she finds employment in a garment factory working protracted hours without overtime pay. Nedd does not file complaints to the authorities nor does she go to the police, as she fears immediate deportation. If she cannot work in Canada, she will not have enough money to feed her daughter, leaving her vulnerable to a system that is purposefully stacked against her. When she learns of her landed immigrant status, Nedd takes up a job as a teller in a credit union; however, it takes 12 years to fulfill the immigration requirements and bring Suzanne to Canada. To strengthen her case, she enters into a marriage of convenience with a shifty man, Morgan, to demonstrate her family values, as she is advised that her likelihood of acceptance into Canada would increase if she fulfilled the traditional spousal role. Once they reunite, they both realize that their relationship is irreconcilably strained from their lengthy time apart. Resentful of one another, Nedd fails to notice and protect Suzanne from Morgan's abuse, and as an adult Suzanne is pulled to a life of crime and table dancing.

As a member of the minority community he writes about, Foster allows us to explore the perspectives of a marginalized group that experience legislated prejudice in their work. One doesn't need to look far to confirm if a story like Nedd's true to life. Almost all investigations on the matter, either in research or in the media, reveal that when domestic work is done on a live-in basis, fundamental principles of the master-slave power relation persists (Bakan & Stasiulis 1997, 13; Macklin 1994, 13; Macklin 1992, 723). Much like Cinderella, these live-in workers' workday is essentially ceaseless; their right to privacy is consistently disrespected. Because her status in Canada is contingent on her employment, she is unusually susceptible to psychological and sexual abuse. Their perceived sexual promiscuousness further validates this mistreatment. Speaking out against mistreatment can lead to unemployment, and the reason many take on care work to begin with stems from a lack of economic opportunity.

Furthermore, because she performs labour that women are often obliged to do for free, the economic and social value of her work is belittled and unrealized (Brodie 2000, 20-31). Since their work is a matter of the private sphere, state intervention is scarce as their involvement is inappropriate (Brodie 2000, 20-31; Macklin 1994, 14). The practice of approaching care work as transient and expendable in legislation thus renders the caregiver invisible. It is in care work where we see the convergence of detrimental discourses that suppresses the status of people of colour, of traditionally women's work, and of the servants themselves. Caregivers exist as a projection of their employer's needs and are only visible when their employer asserts their claim to the domestics' labour.

Ineffectual Government Response

Outside the literary realm, similarly horrifying stories regarding the exploitation of domestic workers garnered widespread media attention reaching its tipping point with the highly publicized "Seven Jamaican Women" case (Appendix C). The 1978 case featured women who arrived in Canada through the West Indian Domestic Scheme. The seven lied about having children — a violation of their agreement for working in Canada — and thus faced deportation. Extended protests highlighting the abusive nature of this arrangement and campaigns on the expansion of rights of domestic workers culminated in the creation of the *Foreign Domestic Movement Program* (FDMP) in 1981 (Macklin 1992, 734; Appendix D). While women from the West Indies constituted a large of minority domestic workers in Canada from the mid-1950s to the early 1980s, the FDMP provided avenues for domestic workers from other third-world countries to migrate (Macklin 1992, 693). By 1990, migrants from the Philippines became the predominant country of origin of domestic workers, a figure that stands to this day (Immigration Database 2008 Immigration Category Profile: Live-in Caregivers; Appendix E). The FDMP allowed domestic workers to apply for landed immigrant status while working in Canada after two years, unlike the scheme that brought Caribbean domestics into Canada in the 1950s and the TFWP in the 1970s (Macklin 1992, 689-691). Even still, the exploitative features of previous policies, such as the live-in requirement, persisted in the FDMP; the FDMP was the first piece of government legislation that explicitly required foreign domestic workers to live with their employers (Hsiung & Nichol 2010, 768). Furthermore, to become landed immigrants, caregivers were required to prove their cultural adaption, personal suitability, and financial sufficiency through volunteering in the community, further educational attainment, language fluency, and adequate savings. These requirements were not placed on foreign workers in other groups and lobbying for domestic workers rights persisted (Hsiung & Nichol 2010, 768).

In April 1992, Bernard Valcourt, the Minister of Employment and

Immigration, called for the replacement of the FDMP and introduced the *Live-in Caregiver Program* (LCP) (Macklin 1992, 757). Under the new terms, the government pledged to provide counselling and support for domestics regarding their working conditions and their rights under Canadian law (Macklin 1992, 757). Moreover, care workers were no longer explicitly required to demonstrate financial sufficiency, cultural assimilation, or skills upgrading in pursuit of landed immigrant status. Nevertheless, insofar as the live-in component remains mandatory, the abusive nature of the caregiver's working conditions persists. Unequal employer dynamics perseveres, as the partition of work and personal time remain vague and the right of the domestic worker to work and live in Canada is controlled by the employer.

In the eyes of most Canadian families, however, the LCP more or less satisfied the desire of hiring domestic workers without the conscious exploitation. Below the border, many saw the Live-in Caregiver Program as a model for the United States to follow (Walsh 1993, E5). In an article from the Los Angeles Times in 1993, foreign correspondent Mary Williams Walsh succinctly displayed the perceptions of the Live-in Caregiver Program from Canadian and American families:

Not to sound holier-than-thou, but I am a working mother who has actually found a legal caregiver for my son, and I even pay the required taxes on the woman's salary.

How did I pull off this extraordinary feat?

It wasn't cheap, but it was easy – because I happen to live in Canada, not the United States. (Appendix F)

Walsh goes on to explain that while the LCP is not as cheap as "hiring an illegal immigrant and letting her work as much as 100 hours a week for less than the minimum wage," it is also not as demeaning or exploitative. After all, while domestic workers wait for two years to get the Canadian equivalent of the "green card," Walsh states that "they get the same generous Canadian social benefits that all of Canada's legal residents get." And while cheating (i.e., "eager domestics [who] try to beat the requirement that they live with their employers for two years") does occur, she assures the reader that the government catches these "cheaters" and sends them packing (Walsh 1993, E5).

Conclusion

As this work has demonstrated, the historical development of domestic work is dominated by ethno-racial and gendered abstractions from those who command power as superordinate classifiers. Institutions play an integral role in manipulating gender discourse and racial ideology to support and affirm social and spatial categories for their own benefit. Efforts to separate the private and

the public sphere in Canada's early history worked to both minimize the value of women's work and constrain the role of women to the confines of the home. As the burden of care work transferred into the hands of labourers from the Global South, government policies informed and institutionalized this classification process accordingly. Regulations on domestic work simultaneously embody the Canadian man's sense of pre-eminence between women and themselves as well as the difference between white Canada and the "non-preferred". The characterization of care work is constructed and distributed by those in power specifically for those in power, who, in conferring inferior status to women and "foreign" caregivers, maintain their privilege. The deteriorating protections and immigrant status of domestic workers discloses the racialized and gendered dogmas of the people who comprise and control Canada's public policy and consciousness within its society.

Cinderella may be a fairy tale, but the abusive character of her story and her life in care work remains authentic in the present day. The isolated domestic worker in Canada is shuffled into a precarious live-in situation where her time, work, and body are perpetually disrespected. Their situations are similar to an extent, except for the fact that migrant domestic caregivers are short a magic wand or a prince charming to wondrously change their fortunes. "Happily ever after," it seems, is just beyond the domestic worker's grasp.

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Appendix A

CHALOULT SAYS WORKING WOMEN REDUCE FAMILIES, 1945
The Hamilton Spectator, 15/03/1945.

CHALOULT SAYS WORKING WOMEN REDUCE FAMILIES

Quebec, March 15.—(CP)—The question of female employment in war plants as a factor in reducing the size of the Quebec family and denuding the populations of rural centres will come in for further discussion next week in the Quebec Legislature.

The matter was brought up last night after Rene Chaloult, Independent member for Quebec Centre, said employing women in war plants was "the surest way to destroy the family—Quebec's sole means of survival."

Several members agreed with Mr. Chaloult who introduced a motion calling for production of documents exchanged between provincial and federal authorities on women employed in war plants.

Prime Minister King, Defence Minister McNaughton and the Canadian Broadcasting Corporation had "launched and carried out a campaign to drive women away from rural centres and encourage them to enlist in the armed forces or work in war industries," Mr. Chaloult said.

Women, who left their villages to work in war industries, would never go back home. It is the Federal Government's duty to advise mothers of the "dangers" awaiting their daughters in urban centres.

Serious Exodus

Exodus from rural centres, where the population has steadily decreased since 1870, Mr. Chaloult added, was "a more serious problem than conscription. Conscription is a problem which will be solved when the war ends; the other will worsen when the last shot has been fired."

Opposition to women working in urban industries—"war plants or others"—was expressed by Hon. Laurent Barre, agriculture minister, speaking on the motion for the Duplessis Government. He said that woman's place in Quebec was "on the farm, with her children and husband."

Women working in urban industries was "an evil," Adelard Godbout, Liberal opposition leader, said. However, he added, if Quebec women left their rural homes "regretfully" they did so to help Canada's war effort the best way they knew how—working in war plants. Everybody should be proud of them.

No one should blame Quebec women for the present situation, Andre Laurendeau, provincial leader of the Bloc Populaire, said. It was caused by Canada's economic and social system "ineffective in protecting families."

Principle of the motion was supported by David Cote, sole C.C.F. representative and member for Rouyn-Noranda, who said women were forced to accept employment in urban industries because fathers did not have "the financial means to support large families."

Appendix B

MORE WEST INDIANS COMING AS DOMESTICS, 1956

The Globe and Mail, 20/06/1956

More West Indians Coming as Domestic

Ottawa, June 19 (CP). — The Government has doubled the number of West Indian girls who will be admitted to Canada this year as domestics under an experiment started a year ago.

The Immigration Department announced today that 200 girls from Jamaica, Barbados, Trinidad and British Guiana will start arriving in Canada late this month or early next month to take jobs as domestics across the country.

An official said the decision to double the number admitted was taken following a survey of 100 girls who came here as domestics last year. The girls and all employers except nine were interviewed to obtain some indication whether the experiment was successful.

All the girls still were working as domestics and only four said they planned to do something else

on completion of the year's service which they undertook to complete here. None suffered serious illness during the year and all said they found the winter weather bearable.

More than 85 per cent of the employers reported the girls gave eminently satisfactory service, the department said. Employers were satisfied with the girls' deportment and conduct.

Seventy-five girls came from Jamaica last year and 25 from Barbados. This year 100 will be Jamaicans, 40 from Barbados, 30 from Trinidad and 30 from British Guiana. They now are being selected.

Where last year's entrants took jobs only in Quebec and Ontario, those arriving this year will go to homes in most of the 10 provinces. They are placed through the Labor Department's National Employment Service.

Appendix C

LIED ABOUT HAVING CHILDREN, JAMAICANS BEING DEPORTED, 1978

The Globe and Mail, 13/02/1978

Lied about having children, Jamaicans being deported

BY KATHLEEN REX

ELIZABETH LODGE and Carmen Hyde have just received their deportation notices. They have to be out of the country by Feb. 21.

When they applied for landed immigrant status in Canada, they declared they didn't have any dependent children at home in Jamaica. Actually, Mrs. Lodge had two and Mrs. Hyde, four.

The case against Mrs. Lodge and Mrs. Hyde is one of what appears to be an increasing number of cases in which Jamaican women are being deported for falsely declaring they had no children when they applied for landed status.

"Not so," says Immigration Minister J. S. G. (Bud) Cullen. "What is happening is that these cases are getting more publicity than they were before."

In a recent telephone interview, Mr. Cullen denied there had been any stepping-up of action against women who have been coming to Canada for years to work as domestics under an arrangement with the Jamaican Government. The program was discontinued in 1976.

To acquire landed immigrant status, these women had to state that they were "single, widowed, divorced, without minor children or the cohabitation of common-law relationships and the issue thereof."

A friend "showed me the application and told me not to put in about the children."

This is where the trouble started. On the advice of a friend, a travel agent, in some instances Jamaican Government officials and even Canadian representatives in Jamaica, sometimes they denied having children.

In Mrs. Lodge's case, it was a friend who "showed me how to fill out the application and told me not to put in about the children."

Mrs. Lodge was trying hard not to cry when she left the Immigration office at 40 University Ave., where an immigration officer had just given her the date she must leave.

"I asked 'What have I done?' I said 'It's my life, isn't it?' I said 'Nobody's perfect.'"

She has never kept her children a secret. In 1974, when applying to have her sister come to Canada, she told the immigration officer she had

children in Jamaica. Nothing happened then. Two years later, though, it was a different story. When she applied to have her sister come on a visit, once again she said she had children. That was when her trouble started. First a special inquiry was launched and next came an unsuccessful visit to the Immigration Appeal Board.

"My take-home pay is about \$180 a week and I've sent home \$100 a month for their food and clothes."

Mrs. Lodge came to Canada as a visitor six years ago, and applied for her landed status during her visit. She has worked ever since coming here. For the last two years she has been a housemaid with the Republic Aluminum Co. She has worked hard, regularly sending money back to her mother in Jamaica for the support of the children. "My take-home pay is about \$180 a week and I've sent about \$100 a month for their food, and I keep them in clothes." Returning to Jamaica means returning to unemployment and poverty.

Immigration Minister Cullen denies that the current high unemployment rate is the reason for deporting these women. But in his view, the children of a woman who came in under the Canada-Jamaican domestic arrangement "would by now be reaching an age where the women would be to be united with them."

"She would be feeling concern because back home the mothers, fathers, and cousins — whoever has been looking after them — could no longer continue to do so," Mr. Cullen added. "As a result these women 'are being put into a position where they either have to go back, or try to bring their children into the country. And when they do that, of course, they are indicating they made a false declaration when they came into Canada.'"

Mrs. Lodge said she never has had any intention of bringing her children to Canada. Her one desire has been to continue earning money to keep them in food and clothes.

Carmen Hyde, said to have come to Canada the same day as Mrs. Lodge, is divorced; while she helps support her children in Jamaica, her former husband has custody of them. She does not understand why the fact of children should mean she now must give up her housekeeping job at the Chateau Inn (where she has been employed for more than two years) in return to Jamaica and unemployment. "The main reason I came to Canada was because I wanted to help myself. I'm doing fine. I'm working. I've never tried to live off the Government."

Lola Anderson, with three children in Jamaica, she is awaiting deportation. She, like the others, was advised by a friend not to mention her children when applying for landed immigrant status.

Yet another Jamaican mother under the gun is Gloria Lawrence, who came to Canada in 1971. Mrs. Lawrence, who has four children, was advised by a private immigration agent in Jamaica not to declare them.

In Canada, Mrs. Lawrence worked for two years as a domestic and now is on the housekeeping staff at Inn on the Park.

What does the future hold for her? The just advice she knew.

Mrs. Lawrence was ordered deported when Immigration officials discovered she had con-



Carmen Hyde (left) and Elizabeth Lodge picket at Immigration offices on University Avenue.

cealed the existence of her children on the application she made out five years ago when applying for landed immigrant status.

"It's something like being fired from a job because someone checked the form you made out when you applied, and discovered you'd put on a you had four years' experience when you had only three," said Toronto lawyer Charles Roush, who heads the local chapter of the International Committee Against Racism.

David Jacobs, another member of the committee, said women have been coming from the West Indies to work as domestics since 1955, and it always has been known that those coming from places such as Jamaica would have had children.

the problem. The group particularly wanted to deal with it on an overall basis. "At one stage, they were talking about an amnesty." However, this had been rejected because of the number of women who might be involved. "What we're trying to do is take a humanitarian approach," he said.

"We start out with the fact these mothers misrepresented their family status . . . and then we say each case is decided separately on the basis of its merits and circumstances, and the review takes into account the gravity of the violation, the reasons behind the violation, the length of residence in Canada, the employment record in Canada, the degree of establishment in Canada, and the family circumstances."

In at least one case, something referred to incorrectly in immigration circles as the Buffalo Staffer was performed when a Jamaican mother was allowed back into Canada on a Minister's permit minutes after she crossed the border into the United States (this constituting her deportation).

In Ontario at least nine Jamaican mothers are awaiting deportation in the immediate future. And for every one of these, members of the International Committee Against Racism believe there are hundreds in this community living in fear of discovery, prey to anyone who may know their families' secret. One woman was reported to Immigration by a neighbor when she went to rescue someone who was being beaten up. There have been other stories.

'A lot of them in fact are living in fear that someone is going to unload on them' — Bud Cullen

Mr. Cullen agrees "a lot of them in fact are living in fear that someone is going to unload on them." "We know you've got children back home and unless you do this and do that, we're going to get the Immigration people."

Larry Kearney of the Parkdale Community Legal Services on Queen Street West believes there has been "a big upsurge" in the number to deport Jamaican mothers, but at the moment Parkdale hasn't any such cases. He believes this is because his office has been advising women to stay away from Immigration and not to go down there "to sponsor one of the kids they didn't mention into the country."

"Another way they get caught is when they go to apply for citizenship," he said. "There is reason to believe there is some cross-checking going on here with Immigration."

Another situation will emerge when the new Immigration Act is proclaimed in April. Under the new act the status of domicile doesn't exist any more. In other words it doesn't matter whether you have lived in Canada five years or not, you can still be deported.

"The question is if you have domicile before the new act, the status of domicile doesn't exist any more. In other words, it doesn't matter until the new act becomes law," Mr. Kearney said.



Appendix D

FILIPINO DOMESTICS PROTEST, 1981

The Globe and Mail, 22/05/1981



Globe and Mail, James Lewcun

FILIPINO DOMESTICS PROTEST

Filipino domestic workers rally outside the Immigration Ministry in Toronto yesterday. They want legislation changed to give landed immigrant status to the 9,000 foreign domestics who are in Canada on work permits.

Appendix E

FOREIGN DOMESTIC MOVEMENT ENTRANTS TO PROGRAM BY REGION OF ORIGIN 1982-1990

From Macklin, Audrey, *Foreign Domestic Worker: Surrogate Housewife or Mail Order Servant?* (1992). *McGill Law Journal*, Vol. 37, 1992, 693.

TABLE 1

FOREIGN DOMESTIC MOVEMENT ENTRANTS TO PROGRAM BY REGION OF ORIGIN 1982-1990 ⁵²						
Year	Total	Phil.	U.K.	Eur.	Car.	Other
1982 ^a	11327	24.5%	27.0%	18.2%	18.3%	12.0%
1983	3511	15.0	18.8	29.2	15.6	21.4
1984	4570	16.9	12.6	28.1	20.4	21.9
1985	5479	28.0	13.6	26.3	15.7	16.4
1986	6938	37.0	12.2	24.2	11.1	15.5
1987	7889	40.7	11.7	24.3	8.0	15.3
1988	8056	46.0	9.4	23.0	6.8	14.9
1989	8842	49.6	8.3	19.0	6.2	16.9
1990	10946	60.2	6.4	13.2	5.4	14.8

^a 1982 figures include domestic workers in Canada prior to establishment of the program.



The Safe Third Country Agreement and Global Order

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edited by Hannah Drinkell and Christopher Ciafro

Cover art: *Protest against Donald Trump's refugee ban. Taken by Fibonacci Blue in Minneapolis, MN, on January 31, 2017. Licensed under the Creative Commons Attribution License. <https://flic.kr/p/REJXdh>.*

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Abstract

The Safe Third Country Agreement (SCTA) is a bilateral agreement between Canada and the United States that involves the mutual recognition of each party as an effective refugee host. This paper argues that although the agreement appears to be pro-refugee protection, in practice it functions as a non-arrival measure, barring refugees from entering Canada. The paper invokes the English School approach to investigate how both parties use the STCA to capitalize on values of order, while appearing to empower the principles of justice prevalent in international refugee norms. Using SCTA provisions, different theoretical approaches, and a thorough inventory of international refugee regime norms, the analysis seeks to contextualize the SCTA. The paper concludes that civil society's push towards justice and refugee protection forces governments to consider values outside of order, with the potential of addressing both concerns harmoniously.

Introduction

State practice in the international refugee regime is characterised by an order-based hegemony. It undertakes measures that securitize refugees, externalize borders, implement visa regimes, and employ carrier sanctions designed to keep refugees out. One such measure is the Safe Third Country Agreement (STCA 2002) between the United States and Canada, which bars asylum seekers from entry at the official land border between the countries, given that both are recognized as “safe” by the agreement.

At a first glance, the STCA appears to be a piece of legislation in line with existing international norms around refugee protection. However, upon a closer examination of the treaty and its history, its function as a non-arrival measure becomes clear. Given Canada's particularly welcoming rhetoric on refugee protection, STCA's largest function in keeping asylum seekers out of Canada is significant. The STCA further elucidates the ways in which the US and Canadian governments capitalize on the power of a limited pluralist system while appearing to give voice to the rising justice-oriented civil society. I will investigate this using the English School, a theory of international relations that understands states to be in a society with one another and consequently shaped by the normative structures within this society (Bull 1977). This lens

is valuable for this analysis as the refugee can be best examined by looking at relations between states and the norms that govern their interactions. Using this approach, I will examine the role of the refugee within global order and the distinction that the English School makes between a system based on ‘order’ versus one based on ‘justice.’ Here, a system valuing order is driven by a power-based hierarchical structure. Meanwhile, a system valuing justice prioritizes the rights of all people within it, regardless of societal cleavages.

In marking this distinction, I will examine the STCA to study the ways in which state powers continue to operate by valuing order, despite civil society actors pushing for a justice-based approach. This push against order is important because it highlights that the privileging of order is not inherent; the fact that there are states who organize themselves based on justice implies a choice for states between justice or order-based organization. Rather, order is maintained for the purposes of the powerful and reinforces their control and domination of the state system. Furthermore, by analyzing the actions of the US and Canadian governments with regards to the STCA, we see that the push towards justice becomes politically necessary. This is due to pressure on both countries to subscribe to international protection norms so that they maintain their standing within the international sphere. At the same time, allowing deeper penetration of pro-justice norms would run counter to the hegemonic state system that the US currently dominates and thus running counter US interests (Hurrell 2007). For this reason, the push to a truly justice-privileging state-system meets a fundamental challenge. I will argue that we must look to civil society for the response.

What is the Safe Third Country Agreement?

Over the course of 2017, there has been a significant increase in the number of asylum seekers crossing irregularly at unofficial border points into Canada (Forrest 2017). One of the main reasons for these irregular border crossings is the Safe Third Country Agreement between Canada and the United States. Though it has been in effect since 2004, the current political climate of the US has reopened discussion on the agreement, which requires that both countries recognize the other as ‘safe.’ If this is the case, refugees should be able to access equally effective protection in either country, in line with the *1951 UN Convention Relating to the Status of Refugees* and *1967 Protocol*. Under the STCA, asylum seekers are therefore required to lodge their refugee claim in whichever territory they enter first (Macklin 2003). Most refugee claimants come from Latin America; if travelling by land, they will arrive in the US first. Thus, as stipulated in the STCA, if an asylum seeker tries to cross the US-Canadian border at an official port of entry, they will be turned back to the US. This generally means that claims are filed in the United States rather than in Canada. However, given that the STCA

only applies at official land border points, refugee claimants that enter Canada irregularly can then file their claim inland, which falls under different provisions (STCA 2002). This is largely due to the difficulties in determining whether the asylum seeker arrived via the US, since they would have “every reason to conceal it” if that were the case (Macklin 2003).

I will briefly clarify a few core concepts implied in this agreement. Firstly, the concept of a “safe third country” as a rhetorical device must be deconstructed. In denoting another country as ‘safe,’ the recognizing country is supporting the mechanisms of protection employed by the ‘third’ country, which is neither the country recognizing nor the country of origin. In turn, as mentioned above, the recognizing country is confirming that it holds the ‘third’ country to be able to provide effective protection for those in need. Secondly, the term ‘asylum seeker’ or ‘refugee claimant’ refers to someone who is seeking protection but whose status as a refugee has not yet been recognized. This means that they do not yet have the legal protection that comes with official refugee status and are therefore vulnerable. Lastly, the idea of crossing ‘irregularly’ rather than ‘illegally’ is important to clarify. In terms of international and Canadian law, the right of refugees to flee to safety is protected; they cannot be penalized for exercising that right (AI and CCR 2017), making the crossing ‘irregular’ but not ‘illegal.’ In addition, it is an important distinction in terms of the connotations for representation of refugee claimants. Politicians and the media have perpetuated a trend of referring to the border crossings as illegal, implying that the asylum seekers are not merely people who committed an illegal act, but people who are illegal themselves (Macklin 2003).

As a result of this agreement, Canada had, until recently, seen a decrease in asylum claimants. However, following the inauguration of US President Donald Trump in January 2017, irregular crossings increased, in large part due to the negative rhetoric of the Trump administration on refugees and migrants, which heavily contrasts with the increasingly positive and pro-refugee rhetoric in Canada. Given Canada’s reputation for welcoming refugees, it is surprising that this agreement came into existence in the first place, and even more so that it was initiated by Canada (Macklin 2003, 1). The STCA primarily serves to stem refugee flows to Canada and leave the decisions up to the US system for processing claimants, a goal that is counterintuitive to the pro-refugee position of the Canadian government. Thus, the question becomes: why does the STCA exist? I will examine how it appears as a piece of pro-refugee protection legislation that, while theoretically fitting the Canadian image, serves to act in an exclusionary and protectionist manner, more concerned with the security of the state rather than that of humans.

Order and Justice in International Society

The STCA specifically targets refugee claimants who have not been formerly granted asylum or refugee status. To further investigate why the STCA was enacted, a more developed understanding of the international society that it functions within is key. To do this, I will turn to a study of refugee claimants, who, as the product of the breakdown of international society, offer insight into how it comes apart and how it is intended to come together. In this case, the relationship of citizenship-state-territory is severed. Arendt outlines this relationship as central in having the rights, since rights come from our status as citizens, and our status as citizens is enforceable by the state (Arendt 1973, 231). But it is only when the relationship is broken that we see how it functioned as the right-giver in the first place, revealing aspects that are much less apparent than they were before. Namely, it points to the shortcomings of the state system, while simultaneously revealing the norms and practices inherent within it. When the relationship breaks down, there is necessarily a reaction. I argue that this is where the competing values of order and justice come apart, and where the role each plays within the system is made clear.

Examining international society and states as actors within it from the English School lens raises the question of who and what motivates action. Bull understands international society as a group of states, conscious of certain common interests and values, who form a society bound by a general set of rules, and who share in the working of common institutions (Bull 1977). There are two versions of an understanding of international society that I will explore: a limited pluralist viewpoint and a solidarist one. In particular, Hurrell outlines the US as challenging to understanding international society because it does not fit neatly into either reading.

The limited pluralist view privileges the value of order within the state system. As a result, it creates and sustains a global order characterised by sovereignty and non-intervention, reminiscent of the Westphalian system (Betts 2009, 51). An example of this system is non-arrival measures that respond to issues pertaining to refugee claimants irregularly crossing borders (Gibney 2008). Conversely, looking to actors within transnational civil society such as non-governmental organizations (NGOs), advocacy groups, and intergovernmental organizations (IGOs), there is a response that focuses on the idea of protection for those without it and that pushes for open borders and the extension of protection. This response privileges justice rather than order. Justice operates heavily within the solidarist viewpoint that prioritises respect for the rights of individuals. In the varied response of states versus transnational society to the issue of refugee claimants, the different values become apparent. This supports Bull’s claim that the privileging of order in international society is not inherent, and that the capacity for norms to favour justice exists (Bull 1977).

Furthermore, the consideration of civil society makes apparent that states

are not the only actors shaping international society, as Hurrell outlines. In examining the STCA case, I will employ neither a solely limited pluralist view nor a purely solidarist account of international society. On one hand, the role that justice plays in international norms and rhetoric makes it clear that the system is not solely made up of sovereign states preoccupied with balancing power and security. On the other, state responses in this breakdown are tied to order; 'cosmopolitan values enshrined in international norms' have not penetrated quite deeply enough, despite a veil of saliency. The STCA proves that neither have full explanatory power. Rather, Hurrell's lens of complex governance, which highlights the continuation of state-centrality, the rise of non-state actors, and the importance of international norms, might offer greater insight.

The Refugee & International Society

When investigating how Western states exercise power, the refugee acts as a particularly neat example of the phenomenon of solidarist aspirations falling short on the state level. Firstly, within the regime there is a narrative of refugees as vulnerable people in need of aid. As long as refugees fit this portrayal as rightless 'scum of the earth' (Arendt 1973, 267), state and non-state actors can feel they are being generous and benevolent in any amount of protection that they extend. This particular portrayal is important in the functioning of the current regime. Given that aid to refugees is construed as generosity, states feel justified in employing measures to maintain strict control over their borders for the sake of their own citizens. With this, they create a narrative that portrays the refugee, or any 'other,' as a potential domestic security risk. In this case, states apply the language of justice around refugee and citizen protection to maintain a system of order and control. Hurrell explains the narrative of securitization of refugees and borders as a function of the continued prevalence of order on the state level:

The increased salience of national security concerns and the growth of racism and xenophobia in many developed states have pressed further in this direction which further moves to undermine the formal right to asylum. These include sanctions on carriers, off-shore processing, the use of 'safe-third country' concepts...if we add to all of this the structural capacity of the rich to set the terms of global burden-sharing on refugee protection and at least some of the links between global economic inequality and the generation of refugees, then the progress of liberal solidarism appears limited (in terms of practicality and normative ambition). (Hurrell 2011, 95)

This demonstrates the current problem that challenges effective refugee protection and the particular role that the STCA plays in contributing to this dialogue, upholding this system, and undermining the right to asylum. It further exposes the shortcomings of the liberal solidarist project. In essence, solidarism

as a framework operates on the idea that there is a transnational community in solidarity with one another, from which norms and institutions can grow. However, in this misuse of the right to asylum, it is clear that gaps exist. From Hurrell, we see that neither the limited pluralist state-based and state-oriented system nor the solidarist transnational community can give a full account. Rather, in Hurrell's system of 'complex governance,' transnational civil society must be recognised and continued state-centrality must be engaged with for effective governance. This system of 'complex governance' allows for a framework other than the binary between limited pluralism and solidarism. Moreover, it allows for nuance within a system that can operate on notions of both justice and order.

By recognising the continued prevalence of state-centrality and power, we return to the idea presented by Haddad that the "modern refugee is only fully intelligible within the context of a pluralist system of states in which individual political communities fail to guarantee the content of substantive sovereignty" (Haddad 2008). As long as global burden-sharing is determined by inequalities persistent in state powers, as Hurrell writes, these inequalities will be exacerbated, and so too will states' (in)abilities to guarantee effective protection increasing the generation of refugees. Therefore, only in our current system, which values territories confined by strict borders, does the breakdown of such states create the refugee (Haddad 2008). However, a further notion of 'refugee' comes not only from the breakdown of the state, but from having no other state that is immediately 'yours.' Haddad elaborates that refugees thus act to reinforce the imagined construct of the nation-state by forming the 'other' in relation to whom the identity of the nation exists (Haddad 2008). In other words, by being an outsider, the refugee enables insiders to further ostracize them, while they further serve to maintain a system and order for the states.

Accordingly, refugees are an integral part of the system of global order. Hurrell, however, is critical of Haddad's claim that the creation of the modern refugee is unique to a limited pluralist system, pointing to other factors that create refugees, such as developmental or environmental causes emphasizing the necessary 'other' of any political community (Hurrell 2011). Perhaps it is true that for any specific political community to exist there must be those who are not a part of it, but the methods by which 'others' are excluded could be manifested in a radically different manner. The criticism of Haddad therefore holds only so long, as the system that political communities organize privileges a value of order. A necessary tenet of international society, though, is that the privileging of one value over the other is not inherent and is changeable (Bull 1977). Thus, this criticism only holds in this specific conception. I aim to show that this system imagined by Haddad, in which order is not fundamental, could be practically possible if we become aware of these two separate logics at work and the necessary inter-play between them as set out by Hurrell. To examine

these logics at work, I will shift my focus back to the STCA and civil society's work in resisting it.

STCA: Protection or Protectionist?

Canada's earliest iteration of a general safe third country clause was in 1989 but was ultimately unsuccessful and never implemented. It was withdrawn after a meeting with refugee advocates and organisations in the early 1990s, given the difficulties of establishing the definition of a 'safe third country' (Lacroix 2004). At this point, the role of justice-based civil society is clear, and their position has remained the same since. However, through a changing political climate in the US, Canada seems to have become more focused on state power as it has grown and its relationship with the US has developed.

In December 2002, the STCA was created in the wake of the 2001 September 11th terrorist attacks. Even at this time, Macklin points to "the deficiencies in the US asylum system—compounded by the recent registration system and moral panic directed at Muslims and Arabs—generate serious concern about whether implementation of this Agreement will impose on Canada a share of indirect responsibility for the excesses, the harms and the rights of violations inflicted by law and otherwise in the US." (Macklin 2003) This indicates a political climate built upon a strong and exclusive nationalism, not unlike today's, raising concerns about the tactics used to justify this agreement in the first place. Given the rise of terrorism-related fears in the aftermath of 9/11, it was an opportune moment to create such an agreement and play on the fear of the 'other,' which state powers effectively used to consolidate control of their borders.

The timing of the second attempt at reaching an agreement was a key factor in its success. The refugee advocates who were consulted in the early 1990s had not changed their minds. Rather, Canada and the US were able to garner public support based on fear-mongering while advocates continued to decry the agreement. In particular, pro-refugee groups labelled the agreement an attack on the principle of *non-refoulement*—a key norm protecting refugees from being returned to a country in which they fear persecution—but even this seemed to have little effect (CCR). However, the US continues to be designated as the only 'safe third' by Canada (Lacroix 2004; AI and CCR 2017). This shows the growth of a North American identity permeating amidst fear as Canada pushes to contribute to the US rhetoric employed at the instigation of this agreement.

In 2004, the STCA was finally implemented as a part of the US-Canada Smart Border Action Plan to help "both governments better manage access to their refugee systems" (STCA 2002). The agreement states that it was made with the desire to uphold asylum as an indispensable instrument of the international protection of refugees, and that it resolves to strengthen the integrity of the institution and the public support on which it depends (STCA 2002). However,

while it clearly uses the right language to say the right things, the steps planned to achieve its aims are unclear. For example, the STCA, in preventing asylum seekers from crossing the US-Canada land border at official border points, creates a culture of irregular crossing (AI and CCR 2017, 3). The stated aim — to strengthen the public support on which international refugee protection depends — is undermined by an increasing number of asylum seekers in Canada being deemed 'illegal' and accused of cutting corners. This tactic has been long used by states to construct refugee claimants as "vectors of insecurity and terror, particularly at border crossings" (Hyndman and Mountz 2007, 77). Rather than garnering support, this derails positive refugee rhetoric, thereby creating a reaction in direct opposition to the STCA's intentions and drawing a contradiction between rhetoric based on justice, and practice based on order.

The STCA further notes that if refugee status claimants arrive at the Canadian or US land border directly from the other territory, they could have found effective protection in the previous country. If 'effective' protection is available to all, why have irregular crossings become an issue? The most recent report on refugee determination of asylum seekers who have come to Canada since January 2017 notes that almost 70% of claims were accepted, highlighting that these people are indeed in need of protection that they feel the US cannot give them at this time (Keung 2017). This draws a sharp contrast with some areas of the US. For example, in Atlanta in 2015, 98% of asylum claims were refused (AI and CCR 2017, 51).

Again, the language and content of the STCA seem to truly be in the interest of those seeking asylum. It acknowledges that, in practice, sharing responsibilities ensures that persons in need of international protection are identified. In addition, it recognizes that the possibility of indirect breaches of non-refoulement must be avoided, ensuring that each refugee claimant has access to a full and fair refugee status determination procedure. However, the US has consistently turned away those at their Southern Border with no opportunity for a claim to be heard, conducting mass prosecutions of groups of 100+ people and denying the opportunity for these people to even lodge a claim (AI and CCR 2017, 47). Furthermore, there are well-documented 'asylum free zones' where some states refuse disproportionate numbers of asylum claims, pointing to the 'refugee roulette' that the US system plays (AI and CCR 2017, 47). This draws out the contradiction within this policy, and in Canada's overall pro-justice, pro-refugee dialogue.

The U.S. as a Safe Third Country

The extent to which the US is a 'safe third' and a partner of Canada in providing refugee protection is essential to understanding the underlying motivations of the STCA. I will show that the US consistently, and in many

respects, fails to meet the requirements of a safe third country. Despite this, the agreement continues, pointing to the prevalence of the logic of order, rather than that of justice at play in its implementation. In addressing the ongoing designation of the US as a safe third country, the STCA highlights that the US must be a signatory to the *1951 Convention on the Status of Refugees* and its *1967 Protocol*. While the US is a signatory to the Protocol, it is not, in fact, a signatory to the Convention. Furthermore, the US must be a party to the 1984 Convention Against Torture (CAT), and, while this is true, the US has not signed onto the CAT's optional protocol, which allows for the individual complaint mechanism. This is relevant because by not allowing individual complaints, the US removes itself from any accountability measures in terms of its compliance with the treaty.

Ultimately, by examining the stipulations of the Agreement itself, it becomes clear that fulfilling the intentions to increase protection, rather than to simply manage refugee movement, are deeply limited. I argue that by adjusting our viewpoint to understand state action as operating on a level of order and state-centrality, we see how motivations and rationale for the STCA fall apart. The application of the STCA relies on order, appealing to a limited pluralist understanding; the stated goals of the STCA however rely on justice, appealing to a solidarist account of state organization. It has been shown that the STCA appears as both a mechanism for refugee protection and a mechanism for nationalist securitization and deterrence. Furthermore, it does not solely operate within a conception of a state-based system because the importance of adhering to norms of protection remains. However, it does not operate solely in a solidarist international community, given the ability and willingness of the state to exert control.

The Value of Order in the Power of the State

In order to further highlight this distinction between the privileging of a value of justice and the value of order, I will examine the key actors from each system. I will do this by briefly exploring the history of US asylum laws since the mid-twentieth century and the construction of the STCA by specifically highlighting the ways in which the US asylum system values order.

Before becoming a signatory to the 1967 Protocol, refugee protection in the US was not particularly robust. The first real move towards upholding norms of international law in the country's own legislation came with the 1980 Refugee Act. In this act, the 1967 Protocol was incorporated into domestic law (Fitzpatrick 1997, 1). This was a significant move, although not surprising given the context and the importance being placed on strengthening international institutions at the time. While in this instance the actions of the US happened to coincide with a value of justice, this was spurious because it was still operating in a state-centric mode, aiming to maintain order by placing itself in line with

the popular move of the period.

However, there were several positive policy changes that came out of the 1980 Act. For example, it made the summary exclusion of asylum seekers a violation of both international and domestic law. This altered the traditional practices in refugee protection in the US, as it created an obligation to extend asylum based on protecting the most persecuted, rather than the most politically useful. In this case, it created a legal right for Haitians and refugees from non-communist countries to have their claim heard (Gibney 2004, 155). This was a novel approach, since asylum had previously been used by the US as a political tool to consolidate both power and order. For example, the US granted asylum to undermine the legitimacy of communist regimes. In this new iteration of the refugee regime in America, it had at least moved away from blatantly privileging an idea of order over one of justice in the sense that summary exclusion was still possible, but only if the state was prepared to violate the law (Gibney 2004, 161).

Gibney highlights that this created a politicization of a new kind of refugee issue amongst civil rights groups and the general electorate. While the issue of refugees was no longer politically useful for the state on the international stage as a tool to influence communism, it had become politically useful to maintain an image of respect for norms. However, this was often done without abiding by them, creating backlash from the international community (Gibney 2004, 160). Moreover, what seemed like a move towards granting asylum based on need coincided with the rise of preventative measures designed to impede access to asylum (Gibney 2004, 160). In this case, there was a failure to deeply value justice, and state interest persists.

However, by 1996, a new immigration system based on the 1996 Illegal Immigration Reform and Immigrant Responsibility Act was implemented by the Clinton administration. It replaced the 1980 Act and brought with it harsh and stringent restrictions running counter to international refugee law. This system persists today and provided the foundation for the STCA. This 1996 Act specifically set up the one-year entry rule, which stipulates that a claim cannot be lodged after one year of presence in the territory. While seemingly minor, a 2007 Federal Court found that this rule might put some refugees returned to the US by Canada at greater risk of refoulement. Antonio Guterres, the UN High Commissioner for Refugees, requested it be repealed, as it diverged from international standards and made it more difficult for asylum seekers to establish their need for protection (AI and CCR 2017, 15). Moreover, the provision disproportionately affects women, who file late claims at a rate 50% higher than men, indicating that US is potentially even less safe for vulnerable women (AI and CCR 2017, 15). The 1996 Agreement further created an expansion of the grounds on which to reject asylum claims, increased the scope for authorities to remove those suspected of committing crimes or being involved in terrorist

activities, and introduced the highly controversial ‘expedited removal’ practices (Gibney 2004, 170).

The expedited removal process allows officers to remove ‘improperly documented aliens’ arriving in the United States without any further review or hearing. Those who immediately clarify their desire to apply for asylum are referred, but there is little opportunity to do so (AI ad CCR 2017). Furthermore, during the determination process, they are held in detention and immediately removed if no ‘credible fear’ is found. The US Committee for Refugees reported that in 1999, 89 521 people were removed through expedited procedure, and 86 000 were removed in 2000, causing concern amongst refugee advocates as to how many refugees had a credible asylum claim but never made it past ‘control-minded immigration officers’ to see an asylum officer (Gibney 2004, 253). This practice, as well as others existing today and prior to the STCA, emphasize the effective use of non-arrival measures by Western states in order to maintain notions of order, while adhering to justice just enough to be legitimized in the eyes of other states.

The Safe Third Country Agreement exemplifies state control over migration and asylum through non-arrival measures, despite maintaining the opposite image. Watson highlights that “the increased use of detention and deportation and the implementation of a safe third country agreement undermine the humanitarian principles of international refugee law that have been a fundamental aspect of Canada’s approach to asylum seekers and refugee claimants” (Watson, 95). The STCA presents an image of Canada as norm abiding country to those who would criticize it, all while fulfilling the country’s desire for order and security.

The Value of Justice in Civil Society

While the persistence of the value of order is visible at the state level, the same is not true at the civil society level. Civil society organizes itself, presents itself, and applies itself based on norms of justice rather than order. However, in the same way that justice can permeate order, order can permeate justice, as Hurrell’s complex governance approach illustrates. Throughout the discussion thus far, it has been shown that when states try to exert power with no regard for justice civil society has steadily and unwaveringly pushed back. The value here falls on a respect for humanity, for individuals, and for the idea of a transnational community.

Regarding the STCA in Canada, for example, the Canadian Council for Refugees and Amnesty International Canada have published reports highlighting the dangers that the agreement creates for asylum seekers, have run several public campaigns, and have twice brought the Federal Government to Court. In this, they are operating on the level of justice and bringing the privileging of order

to light. This demonstrates that while justice is not totally entrenched, neither is the system of order, and the possibility of each persists. In the case of the US, civil society organizations underline several key issues in their report for the Human Rights Council’s 2015 Periodic Review. Namely, they stress that the US immigration system fails to protect fundamental human rights to fair deportation proceedings, humane detention conditions, freedom from persecution or torture, and family unity (Working Group on the Universal Periodic Review 2015). Moreover, the National Immigrant Justice Center (NIJC) stated that the government denied migrants the right to a fair hearing and judicial review through removal processes, which contradicts its support of a recommendation during the last periodical review (Working Group on the Universal Periodic Review 2015). Amnesty called for detention only in exceptional circumstances in human conditions, with other groups calling attention to issues ranging from the protection of minors in immigration custody to the exclusion of all those who are undocumented from most public benefits, which violates their basic human rights (Working Group on the Universal Periodic Review 2015).

The pushing of key issues that fall outside the scope of state interest is of fundamental importance to the maintenance of the empathy in our societies, especially in response to refugee claimants. While the gains of working within these advocacy groups and NGO communities might seem marginal—for example, from one periodic review to the next, little might seem to change as they are still advocating what was supposed to have been undertaken before—the continual push is an essential mechanism to how the system functions and will remain essential so long as order is over-privileged.

Push to Justice: International Law & Norms in Power Maintenance

In the realm of international law and international norms, the interplay between justice and order is clearly shown: “deformity is evident in the limited capacity of international law and institutions to constrain effectively the unilateral and often illegal acts of the strong” (Hurrell 2007). In the US in particular, one should expect “a high level of consciousness of international obligation and a close congruence between domestic law and international norms” because of how directly the 1951 Convention was enshrined in US domestic law (Fitzpatrick 1997). The case of international refugee law and norms surrounding it are elucidatory in the effects of a push towards justice, yet in looking at non-compliance or ways that these norms are skirted, the challenges are clear. This is especially true of Article 33, which stipulates the principle of *non-refoulement*. However, despite what is laid out in law, in key respects the practice of US refugee law is ‘out of sync,’ meaning that what is stipulated in theory is often contradicted in practice (Fitzpatrick 1997). I will argue that it is in direct violation of key international norms, despite a façade of compliance.

Central to the designation of another country as a 'safe third' is a mutual responsibility, and with that, mutual accountability (Macklin 2003). Canada, as laid out in the STCA, maintains a responsibility to review and ensure that its designations of safe third countries are made in the best interests of the refugees themselves. If Canada fails to hold itself to this standard, it is in fact validating the actions of the US, and so is at the very least complicit in the actions of the United States and at most partially responsible. The STCA, in this sense, operates as a go ahead for US asylum policy, without ensuring the protection of those it is meant to protect. Specifically, I will argue that the STCA brings Canada into violation of three key articles of the 1951 Convention. It does this in some cases through its own actions, and otherwise through recognition of shared responsibility with the US. Importantly, both states continue to insist that they are fulfilling their obligations under international law.

Three articles best demonstrate the contradiction: Article 31 states that asylum seekers must not be punished for irregularly entering a country; Article 3 stipulates non-discrimination in the granting of asylum; and Article 33 establishes the norm of *non-refoulement*. Due to the STCA, Canada is tied to the US, and therefore shares responsibility for the violations of international refugee law that the US commits (AI and CCR 2017, 3). In examining the violations of the above articles, I will clarify the discrepancy between the rhetoric of both countries in relation to the international norms and their apparent traction, as well as the transgressions that consistently occur in practice.

Despite Article 31 stipulating that Contracting States shall impose no penalties on refugees on account of their illegal entry or presence, asylum seekers are placed in detention facilities (Goodwin-Gill 2001). The US has set up detention centers for this specific purpose and uses regular jails for the purpose of immigration detention (Goodwin-Gill 2001). Because of this policy, two thirds of asylum seekers who are detained are in a county or state prison (AI and CCR 2017, 3). Furthermore, in 2017 alone, the Trump administration expanded immigration detention by adding 33 000 beds to centers across the country. However, it must be noted that such policies have been standard practice in the US. Even during the Obama administration, it was common practice to hold women and children fleeing Central American countries in detention before turning them back (AI and CCR 2017, 23). In addition, there are no safeguards from prosecution, with asylum seekers being prosecuted 100 people at a time as early as one day after their apprehension. Furthermore, only fourteen percent of all asylum seekers have access to legal counsel, even though access to legal assistance makes their claims ten times more likely to succeed (AI and CCR 2017, 23). Clearly, these practices violate the purpose of Article 31 and the principle of effective protection.

Similarly, practices at the Southern Border such as detainment and

rejection of asylum seekers bring the US into violation of the principle of *non-refoulement*, Article 33 of the Convention. The US conducts mass hearings of claimants at one time, and frequently fails to give the opportunity to lodge a refugee claim. These practices at the Southern Border dehumanize and deny the possibility of protection to these people. Moreover, one study documented via local newspapers over a hundred deaths of asylum seekers who had been returned by the US to Central American countries (AI and CCR, 2017). Article 3, non-discrimination, further challenges the prosecution of migrants as the US continues to treat refugee claimants differently at their Southern Border depending on their country of origin (AI and CCR, 2017).

The purpose of highlighting these large gaps in protection in the US is to demonstrate that while violations occur, a blind eye is often turned, despite the robust international norms of protection enshrined in international law which the US—at least in theory—agrees to. The laws themselves are treated as norms, easily violated and rarely enforced. In separating what occurs in practice versus what occurs in theory, the elements which serve justice and order can be seen more clearly.

Looking Forward to a Justice-Oriented System

Given the analysis thus far, we find ourselves at a bit of a stand still. How do we face this challenge of a system of order that respects justice only insofar as it is politically useful? What is to be said of this constant push that justice makes against order? The contention lies in the role of civil society. It acts as a relief valve for a system it does not wish to perpetuate, and yet cannot escape.

To understand this relationship, I will turn to Haddad's conception of such a relationship between the refugee and the state. Haddad writes that "we can readily accept that the conception of individual rights has been expanded but should not forget that this has only taken place within the framework of the state. A realistic approach to refugee rights should, therefore, acknowledge the existence of the present state system and attempt to formulate a workable ethics of refugee politics within it" (Haddad, 21, 2010). In a similar vein, acknowledging, as Hurrell does, the continued state centrality, civil society's best option might be to continue to understand the world it is operating within, and to do what it can within those parameters.

McNevin also raises the question of the role of political belonging within the school of international relations, as it relates to the Westphalian state system (2011). More specifically, what avenues are there for the representation of political belonging within such a system? In her search for an answer, she turns to the link of territory-state-citizen that Arendt proposes, and investigates the extent to which political belonging in our current conception is intrinsically tied to this. She argues that this ingrained relationship can account for why the

“policing of territorial borders against unwanted non-citizens currently attracts unprecedented levels of rhetorical, financial and technological investment” (McNevin 2011). Moreover, she highlights that to employ a radical questioning of what it means to belong, irregular migration opens an important window. In her terms, “irregular migration, by its very definition, is a reminder of the centrality of the state to prevailing notions of belonging” (McNevin 2011). This connects very closely to Haddad’s idea that it is within this state system, operating on a notion of order that the refugee becomes a necessary consequence.

Thus, the role of the asylum seekers becomes connected to the idea that they are at once able to test the boundaries and parameters of the state system and reinforce the notion of ‘state.’ As Haddad wrote, the refugee becomes the ‘other’ which allows there to be an ‘us.’ However, underlying both Haddad’s assertion that refugees are the product of our particular system, and McNevin’s aim for radical questioning, is a system in which justice can be the privileged value, fundamentally altering our natural assumptions about the ways in which communities can exist.

This is central to the notion of civil society and the promoters of justice because in many ways, a system where justice is privileged holds space for the push. Moreover, when that space does not have to interact with states, the sorts of communities that McNevin imagines can begin to exist. A key example featured by McNevin is an instance in which, in the face of anti-immigrant rhetoric, demonstrations were held in cities across the US. In these demonstrations, hundreds of thousands of irregular migrants and their supporters operated within a space of justice and protested the restrictive immigration legislation (McNevin 2011). In these spaces, a glimpse of true pushback exists, and this push is consistently made by civil society in its many iterations.

The Role of Order in Justice

The above being said, the state does not have to be discounted, and can even offer mechanisms to increase justice through using order as a function of it, rather than as the basis. Regarding the use of non-arrival measures, Macklin highlights that “Canada’s prodigious efforts to prevent asylum seekers from reaching our border, including this Agreement, are inconsistent with the spirit of our international commitments toward refugees” (Macklin 2003, 19). While this seems to be in the same vein as other criticisms considered, the notion of it being inconsistent with the ‘spirit’ of our commitments is of note. This relays the notion that full-fledged citizens with full-fledged rights who are safely members of a state do not have a need for justice in the same sense as those who do not have this ‘belonging.’ Even for those who are safe, there should be a commitment to justice. When evaluating contemporary programs such as the Private Sponsorship System, we see that when a human element is present, responses

become hugely different. By this, I mean that when faced with a question of proximity and providing help to someone who is in need, political rhetoric and implications seem to largely fall away. This is in many senses an idealistic portrayal, but as Macklin argues, it still largely holds, as individuals interacting with other individuals in their circles generally do so in a spirit of kindness, and in a spirit of justice.

This can be applied to the notion that order has a role within justice. If built upwards to form an order, rather than to have an order imposed upon, the narrative changes drastically. The tension between the two is strongest when the idea of ‘other’ exists, and importantly, when power rather than justice is at the root of order, as is the case in many Western states and in the actions of Canada and the US in the STCA. In the case of the United States, Nyers highlights a securitization of migration that results in restrictive laws, policies and deportations. This is the opposite of McNevin’s example, as it undermined and criminalized anti-deportation activism (Nyers 2010). Alternatively, extrapolating from McNevin’s example, there is a way that order on local levels can support action when not carried out in the pursuit of power. Hurrell writes that:

Insofar the United States seeks to pursue a hard, exclusivist conception of its own interests and to propound a narrow hegemonic conception of order, then it is likely to generate not a Pax Americana but rather an empire of insecurity, both for itself and for others. The challenges to the inherited structures of international society are likely to grow more serious and the difficulties of institutional repair will grow more intractable. (Hurrell, 2007, 283)

This recognizes the importance of not only grasping on to power, but in taking care to understand how it can be built. This further emphasizes the shortcomings of focusing on a solely order-based system, ultimately pointing out that what the US hopes to achieve within the global order cannot be accomplished simply through force and control.

Conclusion

Ultimately, by reviewing a case study of the Safe Third Country Agreement through the lens of the English School, an understanding of the space for civil society and how it can materialize in conjunction with the space of the refugee emerges. By first developing an understanding of how the STCA functions seemingly in line with norms of protection, and then turning to an understanding of it as a non-arrival measure, the tensions of justice and order in each become apparent. The STCA develops into an important tool for examining policy gaps or inconsistencies in both parties’ approach to refugees and highlights the circumstances in which Canada and the United States fail to act in line with international refugee protection norms. Furthermore, by understanding how

states value order and civil society values justice, the interplay between the two and the potential of each is clarified. Ultimately, the effects that the push to justice can have, even given the order-based actions of states, demonstrated that justice is very important. Moreover, the potential for a justice-based system is certainly possible given the right approaches, and it is not mutually exclusive from order when employed in a justice-oriented conception.

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