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# **POLICY+**

THE INTERDISCIPLINARY STUDENT  
JOURNAL OF THE BRIAN MULRONEY  
INSTITUTE OF GOVERNMENT



**POLICY+**

An Interdisciplinary Student Journal



*Policy+*

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*Policy+* is an undergraduate peer-reviewed student journal published by the Brian Mulroney Institute of Government at St. Francis Xavier University.

The journal provides a venue for undergraduate publication covering a wide array of interdisciplinary topics surrounding public policy and governance at the local, provincial, federal, and international level. Editions come out annually, and submissions are accepted year-round.

The mission of *Policy+* is to highlight student academic excellence by publishing undergraduate academic work across an array of disciplines with a common grounding in public policy and governance.

The *Policy+* editorial board would like to dedicate this inaugural issue to Dr Anna Zuschlag. Dr Zuschlag acted as an indispensable faculty advisor who used her vast expertise to train and guide the board through every step of the publication process. The journal would not have come to fruition without her guidance and grace.

Words of thanks or dedication do not express the effect you have had on the board and the lasting impact you have had on *Policy+* -- we thank you.

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# IN MEMORIAM

## THE RIGHT HONOURABLE BRIAN MULRONEY



The *Policy+* Editorial Board would like to recognize the passing of The Right Honourable Brian Mulroney on February 29, 2024. Mr. Mulroney was a visionary leader whose impact reached far beyond Canada. Mr. Mulroney was a strong advocate for nurturing future leaders. The premiere issue of *Policy+* is a tangible example of that commitment.

At the official opening of the Brian Mulroney Institute of Government in Fall 2019, Mr. Mulroney recalled how he arrived at StFX as an undergraduate and why he never forgot what StFX meant to him. It was at StFX where the prime minister found his voice, where he made lifelong friends, and where the roots were planted for a monumental career in business and politics.

We at *Policy+* share Mr. Mulroney's vision of not only StFX but also of the Mulroney Institute. Our dedication to providing a student-supported space to learn from and share the work of our colleagues interested and invested in policy-making and governance echoes Prime Minister Mulroney's hopes for the Institute and the PGOV Program.

As Mr. Mulroney told the crowd at the grand opening of Mulroney Hall (home of the Institute and *Policy+*), "If just one student walks through the doors of Mulroney Hall and feels inspired to help make Canada an even greater country, all of this hard work will have been worth it."

Prime Minister Mulroney has left a legacy of which his family and country can be very proud.



# THE HON. SEAN FRASER

## STFX CLASS OF 1996



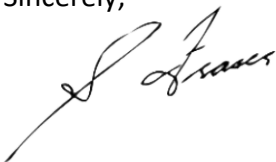
I am delighted to introduce readers to the inaugural issue of *Policy+*, a student-run journal produced at St. Francis Xavier University with the support of the Brian Mulroney Institute of Government. The journal's editorial board, comprised entirely of students enrolled in StFX's Public Policy and Governance Program, has done a remarkable job identifying and providing solutions to contemporary public policy issues in Canada.

The editors and their fellow student scholars have provided an array of thought-provoking articles and insights that will ignite conversations surrounding important policy issues. One major takeaway from my experience at StFX is the value of having conversations with people who had different political perspectives than myself. By having these conversations, we can engage in a dialogue that will provide robust solutions to this country's most complex policy problems.

The articles in the inaugural issue of *Policy+* are reminders of the value of these conversations and how important it is for every Canadian to feel invested in shaping the future of their country. The thoughtful and insightful observations included in this first issue should serve as a reminder of what can be achieved when young people put their minds to resolving the many problems and challenges facing elected leaders at all levels of government.

Please accept my congratulations to the editorial board and authors for their critical contributions to informing a host of important public policy debates and to future issues.

Sincerely,



The Hon. Sean Fraser (MP, Central Nova)  
Minister of Housing, Infrastructure and Communities

# LETTER FROM THE EDITOR



## Kaytland Smith STFX CLASS OF 2024

The editorial board has been working hard over the past several months to prepare the inaugural issue of *Policy+*. With the goal of presenting non-partisan and interdisciplinary research and opinions, the inaugural issue has proven to be a nexus for new ideas that will expand the scholarship and discourse around policy across a wide range of sectors.

This work would not have been possible without the enthusiastic support and guidance from faculty advisors, the Brian Mulroney Institute of Government, and The Honourable Sean Fraser, who each provided their own unique expertise to achieve a well-rounded first issue. This publication has been a true team effort. Specifically, the board would like to thank Gabe Maiorino for stepping in as a last-minute outside reviewer who provided excellent feedback with his trademark positive attitude.

Outside of these wonderful contributors, I would like to take a moment to thank the editorial board. This group of students committed themselves to achieving excellence and, as such, underwent training, provided significant guidance to authors, and devoted innumerable hours, all while maintaining a high level of camaraderie. The board members should be commended for their excellent work and for setting a high bar for future boards to strive to achieve.

Following the values of the Mulroney Institute and the *Policy+* ethics statement, the editorial board takes great pride in presenting the inaugural issue of the journal and being able to highlight student academic excellence. *Policy+* is a legacy project highlighting the value the Brian Mulroney Institute of Government places on student academic achievement and will undoubtedly become a cornerstone of undergraduate research publications for years to come.

Sincerely,



Kaytland Smith  
Editor (2023–24), *Policy+*

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# Op-Ed: Nova Scotia and Renewable Energy: It's Time to Bite the Bullet and Break Free From Coal

Aidan Connors

## ABSTRACT

*In September 2022, the reopening of Nova Scotia's Donkin coal mine ignited a debate surrounding the province's commitment to renewable energy in the midst of an ongoing global climate crisis. Despite Nova Scotia's ambitious pledge to achieve 80 percent renewable electricity by 2030, coal still accounts for a staggering 51 percent of its energy mix, the highest among Canadian provinces. This op-ed critically examines Nova Scotia's continued reliance on coal and explores alternative renewable energy sources such as solar, wind, and hydro power. It reviews existing policies and subsidies for renewable energy, highlighting inconsistencies in the province's approach. While Nova Scotia is making progress toward its 2030 goal, current policies suggest a general reluctance on the part of the province to move away from coal. This op-ed argues that a more significant shift is necessary as the world increasingly adopts greener energy solutions. Failure to do so could leave Nova Scotia lagging behind in a changing energy landscape.*

In September 2022, after being closed for two years, the Donkin coal mine in Cape Breton, Nova Scotia, finally reopened.<sup>1</sup> But because declining profits led to the closure of the last coal mine at the turn of the twenty-first century,<sup>2</sup> Nova Scotia has been forced to import its coal from foreign markets.<sup>3</sup> Despite Nova Scotia's commitment to "have 80% of electricity in the province supplied by renewable energy by 2030,"<sup>4</sup> a staggering 51 percent of electricity generated in the province still comes from coal.<sup>5</sup> With this in mind, the Donkin mine's reopening is not a very good look for the provincial government. The decision to allow Kameron Coal to reopen the Donkin mine is short-sighted and brash in

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<sup>1</sup> CBC News, "Donkin Coal Mine Resumes Operations after 2-Year Closure," September 14, 2022.

<sup>2</sup> Kelly Toughill, "Cape Breton Loses Last Coal Mine," *Toronto Star*, November 24, 2001.

<sup>3</sup> Nova Scotia Power, "Making Our Electricity," 2022, <https://www.nspower.ca/about-us/electricity/producing>.

<sup>4</sup> Nova Scotia, *Environmental Goals and Climate Change Reduction Act, Statutes of Nova Scotia*, 2021.

<sup>5</sup> Canada Energy Regulator, "Provincial and Territorial Energy Profiles – Nova Scotia," July 28, 2022.

a time of growing concern over climate change; instead, the government should be incentivizing greener energy options, such as hydro and solar power.

Originally opened in 2017, the Donkin mine project was an attempt to restart exports of metallurgical coal (also known as coking coal) that is used in the production of steel.<sup>6</sup> Metallurgical coal, as opposed to thermal coal, which is used specifically as a power source

*While Nova Scotia's investments in the field of clean energy are quite substantial compared to other provinces such as Saskatchewan and Manitoba, it still has quite a way to go as there are relatively few private firms in Nova Scotia that are participating in the switch to renewables.*

– is not considered to be a part of Nova Scotia's cap-and-trade program, which is designed to limit greenhouse gas emissions in the province to manageable levels.<sup>7</sup> As a result, emissions from the Donkin mine are unregulated and can reach astronomical levels.<sup>8</sup> In 2019, when the mine was still in operation, emissions hit 423,000 metric tonnes in a year – for reference the limit for facilities participating in the cap-and-trade program is 50,000 tonnes per year.<sup>9</sup> In addition, the Donkin mine was plagued by many safety issues when it first

opened. Over a dozen roof cave-ins and over 150 safety warnings forced the mine to shut down in 2020.<sup>10</sup> In 2022, not only has the provincial government given permission to reopen the mine, but also, Nova Scotia Power, the province's primary supplier of electricity, is even considering purchasing the coal produced in Donkin because of their interest in securing domestic coal.<sup>11</sup>

While the Donkin mine may be insignificant in the larger picture of the global transition toward renewable energy, it highlights the stubbornness of the Nova Scotia provincial government to commit to transitioning away from fossil fuels. A clear illustration of this

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<sup>6</sup> D'Arcy Jenish, "Almost Ready: Historic Coal Mine Gets Close to Re-opening," abstract, *Canadian Mining Journal*, no. 4 (May 2011).

<sup>7</sup> Nova Scotia, Nova Scotia Environment, *Nova Scotia's Cap and Trade Program Regulatory Framework*, May 2019, 7–8.

<sup>8</sup> Cloe Logan, "Canada's Only Underground Coal Mine Is Back in Business - and Emissions Rules Don't Apply," *Canada's National Observer*, September 21, 2022.

<sup>9</sup> Logan, "Canada's Only Underground Coal Mine Is Back in Business - and Emissions Rules Don't Apply."

<sup>10</sup> Cloe Logan, "Past Safety Violations Loom Large over Reopening of Canadian Coal Mine," *Canada's National Observer*, September 21, 2022.

<sup>11</sup> Paul Withers, "Amid the Move to a Greener Grid, Nova Scotia Power Considers Buying Donkin Coal," *CBC News*, September 22, 2022.



is the province's 2010 goal of having at least 40 percent of the energy it supplies come from renewable sources by 2020,<sup>12</sup> a goal that was not met even after the deadline was pushed back to 2022.<sup>13</sup> Although the 40 percent threshold still hasn't been reached, renewable energy as a share of total energy supplied did rise from 25 percent in 2019<sup>14</sup> to about 37 percent in the first quarter of 2023.<sup>15</sup> While Nova Scotia's investments in the field of clean energy are quite substantial compared to other provinces such as Saskatchewan and Manitoba, it still has quite a way to go as there are relatively few private firms in Nova Scotia that are participating in the switch to renewables.<sup>16</sup>

Despite Nova Scotia's current reliance on coal, the province is not incapable of a renewable transition, as many options do exist. However, the development and utilization of services, such as solar and hydro power, remain very difficult due to a variety of factors. Take solar energy, for example: Nova Scotia Power had intentions of instituting a surcharge of \$8 on net metering customers for every kilowatt generated.<sup>17</sup> This means customers would have to pay to generate and store their own electricity, which would discourage individuals and businesses who are interested in solar energy from setting up any such systems.<sup>18</sup> Although the provincial government intervened and compelled Nova Scotia Power to abandon the surcharge proposal,<sup>19</sup> the plan highlighted Nova Scotia Power's irreverence toward the transition to green energy.

Hydro power projects have encountered some issues as well. Whereas Halifax's policies toward large-scale hydro power projects have been clear, with high monetary incentives that draw in the investment of international firms, small-scale projects have not seen the same level of support. Large-scale hydropower projects are defined in this case as having a rated capacity of more than 500 kilowatts, while small-scale projects are less than 500 kilowatts.<sup>20</sup> For these large-scale hydro power installations, the provincial government will, as per Carlson and Adams, give incentives of between \$0.42 and \$0.53 per kilowatt hour

<sup>12</sup> Nova Scotia, *Electricity Act, Statutes of Nova Scotia*, 2004, c.25.

<sup>13</sup> Canada Energy Regulator, "Provincial and Territorial Energy Profiles."

<sup>14</sup> Canada Energy Regulator, "Provincial and Territorial Energy Profiles."

<sup>15</sup> Larry Hughes, "Nova Scotia Power and the Elusive 40 Percent Renewable Electricity Standard," *allNovaScotia*, May 30, 2023.

<sup>16</sup> Canadian Climate Institute, *Net Zero Opportunities: A Province-by-Province Comparison* (Toronto: Canadian Climate Institute, 2022), 7, 23–24.

<sup>17</sup> Gianina Giacosa and Tony R. Walker, "A Policy Perspective on Nova Scotia's Plans to Reduce Dependency on Fossil Fuels for Electricity Generation and Improve Air Quality," *Cleaner Production Letters* 3 (December 2022), 8.

<sup>18</sup> Giacosa and Walker, *A Policy Perspective on Nova Scotia's Plans to Reduce Dependency on Fossil Fuels*, 8.

<sup>19</sup> Nova Scotia, Premier's Office, "Government Intervening to Halt Net-Metering Charges," February 2, 2022.

<sup>20</sup> Jordan Thomas Carlson and Michelle Adams, "Assessing the Consistency of In-Stream Tidal Energy Development Policy in Nova Scotia, Canada," *Marine Policy* 113 (2020): 103743, 2.

(KWh) of energy produced, while also providing “a centralised development hub with grid connections, research and development funding, and industry conferences hosted in-province.”<sup>21</sup> In contrast to the consistent support provided to larger-scale tidal energy projects, the provincial government’s support for small-scale hydro power developers in Nova Scotia has been inconsistent and unreliable. Financial incentives for small-scale hydro power projects have varied greatly over the past few years, ranging from generous support – \$0.65 per kilowatt hour under the Nova Scotia Community Feed-in Tariff program – to much lower Minister of Energy-set rates (\$0.35/KWh).<sup>22</sup> Due to the lack of stable and attractive incentives, there have been no implementations of small-scale hydro power projects in Nova Scotia up to this point.<sup>23</sup>

With that being said, one may argue that renewable solutions, such as solar and wind power, are unreliable due to their dependency on natural phenomena, such as weather conditions, whereas coal does not have such a problem.<sup>24</sup> While this may be true to an extent, there are still ways to forego fossil fuel consumption in emergency scenarios. One such solution is proper energy storage. To illustrate this point, think of a hot water tank. To quote Moira Donovan from the CBC “[a] hot water tank ... [is] a technology most people already have in their homes. Such a tank could be superheated on a windy day to store that energy. Then, when the wind drops, the tank’s heaters could be turned off, and the energy released as hot water or space heating.”<sup>25</sup> Technologies are currently being developed to deal with storing energy in a similar fashion, such as state-changing batteries that can store renewable energy overnight and discharge it when energy usage is high, for example, in the morning. One of the companies behind this technology, Stash Energy, is also working to lower the cost to consumers and eventually bring the affordability of renewable solutions to the people of Nova Scotia.<sup>26</sup>

Nova Scotia still has a lot of work to do in order to achieve its objective of using 80 percent renewable energy by 2030. With adequate funding and the promotion of clean energy sources such as solar and hydro power, as well as investment in energy storage technology, Nova Scotia could potentially rid itself of its need for coal. However, the provincial government’s unwillingness to incentivize the development and adoption of these technologies is a major roadblock. The Province of Nova Scotia stated in its 2010 renewable

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<sup>21</sup> Carlson and Adams, “Assessing the Consistency of in-Stream Tidal Energy Development Policy,” 7.

<sup>22</sup> Carlson and Adams, “Assessing the Consistency of in-Stream Tidal Energy Development Policy,” 6, 9.

<sup>23</sup> Carlson and Adams, “Assessing the Consistency of in-Stream Tidal Energy Development Policy,” 9.

<sup>24</sup> Giacosa and Walker, *A Policy Perspective on Nova Scotia’s Plans to Reduce Dependency on Fossil Fuels*, 7.

<sup>25</sup> Moira Donovan, “How Storing Energy Without Batteries Could Be Key to N.S. Giving up Fossil Fuels,” *CBC News*, December 26, 2021.

<sup>26</sup> Donovan, “How Storing Energy Without Batteries Could Be Key to N.S. Giving up Fossil Fuels.”

electricity plan that “coal-fired electricity needs to be gradually replaced with fuel supplies that are local, cleaner, more secure, and more sustainable” and that it must “begin the process of weaning [itself] off coal.”<sup>27</sup> The government seems to disregard its own stance, however, in supporting the reopening of the Donkin mine. The attitude that coal is still a viable energy solution in the age of renewables is a stance that has got to go. Nova Scotia should simply bite the bullet and fully commit to new renewable solutions, rather than keep its foot jammed in the door of fossil fuels.

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<sup>27</sup> Nova Scotia Department of Energy, *Renewable Electricity Plan*, April 2010.

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## ABOUT THE AUTHOR



*Aidan Connors is a second-year student in the Public Policy and Governance Program at St. Francis Xavier University in Antigonish, Nova Scotia. Aidan is the recipient of the Sobeys Entrance Scholarship and is an active campus member involved in organizations such as Radio CFXU and the StFX Model United Nations Society. After the completion of his undergraduate degree, Aidan intends to continue his studies in the field of public policy, with a focus on history and international relations.*

# Op-Ed: The Future of Canadian Energy Policy

Justin Doyle

## ABSTRACT

*Russia's invasion of Ukraine has created a supply chain opening that Canada can take advantage of; however, given the ongoing gradual decline of the oil and gas sector in Canada due to citizen pressure surrounding climate anxiety, the window of opportunity to ramp up production and sell to European and Middle Eastern markets is swiftly closing. Given the global demand for oil and gas, it is not a question of whether they should be produced but rather who should produce them. Through a comparison of alternative countries for their standard of practice, ethical considerations, and environmental rigour, I argue that Canada serves as a superior alternative to the competing regime. By leaning into the production opportunity presented by the opening in the supply chain, the Canadian government could benefit from sustainable spending through oil and gas production revenue and reinforce Western civilization's values of democracy and liberalism in the global market.*

The oil and gas sector is a multi-billion dollar industry and plays a significant role in the Canadian economy, responsible for about 5 percent of Canada's GDP, and supporting almost 400,000 Canadian jobs in 2020.<sup>1</sup> Investment is growing, and the Canadian Association of Petroleum Producers spent \$37 billion in 2022,<sup>2</sup> projecting \$40 billion in 2023. This expected spending is directed toward businesses (hundreds being Indigenous owned) and environmental goals through technology such as carbon capture.<sup>3</sup>

While oil and gas must be eventually phased out due to its environmental harm, investment in Canada and around the world has increased since 2020 and will not halt for decades to come.<sup>4</sup> The question is not as simple as should oil be used, but rather from which country should it be used? Oil and gas should be produced in Canada with the most rigorous ethical and environmental standards, rather than supporting unethical production practices in Saudi Arabia. This will stimulate economic growth and improve sustainable government spending.

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<sup>1</sup> Canadian Association of Petroleum Producers, "Economic Contribution to Canada," CAPP.

<sup>2</sup> Canadian Association of Petroleum Producers, "Canada's Natural Gas and Oil Industry: At a Glance," CAPP.

<sup>3</sup> Canadian Association of Petroleum Producers, "CAPP Projects Investment in Canada's Natural Gas and Oil Sector Will Rise to \$32.8 Billion in 2022," CAPP.

<sup>4</sup> Jessica Aizarani, "Global Oil and Gas Investments by Sector 2024," Statista.

According to the Environmental Performance Index of 2018, Canada ranks first among the top ten oil exporters.<sup>5</sup> Whether the oil is being produced domestically or elsewhere, greenhouse gas (GHG) emissions will occur. Canada is a world leader in safety and environmental regulations, and in carbon capture and storage technology (CCS). This technology takes the carbon that would previously be emitted, and stores it deep underground, capturing potentially over 90 percent of CO<sub>2</sub> emissions.<sup>6</sup> Canada accounts for about 15 percent of global CCS facilities (5/30), while only accounting for less than 1.5 percent of global GHG emissions.<sup>7</sup>

Further measures have been taken to ensure Canada remains a sustainable producer. Average emissions on a Canadian oil barrel have decreased by over 22 percent from 2011 to 2019. While methane emissions are increasing overall worldwide, Canada's have been decreasing, even as oil production increases.<sup>8</sup> Liquefied natural gas (LNG) facilities are being built on Canada's West coast; its estimated emissions intensity will be the lowest among global producers.<sup>9</sup> Should that number be accurate, there is no reason why we can't upgrade existing facilities to meet that low intensity as well. While it is true that Canadian oil is higher in GHGs per barrel than Saudi Arabia's,<sup>10</sup> GHGs are not the only contributor of pollution. According to the Massachusetts Environmental Policy Act Office, Saudi Arabia spills an estimated 250,000 barrels of oil per year,<sup>11</sup> while Canada from 2017 to 2021 averaged 40.9 barrels per year.<sup>12</sup>

Canada imported almost 202.5 million barrels in 2020,<sup>13</sup> and spent \$14.7 billion on imported oil in 2021.<sup>14</sup> The world's third largest proven oil reserves are in Canada, along with 10.3 percent of the world's total, compared to the United States' share of 2.3 percent.<sup>15</sup> That being said, the US produces 14.5 percent of the world's crude oil, while Canada only produces 5.8 percent. Canada has an estimated 171 billion barrels of proven oil and despite owning 8 percent more of the world's proved reserves than the US, it produces far less.<sup>16</sup> Growing pressure to reduce production due to climate change and climate agreements like the *Canadian Net-Zero Emissions Accountability Act* has slowed production. But the environment is not the only concern at hand. Oil and gas production and distribution involves serious economic, political, and security concerns.

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<sup>5</sup> Canada Action, "Canada Is #1 on Environmental Performance Index among Top 10 Oil Exporters," Canada Action.

<sup>6</sup> Center For Climate and Energy Solutions, "Carbon Capture," Center for Climate and Energy Solutions.

<sup>7</sup> Canadian Association of Petroleum Producers, "What Are Greenhouse Gases: GHG Emissions and Canada's Carbon Footprint," CAPP.

<sup>8</sup> Canadian Energy Centre, "Environment," Canadian Energy Centre.

<sup>9</sup> Canadian Association of Petroleum Producers, "Climate Change," CAPP.

<sup>10</sup> Oil Climate Index, "Viewing Total Emissions," Oil Climate Index.

<sup>11</sup> Ahmed Al-Hakami, "Oil Spill in the Saudi Arabian Maritime Environment" (Dissertation, World Maritime University, 1991).

<sup>12</sup> Government of Canada, "Marine Pollution Spills," Government of Canada.

<sup>13</sup> Canadian Energy Regulator, "Market Snapshot: Crude Oil Imports Declined in 2021, While Refined Petroleum Product Imports Rose Modestly," Canada Energy Regulator.

<sup>14</sup> Canada Energy Regulator, "Market Snapshot: Crude Oil Imports Decreased in 2020, and So Did the Cost," Canada Energy Regulator.

<sup>15</sup> Government of Canada, "Oil Resources," Natural Resources Canada.

<sup>16</sup> World Population Review, "Oil Reserves by Country 2023," World Population Review.

Recent polling has shown that jobs, the economy, inflation, and the fear of war are top concerns for Canadians – producing more oil and gas will address those concerns.<sup>17</sup> The fear of war due to Russia’s invasion of Ukraine, along with tension and uncertainty between China and Taiwan, have resulted in global supply chain damage, and our European allies are looking for a supplier of energy. Germany has already asked Canada to produce more oil and supply it to Europe.<sup>18</sup>

Canada still imports oil due to the high transportation costs associated with getting oil to provinces not directly on a pipeline. In 2020, while Canada’s oil exports were around six and a half times higher than its imports, 40 percent of Canada’s refinery needs were still met by imports.<sup>19</sup> Producing and selling oil and gas with the strictest environmental regulations to European allies and cutting off our imports will accelerate economic and job growth and end the reliance on immoral Saudi operations. This extra revenue and domestic oil can further help accelerate the research and development of sustainable energy in the long run. This will assist

*The spending does not seem to be coming to any sort of halt, and Canada needs more money to support it.*

in offsetting the inflation rate and large energy costs Canadians live with today by contributing to a healthy supply chain and reducing deficit spending.

ethically produced oil with the highest environmental standards, then unethically produced gas from Saudi Arabia, the second largest petroleum producer in the world, and Canada’s second biggest supplier of imported oil.<sup>21</sup>

One could say that expanding our energy sector is essentially dooming the world in terms of climate change, but that is not the case, as the world will need oil and gas for years to come. The International Energy Agency estimates that oil and gas will continue to be critical for global energy supply until 2050.<sup>20</sup> It is far better to have

A characteristic of Saudi Arabia is their lack of human rights and ethical work practices. A record eighty-one people were executed on March 12, 2022, in Saudi Arabia for engaging in anti-government protests,<sup>22</sup> and the country has cracked down on rights for women, minorities, and people in the LGBTQ+ community. Domestic, but especially migrant workers have spoken to the abuse and cruelty they have been subject to in the workplace, calling it “modern-day slavery.”<sup>23</sup> Halting imports of crude oil from Saudi Arabia will enhance our ability to self-govern, in addition to condemning Saudi’s labour practices, led by Prime Minister Mohammed bin Salman Al Saud.

<sup>17</sup>Michael Lee, “Inflation, Economy Outrank COVID as Top Issues for Canadians,” CTV News.

<sup>18</sup>Nahayat Tizhoosh and Peter Zimonjic, “Scholz Says Germany Wants More Natural Gas from Canada but Lacks Infrastructure, Business Backing,” CBC News, August 24, 2022.

<sup>19</sup>Canada Energy Regulator, “Market Snapshot: Crude Oil Imports Decreased in 2020, and so Did the Cost,” Canada Energy Regulator.

<sup>20</sup>Deborah Jaremko, “Oil and Gas Demand to Stay Strong Through 2050, a ‘Building Block’ of Our World,” Canadian Energy Centre, November 1, 2022.

<sup>21</sup>EIA, “Saudi Arabia,” EIA, December 2, 2021.

<sup>22</sup>Somayeh Malekian and Guy Davies, “Saudi Arabia’s Human Rights Record May Be Overlooked...,” ABC News.

<sup>23</sup>Caroline Kimeu, “‘Modern-Day Slavery’: Kenyan Domestic Workers Tell of Abuse in Saudi Arabia,” *The Guardian*, September 27, 2022.



In the last eight years, high inflation, energy, food, and housing costs have made life less affordable for Canadians, with the average house price rising 34 percent,<sup>24</sup> interest rates from the Bank of Canada have increased 800 percent (0.5 percent – 4.5 percent),<sup>25</sup> and the average mortgage rate up 58.3 percent.<sup>26</sup> The reality is that living in Canada is far less affordable than it used to be, as wage increases have not caught up to rising prices. One reason for these price increases has to do with the degree of overspending in the federal government, at an all-time high in the third quarter of 2022, totaling \$462.759 billion.<sup>27</sup> The spending does not seem to be coming to any sort of halt, and Canada needs more money to support it.

With Russian and even many Middle Eastern oil supplies cut off or in a state of uncertainty, being a self-sufficient country in the energy field is necessary for Canada's future. The United Kingdom, the US, and the European Union have ended imports of Russian oil, which creates a window of opportunity for Canada.<sup>28</sup> Instead of relying on cruel production practices in Saudi Arabia's murderous, tyrannical government, Canada can become a new leader in this field. Being a leader in CCS technology, potential leader in low emission LNG production, and ranking first in the Environmental Performance Index, Canada needs to seize this opportunity.

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<sup>24</sup>Statistics Canada, "New Housing Price Index, Monthly," Statistics Canada, February 21, 2024.

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<sup>26</sup> Government of Canada, "Canada Mortgage and Housing Corporation, Conventional Mortgage Lending Rate, 5-Year Term," Canada Mortgage and Housing Corporation, conventional mortgage lending rate, 5-year term, February 16, 2024.

<sup>27</sup> Trading Economics, "Canada Government Spending," Trading Economics.

<sup>28</sup> Jake Horton and Daniele Palumbo, "Russia Sanctions: What Impact Have They Had on Its Oil and Gas Exports?," *BBC News*, January 26, 2023.

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# Sanctions and Human Rights Degradation: Theorizing Sanctions' Effect in Authoritarian Target States

Nicholas Bremner

## ABSTRACT

*Sanctions have become an incredibly popular interstate coercive tool, as they have traditionally been viewed as more humane than the other most obvious coercive tool – war. However, sanctions, like war, have impacted the occurrence of human rights degradation in states targeted with sanctions. Although some research has focused on the impact of sanctions on human rights, most studies have focused, instead, on the effectiveness of sanctions. Of those that focused on the former, there is a research gap in how these impacts on human rights may differ depending on the autocratic regime type of the targeted state. This article aims to directly address this gap by applying Barbara Geddes' autocratic regime typology to the use of sanctions. Building upon the separate works of Abel Escribà-Folch and Dursun Peksen, who researched the effectiveness of sanctions across autocratic regime types, I theorize the impact of sanctions on human rights in personalist, military, and single-party regimes. I conclude that personalist regimes are most likely to exacerbate human rights degradation while under sanctions because of their weaker institutions and consolidated power. In contrast, single-party regimes are more likely to mitigate the effects of sanctions on their civilians. For human rights-promoting democratic countries that frequently use sanctions against autocracies, these findings suggest that the regime type of these proposed target states should be considered.*

## INTRODUCTION

Economic sanctions – instruments used by sender states<sup>1</sup> to exact the desired concessions from target states – are widely used international coercive policy tools. Since World War II, sanctions have been favoured by sender states (those that impose sanctions) as a less costly alternative to physical warfare. However, these sanctions have frequently had detrimental effects on civilians in target states. Most of the related literature focuses on

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<sup>1</sup> The entity that imposes sanctions could also be organizations or a coalition of states, but these are simply referred to “sender states” throughout this article.

the type of sanctions used (comprehensive versus targeted sanctions)<sup>2</sup> and their comparative effects to war. In studies in which regime types have been considered, the focus is on the effectiveness of sanctions rather than their effects on human rights. Literature that utilizes regime types often distinguishes regimes only as democracies, autocracies, and anocracies (transitioning/hybrid regimes).<sup>3</sup> Although some have also used autocratic regime types, their research has similarly focused mainly on the effectiveness of sanctions.<sup>4</sup> In addition, some studies have focused on the effects of sanctions on human rights but without regard for autocratic regime types.<sup>5</sup>

Similar to the authors, who have previously used autocratic regime types (personalist regimes, single-party regimes, and military regimes) to determine their effects on the outcomes of sanctions, I employ Barbara Geddes' regime typology.<sup>6</sup> Although my argument closely follows Escribà-Folch's rationale and findings of repression across autocratic regime types,<sup>7</sup> in contrast to these authors, I theorize the effects of sanctions on *human rights* in autocratic target states according to each regime type's unique characteristics. Then, I use several real-world examples – such as Iraq, Syria, and Haiti –

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<sup>2</sup> Comprehensive sanctions are all-encompassing restrictions placed on a target state with little or no discrimination among targets within the target state. Targeted sanctions, however, discriminate between those within the target state, and are levied primarily toward those in positions of authority.

<sup>3</sup> Jonathan Kirshner, "The Microfoundations of Economic Sanctions," *Security Studies* 6, no. 3 (1997): 32–64; Risa Brooks, "Sanctions and Regime Type: What Works, and When?" *Security Studies* 11, no. 4 (2002): 1–50; Gary Hufbauer, Jeffery Schott, Kimberly Elliott, and Barbara Oegg, *Economic Sanctions Reconsidered*, 3<sup>rd</sup> ed. (Washington; Peterson Institute for International Economics, 2007); Solomon Major, "Timing Is Everything: Economic Sanctions, Regime Type, and Domestic Instability," *International Interactions* 38 (2012): 79–110; Cristiane Lucena Carneiro and Laerte Apolinário, "Targeted Versus Conventional Economic Sanctions: What Is at Stake for Human Rights?," *International Interactions* 42, no. 4 (2016): 565–89; Mehmet Onder, "Regime Type, Issue Type and Economic Sanctions: The Role of Domestic Players," *Economies* 8, no. 1 (2020): 1–18.

<sup>4</sup> Abel Escribà-Folch and Joseph Wright, "Dealing With Tyranny: International Sanctions and the Survival of Authoritarian Rulers," *International Studies Quarterly* 54, no. 2 (2010): 335–59; Abel Escribà-Folch, "Authoritarian Responses to Foreign Pressure: Spending, Repression, and Sanctions," *Comparative Political Studies* 45, no. 6 (2012): 683–713; William Walldorf, Jr., "Sanctions, Regime Type, and Democratization: Lessons from U.S.-Central American Relations in the 1980s," *Political Science Quarterly* 129, no. 4 (2014): 643–73; Dursun Peksen, "Autocracies and Economic Sanctions: The Divergent Impact of Authoritarian Regime Type on Sanctions Success," *Defence and Peace Economics* 30, no. 3 (2019): 253–68.

<sup>5</sup> See Reed Wood, "'A Hand Upon the Throat of the Nation': Economic Sanctions and State Repression, 1976–2001," *International Studies Quarterly* 52, no. 3 (2008): 489–513; Susan Allen and David Lektzian, "Economic Sanctions: A Blunt Instrument?," *Journal of Peace Research* 50, no. 1 (2013): 121–35; Ryan Yu-Lin Liou, Amanda Murdie, and Dursun Peksen, "Revisiting the Causal Links Between Economic Sanctions and Human Rights Violations," *Political Research Quarterly* 74, no. 4 (2021): 808–21.

<sup>6</sup> Barbara Geddes, Joseph Wright, and Erica Frantz, "Autocratic Breakdown and Regime Transitions: A New Data Set," *Perspectives on Politics* 12, no. 2 (2014): 313–31.

<sup>7</sup> Escribà-Folch, "Authoritarian Responses to Foreign Pressure."

as plausibility probes<sup>8</sup> to demonstrate these theorized effects on human rights in each regime type. The cases are selected using the logic of a “most likely case design.”<sup>9</sup> That is, the cases were chosen because of their likeliness to exemplify the theories in this article. I argue that economic sanctions are most likely to result in greater human rights degradation when the target state is a personalist dictatorship. Their relatively weak institutions tend to fail more rapidly in the face of sanctions, and their centralization of power in one person further decreases the already limited ability of citizens to hold their government accountable. This closely follows Escribà-Folch’s finding that “brutal” repression may be used most in personalist regimes because of their lack of capacity to deter dissent in alternative ways.<sup>10</sup> I also acknowledge that alternative explanations for human rights degradation after the imposition of sanctions – such as unfavourable environmental characteristics, regime wealth, or civil strife – may exist in each real-world case. Although underlying factors that are specific to each case are best examined in a larger paper where in-depth case studies are possible, I briefly discuss these alternative explanations and demonstrate that regime type may still be an antecedent variable. For the duration of this article, I adopt the thirty basic human rights acknowledged by the United Nations’ (UN) Universal Declaration of Human Rights as my definition of the term, which include the right to life, the right to be innocent until proven guilty, the right to privacy, freedom of thought and religion, the right to social service, and the right to education.<sup>11</sup>

## Personalist Regimes and the Effects of Sanctions

Personalist regimes are “autocracies in which discretion over policy and personnel are concentrated in the hands of one man, military or civilian.”<sup>12</sup> Personalist rulers rely on “informal and often quite unstable personal networks, sometimes based on kinship, ethnicity, or region, within which particularistic favors are exchanged for loyalty.”<sup>13</sup> A personalist regime differs from single-party regimes and military regimes because of its

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<sup>8</sup> A plausibility probe is a small test for researchers to see if a theory is plausible. It involves taking an example from the relative literature to determine if it fits the theory. See more in Daniel Drezner, “Plausibility Probes,” *The Sanctions Paradox: Economic Statecraft and International Relations* (Cambridge: Cambridge University Press, 1999).

<sup>9</sup> Jack Levy, “Case Studies: Types, Designs, and Logics of Inference,” *Conflict Management and Peace Science* 25, no. 1 (2008): 12.

<sup>10</sup> Escribà-Folch, “Authoritarian Responses to Foreign Pressure,” 704.

<sup>11</sup> United Nations, “The Universal Declaration of Human Rights,” General Assembly Resolution 217 A, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>12</sup> Geddes, Wright, and Frantz, “Autocratic Breakdown and Regime Transitions,” 319.

<sup>13</sup> Barbara Geddes, “What Do We Know about Democratization After Twenty Years?” *Annual Review of Political Science* 2, no. 1 (1999): 115–44.

higher centralization of power in one person and its relatively weak institutions. This centralization results in fewer checks and balances, as the dictator can surround themselves with only a few trusted advisers who may hesitate to disagree for fear of reprimand. Effectively, there are few avenues for both insiders and outsiders to influence the policies of the government. In personalist regimes, as in all autocratic regimes, citizens

*If the demand from the sender state is regime change then a personalist ruler has little rational choice to concede, for it could result in personal harm*

cannot express their desires through free and fair elections, and the dictator is not accountable to their citizens to the same degree as democratic leaders. Thus, a dictator can quell dissent without fear of domestic political repercussions.

Personalist regimes also differ from other authoritarian regime types due to the motivations of the leader. In personalist regimes, conceding to the demands of the sender state would directly affect the dictator, whose decision it is whether to concede. If the demand from the sender state is

regime change, as it often is, then a personalist ruler has little rational choice to concede, for it could result in personal harm. The death of a personalist regime can mean the death or imprisonment of a personalist ruler, as they are the symbolic figures for the regime. When faced with what could likely be death or imprisonment, personalist rulers do not have an incentive to concede and may instead implement stricter measures to maintain order while ensuring their own survival.

Using Wintrobe's dictatorship model, Kaempfer, Lowenberg, and Mertens outlined two primary mechanisms for a dictator to suppress dissent when facing economic sanctions: repression and loyalty.<sup>14</sup> Through repression, a dictator establishes policies aimed at eliminating opposition to their regime or ideology, but it requires resources (police, military, prisons, and a judicial system), which must be financed by diverting money away from elsewhere.<sup>15</sup> The high costs associated with these resources lead to the diversion of finances from other policies – an action that may decrease the resources available to the population in favour of protecting the dictator's rule.

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<sup>14</sup> Ronald Wintrobe, "The Tinpot and the Totalitarian: An Economic Theory of Dictatorship," *American Political Science Review* 84, no. 3 (1990): 849–72; Ronald Wintrobe, *The Political Economy of Dictatorship* (Cambridge: Cambridge University Press, 1998); William Kaempfer, Anton Lowenberg, and William Mertens, "International Economic Sanctions Against a Dictator," *Economics and Politics* 16, no. 1 (2004): 29–51; Escribà-Folch, "Authoritarian Responses to Foreign Pressure."

<sup>15</sup> Kaempfer, Lowenberg, and Mertens, "International Economic Sanctions Against a Dictator," 32.



Loyalty, the second mechanism by which dictators can suppress dissent, involves essentially purchasing the support of important or influential people. Kaempfer, Lowenberg, and Mertens wrote, “[loyalty] is purchased by awarding rents, such as governmental contracts or other favours, to recipient groups. The receipt of these rents assures the support of the recipient in the future.”<sup>16</sup> Peksen argued that “the small size of the ruling coalition might increase the ability of the leadership to maintain the loyalty of supporters through selective positive inducements and benefits.”<sup>17</sup> In this way, personalist regimes may better withstand sanctions.

Yet, due to personalist regimes’ reliance on foreign aid compared to other authoritarian regimes, economic sanctions are more likely to cause institutional breakdown in personalist regimes.<sup>18</sup> These institutions are inherently weak because of their centralization around a single individual rather than around such an organization as a political party or a military and because a personalist dictator tends to cycle those in charge to prevent any one person from gaining enough power to contest the dictator.<sup>19</sup> This institutional breakdown can cause great harm to the target state’s population – hospitals may struggle, the economy may crash, schools may close, and food necessities may become scarce. Moreover, these already scarce resources may be diverted to a dictator’s loyal base of supporters and to the most essential institutions needed to protect the regime: the police force, the military, and the judicial system. Peksen stated this concept rather succinctly, “poor macro-economic conditions might not undermine regime stability, as personalist regimes do not rely on the performance of the economy to reward the loyalty of their supporters. But rather the failure to provide benefits to those within the ruling coalition such as the top military officers and influential business groups would undermine the extent of regime support.”<sup>20</sup>

There are several real-world examples of sanctioned personalist regimes that adhere to this theory. Particularly, Iraq and North Korea are both personalist regimes that have been (and still are) the targets of sanctions. UN sanctions against Iraq in 1990, which were an attempt to prevent the Gulf War, and the comprehensive sanctions by the UN and the US

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<sup>16</sup> Kaempfer, Lowenberg, and Mertens, “International Economic Sanctions Against a Dictator,” 32.

<sup>17</sup> Dursun Peksen, “Autocracies and Economic Sanctions: The Divergent Impact of Authoritarian Regime Type on Sanctions Success,” *Defence and Peace Economics* 30, no. 3 (2019): 257.

<sup>18</sup> Escribà-Folch, “Authoritarian Responses to Foreign Pressure”; Peksen, “Autocracies and Economic Sanctions,” 257.

<sup>19</sup> Peksen, “Autocracies and Economic Sanctions,” 257.

<sup>20</sup> Peksen, “Autocracies and Economic Sanctions,” 257.

that followed the war caused well-documented human rights degradation.<sup>21</sup> Iraq's institutions defaulted quickly in the face of sanctions, although the Gulf War also heavily impacted the operations of these institutions. After the imposition of these strict sanctions, there was less access to proper sewage systems, clean water, food, fuel, and medicine. By 1999, these crises had contributed to hundreds of thousands of civilian

*By maximizing the negative effects on civilians, sender states (mostly democracies) would be less likely to maintain the sanctions because of the deterioration of human rights.*

deaths (approximately 50,000 annual adult deaths, on average), and the child mortality rate had nearly quadrupled since before the Gulf War (to nearly 40,000 annual deaths).<sup>22</sup> During the 1990s in Iraq, child malnutrition and maternal mortality both increased more than those of any other group, as both children and expecting mothers required greater health needs.<sup>23</sup> Saddam Hussein's regime implemented a food rationing system for Iraqis – every month, the Iraqi government would deliver a “food basket,” which included the most basic items (flour, soap, rice, sugar, etc.), to certain portions of the population.<sup>24</sup> These rations, which would only

last for twenty days, were weaponized by Saddam to quell dissent; when citizens threatened to revolt against Saddam's regime, their rations were withdrawn or were threatened to be withdrawn.<sup>25</sup> In this way, Saddam's regime worsened the impact on civilians by withholding food and by preventing Iraqis from pressuring the regime to resign.

Moreover, Saddam was able to control the message to some degree within Iraq, often blaming the US and the UN for the conditions. On August 5, 1991, for example, Saddam claimed, “There are organizations in the West for the welfare of cats and dogs to protect and feed them ... They are starving 18 million Iraqi people.”<sup>26</sup> Indeed, while assessing the effects of sanctions on Iraqi civilians, political scientists John Mueller and Karl Mueller found that “the country's political leadership sometimes seems more interested in

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<sup>21</sup> Geddes, Wright, and Frantz, “Autocratic Breakdown and Regime Transitions,” 319; Özgür Özdamar and Evgeniia Shahin, “Consequences of Economic Sanctions: The State of the Art and Paths Forward,” *International Studies Review* 23, no. 4 (2021): 1656.

<sup>22</sup> John Mueller and Karl Mueller, “Sanctions of Mass Destruction,” *Foreign Affairs* 78, no. 3 (1999): 49.

<sup>23</sup> Mueller and Mueller, “Sanctions of Mass Destruction,” 49.

<sup>24</sup> Nimah Mazaheri, “Iraq and the Domestic Political Effects of Economic Sanctions,” *The Middle East Journal* 64, no. 2 (2010): 257.

<sup>25</sup> Mazaheri, “Iraq and the Domestic Political Effects of Economic Sanctions,” 258.

<sup>26</sup> Mazaheri, “Iraq and the Domestic Political Effects of Economic Sanctions,” 258.

maximizing the nation's suffering for propaganda purposes than in relieving it."<sup>27</sup> That is, by maximizing the negative effects on civilians, sender states (mostly democracies) would be less likely to maintain the sanctions because of the deterioration of human rights. What little humanitarian aid was offered to Iraqi civilians was often rendered ineffective by the regime. Iraq was consistently "plagued by administrative chaos and organizational delays."<sup>28</sup> The negative effects of Saddam's response to the sanctions on Iraqi civilians were also exemplified by his regime's decision to drastically reduce spending on education.<sup>29</sup> Following the cut in the education budget, enrolment in schools plummeted as families struggled financially.<sup>30</sup>

Saddam maintained four security forces: the General Intelligence Apparatus, the General Security Directorate, Military Intelligence, and the Bureau of National Security.<sup>31</sup> The people in these forces were closely tied to Saddam, often hailing from his hometown or from the surrounding region.<sup>32</sup> These people lived in free housing, paid for by the government, and were paid a monthly salary that exceeded that of medical doctors or professors.<sup>33</sup> The forces, which were integrated throughout Iraq in such places as schools or places of work to deter dissent, often violently engaged with citizens.<sup>34</sup>

Saddam's Iraq is a case of a personalist regime that had a dictator with sole influence over policy, which allowed Saddam to weaponize policies to maintain order and ensure his personal survival. Under Saddam, Iraq's public institutions were weak and unable to withstand sanctions. Saddam was not accountable to other people, and the end of his regime likely would have resulted in his death; he was, essentially, the regime. Saddam's only rational choice, as Mueller and Mueller argued, was to protect his regime while under attack, even at the expense of Iraqi civilians.<sup>35</sup> Indeed, by always maintaining a close and trusted group around him for protection and effective implementation of policies, Saddam withstood sanctions for over a decade, as his civilians suffered.

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<sup>27</sup> Mueller and Mueller, "Sanctions of Mass Destruction," 49.

<sup>28</sup> Mueller and Mueller, "Sanctions of Mass Destruction," 50.

<sup>29</sup> Kyung-ok Do and Sangme Baek, *The Impact of Sanctions on the Enjoyment of Human Rights* (Seoul: Korea Institute for National Unification, 2019), 23.

<sup>30</sup> Do and Baek, *The Impact of Sanctions on the Enjoyment of Human Rights*, 23.

<sup>31</sup> Ahmed Shehabaldin and William Laughlin, "Economic Sanctions Against Iraq: Human and Economic Costs," *The International Journal of Human Rights* 3, no. 4 (1999): 1–18.

<sup>32</sup> Shehabaldin and Laughlin, "Economic Sanctions Against Iraq," 9.

<sup>33</sup> Shehabaldin and Laughlin, "Economic Sanctions Against Iraq," 9.

<sup>34</sup> Shehabaldin and Laughlin, "Economic Sanctions Against Iraq," 9.

<sup>35</sup> Mueller and Mueller, "Sanctions of Mass Destruction," 51.

## Single-Party Regimes and the Effects of Sanctions

Single-party regimes are those in which “access to political office and control over policy are dominated by one party, though other parties may legally exist and compete in these elections.”<sup>36</sup> In single-party regimes, rival factions are incentivized to cooperate for mutual benefit, similar to how close advisers are kept loyal in personalist regimes, with benefits that they only have if they support the regime and if the regime survives.<sup>37</sup> Thus, similar to personalist regimes, single-party regimes are more prone to dissolve due to external factors (such as war) than internal factors (such as civilian suffering).<sup>38</sup> Geddes also distinguishes between “real” and “nominal” single-party regimes.<sup>39</sup> Real single-party regimes are those in which a political party may exercise some power over the leader and in which other parties exist, but, unlike in a democracy, they do not compete in free and fair elections. Nominal single-party regimes, in contrast, are personalist regimes with a party in place to act as some legitimating force among the public. Real single-party regimes (referred to as single-party regimes throughout the rest of this paper) primarily differ from personalist regimes in that they are not centred around one person but rather around multiple people, forming a party. Because a larger group of people have influence over policy in single-party regimes than in personalist regimes, more views are considered, and concessions may be made to prevent fracturing within the party.

Single-party regimes typically possess stronger public institutions than do personalist regimes. In part, this may be due to single-party regimes’ inclusion of people from multiple social and ethnic backgrounds, whereas personalist regimes tend to empower only a small group of people with a similar background, which often mirrors that of the leader.<sup>40</sup> Geddes wrote, “Single-party regimes survive in part because their institutional structures make it relatively easy for them to allow greater participation and popular influence on policy without giving up their dominant role in the political system.”<sup>41</sup> For single-party regimes, the route to longevity is to include various sects of the state in the policymaking process under the umbrella of the party, whereas personalist regimes are bound to one leader’s views; when the leader dies, so does the regime.

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<sup>36</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 121.

<sup>37</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 131.

<sup>38</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 122.

<sup>39</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 124.

<sup>40</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 134.

<sup>41</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 135.

Single-party regimes are uncommon relative to personalist and military regimes. This makes selecting cases of sanctioned single-party regimes difficult. In Geddes' regime dataset, there is no obvious example of a sanctioned pure single-party regime.<sup>42</sup> Perhaps the most notable contemporary single-party regime is China, although Mexico also served as an obvious example in the twentieth century. Both regimes, however, have not received sanctions as dire as those imposed upon such personalist regimes as Iraq or North Korea. Western countries have maintained a lucrative trade relationship with China for decades, so intense sanctions are disincentivized. Similarly, Mexico has been an important trade ally of the US for many decades, thus disincentivizing the imposition of sanctions.

While Peksen classed the Ba'athist regime in Syria as single-party in his study of regime *effectiveness* across regime types,<sup>43</sup> Geddes regarded the regime as a hybrid personalist and single-party regime.<sup>44</sup> Nonetheless, if one were to use Peksen's logic, the Ba'athist single-party regime has benefited from Russian and Iranian military and economic support throughout the implementation of sanctions.<sup>45</sup> Peksen extrapolated this benefit as being one that applies to single-party regimes in general, as they tend to have more sound institutions than personalist regimes, as well as more allies. Within Syria, these sanctions have certainly contributed to the degradation of human rights, particularly since the new comprehensive sanctions regime was implemented by the European Union in 2011.<sup>46</sup> After the implementation of these sanctions, the Syrian government's provisions for basic needs substantially decreased, and disease spread rampantly during a shortage of medical supplies and personnel.<sup>47</sup> The Syrian government worsened the humanitarian crisis by directly targeting budget cuts toward hospitals, medical personnel, and patients.<sup>48</sup> Essential medications were forbidden from entering Syria, as were foreign doctors or other medically trained individuals.<sup>49</sup> All of these impacts in Syria, however, were not directly related to sanctions nor the government's response to sanctions. It is important to note that a civil war was rampant throughout the country during the implementation of these sanctions, and civilians were experiencing the effects of violent groups other than the Syrian government.

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<sup>42</sup> Geddes, Wright, and Frantz, "Autocratic Breakdown and Regime Transitions."

<sup>43</sup> Peksen, "Autocracies and Economic Sanctions," 257.

<sup>44</sup> Geddes, Wright, and Frantz, "Autocratic Breakdown and Regime Transitions," 326.

<sup>45</sup> Peksen, "Autocracies and Economic Sanctions," 257.

<sup>46</sup> Erica Moret, "Humanitarian Impacts of Economic Sanctions on Iran and Syria," *European Security* 24, no. 1 (2015): 130.

<sup>47</sup> Moret, "Humanitarian Impacts of Economic Sanctions on Iran and Syria," 129.

<sup>48</sup> Moret, "Humanitarian Impacts of Economic Sanctions on Iran and Syria," 128.

<sup>49</sup> Moret, "Humanitarian Impacts of Economic Sanctions on Iran and Syria," 130.

## Military Regimes and the Effects of Sanctions

Military regimes are typically transitional; they are regimes in which “a group of officers decides who will rule and exercise some influence on policy.”<sup>50</sup> Because military regimes take effect after the disintegration of the previous regime, military rule begins on an unstable foundation. As seen in some South American countries, the demise of military regimes is usually caused by internal fracturing among officers.<sup>51</sup> Unlike personalist regimes, military regimes are not centred around one person; Geddes classifies regimes centred around one person as personalist regimes, even if that person is a military officer. Like single-party regimes, military regimes are rigidly structured, with a clear hierarchy and incentives that encourage loyalty.<sup>52</sup> Also, like single-party regimes, the military has an established system through which policies can be effectively implemented. Because of militaries’ easy access to and direct control over force, Peksen reasoned that military regimes may be inclined to use repressive tactics to discourage public dissent. Military regimes are not participants in elections or in any other way accountable to the public, which decreases the likelihood that civilian revolts against the regime would have success. However, because military regimes are brief and often, themselves, the result of ousting the previous regime, their impact on human rights is temporally constrained; that is, although military regimes have the tools to quell dissent in the face of economic sanctions, their short-time horizon disincentivizes prolonging their regime by attempting to defy sanctions.

One such example of a military regime defying sanctions and exacerbating human rights degradation is the regime that governed Haiti from 1991 to 1994.<sup>53</sup> The military, interested in profiting from its control over the country’s resources, directed the distribution of Haiti’s scarce resources to its members and diverted the hardships from sanctions imposed by the US, the Organization of American States, and the UN onto ordinary civilians.<sup>54</sup> Ultimately, the military regime was forcibly removed by the US in 1994.<sup>55</sup> During these three years, education enrolment decreased, unemployment increased, and child malnutrition and mortality increased.<sup>56</sup> Although severe, these

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<sup>50</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 121.

<sup>51</sup> Geddes, “What Do We Know about Democratization After Twenty Years?,” 122.

<sup>52</sup> Peksen, “Autocracies and Economic Sanctions,” 258.

<sup>53</sup> Peksen, “Autocracies and Economic Sanctions,” 258.

<sup>54</sup> Peksen, “Autocracies and Economic Sanctions,” 258.

<sup>55</sup> Peksen, “Autocracies and Economic Sanctions,” 258.

<sup>56</sup> Elizabeth Gibbons and Richard Garfield, “The Impact of Economic Sanctions on Health and Human Rights in Haiti, 1991-1994,” *American Journal of Public Health* 89, no. 10 (1999): 1499–1504.



conditions were not as long-lasting as those in personalist and single-party regimes, as those regimes tend to last much longer than military regimes.<sup>57</sup>

## DISCUSSION: WHICH REGIME TYPE EXACERBATES THE HUMAN RIGHTS EFFECTS OF SANCTIONS MOST?

Personalist regimes appear to most clearly exacerbate the human rights degradation caused by sanctions because of their exclusivity in policy-making, their total dependence on the ruler, their relatively weak institutions, and their ability to survive longer than military regimes. In a personalist regime, only the leader has direct influence on policy, which limits the perspectives considered before policy implementation. This may lead to some portions of the population being disproportionately affected. A personalist regime's total dependence on the ruler leads to the survival and security of the regime being interrelated with the survival and security of the ruler. This, in turn, leaves little incentive for a personal dictator to comply with the conditions set out by the sender. Personalist regimes' relatively weak public institutions tend to fail quickly under sanctions, resulting in shortages and the proliferation of health issues among civilians. Finally, while military regimes are also quite destructive to human rights, their inability to last for as long as personalist regimes means that civilians are living under those conditions for a shorter period of time than they are under personalist regimes. This argument somewhat contrasts with Escribà-Folch's and Peksen's findings.<sup>58</sup> They argue that personalist regimes may concede to sanctions faster than military regimes because of their relatively weak institutions. This, however, may be dependent on what sender states want from target states. If sender states want regime change, personalist dictators have no incentive to concede, and they may attempt to hold power through repression for longer, despite their weak institutions. Under these circumstances, repression attempts may become more brutal and less discriminate to compensate for the lack of institutional capabilities.<sup>59</sup> Indeed, Escribà-Folch's findings also demonstrate that repression is used most in personalist regimes.<sup>60</sup>

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<sup>57</sup> Geddes, "What Do We Know about Democratization After Twenty Years?," 133.

<sup>58</sup> Escribà-Folch, "Authoritarian Responses to Foreign Pressure," 705; Peksen, "Autocracies and Economic Sanctions," 264.

<sup>59</sup> Escribà-Folch, "Authoritarian Responses to Foreign Pressure," 704.

<sup>60</sup> Escribà-Folch, "Authoritarian Responses to Foreign Pressure," 700.

## Assumptions and Simplifications

In this paper, I have simplified Geddes' regime typology. Like Escribà-Folch<sup>61</sup> and Peksen,<sup>62</sup> I have focused only on Geddes, Wright, and Frantz's main classifications of authoritarian regimes: personalist, single-party, and military. While mixed regimes with elements of more than one of the aforementioned regime types exist, their impacts on human rights degradation under sanctions are beyond the scope of this paper. Likewise, even though monarchies are sometimes categorized as a different type of regime, they are treated in this article as a mixed regime and thus beyond the scope of this study. Similarly, Escribà-Folch and Peksen also excluded monarchies from their research.

There may also be different aspects that impact the effects of sanctions on human rights, such as the type of economic sanctions (targeted versus comprehensive), climate, regime wealth, and civil strife. Some of the literature on the effects of sanctions is dedicated to how different sanctions impact the occurrence of human rights degradation. Generally, comprehensive sanctions are more damaging to human rights than targeted sanctions. Climate-related circumstances, such as famine or drought, may exacerbate human rights degradation under sanctions. Regime wealth can impact a regime's ability to withstand sanctions and protect itself during times of instability. Finally, civil strife, rather than only regime-initiated strife, can cause human rights degradation when a country is subject to sanctions. In most of these cases, however, regime type may still be an antecedent variable: different regime types may warrant different types of sanctions, some regime types might be wealthier than others, and civil strife may be more common under some regime types than under others. While this is not within the scope of this paper, it represents an area that is currently lacking in research.

## CONCLUSION

Overall, personalist regimes theoretically exacerbate human rights degradation in sanctioned states more than single-party and military regimes. Using Iraq (personalist), Syria (debatably single-party), and Haiti (military) as plausibility probes, personalist regimes appear to most exacerbate human rights degradation from sanctions and for a longer period of time. Under personalist regimes, public institutions fail from sanctions faster, fewer people influence policy, and the survival of the regime is interrelated with the survival of the leader.

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<sup>61</sup> Escribà-Folch, "Authoritarian Responses to Foreign Pressure."

<sup>62</sup> Peksen, "Autocracies and Economic Sanctions."

This article nominally builds on existing studies using autocratic regime types to explain the effectiveness of sanctions by theorizing more clearly how human rights degradation could occur differently across these regimes. Future studies in this area could benefit from introducing a large-N empirical dimension to this theoretical foundation. This data would definitively show which regime type tends to produce higher degrees of human rights degradation. Moreover, future research could be concerned specifically with how different sanctions (comprehensive versus targeted, multilateral versus lateral) impact different regime types, and more nuanced regime types could also be incorporated. If we assume that the sender states are democracies, which often have a commitment to upholding human rights, then findings from this research may have policy implications; democracies may be less willing to impose sanctions if it will result in significant human rights deterioration.

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# The Effects of a Variable-Free System on Market Surplus with Regards to Public Transit

Thomas Byrne

## ABSTRACT

*The dual forces of urbanization and climate change have increased the importance of public transit in the twenty-first century. Similar to conventional roads, these systems are highly subsidized and operated by the government, and thus their price is not reflective of a competitive market equilibrium but rather the result of a policy decision. In this article, I examine the current pricing model of Toronto's public transit system as well as a variable-price scheme. To do this, I employ both orthodox microeconomic analysis of market surplus and established theories in the study of public transportation, with the cost model of Huang, Tian, and Gao being of particular note. Using these modes of analyses, I conclude that implementing a variable-price scheme can enhance the total surplus, with broad applicability to municipalities in Canada and the United States.*

## INTRODUCTION AND ASSUMPTIONS

The City of Toronto, Ontario, provides a variety of public transportation options to its citizens, including subways, buses, and streetcars, all run by the Toronto Transit Commission (TTC). The economic importance of public transport is significant in multiple ways: as a subsidized public good it costs taxpayers in quantifiable ways, but more importantly, as a potentially major intervention into the production of carbon emissions, public transportation is increasingly significant. Thus, price structures that encourage increased ridership have importance beyond the narrow confines of minimizing fare costs. On the TTC, discounts are offered to qualifying individuals, such as the elderly, young, or those receiving disability payments; however, the fare any individual pays throughout the day does not vary.<sup>1</sup> The hours of operation vary based on the mode of transportation and specific routes, spanning from well before the morning rush to continuing throughout the day and into the night.<sup>2</sup> Currently, the TTC maintains a relatively high supply of transit vehicles throughout the day, despite variable needs and a significant decrease in demand during off-peak hours. While this decision is not

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<sup>1</sup> Toronto Transit Commission, "Fares and Passes."

<sup>2</sup> Toronto Transit Commission, "Service Information."



unjustified, it does result in a loss of surplus akin to that caused by a quota. To put it simply, societal well-being is most likely not maximized by ferrying empty streetcars around all day. As a potential remedy to these issues, this article analyzes two different policy remedies: a drastic reduction in services during periods of low demand – which is most likely undesirable – and a variable price scheme, which theoretically would increase total surplus.<sup>3</sup>

There is a lack of publicly available data regarding the ridership of the TTC, making quantitative arguments about declines in the demand for public transit hard to substantiate. The most glaring absence is the data on the hourly ridership of the TTC, which is neither publicly available nor available upon request. Further estimates that one would wish to build off such data, like an estimation for the average length of a trip on the TTC, also cannot be made. This lack of data limits the predictive power of this analysis but does not detract from the theoretical argument presented. Further, because of its theoretical nature, this analysis of a variable-price policy can easily be applied to other municipalities in Canada.

Given this lack of hard data, two key assumptions on which this article is predicated must be made. First, it is presumed that the demand for public transit throughout the days of Monday to Friday is not constant but has two periods of high demand – prior to the start of the workday and directly following the end of the workday – and that demand throughout the rest of each day is low. Empirical evidence supporting this claim will be presented shortly. Second, this analysis assumes that there exist sizable externalities<sup>4</sup> to public transit usage and, in pursuit of realizing these externalities, the city is willing to maintain reliable public transit supply throughout periods of low demand. The externalities of public transit are far beyond the scope of this text, but many, including the TTC, argue that consistent public transit service benefits public welfare. So, the remainder of the analysis will assume a decline in demand of some sort after the peak hours and that the TTC continues its policy of maintaining consistent transit supply throughout the day so as to capture externalities provided by public transit services.

One can gather empirical evidence for the decrease in demand from the schedule of the “Go Train,” a commuter rail system operating in the Greater Toronto Area, running lines from the suburbs into the centre of the city. Some lines, such as GO Transit route 21 (Milton to Union), run higher-capacity trains into the city during the hours of 6:00–9:00 a.m. and out of the city from 3:00 p.m. to 7:00 p.m. and run lower-speed, lower-capacity

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<sup>3</sup> In this context, total surplus refers to the total difference between what the buyer was willing to pay for a good, minus what the seller was willing to sell the good at, plus the external effects to society. It can be thought of as societal well-being.

<sup>4</sup> Note: In this context, externalities refers costs or benefits of a transaction not captured by those choosing to exchange goods. For example, the sale and consumption of fossil fuels has negative externalities on society, while public transit may increase the number of customers visiting a storefront.

trains throughout the rest of the day.<sup>5</sup> Others simply reduce the frequency of the trains in the off-peak hours. This provides us with an example of a case where demand declines so precipitously that the governing transit body views it as acceptable to reduce the frequency of services. Based on this alone, quantitative claims about transit demand within the city cannot be made, but, along with the knowledge that many take public transit to go to their job, stay there for an extended period of time, then take public transit home, this article will be operating under the assumption that demand for public transit faces is at its maximum at the beginning and end of the standard 9-to-5 workday and declines to a reasonable degree on weekdays from the hours 9:30 a.m. to 4:00 p.m..

The decision of the TTC to provide consistent service throughout the day deserves further analysis. Because the TTC has been consistently subsidized by the City of Toronto – being subsidized over \$600 million between 2016 and 2019 – it is reasonable to assume that

*By attempting to match supply to demand, the decrease in the quality of the service may lead to a more drastic decline in demand than the original decrease in supply.*

the municipal government estimates the existence of positive externalities for public transit ridership.<sup>6</sup> Assuming such positive externalities exist, a reduction in the supply of transit options following rush hour may in fact reduce the total surplus. By attempting to match supply to demand, the decrease in the quality of the service may lead to a more drastic decline in demand than the original decrease in supply. In short, the now infrequent vehicles decrease ridership, which then leads to an increase in the opportunity cost of riding public

transit, to the extent that fewer people are riding any given vehicle. Both empirical and theoretical research suggest that this may be the case.<sup>7</sup> Research by Robert Cervero shows that changes in service quality are far more impactful on demand for public transit than changes in fares.<sup>8</sup> Thus, an attempt to increase the average capacity occupied per vehicle by reducing the number of vehicles operated may result in the opposite of the desired effect; there are fewer customers taking transit available due to the decrease in service quality, and those that remain gain less surplus. The TTC may estimate that society is better off when consistent, high-quality service is provided, as when service becomes too infrequent many forgo public transit entirely.

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<sup>5</sup> Go Transit, “Full Schedules, Milton.”

<sup>6</sup> Daniel Warren, “2019 Operating Briefing Note,” City of Toronto.

<sup>7</sup> In this context, opportunity cost refers to the true cost associated with a transaction. Specifically, the more time one spends waiting for a vehicle, the larger the opportunity cost, despite the nominal cost (the fare) being the same.

<sup>8</sup> Robert Cervero, “Transit Pricing Research a Review and Synthesis,” *Transportation* 19, no. 2 (1990): 125–26.

Further, one can find theoretical justification for the TTC's decision to keep transit supply high throughout the day in a model by Huang, Tian, and Gao,<sup>9</sup> which presents the following as the total cost associated with the ridership of public transit:  $C = p + \alpha T + c_b + \delta$  where  $C$  the total cost, is equal to the cost, plus  $\alpha T$ , the cost of travel time, plus  $c_b$ , the cost of congestion, plus  $\delta$ , the cost associated with an early or late arrival. Focus on the terms  $\alpha T$  and  $\delta$ .

Notice that a decrease in the frequency of transit vehicles passing through a given stop not only increases the absolute time the consumer must wait at the station but also increases the risk associated with being late. Thus, the opportunity cost of riding public transportation increases when the potential wait times increase, an effect also commented on by Cervero.<sup>10</sup>

So, the TTC maintains consistent service throughout the day, despite a large decrease in demand, on the assumption that if they drastically reduced supply, the increased wait times would make the service useless for many. This may very well be rational, depending on their estimates of the externalities of public transit, but it results in the less than desirable effect of many vehicles being empty in periods of low demand. Having established that a significant reduction in vehicle numbers is not a feasible solution, a second potential remedy will be explored: a variable price scheme that reduces trip costs during periods of low demand. In an ideal world, such a scheme could raise demand to the socially optimal level at all points throughout the day.

## ANALYZING THE SOCIAL OPTIMAL EQUILIBRIUM WITH THE VARIABLE PRIME SCHEME

The market for public transit is characterized by the unique effect that additional consumers have on the existing consumers' demand. Specifically, an increase in quantity transacted, holding the absolute supply of vehicles fixed, may cause negative externalities to other consumers; when the demand on a certain transit line reaches a high level, some are now forced to spend additional time waiting at the station for empty vehicles, as they are unable to board vehicles that are filled to capacity. In effect, this is like a decrease in the frequency of transit vehicles, except in this case there would also be an increase in the congestion cost. One can model this increase in cost explicitly by adopting Huang, Tian, and Gao's model of transit cost.<sup>11</sup>

In breaking down the full opportunity cost of public transit, Huang, Tian, and Gao's model presents the clear possibility that the primary cost of taking public transit is not the fare

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<sup>9</sup> Hai-Jun Huang, Qiong Tian, Zi-You Gao, "An Equilibrium Model in Urban Transit Riding and Fare Policies," *Algorithmic Applications in Management* (2005): 113–14.

<sup>10</sup> Cervero, 125–26.

<sup>11</sup> Cervero, 125–26.

but some combination of the time investment, cost of congestion, and risk of being late.<sup>12</sup> This assertion is supported by empirical data by Cervero, who observed that changes in service quality have roughly double the effect on transit ridership than changes in fares.<sup>13</sup> These costs, unlike those of the fare, are intrinsically tied to the market quantity transacted. If one makes the realistic assumption that transit riders are not evenly distributed across the system, an increase in quantity transacted would increase the risk that a vehicle a customer intended to board was too full, resulting in them waiting for another at the same station. Such costs associated with being late, as well as the cost of one's time, do not vary with respect to transit ridership until the point when it becomes possible for one to be unable to board their vehicle. When occupancy per vehicle increases from 20 percent to 25 percent, there is no additional risk of not being able to board. However, as occupancy increases from 90 percent to 95 percent, the risk of a vehicle being full – and consequently, customers being late – experiences a significant increase. Furthermore, there must be a threshold occupancy level, after which further increases in occupancy across the entire system increase the risk of an individual car being full. For this analysis, only the threshold points existence is relevant, not its exact value. Similarly, the costs of congestion can be assumed to be unvarying for consumers when capacity is low but increase sharply when one cannot find a seat, cannot socially distance themselves, and when being jostled by the crowd is inevitable.

All three of these externalities present the potential for overcrowding to destroy surplus; the increased risk of lateness is particularly pernicious as it reduces demand for public transit, specifically for those who have the greatest cost of being late, such as those using the TTC to travel to work. To demonstrate the potential loss in surplus from overcrowding, consider the range of all possible non-negative prices  $p$  and the corresponding level of ridership  $r$ . When ridership levels are below  $c'$ , an increase in price would not have a significant negative impact on the current riders of public transit, as they are at little additional risk of missing their vehicle. Once this threshold is breached, however, increased ridership significantly affects one's odds of getting on a given vehicle. Thus, an increase in price would lead to a shift in the composition of TTC ridership. Specifically, when prices are low and ridership is high, the riders bear only the cost of admission. However, as more people are induced to ride at a lower price, the risk of being late appears as an additional cost alongside the price of a ticket. These costs are not equal for all individuals, resulting in a higher opportunity cost of using public transit for those who cannot afford to be late. Therefore, beyond the threshold capacity  $c'$ , price increases lead to a shift in the composition of transit riders, from those who have a high marginal benefit from transit ridership (and are willing to pay higher prices) to those who derive a lower marginal benefit but are not concerned about being late.

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<sup>12</sup> Huang, Tian, and Gao, 114.

<sup>13</sup> Cervero, 125.

We now wish to examine the effects of changes in price on the market surplus generated by the TTC. One quirk of the way economists define surplus is that the surplus of a transaction does not depend on the actual price at which this transaction takes place, as any surplus lost by one party is exactly gained by the other. Thus, any surplus gained by consumers from a lower price to ride the TTC is lost exactly by the city in the form of tax revenue. Furthermore, as we are assuming that the quantity of service provided is constant at any given time, the only change to the total surplus from a change in price will result from the changes in ridership. Based on the model presented, a decrease in price will induce more people to take the TTC, but such congestion would decrease the surplus of riders already taking public transit.

When the fare price is decreased, a surplus is created by the additional riders induced to take public transit; the market is producing more benefit to society as more people are making use of the constant supply of public transportation options. This is counterbalanced by the increase in congestion, as the public transit system suffers from the problems associated with high congestion. At the optimal price, then, the total gain from the final consumer induced to ride is exactly equal to the surplus lost by existing customers. At such a point, decreasing the price would cause more harm to the existing consumers than bring benefits to new customers, and decreasing the price would result in some vehicles being priced out of the market that are not yet overcrowded.

When the relationship between the marginal cost and marginal benefit of a change in price is expressed in this manner, it can then be demonstrated that a constant-fare system cannot maximize total surplus. Broadly speaking, this is because the marginal cost of an increase in price is dependent on occupancy. Therefore, when occupancy declines, a constant price that maximizes surplus during periods of high demand will be too high in periods of low demand or, conversely, too low in periods of high demand. Consider the case where prices are set such that the demand for public transit maximizes surplus in hours of peak demand with a price  $p^*$ . As demand decreases and supply is held fixed, the absolute quantity of public transit transactions must decline. As this occurs, ridership per vehicle must also decline, reducing congestion and the risk of being late. Returning to the equality between marginal cost and marginal benefit introduced earlier, one can see that it no longer holds; a decrease in price would induce additional riders to ride the TTC, and their presence would not impose negative externalities on the other riders due to the low congestion at the high price. Then, during these periods, the price could be lowered until there is no surplus to be gained from making further price cuts.

Conversely, consider the transit market when the price is optimal for periods of low demand during rush hour. By assumption, this price is low enough that it induces a high quantity of transit ridership when market demand is comparatively low. As market demand increases and the price is held fixed, transit ridership will grow, and in the inverse of the previous case, the benefit to the marginal consumer will ultimately be less than the

surplus lost as a result of their presence. In this situation, the price of a fare is low, but the true cost of riding transit is high: you may miss your train, you will spend more time on transit, and you will almost certainly be jostled around getting on and off. So, an increase in price would indeed reduce the surplus of those who decided not to take the TTC at a higher price, but this loss is initially outweighed by the increase in surplus gained by those who remain in a less cramped vehicle. The changes in the literal fare price would of course alter the surplus of the government and the consumer, but the changes in tax revenue would amount to no change in total surplus between the two parties, and the supply of vehicles is assumed to be fixed. While the distribution of surplus between producers and consumers would shift, increases in price would raise overall surplus exactly until the harm faced by those no longer using the TTC outweighs the benefits for those who continue.

Combining the arguments, in each case produces the following result: If the current flat price maximizes total surplus in the peak hours, any significant decrease in demand will leave the flat fee at a price too high to maximize surplus in the period of low demand. Similarly, a price that maximizes total surplus in periods of low demand results in inefficient congestion in periods of high demand. This is a result of the unique nature of the transportation market, where the surplus of every consumer is fundamentally tied to the equilibrium quantity transacted at a given period. Thus, a variable price scheme could be devised that coordinates an appropriate level of demand throughout the day, while ensuring that the system is not too congested during the hours of highest demand. Of course, both Cervero's estimates of demand and intuition suggest that no price change can induce sufficient demand in the off-hours, but so long as demand is even slightly elastic, a reduction in periods of low demand would raise the total surplus as described in the framework presented by Huang, Tian, and Gao. By reducing the price in periods of low demand, more people will take public transit at little cost to the TTC or the passengers already serviced.

## CONCLUSION

Under the assumption that the supply of public transit is fixed, the model introduced by Huang, Tian, and Gao can be adapted to show that a fixed-fare system does not maximize total surplus. The fundamental reasoning behind this conclusion is that the price of public transit is not produced by a competitive market but instead set by the city to encourage ridership up to the point where additional riders diminish the surplus of the market as a whole. With this framing, an equivalent change in price to offset a predictable decrease in demand could ensure stable demand throughout the day around the socially optimal amount, instead of operating a system that is at full capacity for a third of the day and empty otherwise.

However, this analysis remains incomplete and offers several avenues for improvement. Most glaringly, the lack of publicly available data on the hourly ridership of the TTC makes



it impossible to accurately estimate the change in demand between peak and off-peak hours. This data could contain information about the ridership at individual locations as well as estimates about the average length of a trip throughout the day. Research by Cervero suggests that price elasticities vary between short and long trips, work-related and leisure-related trips, and by the population density of the area the trip is occurring in.<sup>14</sup> Estimates of all these factors would allow for estimates of the changes in price required to shift demand and the ultimate change in tax revenue resulting from such a price. Without this data, the only claim this article can make is that a flat fee cannot maximize total surplus; specific predictions about the exact changes in prices cannot be made without further data on transit demand.

One may also criticize this scheme for its indifference to social justice and over-adherence to the concepts of market surplus. Indeed, one's true need for a good is glossed over by these models and substituted by what they are willing *and able* to pay for it. Based on this oversight of the model, one may then object to the conclusion of this article on the principle that public transit should be accessible to everyone. Such concerns are necessary when designing public policy, but overcrowded, inefficient transit systems cost riders regardless of their social status. With regards to the equity of public transit, one must note that the price of a fare is by no means the only lever the TTC can adjust. In the long run, overcrowding can be solved by additional vehicles, workers, and funding. As Cervero's research showed, these factors are far more impactful on the overall demand for public transit and don't force those who aren't willing to pay higher fares off the TTC. So, while concerns over the equity of variable price schemes are necessary, the theoretical benefits of the price system analyzed here are certainly of note and by no means necessarily contribute to an unfair system when implemented as one mechanism in a socially conscious public transit policy.

Despite these limitations, the pricing of public transit is an issue worth studying. As urbanization draws ever more people into cities and the hazards of carbon emissions gain more recognition, public transit will only become more important to societal well-being. While it may appear trivial to distinguish between price differences, which are quite literally pocket change, these choices do play a fundamental role in the quantity of public transit ridership and its socio-economic composition. The distribution and efficacy of public transit have wide-reaching effects, which will only become more relevant as the sector grows in the coming decades and are inseparable from the price at which these goods are sold.

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<sup>14</sup> Cervero, 124.

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## ABOUT THE AUTHOR



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# The Young and the Restless: A Case for Reforming Canada's Criminal Justice Act

Kegan Palmer

## ABSTRACT

*Since its enactment in 2003, the Youth Criminal Justice Act (YCJA) has served as the instructional and legal document for youth justice in Canada. By emphasizing rehabilitative measures as opposed to punitive measures, the Act brings the law in line with the core principle that youth are not fully developed and should be afforded limited legal responsibility. Despite the Act's success in reducing youth incarceration rates, it has failed to evolve and has not been modified since its inception, raising questions regarding its true ability to reintegrate youth into general society. These issues, and how to best address growing public safety concerns, have emerged as prominent policy topics over the past three years. With increasing public rhetoric, provincial leaders raising the issue with the federal government, and numerous high-profile youth crime events penetrating mainstream media, it is evident that legal research requires modernization. Through a contemporary and theoretical analysis, and by situating the Act in current youth crime events, this research examines three potential adjustments: publication bans, extrajudicial measures, and bail reform, while placing the most recent literature within each route. This research concludes that, although the core principles of the YCJA remain intact, it requires technical and policy revision to align with present approaches to youth justice and emerging circumstances. Doing so will not only update the existing research but can also help temper down burgeoning public anxiety over youth justice, bolster public safety, increase youth well-being, and replace certain rhetoric-based procedures with evidence-based legal policies.*

## INTRODUCTION

When it came into effect on April 1, 2003, the *Youth Criminal Justice Act* (YCJA) represented a rebuke of not only the legislative technicalities of the former *Young Offenders Act* (YOA) but also the philosophical elements as well.<sup>1</sup> This change was reflective of a requirement to balance legal goals with political pressures and transition Canada from a welfare model of youth justice, one focused on informal mechanisms,

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<sup>1</sup> A. N. Doob and J.B. Sprott, "Youth Justice in Canada," *Crime and Justice* 31 (2004): 185–242.

treatment, and rehabilitation to a legal one concerned with punishment, formal prosecution, and liability.<sup>2</sup>

Ongoing instances of youth crime have called into question the effectiveness of this model and moved it to a place of high politics: policy questions central to the nature of the state and that rank high on the national agenda.<sup>3</sup> Issues in high politics demand the attention of legislators and policymakers due to their ability to affect national well-being and garner public attention. January 2023 letters from Canada's premiers to the prime minister calling for a *reverse onus* (detainment while awaiting trial) on firearms offenders<sup>4</sup> combined with Conservative Party communications attributing lenient bail policies to the then recent murder of Ontario Constable Grzegorz Pierzchala, claiming the government is soft on crime, are among the ways this issue has regained public consciousness.<sup>5</sup> Opposition motions in the House of Commons to amend Bill C-75, the Liberal Party's 2018 omnibus bill, which sought to decrease the use of remand,<sup>6</sup> fix sentencing delays, and reduce the percentage of racialized individuals in prison, have also called attention to the topic.<sup>7</sup> This discourse is representative of the public perception that youth crime is rising in Canada. This rhetoric has been augmented by the family of Ken Lee, the Toronto man killed in a swarming by eight teenage girls in December 2022. The family has criticized the YCJA and called for a re-examination of the YCJA's policies around publication bans and bail to better protect the community as opposed to the assailants.<sup>8</sup> Kobayashi, a scholar in youth justice theory, refers to these as signal crimes, a potentially dangerous phenomenon where the public comes to view complex legal issues through the lens of one event.<sup>9</sup> In accordance, public outcry is created, which has placed youth justice on the parliamentary agenda.

Given the spotlighting of the aforementioned contemporary instances of youth crime and the fact that the last amendments to the YCJA occurred in 2012, the question has emerged: Does the YCJA require reform? And if so, in what capacity? Youth crime events of the current nature inspired the formation of the YCJA. Instances such as the 1997

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<sup>2</sup> S. Young, B. Greer, and R. Church, "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective," *BJPsych Bulletin* 41, no. 1 (2017): 21–29.

<sup>3</sup> J. Youde, "High Politics, Low Politics, and Global Health," *Journal of Global Security Studies* 1, no. 2 (2016): 157–70.

<sup>4</sup> D. Fraser, "Justice Minister Says Federal Government Giving Bail Reform 'Serious Consideration.'" *CBC News*, February 9, 2023.

<sup>5</sup> C. Tunney, "As Conservatives Push Government on Bail Reform, Lametti Warns There Are No Easy Fixes," *CBC News*, February 2, 2023.

<sup>6</sup> "Remand," Thomson Reuters Practical Law, 2023.

<sup>7</sup> R. Gilmore, "Does Canada Need Tougher Bail Laws? Officer's Death Prompts Calls for Reform," *Global News*, January 5, 2023.

<sup>8</sup> S. Nasser, "Family of Man Killed in Alleged Toronto 'Swarming' Attack Breaks Silence." *CBC News*, January 19, 2023.

<sup>9</sup> B. Kobayashi, "Criminal Justice Theories and Variations in Legal Decisions Across Youth Justice Acts," *The University of Western Ontario Electronic Thesis and Dissertation Repository*. 2017.

murder of fourteen-year-old Reena Virk by her classmates in Victoria, British Columbia, and the 2004 murder of nineteen-year-old Sebastien Lacasse by a group of under-eighteen youth at a party in Laval, Quebec.<sup>10</sup> Similar to recent 2023 youth crime incidents, these incidents drew significant media attention and contributed to what scholars such as Roberts theorize is an overrepresentation of youth crime in the civil sphere that contributes to a general misunderstanding of actual trends.<sup>11</sup> Traditionally, these periods have catalyzed a culture of *penal populism*, which advocates for stricter judicial measures. A widely perceived increase in the frequency of youth crime in 2023 has created an opening for federal government reform that will allow them to work within the parameters of the YCJA while adhering to evidence-based policies as opposed to the traditional pressures of tough-on-crime proponents.

Nonetheless, this increase in the framing of youth crime and its national spotlight warrants academic examination, and as such, situating the YCJA and its efficacy in the context of current events is required. Youth criminal justice theory, the core tenets and criticisms of the YCJA, and feasible routes for reform will be analyzed and explored. To survey publicized reform proposals, this essay will be laid out in three sections. First, this research will examine legal theory relating to youth criminal justice. Second, by looking at YCJA's key provisions and central criticisms, this research will underscore the need for Canada to better align its practice with its theory. Third, this essay will examine three avenues for reform: publication bans, bail, and extrajudicial measures, proving that, when looking at these measures individually and then as a larger picture, it reveals that an overhaul of the act is not required, yet adjustments can better the Act's efficacy. Though this research will not make direct policy recommendations, instead opting to lay out proposals from a wide range of often competing policy frames, it will advance the implementation of policies rooted in evidence as opposed to public hysteria or political motifs. Former Justice Minister Anne McLellan described criminal justice as "a work in progress" and believed "improving our justice system is an ongoing objective and challenge."<sup>12</sup> In unison with McLellan's assessment, this research contends that the success of the YCJA relies on its modification and adaptation to emerging circumstances.

## Youth Criminal Justice Theory

Youth justice theory is representative of Canadians' core ideological leanings and societal beliefs, including views on individual responsibility and how crime should be approached.<sup>13</sup> This makes it human nature to both hold and voice an opinion on the

<sup>10</sup> B. Kobayashi, *Criminal Justice Theories and Variations in Legal Decisions Across Youth Justice Acts*, 2017.

<sup>11</sup> J. V. Roberts, "Public Opinion and Youth Justice," *Crime and Justice* 31 (2004): 495–542.

<sup>12</sup> A. McLellan, "A Strategy for the Renewal of Youth Justice, Standing Committee on Justice and Legal Affairs' report on the Young Offenders Act." *Government of Canada*, 1998.

<sup>13</sup> T. F. Hartnagel, "The Rhetoric of Youth Justice in Canada," *Criminal Justice* 4, no. 4 (2004): 355–74; M. Goyette, "Youth and Criminal Justice: Reflections on the legislation," *Policy Options*, April 24, 2018.

matter. Given the wide public input and opinion on youth crime, Hartinger proposes that there is an uncoupling of the realities and perceptions of the issue, creating frequent cycles of rhetoric that prevent meaningful action. Criminal legislation as it relates to youth justice, however, is a relatively new field of study and has coalesced around the conviction that repressive methods are a poor method for a successful national youth justice paradigm. Research also shows that youth crime exists for a myriad of sociopolitical reasons, including inequality, social exclusion, and abuse, highlighting that Canada's traditional toughening of the matter is contradictory to legal theory. The overarching theories of youth criminal justice are then predominantly based on the public perceptions and attitudes of a given period. Youth justice provisions in Canada, including the YCJA, also reflect broad trends in other Western democracies such as England, Australia, and the United States.<sup>14</sup> Amendments to the YCJA have aligned with this direction, moving its intentions away from youth welfare to a crime prevention and punitive justice framework. In their critical analysis of the YCJA, Smandych contends this transition has been expedited by the moral panic theory, when a particular group is framed as a threat to society and the public adjusts by hardening their attitudes and calling for punitive measures, otherwise known as *re-penalization*. Thus, much of the dominant theory in Canada relates to the presumption of diminished moral blameworthiness, which postulates that youth, given their maturity, vulnerability, and judgment levels, cannot be held to the same standard as adults.<sup>1516</sup>

## The Youth Criminal Justice Act in Canada

YCJA were a response to the former 1984 *Young Offenders Act* and the 1908 *Juvenile Delinquents Act*, which generated decades of public controversy due to their reliance on incarceration, high cross-provincial disparity levels, and poor societal reintegration outcomes.<sup>17</sup> Highlighting its attachment to international legal trends, the act has been amended and interpreted within the context of the United Nations Convention on the Rights of the Child, which emphasizes limited accountability.<sup>18</sup> The convention has been referenced by the Supreme Court of Canada when ruling on custodial sentencing for youth. Not only is the YCJA technical, designed to implement conferencing, decrease pre-trial sentencing, and end transfers to adult court, but it is also political, embodying Canada's middle ground, restrained yet robust approach to youth justice. The Act, introduced to Parliament in October 1999 by Liberal Justice Minister Anne McLellan, promised to appease and simultaneously counter the Harper Conservatives' "get tough"

<sup>14</sup> R.C. Smandych and R. Corrado, "Too Bad, So Sad': Observations on Key Outstanding Policy Challenges of Twenty Years of Youth Justice Reform in Canada, 1995-2015," *Manitoba Law Journal* 41, no. 3 (2018): 191–240.

<sup>15</sup> A. Bailey, "Supreme Court Decides to Shift Burden in Young Offenders' Cases," Centre for Constitutional Studies - University of Alberta Faculty of Law, May 16, 2008.

<sup>16</sup> Cervero, 125–26.

<sup>17</sup> R. Barnhorst, "The Youth Criminal Justice Act: New Directions and Implementation Issues," *Canadian Journal of Criminology and Criminal Justice* 46, no. 3 (2004): 231–50.

<sup>18</sup> P. J. Carrington and N. Bala, "Canada," in *International Handbook of Juvenile Justice* (2017): 91–109.



position.<sup>19</sup> To do so, it clearly laid out its desired policy direction: to utilize methods outside the courts, concentrate on reintegrating youth into society, and resolve the notable lack of specificity of the YOA. The previous YOA's vagueness was particularly problematic as it meant police officers, judges, and lawyers could easily justify their actions under their interpretation of the Act's umbrella statements. Though the new specificity ushered in under the YJCA addressed this issue, it has been criticized for its scope, complexity, and length, which make it prone to application variances, misunderstandings, and, in turn, poorly executed on-the-ground delivery.<sup>20</sup> The complexity of the YCJA mirrors the legal direction of other Western nations, such as New Zealand and the United Kingdom, whose models incorporate a myriad of differing, albeit contradictory, ideologies, principles, and tactics. This is further confused in Canada by federalism, which gives the federal government power over criminal law, yet the implementation and service aspects are under provincial jurisdiction. Given this, the YCJA is prone to stagnation, thus resisting adaptation to emerging youth justice research, failing to respond to fluctuations in legal practice, and augmenting the ability of the local level to stall reform proposals. The YCJA has also been characterized as merely a "qualified success" due to its adverse effects on marginalized communities and failure to reduce incarceration rates for Indigenous youth.<sup>21</sup> Indeed, the YCJA has contributed to a decline in overall youth incarceration rates. From the period of 2018 to 2019, a daily average of 716 youth remained in custody across Canada's provinces and territories. This equates to a national incarceration rate of 4 youth per 10,000, not only a 10 percent decrease from 2017 to 2018 but a 32 percent decrease from 2014 levels.<sup>22</sup> Despite this, as data is not collected on rates of recidivism or societal reintegration, the Act's full effects are yet to be gauged, showing that it remains an imperfect piece of legislation.

## Reform Route: Publication Bans

Publication bans are a core facet of the YCJA and have operated on the premise that identification would lead to harm and stigmatization that would hinder youths' prospects for rehabilitation.<sup>23</sup> There has been little Canadian evidence that the publication of the identities of young offenders heightens community safety, yet there is significant counter-evidence that publication implicates youth by outing them as bad

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<sup>19</sup> Carrington and Bala, "Canada," 94.

<sup>20</sup> S. Kuehn and R.R. Corrado, "Youth Probation Officers' Interpretation and Implementation of the Youth Criminal Justice Act: A Case Study of Youth Justice in Canada," *International Journal of Comparative and Applied Criminal Justice* 35, no. 3 (2011): 221–41.

<sup>21</sup> R.H. Houwer et al., "Supporting Positive Outcomes for Youth Involved With the Law," *Youth Research and Evaluation EXchange (YouthREX)*, 2017.

<sup>22</sup> J. Malakieh, "Adult and Youth Correctional Statistics in Canada, 2018/2019," *Juristat: Canadian Centre for Justice Statistics* 3, no. 23 (2020).

<sup>23</sup> Department of Justice, "Publication Bans," Youth Justice, 2021.

actors, thus decreasing their societal functioning and, in turn, decreasing public safety.<sup>24</sup> Nonetheless, a key criticism of the YOA was its inability to inform the affected communities when a violent young offender was released, leading to public and political pressure during the transition from the YOA to the YCJA. This tension facilitated provisions making it more permissible to publicize young offenders and placed the burden on the accused youth to prove that a publication ban should be enforced in their case. By allowing youth courts to rule on whether they viewed publication as appropriate in the circumstances, these amendments opened the door for increased publication of young offenders. In 2011, the YCJA was further adjusted to reduce the use of publication bans by implementing exemptions for anyone fourteen or older convicted of violent crimes, reflecting what the government called a deterrence and denunciation approach designed to hold youth more accountable to victims and the community.<sup>25</sup>

*This has led advocacy groups such as the Canadian Pediatric Society to lobby against the now-passed amendments on the grounds that 70 percent of incarcerated youth suffer from mental disorders.*

Furthermore, the amendments gave judges the discretion to decide if a youth continues to pose a community risk and, in turn, if lifting a publication ban is the best option for community safety.

Over the past two decades, youth publication bans have become stricter and increasingly astray from developmental evidence that youth process risks and rewards differently than adults.<sup>26</sup> This has led advocacy groups such as the Canadian Pediatric Society to lobby against the now-passed amendments on the grounds that 70 percent of incarcerated youth suffer from mental

disorders, and publication of their identities would likely worsen these statistics by generating stigma and treating youth as fully developed adults. The reduction in the use of publication bans and additional punitive phrasing of the YCJA garnered the attention of the Canadian Coalition for the Rights of Children, which recommends the reversal of these amendments and a return to best practices of tightly restricting the publication of youth identities and the removal of deterrence and denunciation objective.<sup>27</sup>

Though Bill C-75 made publication bans mandatory and removed the court's ability to decide, there are still numerous avenues for youths' identities to be published, including

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<sup>24</sup> N. Bala, "R. v. B. (D.): The Constitutionalization of Adolescence," *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 47 (2009): 210–34.

<sup>25</sup> Department of Justice, "Publication Bans," Youth Justice, 2021.

<sup>26</sup> A. S. Elliot and D.K. Katzman, "Youth Justice and Health: An Argument Against Proposed Changes to the Youth Criminal Justice Act," *Canadian Pediatric Society* 16, no. 7 (2011): 414.

<sup>27</sup> K. Vandergrift, "Children's Rights and Criminal Justice System Reform," *Canadian Coalition for the Rights of Children*, 2018.

if they are tried as adults or if they are deemed a public risk.<sup>28</sup> Legal consensus iterates the importance of protecting youth identities to ensure they have a successful future free from discrimination based on past actions.<sup>29</sup> Yet, as public safety relies in theory on a consistent flow of information regarding public risks, there is a contentious paradox requiring youth publication ban policy to be given careful consideration. Current measures are, according to scholars such as Brown, not adequate to accommodate this paradox. Provisional allowances afford the media loopholes that demand tightening, and more diligent enforcement practices are required given that adherence to the YCJA is placed on the media themselves and there is no defined penalty should they break a ban. New technologies have also decreased the effectiveness of youth publication bans and increased the prevalence of vigilante justice on social media.<sup>30</sup> Confusion about whether certain forms of social media constitute a publication, combined with the fact that a majority of social media sites are in American jurisdiction, muddies their enforceability. In one case involving a minor in Brockville, Ontario, the community took to Facebook to name and shame a fifteen-year-old on trial for manslaughter, prompting the local police department to inform the town they could be charged under Section 127 of the Criminal Code, and indeed, social media is a form of publication.<sup>31</sup> This highlights the decreasing efficacy, frequency, and enforcement of youth publication bans, which have “eroded” over the past decade.<sup>32</sup> This erosion has given individual actors, such as courts and judges, a high degree of discretion, thus creating discrepancies and decreasing the privacy protections of youth. Subsequently, they serve as a viable avenue for realignment in line with the YCJA’s recognition of diminished moral blameworthiness.

## Reform Route: Bail

Bail reform is arguably the most publicized and accepted justice reform proposal in 2023 and is seeing an increase in associated rhetoric both in general and relating to youth crime. Arguing that the Liberals’ most recent bail bill, Bill C-75, has swung too far to the leniency side of the pendulum, letting violent offenders who are likely to re-offend off the hook, figures such as Conservative Party leader Pierre Poilievre and Ontario Premier Doug Ford have expressed their desire for federal bail reform.<sup>33</sup> British Columbia Premier

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<sup>28</sup> Department of Justice, “Publication Bans,” Youth Justice, 2021.

<sup>29</sup> A. Brown, “Hidden in Plain Sight: Publication Bans, Mythology, and Youth Crime,” Thesis, University of Calgary, 2018.

<sup>30</sup> T. Arvanitidis, “Publication Bans in a Facebook Age: How Internet Vigilantes Have Challenged the Youth Criminal Justice Act’s ‘Secrecy Laws’ Following the 2011 Vancouver Stanley Cup Riot,” *Canadian Graduate Journal of Sociology and Criminology* 5, no. 1 (2016): 18.

<sup>31</sup> F. Snowden, “‘Violations of a Publication Ban Might Jeopardize Charges:’ Brockville Police on Damian Sobieraj Case,” *Global News*, November 8, 2018.

<sup>32</sup> J. Muncie, B. Goldson, and R. Smandych, “Canada: Re-penalization and Young Offenders’ Rights,” in *Comparative Youth Justice: Critical Issues* (2006): 19–33.

<sup>33</sup> C. Tunney, “As Conservatives Push Government on Bail Reform, Lametti Warns There Are No Easy Fixes,” *CBC News*, February 2, 2023; The Canadian Press, “Federal Government Needs to Reform Bail System Now to Target Repeat Offenders, B.C. Premier Says,” *CBC News*, March 7, 2023.

David Eby has joined this chorus, calling on the federal government to act faster to ensure those who are currently being cycled in and out of the justice system are punished accordingly, and the province has adequate funding for their new bail-related policy of pairing parole officers with mental health professionals.<sup>34</sup> Those taking the tough-on-crime approach propose increased parole officer hiring to ensure provisions such as house arrests, curfews, weapons bans, and criminal association bans are followed. On the flipside, critics of Premier Ford's requests to restrict bail access based on its relation to recent cop killings contend that when looking at reform, politicians should instead account for the 163 prisoners who died in Ontario jails while awaiting bail from 2018 to 2022 and take a statistical-based approach to how they frame the issue.<sup>34</sup> Bill C-75, the omnibus bill that reformed the youth bail system to make it more streamlined, ushered in arrangements to expedite hearings, generating positive reviews from the Canadian Bar Association (CBA) for upholding the diversionary regime.<sup>35</sup> Nonetheless, as police tend to be more punitive than judges in their enforcement of conditions, the CBA has also called for better training when approaching youth and the backtracking of the policies that ended preliminary inquiries and allowed officers to enter evidence through affidavit.

More pointed towards the YCJA, a 2015 report, "Broken Bail," proposed a fundamental rethinking of the bail system in Canada, noting that bail policy is moving in opposition to other Western nations towards a more restrictive, less YCJA reflective framework.<sup>36</sup> This is characterized by more cases beginning in the bail court, longer bail determination hearings, and an increase in the amount of time a youth spends in remand, as a consequence, increasing their likelihood to re-offend. This system now operates contrary to YCJA's premise that youth should be in prison as little as possible. Furthermore, Canada's youth bail policy applies strict catch-all conditions that often do not relate to the offence committed, utilizing *sureties*<sup>37</sup> to oversee adherence to these conditions. Advocates of bail reform to decrease youth imprisonment rates have noted that Canada should implement targeted measures to ensure judges and officers are more selective about the youth they charge, educate the public about the taxpayer burden of keeping youth in remand unnecessarily, and reduce the use of sureties. Though the YCJA has moved the youth incarceration rate from 17 per 10,000 youths in 2000, the highest rate in any Western industrialized nation, to 3 per 10,000 in 2021, the results are mixed and unequal when looking at the number of youth in remand.<sup>38</sup> Despite

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<sup>34</sup> L. Dobson et al., "Premiers' Call for Bail Reform Will Kill More People Than It Saves Social Sharing," *CBC News*, February 24, 2023.

<sup>35</sup> "Executive Summary Bill C-75 Criminal Code and Youth Criminal Justice Act amendments," The Canadian Bar Association, 2018.

<sup>36</sup> C. M. Webster, "'Broken Bail' in Canada: How We Might Go About Fixing It," *Research and Statistics Division Department of Justice Canada*, 2015.

<sup>37</sup> "What Is a Surety?," *Legal Aid Ontario*, 2017.

<sup>38</sup> "Unequal Justice: Experiences and Outcomes of Young People in Ontario's Youth Bail System," *John Howard Society of Ontario*, 2021.

the YCJA's mandate to divert youth from prison, they are increasingly spending time in jail while awaiting bail and being released with strict conditions that increase the chances they will be charged with other crimes and kept in the system into adulthood.

As the bail period is a critical juncture for the trajectory of youth justice, reforms can better facilitate restorative justice, diversion programs, mental health and addiction services, and reduce the practice of restrictive blanket conditions. These proposals are touted as a means to align bail policy with the principles of the YCJA. This is reiterated by Sprott and Sutherland, whose analysis of bail conditions found that strict release conditions do not increase the likelihood of court attendance, yet do make it more likely those on release will accrue failure to comply charges.<sup>39</sup> The YCJA's accomplishments have been tainted by its inability to decrease pre-trial detentions, the rates of which have remained stable since 2004, with 53 percent of all incarcerated youth in prison before conviction.<sup>40</sup> When they are released on bail, Canadian youth experience punishment before conviction via conditions that create more crime by charging youth with behaviors that aren't inherently criminal, such as not attending school or missing curfew, making it so that 16 percent of all youth charges in Canada are failure to comply charges. These statistics underscore the core issues relating to youth bail and key areas to focus on when the federal government meets with the premiers for an emergency bail reform session later this year. Taking a similar stance as this research, lawyer Jessica Greenwood proclaimed "the system is not broken, it may need some reforms in places, but it's not broken."<sup>41</sup> Warning against caving to political pressure, lawyers from the CBA contend bail reform should not be about ending vague issues such as catch and release but about increasing funding for programming for at-risk youth or other marginalized groups and educating the public on the facts of youth bail. Bail is not the same for youth as it is for adults. Youth have different conceptualizations of time; remand in prison impedes their development and takes more time out of their lives. Due to their cognitive abilities, the psychological ramifications of remand are far greater for a young Canadian.<sup>42</sup> This makes the bail process an important element of the YCJA and an arena for reform.

## Reform Route: Extrajudicial Measures

Given that during their formative years, youth experience unique physical, emotional, and social challenges that heighten their likelihood of delinquency, measures that address youth justice outside of court systems are embraced by the YCJA as a viable

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<sup>39</sup> J.B. Sprott and J. Sutherland, "Unintended Consequences of Multiple Bail Conditions for Youth," *Canadian Journal of Criminology and Criminal Justice* 57, no. 1 (2015): 59–82.

<sup>40</sup> J.B. Sprott, "How Court Officials 'Create' Youth Crime: The Use and Consequences of Bail Conditions," *Canadian Criminal Law Review Preview Publication Details* 19, no. 1 (2015): 27–39.

<sup>41</sup> D. Smith, "The Misinformation Behind Calls for Bail Reform," The Canadian Bar Association, 2023.

<sup>42</sup> A. Pierrynowski, "R v Tjm: Examining Bail Applications in the Youth Criminal Justice System," *Ultra Vires*, 2021.

method to decrease overreliance on the prison system.<sup>43</sup> Extrajudicial initiatives, often embraced as a method for involving the community in youth justice, range in severity from warnings to community program referrals to sanctions and volunteer work.<sup>44</sup> The impetus for encouraging community-based justice lies in response to the previous YOA, which saw police and courts doling out sentences to youth in instances when extrajudicial measures were more appropriate to the act committed.<sup>45</sup> Such a model recognizes that measures, such as referrals to community organizations, citations, or taking no further action, can not only allow youth to acknowledge and repair wrongdoing but can also give the community a heightened role in youth justice, freeing the courts to deal with more egregious offences. Given that one recent youth offence in Canada, the murder of two Edmonton police officers, involved a sixteen-year-old who had no previous experience with the legal system yet had contact with the mental health system, there is evidently a role for actors outside the courts to intervene in youth justice.<sup>46</sup> Underscored by the troubling statistic that Indigenous youth are more likely to come into contact with the law than to obtain a high school diploma, Canada's Truth and Reconciliation Commission found that even more than Indigenous adults, Indigenous youth are drastically overrepresented<sup>47</sup> in Canada's criminal justice system. Colonial legacies, over-policing, and systemic discrimination are among the symptoms of the root causes of these issues that cannot be solved through reforms to sentencing. These policy issues, such as opportunity scarcity, substance abuse, lack of acceptable housing, and educational outcomes, rely on extrajudicial fixes and are a key way the federal government can strengthen the legal system to truly prevent the root causes of youth delinquency.

Legal consensus iterates that regardless of their predispositions, environmental contexts such as poverty, inequality, and opportunity gaps are the greatest predictors of youth delinquency, giving governments a responsibility to strengthen social programs and educational attainment.<sup>48</sup> Alvi has framed the legal system as sufficient to deal with the youth incarnation rate element of the YCJA, yet insufficient on its own to accomplish the goal of rehabilitation.<sup>49</sup> The social, cultural, and economic conditions that precede and precursor youth crime must then not be viewed solely as criminal issues but as social ones. Given that 50 to 75 percent of youth in the justice system have a mental health

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<sup>43</sup> D. Ibrahim, "Youth Re-Contact With the Nova Scotia Justice System, 2012/2013 to 2014/2015," *Canadian Centre for Justice Statistics* 85, no. 2 (2019).

<sup>44</sup> Department of Justice, "Extrajudicial Measures," Youth Justice, 2021.

<sup>45</sup> R. Ricciardelli et al., "From Knowledge to Action? The *Youth Criminal Justice Act* and Use of Extrajudicial Measures in Youth Policing," *Police Practice and Research* 18, no. 6 (2017): 599–611.

<sup>46</sup> J. Wakefield and A. Junker, "Teen Who Killed Edmonton Officers Believed to Be Responsible for Earlier Pizza Hut Shooting, Police Confirm," *Edmonton Journal*, March 23, 2023.

<sup>47</sup> C. Cesaroni, C. Grol, and K. Fredericks, "Overrepresentation of Indigenous Youth in Canada's Criminal Justice System: Perspectives of Indigenous Young People," *Australian & New Zealand Journal of Criminology* 52, no. 1 (2018): 111–28.

<sup>48</sup> M. Goyette, "Youth and Criminal Justice: Reflections on the Legislation," *Policy Options*, April 24, 2018.

<sup>49</sup> S. Alvi, *Youth Criminal Justice Policy in Canada: A Critical Introduction* (Springer, 2012).



disorder, and mental health is one of the greatest factors accounting for why youth commit crimes, it is evident that mental health services must be better integrated within the youth justice process.<sup>50</sup> Others, such as Badali, have found this percentage to be even higher, at 90 percent, putting forth mandatory mental health screening for youth entering the system and targeted sentencing and support for when youth are deemed mentally unwell.<sup>51</sup> Though these still work within the confines of the judiciary, they utilize actors not traditionally included in the process, such as community support workers and mental health practitioners, giving them extrajudicial intent. The legal system has increasingly relied on voluntary outside actors to aid in its operations and pick up in areas of shortcoming, yet these organizations often lack funding and the staffing capacity to undertake such initiatives, making it imperative that governments craft policies that do not isolate youth justice from other sectors.<sup>52</sup> In that regard, arguments have been made that alignment and integration can make extrajudicial institutions work in tandem with the judiciary. As far back as 2006, the National Crime Prevention Centre recommended that Canada adopt a number of community crime programs based on certain age cohorts.<sup>53</sup> These include funding for the Boys & Girls Club of Canada for ages 6–11, life skills training for youth 11–17, and the implementation of a Canadian Job Corps program for youth ages 17–24. Though the Canadian Justice Ministry has recently recognized this approach in a reduced form by accepting funding applications under the Youth Justice Fund, they have vocalized that a lack of funding serves as a limiting factor to the number of programs they can support.<sup>54</sup>

Smith's analysis of the youth criminal justice system posits that, as the judicial branch operates through punishment, control measures, and isolation while providing only temporary assistance, not long-term solutions, it is ineffective to decrease recidivism.<sup>55</sup> Contrastingly, community-based justice utilizes organizations with in-depth knowledge of their locales and on-the-ground assets to foster a long-term approach that provides services, supports them, and fosters leadership networks. The paradigm is advanced by scholars such as Oudshoorn, who propose a reframing of the youth justice system that is trauma-informed and based on the recognition that up to 90 percent of young offenders are victims of trauma.<sup>56</sup> This system would not seek to remove consequences

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<sup>50</sup> A. Leschied, "Youth Justice and Mental Health in Perspective," *Healthcare Quarterly* 14, no. 2 (2011): 58–63.

<sup>51</sup> M. Peterson-Badali, T.A. Skilling, and E. Leroux, "Mental Health in the Context of the Youth Criminal Justice System," *Canadian Criminal Law Review* 19, no. 1 (2015): 5–20.

<sup>52</sup> T. Bateman, "The State of Youth Justice 2020," *National Association for Youth Justice*, 2020.

<sup>53</sup> Public Safety Canada, "Promising and Model Crime Prevention Programs - Volume 1," *National Crime Prevention Centre*, 2008.

<sup>54</sup> K. Eñano, "Youth Justice Fund Accepting Proposals for Projects Aimed at Improving Youth Justice System," *Canadian Lawyer*, August 25, 2022.

<sup>55</sup> C. Smith, "Nothing About Us Without Us!: The Failure of the Modern Juvenile Justice System and a Call for Community-Based Justice," *Journal of Applied Research on Children* 4, no. 1 (2013): 1–55.

<sup>56</sup> J. Oudshoorn, *Trauma-informed Youth Justice in Canada: A New Framework Toward a Kinder Future*, Canadian Scholars' Press, 2015; B. Schissel, "Youth Crime, Moral Panics, and the News: The Conspiracy Against the Marginalized in Canada," *Social Justice* 24, no. 2 (1997): 165–84.

under the YCJA, but instead makes the core question at hand why youth committed this act and how they should be guided through their challenge while also acknowledging the harm to victims.

## CONCLUSION

In 1997, Schissel contended that the youth justice framing of the 1970s and 1980s was reappearing and Canada was on the verge of a moral panic. The war on crime had turned into the war on youth, and the political scapegoating of Canada's marginalized youth ensured that a wave of youth justice transition was imminent. Six years later, the YCJA came into effect in Canada. In 2023, Canada is once again teetering on the edge of moral panic. Across Canada, a scan of the media landscape will reveal youth crime is on the rise. In Nova Scotia, it was a fifteen-year-old who stabbed two staff at a high school in Bedford.<sup>57</sup> In Alberta, it was the murder of two Edmonton police officers by a sixteen-year-old boy who killed himself shortly after. Whether these examples are another case of moral panic or rooted in tangible statistics is yet to be seen, yet it is evident that the public is paying attention. Through an examination of youth criminal justice theory and by highlighting three areas where reform proposals have gained salience: publication bans, bail reform, and extrajudicial organizational aid, this essay has shown that an alignment of Canada's justice policies to correspond with the YCJA can increase the Act's effectiveness. Similar to the early 2000s, widespread media coverage of youth crime has permeated the public realm. This has placed the federal government in a strong position to implement the analyzed reform proposals. Whether they will base their reforms on the traditional punitive measures that tend to be championed during these periods or on more evidence-based targets is the defining question for future scholars in Canadian youth justice. Case argues that youth offending is a constructed reality, shaped by societal framing of youth offending, which in turn dictates how youth crime is treated in institutions, policies, and public perceptions.<sup>58</sup> Following this theorization, it is evident that Canada is in a unique position to rethink how it depicts youth criminal justice, and should it choose to do so through reforms to the YCJA, it must make use of contemporary legal policy.

The statistical and academic consensus remains that the YCJA has been highly effective in reducing young Canadians' incarceration rates. Nonetheless, this essay has pointed to numerous areas that, when viewed as a collective, showcase a pattern of need for adjustments to bring Canada's policies in line with its declaration of principle. In Thomas Rawls's book, *Justice as Fairness: A Restatement* (2022), he proclaims that a just society forms its institutions "based on the idea that society should structure itself in order to, as much as possible, reduce the burden on societies least advantaged by providing them

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<sup>57</sup> K. Renić, "Teen Accused in Bedford, N.S. School Stabbing Remains in Custody After Hearing," *Global News*, March 23, 2023.

<sup>58</sup> S. Case, *Youth Justice: A Critical Introduction* (New York: Routledge, 2022).

the greatest benefit to systems put into place for societies daily operation.”<sup>59</sup> It is this ideal that is intrinsic to the YCJA, and should Canada truly wish to make a reality, it must adjust the YCJA when necessary to ensure this principle is upheld.

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<sup>59</sup> A. Brown, *Hidden in Plain Sight: Publication Bans, Mythology, and Youth Crime* (University of Calgary, 2018).

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# Nuclear Prestige and Diplomacy: The Rogue States

Katherine Starr

## ABSTRACT

*Nuclear proliferation outside the nuclear non-proliferation regime has been a source of concern in the international system for decades. These worries are exacerbated when nuclear aspirations come from states the international system deems “rogue,” that is, states that generally oppose internationally held norms, beliefs, and values, and that are viewed as an international security threat. Both North Korea and Iran have been grouped together by the international community as “rogue” because of their nuclear programs and have consequently dominated the foreign policy agenda of international superpowers for years with little, if any, meaningful progress. Commonly cited motivations for nuclear acquisition are grounded in rational and security-seeking justifications. However, a state’s normative and status-driven motives for pursuing nuclear weapons are often less evident but offer deeper insights into their puzzling nuclear behaviour. Indeed, both North Korea and Iran have failed to give up their nuclear status despite the enormous costs associated with nuclear technology, security threats from the most powerful militaries, and international disapproval and sanctions. In a deep dive into existing literature on the rational and normative justifications for nuclear pursuits and how these apply to the cases of Iran and North Korea, this article will argue that both North Korea and Iran have security and prestige-driven motivations for their nuclear programs and that this prestige element is even more prevalent in describing Iran’s nuclear behaviour than North Korea’s. This article sheds light on the often-hidden motivations underpinning states’ nuclear programs, resulting in decades of failed attempts to halt nuclear proliferation. Until the international community completely understands the distinct nuclear aspirations of “rogue” states, they will continue to be unsuccessful at denuclearizing them.*

## INTRODUCTION

The presence of nuclear weapons in the international system is no small peril. Nuclear weapons create a “balance of terror” in which the sheer threat of nuclear detonation deters states, regardless of conventional military capabilities.<sup>1</sup> When even the smallest

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<sup>1</sup> Glenn H. Snyder, “Balance of Power in the Missile Age,” *Journal of International Affairs* 14, no. 1 (1960): 21.

military action could lead to nuclear war and unimaginable costs, states must increasingly become more sensitive to nuclear threats coming from *all* states. Whether it is Russia threatening the use of tactical nuclear weapons, the ongoing disarmament negotiations with the Democratic People's Republic of Korea (North Korea), or the Islamic Republic of Iran's (Iran) looming nuclear program, the prospect of nuclear war seems inescapable. In recent years, the nuclear aspirations of rogue states such as Iran and North Korea have dominated the foreign policy of powerful nations like the United States (US). There is an emerging, underdeveloped discourse surrounding nuclear acquisition, which suggests that nuclear weapons are more than mere tools of national security and deterrence. It is certainly puzzling that, in the face of colossal costs, credible security threats, and normative condemnation, both Iran and North Korea have persisted in achieving a nuclear program. With decades of failed negotiation attempts with global superpowers, purely rational security-seeking explanations do not capture this phenomenon. To determine whether denuclearization is even a possibility for these states, we must first understand the puzzling nature of their nuclear motivations. In this article, I will argue that there is a mutually reinforcing dynamic between Iran and North Korea's security *and* normative nuclear motivations.

Nuclear weapons provide domestic prestige by unifying, legitimizing, and satisfying identity needs. They also provide international prestige by breaking open the international hierarchy and providing leverage at the negotiation table with great powers in pursuit of domestic policy goals. However, I argue that prestige-driven motivations are particularly present in the Iranian case but are somewhat less effective in describing the North Korean case. The balance of this article will address some theoretical frameworks associated with this line of thinking and will specifically address the cases of Iran and North Korea, considering their rational motivations and a deeper analysis of the prestige that nuclear weapons provide. I will end by considering the implications of these findings and how they are relevant in the nuclear discourse on rogue states.

## Pursuing Nuclear Weapons: Rational-Material

Since their inception, nuclear weapons have been pursued rationally for security-seeking and deterrence purposes. However, outside the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), there are significant financial and normative costs for states that choose to pursue nuclear programs. Indeed, the rationale for the NPT itself was to halt any further nuclear proliferation while sharing its benefits (i.e., nuclear energy) with states that did not have them.<sup>2</sup> The treaty sought to limit the expansion of nuclear

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<sup>2</sup> Stephen McGlinchey, "Nuclear Weapons and International Relations," E-International Relations, 2022.

weapons programs outside the five nuclear states by creating enough international pressure to dissuade other states from pursuing their own.<sup>3</sup> With nuclear powerhouses such as the US and Russia making the entry costs into the nuclear business extraordinarily high and the presence of the NPT providing a normative taboo against nuclear proliferation, many states avoided or quickly surrendered their nuclear programs. For states part of international alliances, such as Japan and the Republic of Korea (ROK), extended deterrence provided by allies is enough to forgo their own nuclear programs.<sup>4</sup> For others, nuclear weapons must provide enough additional value to justify their pursuit.

## Rogue States

States that have continued pursuing nuclear weapons despite the NPT are viewed as “rogue” and are particularly worrisome to superpowers. This is because of the secretive nature of their nuclear aspirations, their defiance of internationally shared norms and beliefs, and the fear that a volatile regime might acquire weapons of mass destruction (WMD). Following the Cold War, the American foreign policy agenda switched from a bipolar system struggle to a hyper-fixation on threats from rogue states, which was first used by the Clinton administration to garner support for uncompromising policies toward states that threatened the world order.<sup>5</sup> Despite attempts to denuclearize the two states, both Iran and North Korea have been labeled rogue and have been similarly presented with strict disarmament policies.<sup>6</sup> In 2015, Iran signed a nuclear deal known as the Joint Comprehensive Plan of Action (JCPOA) with the United Kingdom, China, France, Germany, Russia, and the US, which essentially restricted Iran’s nuclear program in exchange for sanctions relief.<sup>7</sup> In 2018, the US withdrew from the deal, and Iran has since resumed its nuclear activities.<sup>8</sup> North Korea has had a longstanding reputation for engaging in nuclear disarmament negotiations, which have all but stopped the state from credibly terminating its nuclear program. In 2003, North Korea officially withdrew

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<sup>3</sup> McGlinchey, “Nuclear Weapons and International Relations.”

<sup>4</sup> Lawrence Freedman, “The Interplay Between the International System and the Global Nuclear Order,” in *Meeting the Challenges of the New Nuclear Age: Nuclear Weapons in a Changing Global Order*, ed. Steven E. Miller, Robert Legvold, and Lawrence Freedman (Cambridge: American Academy of Arts & Sciences, 2019), 70; Abhinav Goel, “Iran’s Normative Concerns Behind Its Nuclear Ambitions,” *Social Science Research Network*, 2008, 4.

<sup>5</sup> K.P. O’Reilly, “Perceiving Rogue States: The Use of the ‘Rogue State’ Concept by U.S. Foreign Policy Elites,” *Foreign Policy Analysis* 3, no. 4 (2007): 296; Peter Bean, “Addressing the Proliferation Threat from ‘Rogue States,’” *The Wilson Center*, 2004.

<sup>6</sup> Bean, “Addressing the Proliferation Threat from ‘Rogue States.’”

<sup>7</sup> Kali Robinson, “What Is the Iran Nuclear Deal?,” *Council on Foreign Relations*, 2023.

<sup>8</sup> Robinson, “What Is the Iran Nuclear Deal?.”; Kelsey Davenport, “Iran’s nuclear program is advancing. So too should negotiations,” *Atlantic Council*, 2023.

from the NPT and remains the only state to withdraw from the treaty.<sup>9</sup> North Korea has become increasingly provocative in its nuclear ambitions since the fallout of the Six-Party Talks in 2008–9<sup>10</sup> and continues to build its nuclear capabilities to threaten its opponents (notably the ROK and the US).<sup>11</sup> But, more important than the current status of their nuclear capabilities is the rationale for originally establishing their nuclear programs.

## Beyond the Material: Normative Justifications for Nuclear Pursuits

Some scholars suggest that the defiant nature of Iran's and North Korea's nuclear pursuits can be explained by ideational and psychological rather than exclusively material factors, especially due to the failed attempts at denuclearizing them.<sup>12</sup> Scott Sagan was an early scholar who challenged conventional reasoning as to why states build nuclear weapons.<sup>13</sup> Sagan argued that nuclear weapons are more than tools of national security but "can also serve as international normative symbols of modernity and identity."<sup>14</sup> Sagan offers three models for why states acquire nuclear weapons: the security, the domestic politics, and the norms models. The norms model suggests that states acquire nuclear weapons as a normative symbol of their modernity and identity.<sup>15</sup> This model explains that deep norms or shared beliefs regarding legitimate or modern state behaviour help drive nuclear proliferation. These military weapons can serve

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<sup>9</sup> Robinson, "What Is the Iran Nuclear Deal?"

<sup>10</sup> The Six Party Talks were a series of nuclear disarmament negotiations between North Korea, China, Japan, Russia, and the US, where North Korea committed to significantly rolling back its nuclear program. The talks became less successful toward the end of 2008, and North Korea officially stepped away from the discussions in 2009. See Katherine Malus and Hilary Huaici, "How North Korea Got a Seat at the Nuclear Table," Columbia University, 2018; and Benjamin Habib, "North Korea's Nuclear Weapons Programme and the Maintenance of the *Songun* System," *The Pacific Review* 24, no.1 (2011): 43–64.

<sup>11</sup> Bruce W. Bennett, "How Kim Jong-un's Fears Shape North Korea's Nuclear Weapons Agenda," Rand Corporation, 2023.

<sup>12</sup> Tanya Oglivie-White, "The Defiant States: The Nuclear Diplomacy of North Korea and Iran," *The Nonproliferation Review* 17, no. 1 (2010): 115–38; Daniel Wertz, "Issue Brief: The U.S., North Korea, and Nuclear Diplomacy" (Washington: The National Committee on North Korea, 2018): 1–24; Habib, "North Korea's Nuclear Weapons Programme and the Maintenance of the *Songun* System"; Victor D. Cha, "North Korea's Weapons of Mass Destruction: Badges, Shields, or Swords?," *Political Science Quarterly* 117, no. 2 (2002): 209–30; Maysam Behraves, "State Revisionism and Ontological (In)security in International Politics: The Complicated Case of Iran and Its Nuclear Behavior," *Journal of International Relations and Development* 21, no. 4 (2018): 836–57; Goel, "Iran's Normative Concerns Behind Its Nuclear Ambitions"; Michael Clarke, "Iran as a 'Pariah' Nuclear Aspirant," *Australian Journal of International Affairs* 67, no. 4 (2013): 491–510.

<sup>13</sup> Scott D. Sagan, "Why Do States Build Nuclear Weapons?: Three Models in Search of a Bomb," *International Security* 21, no. 3 (1996): 54–86.

<sup>14</sup> Sagan, "Why Do States Build Nuclear Weapons?," 55.

<sup>15</sup> Sagan, "Why Do States Build Nuclear Weapons?," 55.

functions like those of flags, airlines, and sports teams, and they become what states believe they must possess to be legitimate.<sup>16</sup>

For states like Iran and North Korea, the pursuit of nuclear weapons programs has become an important symbol of modern identity, a legitimate presence on the international stage, and a rejection of Western culture and values and the non-proliferation regime.<sup>17</sup> The presence of nuclear weapons has long been associated with the currency of great power status, diplomatic manoeuvring, and technological prestige.<sup>18</sup> Any threat to this hierarchy, especially by rogue states, demands tremendous attention from great powers. In fact, this argument was highlighted in 1977 by Richard K. Betts, who argued that there were two fundamental motivations for states to acquire

*Iran's and North Korea's low interaction capacity offers insight into their nuclear defiance, which suggests that some of their insecurities may lie in their unique forms of governance.*

nuclear weapons: status and security.<sup>19</sup> This was especially true for "pariah states" that are isolated and opposed to established international orders.<sup>20</sup> A state's interaction capacity refers to a state's integration into international society based on a variety of widely held norms, values, and practices.<sup>21</sup> States with low interaction capacity, like Iran and North Korea, are often subject to external criticism and try

even harder to defy external pressure by rallying domestic and international support for their behaviour.<sup>22</sup> Iran's and North Korea's low interaction capacity offers insight into their nuclear defiance, which suggests that some of their insecurities may lie in their unique forms of governance. Behravesch argues that Iran's and North Korea's controversial nuclear behaviour follows a form of "thin revisionism," in which they pursue defiant policies that rattle established norms in an effort to disrupt the international hierarchy and reallocate power and status.<sup>23</sup>

<sup>16</sup> Sagan, "Why Do States Build Nuclear Weapons?," 74.

<sup>17</sup> Oglivie-White, "The Defiant States," 117.

<sup>18</sup> Freedman, "The Interplay Between the International System and the Global Nuclear Order," 70.

<sup>19</sup> Richard K. Betts, "Paranoids, Pygmies, Pariahs and Nonproliferation," *Foreign Policy*, no. 26 (1977): 164.

<sup>20</sup> Betts, "Paranoids, Pygmies, Pariahs and Nonproliferation," 166.

<sup>21</sup> Oglivie-White, "The Defiant States," 119.

<sup>22</sup> Oglivie-White, "The Defiant States," 120.

<sup>23</sup> Behravesch, "State Revisionism," 839.



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## CASES OF NUCLEAR PROLIFERATION

### *Iran*

Iran's nuclear program and its position as a rogue state have made it one of the most important foreign policy affairs in the US.<sup>24</sup> Iran's nuclear pursuits were publicly announced in 2002 when an Iranian dissident group exposed over fifteen years of illicit nuclear development in the country.<sup>25</sup> In the years that followed, Iran tried persuading the international community that its nuclear program was for peaceful purposes and later argued that neither the International Atomic Energy Agency (IAEA) nor the United Nations Security Council had any legal basis to deny them the right to acquire nuclear technology.<sup>26</sup> Iran has several clear rational justifications for its nuclear pursuits, including Pakistan's nuclear possessions and their close ties with Saudi Arabia, Israel as a regional opponent and an ally of the US, looming fears of an Iraqi attack, and Western regime-change policies in states like Iraq and Libya.<sup>27</sup> However, nuclearization for Iran is also an immense military and economic hurdle, one that could plunge Iran into an unwinnable and devastating war against the superpowers. Despite these threats, Iran has been unwilling to completely give up its nuclear program.

Iran's low interaction capacity due to its unique governing system and its fractured identity can provide insight into the normative aspects of its nuclear program. Iran's theocracy lacks international legitimacy and, at times, even domestic legitimacy, which has been an ongoing insecurity for its national identity.<sup>28</sup> Iran's nuclear behaviour also represents a case of thin revisionism aimed at "opposing the prevailing status quo."<sup>29</sup> Since its establishment, the Islamic Republic of Iran has "contested the international system as ideationally constructed and materially ordered by Western powers and their historical experiences."<sup>30</sup> Iran's resistant identity is driven by deep-seated discontent with the liberal international order following the 1979 revolution.<sup>31</sup> Building on Betts' work,<sup>32</sup> Clarke argues that Iran fits the model of a pariah state, whose normative

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<sup>24</sup> Bernd Kaussler, *Iran's Nuclear Diplomacy: Power Politics and Conflict Resolution* (London: Routledge, 2013), 1.

<sup>25</sup> Oglivie-White, "The Defiant States," 123.

<sup>26</sup> Oglivie-White, "The Defiant States," 124.

<sup>27</sup> Behraves, "State Revisionism," 846–47; Marlene Da Cruz, "Why Do States Acquire Nuclear Weapons? A Theoretical Framework in Assessing Nuclear Proliferation in Israel, Iran and Saudi Arabia," *Political Analysis* 21, no. 1 (2020): 9.

<sup>28</sup> Oglivie-White, "The Defiant States," 125.

<sup>29</sup> Behraves, "State Revisionism," 841.

<sup>30</sup> Behraves, "State Revisionism," 845.

<sup>31</sup> Behraves, "State Revisionism," 844.

<sup>32</sup> Betts, "Paranoids, Pygmies, Pariahs and Nonproliferation."

motivations stem from trying to establish and legitimize its national identity.<sup>33</sup> Hymans argues that Iran is also an “oppositional nationalist” that sees itself at odds with external adversaries but as equal, if not superior to them, which generates fear and pride alongside a “desire for nuclear weapons that goes beyond calculation, to self-expression.”<sup>34</sup> Iran’s former president, Mahmoud Ahmadinejad, fits the definition of this oppositional nationalist.<sup>35</sup> This also extends to Iran’s “hyper-independence,” which suggests that nuclear weapons provide a sense of independence and self-reliance by rejecting foreign dominance.<sup>36</sup> This hyper-independence is seen through the national victory in 2006, when former President Ahmadinejad celebrated Iran’s mastery of the nuclear fuel cycle and declared that “Iran has joined the club of nuclear countries.”<sup>37</sup> Despite varying approaches by Iran’s political factions on other policy issues, they seem to align on the nuclear issue in efforts to achieve self-reliance, technological independence, and prestige in the Middle East.<sup>38</sup> Foregoing their nuclear pursuits would compromise Iran’s sovereignty, status, and independence.

Iran’s nuclear program can also be explained by its modern attempts to unify the state. Iran faces two main domestic challenges: its growing ethnic-cultural cleavages and the generational gap between the Iranian revolutionaries and the youth. With the Kurdish minority in the West, the Azeris in the North, the Arab minority in the South, and the Baluchis in the East, Iran’s collective sense of nationhood is fragmented.<sup>39</sup> However, Tehran’s acquisition of atomic capabilities and joining the elite club of nuclear weapons states could help consolidate their domestic pride and solidarity when the foundation of Iranian nationhood is at grave risk.<sup>40</sup> The atomic program also serves as a modern and unifying symbol for the state’s widening generational gap. Iran’s younger population is seeking to integrate into the modern world by distancing itself from its historical roots.<sup>41</sup> There are unavoidable connections between nuclear weapons, technological mastery, and modernity, which raise the prestige and status of the state relative to others in the international system.<sup>42</sup> Iran’s pursuit of nuclear weapons to modernize its identity has

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<sup>33</sup> Clarke, “Iran as a ‘Pariah’ Nuclear Aspirant,” 493.

<sup>34</sup> Jacques E. C. Hymans, *The Psychology of Nuclear Proliferation: Identity, Emotions, and Foreign Policy* (Cambridge: Cambridge University Press, 2006), 2.

<sup>35</sup> Clarke, “Iran as a ‘Pariah’ Nuclear Aspirant,” 498.

<sup>36</sup> Clarke, “Iran as a ‘Pariah’ Nuclear Aspirant,” 493.

<sup>37</sup> Clarke, “Iran as a ‘Pariah’ Nuclear Aspirant,” 499; Robert Tait, “Bells Ring Out on Day of Rejoicing and Patriotic Pride,” *Guardian*, April 13, 2006.

<sup>38</sup> Clarke, “Iran as a ‘Pariah’ Nuclear Aspirant,” 500.

<sup>39</sup> Behraves, “State Revisionism,” 850.

<sup>40</sup> Behraves, “State Revisionism,” 850.

<sup>41</sup> Behraves, “State Revisionism,” 850.

<sup>42</sup> Clarke, “Iran as a ‘Pariah’ Nuclear Aspirant,” 495.

dominated the discourse used by the state to legitimize the cause and mobilize nationwide support.<sup>43</sup>

Finally, Iran has positioned its program from a rights-based legitimizing standpoint on the international stage.<sup>44</sup> It has spent years trying to justify and legitimize its nuclear defiance by focusing on what it calls the “unbalanced, discriminatory, and double-

*Iran has also rightly criticized the Western double standard in their approach to other states that violate the NPT, such as India, Pakistan, and Israel.*

standard approach” of the US’s implementation of the NPT.<sup>45</sup> Iran has also rightly criticized the Western double standard in their approach to other states that violate the NPT, such as India, Pakistan, and Israel.<sup>46</sup> Iran’s nuclear pursuits have elicited sympathy from members of the Non-Aligned Movement (NAM),<sup>47</sup> like Morocco and Vietnam, which are anxious to ensure that the obligations of the non-proliferation regime do not increase while their benefits (i.e., accessing nuclear technology) decrease.<sup>48</sup> Tehran has used this opportunity to

reduce its isolation from the international community by pointing out the hypocrisy of countries like the US that violate key obligations under the NPT and have ulterior motivations, such as turning the IAEA into a “U.N. Watchdog.”<sup>49</sup>

Some might argue that the 2015 JCPOA, the historic deal between Iran and the world powers, unravels the prestige argument. While the deal extends Iran’s breakout capability, it is far from dismantling its nuclear program.<sup>50</sup> Iran’s atomic endeavour has secured the status of “nuclear liminality” as the country exists in between being a full-blown nuclear state and a non-nuclear power.<sup>51</sup> This begs the question of why Iran persisted for so long with its nuclear program amid economic costs and security threats to simply sustain a state of nuclear latency. This surely could not be convincingly

<sup>43</sup> Behraves, “State Revisionism,” 851.

<sup>44</sup> Kaussler, *Iran’s Nuclear Diplomacy*, 3.

<sup>45</sup> Oglivie-White, “The Defiant States,” 125.

<sup>46</sup> Kaussler, *Iran’s Nuclear Diplomacy*, 3; Da Cruz, “Why Do States Acquire Nuclear Weapons?,” 6.

<sup>47</sup> NAM emerged in opposition to the dominant ideologies of the Cold War: communism in the Soviet Union and liberalism in the US. Traditionally, members of NAM are not formally tied to any alliance of major powers and have typically stood in opposition to the hypocrisy and exceptionalism of the great powers. In some cases, this includes being sympathetic to states who violate the non-proliferation regime. Today, NAM includes 119 UN member states including states, like South Africa, India, and Indonesia.

<sup>48</sup> Oglivie-White, “The Defiant States,” 125.

<sup>49</sup> Oglivie-White, “The Defiant States,” 125.

<sup>50</sup> Behraves, “State Revisionism,” 848.

<sup>51</sup> Behraves, “State Revisionism,” 848.

answered from a purely rational-material or conventional deterrence lens but instead requires consideration for the real prestige and identity-satisfying benefits that nuclear weapons provide.

### *North Korea*

North Korea's nuclear program was born under the nuclear cooperation agreement with the Soviet Union during the Cold War.<sup>52</sup> North Korea has since been involved in numerous multi-lateral negotiations with the goal of denuclearizing. Victor Cha offers a similar typology to Sagan in that the motivations for North Korea's nuclear program can be explained in three ways: shields, swords, and badges.<sup>53</sup> If North Korea's nuclear pursuits are a badge, then the program is a symbol of international or domestic prestige that affords Pyongyang greater diplomatic strength and identity legitimacy in the international arena.<sup>54</sup> North Korea's nuclear defiance dates back to its historical ideology of self-reliance, known as the *Juche* ideology, proclaimed in 1955 by President Kim Il Sung.<sup>55</sup> Pyongyang utilized this ideology to achieve domestic and foreign policy goals, legitimize its leadership, achieve economic self-sufficiency, and promote a strong national identity since it has always been surrounded by great powers.<sup>56</sup>

With the collapse of the Soviet Union, *Juche* transitioned into *Songun* politics, a military-first doctrine that regarded its nuclear program as a defining symbol of North Korea's nationhood and, more specifically, a rejection of the imperialist, capitalist, and Western-dominated system.<sup>57</sup> The impacts of this ideology are far-reaching and long-standing. North Korea exists as a highly secretive, authoritarian, and centralized political institution with a low interaction capacity.<sup>58</sup> Scholars like Daniel Wertz offer several explanations for North Korea's nuclear behaviour. One such explanation is that North Korea is pursuing de facto recognition of its status and legitimacy as a nuclear-armed state, like those outside the NPT, such as Pakistan.<sup>59</sup> In this view, North Korea is an isolated state that has a deep sense of nationalist pride among an international community full of untrustworthy allies who seek the regime's downfall.<sup>60</sup> This view also sees North Korea as trying to limit its

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<sup>52</sup> Malus and Huaici, "How North Korea Got a Seat at the Nuclear Table."

<sup>53</sup> Cha, "North Korea's Weapons of Mass Destruction," 211.

<sup>54</sup> Cha, "North Korea's Weapons of Mass Destruction," 227–28.

<sup>55</sup> Oglivie-White, "The Defiant States," 122.

<sup>56</sup> Oglivie-White, "The Defiant States," 122; Habib, "North Korea's Nuclear Weapons Programme," 58.

<sup>57</sup> Habib, "North Korea's Nuclear Weapons Programme," 58; Oglivie-White, "The Defiant States," 122.

<sup>58</sup> Oglivie-White, "The Defiant States," 122,

<sup>59</sup> Wertz, "Issue Brief," 3.

<sup>60</sup> Wertz, "Issue Brief," 3.

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dependence on China and normalize diplomatic ties with the US to legitimize its place in the international system.<sup>61</sup>

The Songun political system emerged in the 1990s, when the regime was facing economic hardship and state decay. Costly military competitions with the ROK and the US, industry corruption and inefficiencies, and declining marginal returns on investment made North Korea vulnerable to system shocks, which splintered their command economy into several parallel economies, the largest of which was the military economy.<sup>62</sup> This economic decline also fractured their political stability, which led Pyongyang to use its nuclear program to consolidate these domestic economic and political issues. The regime sought to regenerate the totalitarian order through its use of nuclear capabilities as diplomatic leverage, as an indication of self-reliance in regime propaganda, and as a symbol of domestic prestige for bureaucratic interests in the military.<sup>63</sup>

Due to the rise in military involvement in all industry sectors, nuclear weapons have been highly relevant to bureaucracies in which the key positions of power are occupied by military personnel.<sup>64</sup> Pyongyang has used nuclear blackmail and nuclear displays to attract the attention of powerful neighbours and to demand negotiations to leverage other policy goals.<sup>65</sup> One example is the 2006 nuclear demonstration, which led to negotiations during the Six-Party Talks to release vital North Korean assets in Banco Delta Asia.<sup>66</sup> North Korea has also used its nuclear capabilities as leverage to plug holes in its fractured economy. North Korea obtains a great deal of its national revenue from international aid, which has been a vital component of its splintered post-famine economic system.<sup>67</sup> However, instead of using it for humanitarian aid, North Korea uses the largest cut of these funds to support the military and the court economy, allowing the regime to indulge the upper class with material bounty.<sup>68</sup> This aid has been integral to the regime's ability to acquire loyalty and support from elite members of society. To no surprise, this financial aid has been a key coercive bargaining tactic during denuclearization negotiations with great powers since the 1994 Agreed Framework with the US.<sup>69</sup> During this time, Songun politics and *Juche* had a symbiotic relationship that

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<sup>61</sup> Wertz, "Issue Brief," 3.

<sup>62</sup> Habib, "North Korea's Nuclear Weapons Programme," 49–50.

<sup>63</sup> Habib, "North Korea's Nuclear Weapons Programme," 50.

<sup>64</sup> Cha, "North Korea's Weapons of Mass Destruction," 228.

<sup>65</sup> Habib, "North Korea's Nuclear Weapons Programme," 52.

<sup>66</sup> Habib, "North Korea's Nuclear Weapons Programme," 54.

<sup>67</sup> Habib, "North Korea's Nuclear Weapons Programme," 55.

<sup>68</sup> Habib, "North Korea's Nuclear Weapons Programme," 55.

<sup>69</sup> Cha, "North Korea's Weapons of Mass Destruction," 228; Habib, "North Korea's Nuclear Weapons Programme," 53.

provided the regime with a self-sustaining ideological structure that domestically legitimated the flow of resources to the military and its nuclear program.<sup>70</sup> Furthermore, the technological gains embodied by the nuclear program boosted the regime leaders' credentials, which brought prestige to their leadership and strengthened their relationship with the military.

For a while, the tactic of provoking crises to make new demands and gain leverage in negotiations worked. North Korea's modus operandi has long been to undertake threatening acts or belligerence to violate the peace and disrupt the status quo, which is normally enough to raise international concern, spark negotiations, and extort concessions.<sup>71</sup> Indeed, the 1994 Agreed Framework between the US and North Korea is an excellent example of this. North Korea adopted a nuclear hedging strategy leading up to the Agreed Framework, which pressured the Clinton administration to cede to North Korea's demands to ensure a diplomatic resolution to the nuclear crisis.<sup>72</sup> Under the Agreed Framework, North Korea pledged to stall their nuclear program and allow the IAEA to inspect their nuclear facilities in exchange for a US commitment to stand down on threatening nuclear attacks, easing economic sanctions, and providing the region with billions of dollars' worth of non-proliferation nuclear technology and heavy fuel oil.<sup>73</sup> The US' relationship with North Korea started to decline in the years that followed, particularly during the Bush administration's strict policies and unwillingness to negotiate with the regime.<sup>74</sup> By 2002, North Korea had resumed its nuclear activities and exited the agreement.<sup>75</sup>

Shortly thereafter, North Korea engaged in a series of high-profile negotiations between 2003-2007 known as the Six-Party Talks with China, Japan, Russia, and the US, where North Korea pledged to take significant steps toward disarmament.<sup>76</sup> By 2003, North Korea's nuclear capabilities had advanced significantly, and the Six-Party Talks provided North Korea with a significantly inferior deal (in terms of monetary compensation) than what they were offered under the Agreed Framework.<sup>77</sup> As a result, the regime had to

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<sup>70</sup> Habib, "North Korea's Nuclear Weapons Programme," 58.

<sup>71</sup> Cha, "North Korea's Weapons of Mass Destruction," 228.

<sup>72</sup> Soul Park and Kimberly Peh, "Leveraging Towards Restraint: Nuclear Hedging and North Korea's Shifting Reference Points during the Agreed Framework and the Six-Party Talks," *European Journal of International Security* 5, no. 1 (2020): 20.

<sup>73</sup> Park and Peh, "Leveraging Towards Restraint: Nuclear Hedging and North Korea's Shifting Reference Points during the Agreed Framework and the Six-Party Talks," 22.

<sup>74</sup> Wertz, "Issue Brief," 9.

<sup>75</sup> Park and Peh, "Leveraging Towards Restraint: Nuclear Hedging and North Korea's Shifting Reference Points during the Agreed Framework and the Six-Party Talks," 24; Wertz, "Issue Brief," 10.

<sup>76</sup> Malus and Huaici, "How North Korea Got a Seat at the Nuclear Table."

<sup>77</sup> Habib, "North Korea's Nuclear Weapons Programme," 55.



develop a new plan for its economic survival and ultimately abandoned the deal in 2009. In the years that followed, North Korea instituted a new campaign based on the *Chollima* movement<sup>78</sup> to reconsolidate the totalitarian political order and turn the regime into a “strong and prosperous country.”<sup>79</sup> This has sparked increasingly provocative behaviour, which remains in full force today, indicating that Pyongyang has decided to fight the nuclear battle alone.

Today, the international community views North Korea as more belligerent, not less, and prospects for peace and denuclearization have virtually disappeared. Despite crippling sanctions and international condemnation, North Korea’s ongoing nuclear belligerence reflects an ultimate rejection of international society from a point of extreme isolation. Things escalated even more during the Trump years, forcing the leaders to engage in high-profile summitry.<sup>80</sup> Malus and Huaici argue that “though North Korea has had a circuitous path to the nuclear table, its current capabilities ensure that the country keeps its seat.”<sup>81</sup> However, their nuclear behaviour has passed the point of return, and consequently, this seat has not been as prestigious as they hoped. Indeed, if North Korea’s nuclear ambitions were purely driven by national security, any conclusive agreement featuring mutual concessions, security assurances, and confidence-building should have rectified these concerns long ago. Since negotiations in 1994, Pyongyang has failed to make lasting compromises on its nuclear program, despite compelling incentives considering economic insecurities.<sup>82</sup> The exceptional difficulty of denuclearization is an indication that North Korea’s nuclear motivations are far more complex. It appears entirely plausible that North Korea seeks this prestige, at least domestically, by means of retaining autocratic rule and a prejudiced economy. However, Pyongyang has given little indication that they are deserving of identity legitimation or international prestige because of their nuclear capabilities. Since the Six-Party Talks,

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<sup>78</sup> The Chollima (Flying Horse) movement was first established in the mid-1950s in North Korea to promote economic development in the state. The movement marked the completion of socialism as the entire working population was being controlled by the state. This movement was revived again by North Korean political leaders in 2009 to refocus on being a “strong and prosperous” country by 2012, in time to mark the centenary of Kim Il Sung’s birth (North Korea’s founder). This movement came at a time when states like the US and South Korea began questioning the regime’s stability amid Kim Jong Il’s deteriorating health. See Habib, “North Korea’s Nuclear Weapons Programme”; James Person, *New Evidence of North Korea’s Chollima Movement and First Five-Year Plan (1957-1961)* (Washington: North Korea International Documentation Project, 2009); and Jungwon Kim, “The ‘Peak of Socialism’ in North Korea: The Five and Seven Year Plans,” *Asian Survey* 5, no. 5 (1965): 255–69.

<sup>79</sup> Habib, “North Korea’s Nuclear Weapons Programme,” 55.

<sup>80</sup> Wertz, “Issue Brief,” 2.

<sup>81</sup> Malus and Huaici, “How North Korea Got a Seat at the Nuclear Table.”

<sup>82</sup> Habib, “North Korea’s Nuclear Weapons Programme,” 44.

North Korea has been unable to secure this prestige, at least insofar as prestige is outside a select group of military elites.

## DISCUSSION AND CONCLUSION

Like Iran, North Korea's governance system lacks international legitimacy, which has lowered its interaction capacity and contributed to its nuclear defiance to compensate for these weaknesses. While North Korea has used its nuclear defiance to reach new levels of belligerence and isolation on the international stage, Iran has been able to partially operate on the brink of international society by exploiting the contradictions in the non-proliferation regime.<sup>83</sup> By calling out the US and other nations for violating Article IV of the NPT, Iran has appealed to states that share its reservations over the international hierarchy that seemingly only tolerates violations by global superpowers.<sup>84</sup> Iran has also used its nuclear program to unify the state, building nationwide support for the program despite its enormous costs. Furthermore, in spite of its low interaction capacity, Iran has attempted to reduce its isolation from the international community or, at the very least, legitimize its position and status in the nuclear discussion.

The nuclear intentions of states are tremendously difficult to unravel. This is especially true with states that have unique political systems and whose nuclear decision-making is secretive and ambiguous.<sup>85</sup> In fact, it may be unlikely for anyone outside the small group of elites within these states to truly understand what precisely drives their nuclear aspirations. However, we can be sure that incentives and disincentives for countries going nuclear comprise a combination of military, political, economic, and normative/status-driven reasons. It does appear, at least to some degree, that both Iran and North Korea have elements of prestige driving their nuclear motivations. The argument for prestige remains relevant on the basis that, despite all international attempts, military threats, economic costs, and even greater rational alternatives, both states have pursued a nuclear program. There are distinct prestige elements driving Iran's nuclear program and underpinning its nuclear decision-making. Iran has pursued its nuclear program to establish a post-revolutionary identity, to unify the state, and to highlight the state's legitimate status by pointing out hypocrisies in the non-proliferation regime. Even the Iran deal satisfies its identity and status as a nuclear hedging state. On the other hand, North Korea has pursued its nuclear program to achieve domestic policy goals, achieve economic self-sufficiency, and legitimate the regime's leadership. However, they have been unsuccessful in doing so outside the military and political elite,

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<sup>83</sup> Oglivie-White, "The Defiant States," 125.

<sup>84</sup> Oglivie-White, "The Defiant States," 125–26.

<sup>85</sup> Oglivie-White, "The Defiant States," 118.

especially in comparison to Iran. Despite the similarities between Iran and North Korea, as outlined at the beginning of this article, their diplomatic behaviour and nuclear policy approach have been vastly different. Consequently, the two have been coined rogue states and have been treated very similarly by the West.<sup>86</sup> Robert Litwak at the Woodrow Wilson Center suggests that the very concept of “rogue states” is an inadequate way to deal with a diverse set of states.<sup>87</sup> While the reasons behind this rogue framing are beyond the scope of this article, it stands to reason that insufficient consideration for the wide-ranging nuclear motivations of states might be contributing to decades of failed denuclearization attempts.

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<sup>86</sup> Bean, “Addressing the Proliferation Threat from ‘Rogue States.’”

<sup>87</sup> Bean, “Addressing the Proliferation Threat from ‘Rogue States.’”

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