

## Canada's Indo-Pacific future

Hugh Stevens,

Open Canada, November 18, 2020

Canada must diversify its relationships in the region to avoid over-dependence on China or getting stuck in the role of junior partner to the United States.

There have been growing calls for Canada to diversify its relationships with Asia to balance the impact of an increasingly aggressive China and avoid being caught in the crossfire of a U.S.-China trade war. As countries in the region shape their own strategies for the “Indo-Pacific,” Canada needs to tread carefully so as not to be co-opted into a strategic framework in which it becomes a junior partner with few options. Developing a broad, inclusive diversification strategy for the region, which focuses on building stronger relationships with like-minded countries that share basic Canadian values, presents a path forward for Canadian policy makers.

Canada-China relations are in crisis. Reasons for this include the arrest of Huawei executive Meng Wanzhou at the Vancouver airport in December 2018, Canada's vocal opposition to China's repressive actions and legislation in Hong Kong, and China's detention of tens of thousands of Uighurs, a mostly Muslim ethnic minority, in its Xinjiang province.

Tensions with China won't soon evaporate, even if China releases Canadians Michael Spavor and Michael Kovrig, whom it has detained for almost two years in apparent retaliation for the arrest of Meng. This makes trade diversification in Asia look like an attractive strategy. It would involve shifting away from heavy dependence on China as a major market for Canadian products and as a primary source of supply for essential imports.

Recent polling by Angus Reid reveals that only 14 per cent of Canadians have a favourable view of China, a number that must be close to all an all-time low. It coincides, ironically, with the 50<sup>th</sup> anniversary of the establishment of diplomatic relations between Ottawa and Beijing. A similar IPSOS poll revealed that only a small minority of Canadians want to suspend or sever economic relations with China, yet over 80

per cent favour reducing dependence on trade with China in favour of diversification.

But breaking free from China will not be easy, nor is a full decoupling from China desirable or even possible. China's sheer economic scale and the reach of its supply chains mean that it will always play an outsized role in any Asian strategy. While the lessons of the COVID-19 pandemic have shown the risks of over-dependence on limited sources of supply, likely leading to some reshoring particularly in sensitive industries such as pharmaceuticals, China is not easily replaced as a source of low-cost, relatively sophisticated supplier of manufactured goods.

“Canada's economic and political strategy toward Asia, for so many years dominated by China, needs to change.”

Many companies are finding that it is easier to talk about diversifying supply chains away from China than actually being able to do so. Some diversification is occurring as a result of economic forces. Simple assembly operations staffed with low-wage labour are moving to lower wage economies in South and Southeast Asia, for example. But China will remain a dominant supplier in a number of areas.

It will also continue to move up the technological ladder in terms of producing essential advanced goods. At the same time, it will maintain an appetite for Canadian resources and agricultural commodities, even as it demonstrates that it is not hesitant about using trade as a weapon to further its ends in other areas. Chinese actions against Canadian exports of canola, soybeans and pork as a result of Meng's arrest are a good case in point, illustrating the vulnerability of relying too heavily on a centrally controlled non-market economy.

Canada's economic and political strategy toward Asia, for so many years dominated by China, needs to change. The most obvious vehicle for trade diversification in Asia is the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), an 11-country trade pact that went into effect on December 31, 2018. This agreement, originally championed by the United States, includes Japan, Mexico, Australia, New Zealand, Chile, Peru, Singapore, Malaysia, Brunei, Vietnam and Canada. Canada was initially reluctant to participate in the negotiations and subsequently had to push hard to gain entry. America withdrew shortly after Donald

Trump became president, leaving the remaining 11 members, under Japanese leadership, to carry on and reach a revised agreement without the United States.

While the negotiations were successful, four of the original signatories have yet to ratify the treaty. One of Canada's top priorities must be to encourage these signatories (Peru, Chile, Brunei, Malaysia) to complete the process. Another should be to push for enlargement of the agreement to include several large Asian economies that have expressed interest in joining and which have the capability to meet the CPTPP's high standards. These include Indonesia, Thailand, Taiwan, the Philippines and possibly South Korea. An expanded CPTPP has the potential to offset much of the negative impact of the U.S.-China trade war on the region and would provide Canada with a strong platform on which to build a diversified Indo-Pacific strategy.

The CPTPP, while important, is just one leg of a good Indo-Pacific strategy for Canada. Ottawa should continue to strengthen its various dialogue mechanisms with the Association of Southeast Asian Nations (ASEAN), a ten nation grouping that includes Thailand, Malaysia, Singapore, Brunei, Philippines, Indonesia, Vietnam, Cambodia, Laos and Myanmar, and continue to pursue a Canada-ASEAN trade agreement, which seems to be on a slow track. Canada should also build on its already productive bilateral trade, investment and political relationship with Japan, continue to promote our trade agreement with South Korea, strive to put more flesh on the bones of the Canada-India relationship and further develop bilateral non-diplomatic relations with Taiwan, including supporting Taiwan's accession to the CPTPP.

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Different countries have different ideas of what constitutes the Indo-Pacific. The United States generally thinks of the region as including both the Pacific Ocean and all the lands bordering it, as well as the Indian Ocean. It views the Indo-Pacific from a military and strategic perspective, with a focus on free and open navigation of the high seas from U.S. bases in Hawaii to those at Diego Suarez in the Indian Ocean. This strategy is devised largely as a counterweight to China.

India, as suits its geography, sees the region with the Indian Ocean at its centre. Australia, which borders both the Indian and Pacific oceans, tends to align with the United States.

Japan has pushed for a more inclusive conception of the Indo-Pacific that encompasses rather than excludes China — while also retaining strong military ties to the United States. ASEAN has a similar vision of inclusiveness.

Canada needs to find its role amongst these competing visions and define its own Indo-Pacific strategy. There are many who will argue that given our close economic and strategic alignment with the United States, we have no effective alternative but to become part of and contribute to Washington's Indo-Pacific strategy. But Canada does not need to participate in a U.S.-led Indo-Pacific strategy to deepen ties with Australia, India or Japan. We should consolidate and further develop relations with small and middle powers in the Asia-Pacific region, such as the ASEAN countries, while working closely with Japan and India, both significant economic powers and fellow democracies.

“The core of a Canadian Indo-Pacific diversification strategy should be built on economic and diplomatic outreach and engagement with middle powers with which we share democratic values.”

The core of a Canadian Indo-Pacific diversification strategy should be built on economic and diplomatic outreach and engagement with middle powers with which we share democratic values. This does not mean neglecting our all-important relationship with the United States, but nor does it mean becoming an automatic junior partner in a U.S.-led Indo-Pacific strategy heavily focussed on maritime and military security issues. Equally, it does not mean pulling up the drawbridge when it comes to dealing with China. China will always be an economic and political force with which to be reckoned, and it is just as much in Canada's interest to find areas of common ground with China — on climate change, for example — as it is to strongly protect Canadian sovereignty and values in our dealings with China. The Japanese and ASEAN concept of an Indo-Pacific framework that seeks to work with and draw in China, while strengthening ties between open economies in the region and welcoming a continuing U.S. presence, provides a potential opening for Canada.

A Canadian Indo-Pacific strategy will require an investment of time and effort in strengthening and expanding our primary diversification platform in Asia, the CPTPP. It will also involve

exploring new energy markets in Korea and Japan, working to revitalize the Canada-India, Canada-ASEAN and Canada-Taiwan relationships, and being ready for the day when the United States is ready, under a new administration, to resume a multifaceted, multilateral approach to leadership in the region. That is Canada's path forward.

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POURTANT, NÉTANYAHOU N'EST PAS BÊTE...

FERRY DE KERCKHOVE

LA PRESSE, 31 JANVIER 2021

En dépit de l'ampleur des différences de puissance entre les deux pays, les États-Unis n'ont jamais été en mesure de traiter Israël comme le vassal que le pays hébreu est, dans la réalité. Il y a belle lurette que les États-Unis n'ont pas confronté Israël ! Même Barack Obama s'est contenté de rugir comme un lion en cage quand Bibi est venu haranguer le Congrès américain sans même passer par la présidence.

Si on remonte dans le temps, neuf fois sur dix, les États-Unis ont fini par plier ; sinon, là aussi, il y a belle lurette que la colonisation juive en terre palestinienne aurait cessé. Preuve de faiblesse, le leitmotiv américain a toujours été de donner la chance à la négociation, en ignorant délibérément que la partie était inégale entre un pays, puissance régionale, membre des Nations unies, face à une représentation palestinienne croupionne et divisée, sans terre et sans espoir.

Benjamin Nétanyahou a dû se féliciter de ce que Joe Biden ait endossé les accords d'Abraham conclus entre Israël et plusieurs pays arabes.

Bien plus, ayant par le passé condamné le fait qu'Obama avait attendu que l'accord nucléaire soit bien avancé avant de s'en ouvrir à lui (même si les services secrets israéliens étaient évidemment au courant de presque les moindres détails), Nétanyahou s'indigne que Biden ne semble pas vouloir le mettre entièrement dans sa confiance.

Cela au moment même où Antony Blinken, secrétaire d'État désigné, conforme l'intention de l'administration Biden de consulter étroitement ses alliés, dont Israël et les pays arabes, soulignant qu'on voulait justement corriger le tir.

Mais pour Bibi, ce n'est pas assez. Il rappelle que c'est Israël qui court le plus grand risque face à l'Iran. Il ne peut plus beaucoup parler de la menace arabe puisque les pays frères de la Palestine ont préféré une relance économique accélérée, justifiée à bien des égards si les accords avec Israël avaient été assortis d'un vrai *quid pro quo* pour les Palestiniens.

Non, Bibi tire sur la laisse et veut dicter les conditions de la renégociation : pas de levée des sanctions avant que l'Iran n'ait inversé tous ses récents manquements à l'accord, et

inclusion d'autres mesures restrictives sur les programmes d'armement iraniens dont le développement de missiles de portée croissante. Évidemment, personne ne parle de la puissance nucléaire israélienne, secret de Polichinelle depuis plus de 30 ans.

## LES DÉGÂTS DE TRUMP

Nétanyahou préférerait évidemment un accord qui soit contraignant pour plusieurs décennies, avec des vérifications presque humiliantes pour l'Iran et des mesures absolues interdisant tout vecteur ou missile de portée, de vitesse et de capacité mettant Israël en péril. C'est ce que toute la communauté internationale voudrait, Biden compris. Mais Nétanyahou semble ignorer totalement les dégâts causés par Donald Trump sur ce plan. La position de négociation du président Biden est affaiblie dans cette affaire et les glapissements du premier ministre israélien ne feront que l'affaiblir davantage. D'où la nécessité de repartir, non pas de la case départ, compte tenu du délitement des relations internationales au cours des quatre dernières années, mais bien de l'accord existant, dont seuls les États-Unis se sont retirés.

C'est indéniable que l'Iran est plus que jamais en position de faiblesse. Il est le seul pays à véritablement plaider la cause palestinienne – bien plus pour narguer les pays arabes que par conviction – et ces derniers n'ont plus grand-chose à craindre de leur nouvel allié – 1947, 1956, 1967, 1973 sont passés à l'histoire et c'est peut-être le seul véritable legs de Donald Trump. Il est donc totalement inutile pour les membres du JCPOA (Joint Comprehensive Plan of Action) de pousser les Iraniens dans leurs derniers retranchements car, aux abois, leur capacité de nuisance reste réelle.

Autrement dit, un retour à l'accord initial puis une négociation pour l'améliorer et le prolonger ont bien plus de sens qu'un resserrement d'une vis qui étouffe déjà partiellement la Perse.

Le maintien des sanctions unilatérales de Trump, dont les autres partenaires du JCPOA ne reconnaissent pas le caractère contraignant, n'aide en rien. Les resserrer davantage serait un affront pour le pays qui, même s'il a commencé à enfreindre lui-même les conditions de l'accord, ne l'a jamais dénoncé et n'a pas chassé des inspecteurs de l'Agence internationale de l'énergie atomique. Enfin, l'Iran est bientôt en élections et donner de la voix aux partisans de la ligne dure ne paraît pas très brillant...

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Canada has been without a U.S. ambassador for too long

Colin Robertson

The Globe and Mail, February 23, 2021

One month after restoring regular order in their initial half-hour telephone call, Canadian Prime Minister Justin Trudeau and U.S. President Joe Biden will set the scope of that partnership on Tuesday. The two have shared priorities between them: managing COVID-19 and an economic recovery with a focus on growing the middle class, securing

the resiliency of supply chains, bolstering defence and security, tackling the issues of climate and energy, and promoting diversity and inclusion.

But what's missing from that list is the urgent need to name a new U.S. ambassador to Canada.

It has been 18 months since Kelly Knight Craft, Donald Trump's ambassador to Canada, left for the United Nations; even when she was on the job, as a U.S. Senate inquiry revealed, she spent half of her 22-month Canadian assignment in the United States. Her nominated successor, Dr. Aldona Wos, had a Senate hearing, but she was never confirmed.

The U.S. ambassador matters because he or she holds the sole presidential appointment where the job is to think about Canada 24 hours a day. With their Canadian counterpart in Washington, they are the quarterbacks in the field: identifying and heading off potential problems, troubleshooting many of them, usually without media attention, while providing advice and expertise to their respective governments.

The ambassador's responsibilities cut across the various levels of government. Scarcely a week goes by without a conversation with a governor, a premier or a local official. It's a reflection of the profound interconnectedness of our relationship. It is as much domestic in its scope as international.

While both countries rely on their professional foreign service to staff their embassies and consulates, the politics that inevitably goes with issues such as Mr. Biden's recent scuttling of the Keystone XL pipeline means that Canada is better served when the U.S. ambassador has highly developed political instincts and the contacts that they can personally call on to fix things.

Recent U.S. ambassadors possessed these qualities and, just as importantly, developed an empathy for Canada. Michigan Democrat Jim Blanchard (Bill Clinton) and Massachusetts Republican Paul Cellucci (George W. Bush) served as governors; Mr. Blanchard had also previously served in Congress. David Wilkins (Mr.

Bush) had previously been Speaker of the South Carolina legislature, while Gordon Giffin (Mr.

Clinton), David Jacobson (Barack Obama) and Bruce Heyman (Mr.

Obama) were lawyers for whom the politicking of fundraising, organizing and campaigning was their second profession. The politically connected Ms. Craft and her coal-magnate husband have donated millions to Republican campaign coffers.

The common denominator for these ambassadors was their personal relationship with their president. Their ability to pick up the phone and get through to the president or his chief of staff is what Canada wants in a U.S. ambassador.

When the U.S. ambassador weighs in, things get done: the Open Skies agreement, Smart Border, pre-clearance at airports and rail stations. As important is what they head off or quietly resolve - everything from ballastwater brouhahas to brawls over bridges. Even if Ms. Craft kept a low profile, she worked effectively with former Canadian ambassador David MacNaughton in keeping NAFTA renegotiations on track. Inevitably, they all became experts on the border.

They also quickly learn that the alternate power in Canada is not just the parliamentary opposition but the premiers, whose constitutional responsibilities give them weight and influence especially on resources, immigration and trade.

Working with the premiers will be a priority for the next ambassador. In the 25th call between the Prime Minister and the premiers on COVID-19, Alberta's Jason Kenney said rescinding the Keystone XL permit was a "gut punch" and an "insult."

In calling for retaliatory action, he got the backing of Saskatchewan's Scott Moe, Ontario's Doug Ford (who also raised the issue of Mr. Biden's "Buy America" executive order) and Quebec's François Legault.

Mr. Trudeau should encourage the President to name his new ambassador as quickly as possible. Given rigorous scrutiny - financial, political and character - and then the Senate process of a hearing and votes, it will likely be months before anyone moves into the splendid U.S. residence called Lornado.

The ambassador's to-do list is falling in place. Our leaders prioritized combatting COVID-19, strengthening economic and defence ties, and addressing climate change. We need a shared approach to industrial policy.

Each item comes with a subset of issues: vaccine and PPE distribution; more resilient supply chains; the new North Warning System for air defence and the Arctic; a carbon border-adjustment tax. There are the perennial concerns: "Buy America," softwood lumber, our pipelines. Then there are the global issues on the table at this year's G7, G20 and climate summits: China, climate, reform of the rules-based order and reinvigoration of the democracies.

The next U.S. ambassador will not solve our problems. But he or she will be a key player and vital interlocutor in managing our most important and complex relationship.

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Country-agnostic declaration denouncing arbitrary detentions is nothing more than governmental flimflam on Kovrig and Spavor

Gar Pardy

Hill Times, February 18, 2021

China, of course, saw the effort for what it was. A meaningless gesture on the part of Canada to apply some undefined measure of pressure on the detention of the Canadians.

It is now more than 800 days since Michael Kovrig and Michael Spavor were imprisoned by the Chinese authorities. That sad anniversary occurred yesterday and there are few to no indications their arbitrary imprisonment will end anytime soon.

The Canadian government, however, continues with its illusory support for their release. The latest element in that effort is the launching of the “Declaration Against Arbitrary Detention in State-to-State Relations.” The Declaration is based on principles taken from the legally binding *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and *The Vienna Convention on Consular Relations*. The Declaration itself has no legal nor enforcement mechanisms.

Foreign Minister Marc Garneau issued the Declaration on February 15 in the on-line presence of representatives of the International Bar Association’s Human Rights Institute and Human Rights Watch. The Minister noted that the Declaration had the support of the Secretary General of the United Nations as well as fifty-eight other countries plus the European Union. A dozen or so ministers from these countries electronically participated in the announcement.

The effort was launched by former Foreign Minister François-Philippe Champagne some months ago and calls upon all states to “take concrete steps to prevent and put an end to harsh conditions in detention, denial of access to legal counsel, torture and other cruel, inhuman or degrading treatment or punishment.”

The fifty-eight supporting countries range from Albania to the United States but representation from the Asia-Pacific region was insignificant with only Australia, New Zealand, Tonga and Tuvalu listed. The list was equally barren of African countries with only three providing support. Of course, notorious users of arbitrary detentions such as Iran, Saudi Arabia, Egypt, Algeria and China were absent from the list of supporters. It was very much a list of countries reflecting an effort of preaching to the choir.

Minister Garneau did not name abusing countries simply saying that the Declaration is “country-agnostic” and “We did not identify any countries today when we made that declaration.” While some of the other speakers did identify “individual countries” Minister Garneau iterated that “it is specifically against the practice of arbitrary detention, something that should not have any role to play in state-to-state relations.”

Other than coalition countries offering verbal support to the Declaration, the action is meaningless in the effort to have Mr Kovrig and Mr Spavor released by the Chinese authorities.

China, of course, saw the effort for what it was. A meaningless gesture on the part of Canada to apply some undefined measure of pressure on the detention of the Canadians.

While the Chinese government itself has been silent on the Declaration, one of its authorized news organs, the English language *Global Times* did comment. Quoting Chinese experts, the *Times* labelled the Declaration as an “ill-considered attack designed to provoke China.” The *Times* went on to write “As such, China will not be scared and make compromises. Canada’s chosen diplomatic approach has never worked before, and will not achieve any goal in the future, and this very act of Canada will just ‘rebound’ in the worst possible way.”

The Declaration changes absolutely nothing. In areas where Canada could take action, the Canadian government is just as silent today as it has been for the past 800 days. There are no indications the government has engaged China in any meaningful discussions on the detentions; the legal processes surrounding the American request for the extradition of Mme Meng Wanzhou continues at a pace that even a tortoise would find slow; and the request to the Biden Administration for support is mired somewhere near of bottom of its long list of other priorities.

In the reports so far of the February 10 conversation between Biden and President Xi Jinping there is no reference whatsoever to Kovrig or Spavor or arbitrary detentions. The conversation lasted for over two hours and while both men expressed some measure of satisfaction with the conversation, the idea that the President Biden would be supporting Canadian matters, did not happen. Instead, it was the Chinese “crackdown” in Hong Kong, “reported” human rights abuses in Xinjiang and “increasingly assertive actions in the region, including toward Taiwan.”

So, 800 days later we are back to when this all started on December 10, 2018. It is the direct and sole responsibility of the government of Canada to initiate action to have Mr Kovrig and Mr Spavor released. That will require the ending of the extradition charade in the courts and permission given for Mme Meng to return to China.

The efforts to enlist the support of other countries is flimflam of the worst order. It is illusory and delusional and the issue requires specific action by the government of Canada to see Mr Kovrig and Mr Spavor returned to Canada. Why the government of Canada has not done so, is a mystery that has lasted far too long.

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## An Expanded CPTPP : Could it Help Bridge China-U.S. Trade Differences?

Hugh Stephens

China-US Focus, February 08, 2021

This year Japan assumes the Chairmanship of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), and will convene the annual meeting of the Parties, known as the CPTPP Commission. Recall that the CPTPP, the eleven-country agreement that emerged out of the ashes of the Trans-Pacific Partnership (TPP) when the U.S. withdrew after Donald Trump took office, came into effect at the very end of December 2018. Six of the eleven signatories (Australia, Canada, Japan, Mexico, New Zealand,

Singapore) fast-tracked their domestic ratification process, allowing the Agreement to come into effect, jump-starting additional tariff reductions that would take effect on January 1, 2019. A seventh member, Vietnam, ratified it a couple of months later, leaving Brunei, Chile, Malaysia and Peru still to complete the ratification process.

After the U.S. -- which had been a leading proponent of the TPP -- announced its withdrawal, it was Japan that kept the process going to bring the CPTPP into being. The CPTPP Agreement is essentially based on the TPP text, with some provisions suspended (many of these relating to issues of primary interest to the United States) supplemented by some additional bilateral understandings between members. The challenges now for the CPTPP are (1) to complete the ratification process for the four signatories that have not yet done so, (2) to consider expansion of the Agreement by negotiating accession by new members, and (3) to review coverage of the Agreement.

It would seem logical to complete ratification before embarking on any consideration of expansion, but domestic political issues in Chile, Peru, and Malaysia need to be resolved before ratification can be completed for all members. All three are bogged down with internal issues, and it appears that Brunei will take its lead from Malaysia. Chile, where the CPTPP was signed in March 2018, was expected to be one of the original participants, but its ratification process was thrown off course by widespread internal protests and social unrest. Given the unlikelihood of early completion of ratification by the four hold-outs, the seven CPTPP states currently active in the Agreement can no longer afford to postpone consideration of expansion indefinitely. With Japan at the helm this year this is an opportunity not to be missed. Although there have been calls to consider expanding the scope of the Agreement to address issues such as digital governance, supply chains, and foreign investment, the focus for now should be on expanding its geographic coverage.

Apart from the obvious question as to whether the U.S. under the Biden Administration is interested in rejoining, there are a number of other potential partners in the wings including, surprisingly to some, the United Kingdom, but also economies in the region such as Korea, Thailand, the Philippines, Indonesia, and Taiwan (the latter requires careful handling). China has also expressed interest from time to time, most recently at the virtual APEC Summit in November 2020. This came just days after the signing of another regional trade agreement, the Regional Economic Partnership Agreement (RCEP) that brings together China, Japan, Korea, Australia and New Zealand with the ten ASEAN countries. Six of the RCEP countries (Australia, Brunei, Japan, Malaysia, New Zealand and Singapore) are also members of the CPTPP. This raises the intriguing possibility that these two platforms could one day be combined in a broader, aspirational Free Trade Area of the Asia Pacific, the FTAAP (although without the participation of the United States an FTAAP would lose much of its *raison d'être*, inclusiveness).

A recent study undertaken by American professors Peter Petri and Michael Plummer has argued that the CPTPP and RCEP combined could offset the global trade losses of US\$301 billion to 2030 caused by the U.S.-China trade war. Adding additional members to the CPTPP increases the gains -- which jump substantially if China also joins. Petri

and Plummer note that: “The RCEP and CPTPP offer hope in a dangerously divided world. They partly offset the damage of the US-China conflict, encourage cooperation in the Asia-Pacific, and suggest viable directions for the world trading system.” It is interesting that their calculations don’t even include the U.S. as a participant.

Whether or not the Biden Administration will consider joining the CPTPP remains to be seen. The new Administration will be preoccupied with domestic economic and health issues for some time, although it has indicated that it is interested in working more closely on both economic and political challenges with like-minded countries. China certainly doesn’t fall into this category, yet it is likely that the unpredictable nature of the U.S.-China trade war will be mitigated somewhat, paving the way to greater dialogue and potentially a step-back from reciprocal imposition of punitive tariffs.

If China is serious about joining the CPTPP eventually it would have to undertake a number of domestic economic reforms (such as changes to the role of state-owned enterprises in the Chinese economy) which at this point seems unlikely. However, China is clearly keeping its options open by expressing interest in joining the CPTPP at some undefined point in the future. In the meantime, it has taken a leadership role in the new RCEP, along with ASEAN, in the process becoming, for the first time, part of a regional trade agreement that includes China, Korea and Japan.

Japan has indicated that it favours CPTPP expansion, and as this year’s chair it has the opportunity to kick-start the process. Neither the U.S. nor China are likely to be candidates for the next phase of expansion, but neither has excluded the possibility for the future. The CPTPP offers the option of a high-standard framework agreement that advances trade liberalization and imposes disciplines on trade-distorting practices (in contrast to the lower ambition RCEP), and it is important that the CPTPP maintains its relevance by expanding its membership to include regional economies that are ready and willing to accept its conditions (and enjoy its benefits). Careful expansion now will open the door to the CPTPP, alone or in combination with the RCEP, to becoming a possible bridge between China and the United States, avoiding economic decoupling, technological rupture, and damaging retaliatory measures between the world’s two leading economic powers.

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## Is Afghanistan where empires go to die?

Gar Pardy

Hill Times, March 1, 2021

The spectacle of almost five years of effort by the United States and its allies to cobble together an exit strategy is but another large lesson in the futility of most of the wars of our times.

The 2020 film *The Outpost* tells the story of 53 American soldiers supported by an Afghan Army unit deployed to an isolated and undefendable combat post in the Hindu Kush fourteen miles from the border with Pakistan. The film is based on the 2012 book of the same name by Jake Tapper.

It is 2009 and Combat Outpost Keating is part of the American effort to win the “hearts and minds” of Afghans by deploying small combat units into the far-reaches of the country. The film, in part, reflects this policy with the American commander sitting down without helmet or weapons with village leaders in a *shura* and negotiating offers of compensation for associated damages.

The Taliban are numerous having fully recovered from their forced retreat into Pakistan eight years earlier. On October 3 some 400 of them attacked the base from the surrounding hills. The Americans prevail but eight are dead, twenty-seven wounded and is remembered as one of the deadliest battles of the war. Two Medals of Honour were awarded.

After the battle the Americans are evacuated and the base is bombed into the historical rubble of the Hindu Kush. Later the Pentagon concluded there was no good reason for the existence of Combat Post Keating.

Come October it will be twenty years since the United States and its allies embarked on their war of retribution, revenge and reform in Afghanistan. Those early days of October 2001 with stirring stories of troops on horseback riding out of the North, the fall of the Taliban government in Kabul and the inability of these invading forces to capture Osama bin Laden have now faded.

A new government was created based on Afghans opposed to the Taliban and its legitimacy sought in debatable country-wide elections. But the Taliban has grown and today dominates most areas of the country. The government and the Taliban, as in the days when the British sought to dominate, obtain their support from various parts of the same Pushtun people.

Osama bin Laden is now dead, and his importance to matters Afghan have faded. But in the imagination of many, al-Qaeda and its successor, Islamic State, remain as a fixed point in the American illusory banner of permanent war on terrorism.

We now have the spectacle of another Vietnam-sized failed mission by the United States and its allies, including Canada. The spectacle of almost five-years of effort by the United States and its allies to cobble together an exit strategy is but another large lesson in the futility of most of the wars of our times.

Today, the lessons of such post-1945 wars are vivid but as with Vietnam, a defeat today, does not necessarily foretell the future. But it is only a matter of time before the defeated of 2001 will again be the government in Kabul.

The departure of the Americans and other forces under the NATO flag has been discussed for the past few years in Qatar. These discussions do not involve significant input by the elected government in Kabul nor representation by the involved NATO governments.

Instead, the discussions largely relate to obtaining some measure of dignity and credibility for the Americans as they disappear back home. In a perverse way, a comparison can be made to the discussions in Paris fifty years ago when Henry Kissinger was able to buy three years of grace before the North Vietnamese walked into Saigon.

In the concluding moments of the film, *The Outpost*, the voice of Rita Wilson is heard. She sings, *Everybody Cries* and takes up the meme of Afghanistan as the place where empires not only cry but die. It is a meme disputed by some but the historical evidence is sufficient to suggest Afghanistan is a place where foreigners with empire-large ambitions might want to think long and hard before showing up.

*On the road to the edge of man*

*Who will be the last to die*

*In a land where empires cry?*

*Who will be the last to remain*

*Where there's only God and pain*

*There's nothing more brave*

*Than those voices from the grave*

*Only they can tell us why*

*Only they can never lie.*

A hundred and twenty-five or so years ago, another poet had somewhat similar thoughts as he contemplated the problems the British army was encountering in the same country. In 1895, in *The Young British Soldier*, Rudyard Kipling wrote:

*When you're wounded and left on Afghanistan's plains,*

*And the women come out to cut up what remains,*

*Jest roll to your rifle and blow out your brains*

*An' go to your Gawd like a soldier.*

*Go, go, go like a soldier,*

*Go, go, go like a soldier,*

*Go, go, go like a soldier,*

*So-oldier ~of~ the Queen!*

A modern version of the same verse speaks:

*When you lie wounded on the Afghan plain*

*And the women come out to slice up your remains*

*Pick up your gun and blow out your brains*

*As you lie dying on the Afghan plain.*

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## Has President Trump Killed the Middle East Peace Process?

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Abstract: President Donald Trump’s long-awaited Middle East peace plan was unveiled on January 28, 2020. Some observers have suggested that the Trump vision is less a plan for peace than a unilateral statement of the terms for Palestinian surrender: Jerusalem as the undivided capital of Israel, no refugee return and Israel’s annexation of the Jordan valley and all West Bank settlements in exchange for an “archipelago” state and the promise of a \$50 billion investment fund. This policy commentary assesses what the Trump plan means for the peace process launched in Madrid in 1991. It reviews the evolution of the Madrid/Oslo process with particular emphasis on the underlying principles the Trump plan appears to contradict. It examines Canada’s role in the process, assesses Ottawa’s initial response to the Trump plan in terms of long-standing Canadian policy and outlines ways in which Canada could influence the debate going forward. Résumé Le plan de paix très attendu du président Donald Trump pour le Moyen-Orient a été dévoilé le 28 janvier 2020. Certains observateurs ont suggéré que la vision de Trump relevait moins d'un plan pour la paix que d'une déclaration unilatérale des conditions d'une reddition palestinienne: Jérusalem comme capitale indivise d'Israël, pas de retour des réfugiés et l'annexion par Israël de la vallée du Jourdain et de toutes les colonies de Cisjordanie en échange d'un État « archipel » et de la promesse d'un fond d'investissement de 50 milliards de dollars. Ce commentaire politique évalue ce que le plan Trump signifie pour le processus de paix lancé à Madrid en 1991. Il passe en revue l'évolution du processus Madrid/Oslo en mettant particulièrement l'accent sur les principes sous-jacents que le plan Trump semble contredire. Il examine le rôle du Canada dans le processus, évalue la réponse initiale d'Ottawa au plan Trump, en termes de politique canadienne de longue date, et décrit les moyens par lesquels le Canada pourrait influencer le débat à l'avenir. 2 Introduction President Trump’s long-awaited Middle East peace plan was released on January 28, 2020 (White House, 2020). Some observers have suggested the Trump vision is less a plan for peace than a unilateral statement of the terms for Palestinian surrender: Jerusalem as the undivided capital of Israel, no refugee return and Israel’s annexation of the Jordan valley and all West Bank settlements in exchange for what one observer has referred to as a “discontinuous

Palestinian archipelago state surrounded by a sea of Israeli territory” (Thrall, 2020). Writing in *Politico*, two former high-level United States “peace processors” observe that the Trump plan, “gives Israel everything it wants, concedes to Palestinians everything Israel does not care for, tries to buy off the Palestinians with the promise of \$50 billion in assistance that will never see the light of day, and then calls it peace” (Malley & Miller, 2020). Has President Trump killed the Middle East Peace Process (MEPP) with his plan, or is he just finishing off an initiative that has been dead – or on life support – for almost 20 years? This policy commentary assesses what the Trump plan means for the peace process, Canada’s longstanding policy in support of the MEPP and ways Canada could influence the debate going forward.

The Madrid Conference From October 30 to November 1, 1991, Spain hosted the Madrid Peace Conference, co-sponsored by the United States and the Soviet Union. It followed a March 1991 President George H.W. Bush speech stating, “The time has come to put an end to the Arab-Israeli conflict” (Bush, George H. W., 1991) and months of “shuttle diplomacy” by Secretary of State James Baker. According to the Madrid Letter of Invitation (Israeli Ministry of Foreign Affairs, 1991), the process would have separate “bilateral” and “multilateral” tracks. The bilateral track would include negotiations between Israel and its Arab neighbours, as well as the Palestinians as part of a joint Jordanian-Palestinian delegation. The Palestinian dimension of the bilateral track effectively represented the next step in the implementation of the historic “Framework for Peace in the Middle East” (United Nations, 1978) concluded at Camp David in September 1978. This Framework outlined a process for achieving Palestinian self-government in the West Bank and Gaza and established principles for peace treaties between Israel, Egypt, Jordan, Lebanon, and Syria. The Framework’s overall goal was to achieve “a just, comprehensive, and durable settlement of the Middle East conflict through the conclusion of peace treaties based on Security Council resolutions 242 and 338 in all their parts” (ibid). In other words, to achieve peace with its Arab neighbours, Israel needed to return lands captured in the 1967 and 1973 wars. As a first step in this direction, the Egypt-Israel peace treaty signed in March 1979 provided for the full return of Egyptian land captured by Israel in 1967. Consistent with the 1978 Framework, the Madrid process negotiations regarding the Palestinians would be, “conducted in phases, beginning with talks on interim self-government 3 arrangements...with the objective of reaching an agreement within one year” (Israeli Ministry of Foreign Affairs, 1991). Once agreed, the interim arrangements would last for five years, with negotiations on “permanent status” beginning in the third year (ibid). The multilateral track added an international dimension with a “focus on region-wide issues of water, refugee issues, environment, economic development, and other subjects of mutual interest” (Israel Ministry of Foreign Affairs, 1991). An Israeli foreign ministry website notes a distinction that, “The purpose of the bilateral track is to solve the conflicts of the past. The purpose of the multilateral track is to build the Middle East of the future” (Israel Ministry of Foreign Affairs, 1999). Assessing the Multilaterals The multilateral track was launched in Moscow in January 1992. “Working Groups” on arms control and regional security (ACRS), environment, refugees, regional economic development, and water resources were established and held organisational meetings on site. Canada played an important part agreeing to serve as “gavel-holder” of

the Refugee Working Group (RWG) and was part of the Multilateral Steering Group which met after each round of working group meetings. Each group met roughly twice per year from 1992-1995. Early rounds of the multilaterals were tentative at best. In part, this was due to a lack of progress on the bilateral track. By December 1992, ten rounds of bilateral negotiations in Washington had failed to produce a single formal agreement (Miller, 2008, pg. 195). The working groups also struggled with the past versus future distinction between the tracks. This was particularly evident in the RWG as perhaps the most “human” of the groups. Israel boycotted the first meeting in Ottawa in May 1992. The second Ottawa meeting in November 1992 was delayed due to Israeli concerns that one of the Palestinian delegates was an active member of the Palestine Liberation Organization (PLO). The RWG’s family reunification theme inevitably touched on “the right of return”, an issue which Israel argued was reserved for the bilateral track. Similar issues played out in the Environment and Water Resources working groups where it often proved difficult to avoid “rights” issues. In September 1993, the entire Madrid process was energized by the “Oslo Channel” – successful secret negotiations between Israel and the PLO brokered by Norway. The “Oslo I Accord” was signed in Washington and witnessed by President Clinton, Prime Minister Rabin, and Yasser Arafat. It provided for mutual recognition between Israel and the PLO, and a five-year transition to Palestinian self-government with permanent status negotiations beginning no later than the third year (United Nations, 1993). In essence, the Oslo Channel replicated the 1978 Camp David framework and timetable for Palestinian self-government but established the PLO rather than Egypt and Jordan as the negotiating partner. After almost two years, the Madrid process had a plan and committed leadership. Canada and the Peace Process As Robinson describes in his policy commentary in this volume, Canada struggled to position itself domestically as a player in Middle East peace. Ultimately, however, it would become a strong supporter of the Madrid process. Having played an important part in the 1947 United Nations “partition plan”, sent peacekeepers to the Sinai (1956) and the Golan Heights (1973), and provided long-term assistance to the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) (1950), Canada seemed like a natural choice to lead the RWG. This significant role was part of a wider, “whole of government” approach to the peace process that included the Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the International Development Research Centre, the Department of National Defence and experts from other government departments. From the Oslo I breakthrough in September 1993, the RWG moved forward on several fronts (Robinson, 2011). Meeting in Tunis in October 1993, the RWG was the first multilateral group to convene in the region. It identified Palestinian refugee needs and mobilized the resources required to address them (Brynen & Tansley, 1995). A series of Canadian-led missions to refugee camps enabled direct dialogue with the refugees themselves. Some progress was made on the delicate family reunification issue, with more Palestinian refugees allowed to join their families in Israel and the West Bank and the relocation of almost 500 refugee households from “Canada Camp” in Egypt to Gaza. A life-changing scholarship program enabled over 200 Palestinian refugee women to attend universities in Lebanon. Canada participated actively in the other multilateral

working groups and hosted an “intersessional meeting” of the Multilateral Steering Group. In short, Canada was all in supporting the multilateral track of the Madrid/Oslo peace process. Further progress on the bilateral track, including the “Gaza/Jericho Agreement” (Israel Ministry of Foreign Affairs, 1994) and a 1994 Israel-Jordan peace treaty provided additional momentum to the multilaterals. Productive meetings of each working group were held in 1994, several in the Middle East. In October, Rabin, Foreign Minister Shimon Peres, and Arafat won the Nobel Peace Prize. In September 1995, Rabin and Arafat signed the “Oslo II Accord” in Washington. Formally known as the “Interim Agreement on the West Bank and Gaza”, (Israel Ministry of Foreign Affairs, 1995), it divided the West Bank into three areas, established a schedule for withdrawing Israeli forces from some and provided for the transfer of specified governance responsibilities to the new Palestinian National Authority (PNA). Oslo Unravels The peace process suffered a body blow when Rabin was assassinated on November 4, 1995. In the spring of 1996, a series of suicide bombings shook Israel and an Oslo II target for Israeli withdrawal from parts of Hebron was missed. In May, Benjamin Netanyahu narrowly defeated Acting Prime Minister Peres to become Israel’s 9th Prime Minister. Following the announcement of a major new Israeli settlement near Jerusalem in February 1997, the Arab League called for the suspension of all forms of normalization with Israel, including the multilateral negotiations. As progress towards resolving the conflicts of the past faltered, so too did efforts towards building the Middle East of the future. 5 By mid-1997, the Oslo Accords were unraveling. The 1997 deadline for launching permanent status negotiations was missed, as was the 1999 deadline for ending them. With a commitment to get the peace process back on track, Ehud Barak became Prime Minister in June 1999. Following a failed summit meeting at Camp David in July 2000 and a provocative Jerusalem walkabout by then Likud party leader Ariel Sharon, the Palestinian Second Intifada broke out in late September. Last minute efforts at an agreement based on President Clinton’s final status vision failed and George W. Bush became the 43rd President of the United States. Following the 9/11 attacks, Arafat was deemed to be on the wrong side of President Bush’s “War on Terror”. Until Arafat’s death in 2004, the peace process was effectively on hold. With a different foreign policy direction taken by the Harper Conservative government in the mid-2000s, Canada disengaged from an active political role (Robinson, 2011) while moving closer to Israel at a political level. Towards the end of his second term, President Bush showed more interest in the peace process, convening an international conference in Annapolis in November 2007. Subsequent intensive talks between Abbas and Prime Minister Ehud Olmert came closer to a mutually acceptable final status agreement than any previous effort. Facing legal issues, Olmert was forced to resign in September 2008 and Netanyahu returned as Prime Minister in March 2009. Reviving the peace process was an early priority for President Obama. In a landmark speech in Cairo in June 2009, he called for the establishment of a Palestinian state and a freeze on Israeli settlements (White House 2009). Speaking at Bar Ilan University the following week, Netanyahu endorsed a two-state solution for the first time. This endorsement was, however, subject to several conditions which the Palestinians would find deeply objectionable, including recognition of Israel as the homeland of the Jewish people with Jerusalem as its

undivided capital, demilitarization of the Palestinian state and defensible borders for Israel, and no right of return for Palestinian refugees (Netanyahu, 2009). Obama would have an acrimonious relationship with Netanyahu, particularly over the latter's aggressive expansion of settlements. During Obama's time in office, the settler population in the West Bank and East Jerusalem increased by over 100,000. (Baker, P., 2016). Reflecting Obama's frustration with Netanyahu's intransigence on this issue and the peace process generally, the United States abstained on a December 2016 Security Council resolution calling for an end to Israeli settlements in the West Bank and East Jerusalem. Adopted by a 14-0 vote, Resolution 2334 called on Israel to, "immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem", adding that the establishment of settlements has, "no legal validity and constitutes a flagrant violation of international law" (United Nations Security Council, 2016). Deal of the Century? Since Donald Trump became President in January 2017, the peace process has clearly gone into reverse. Prime Minister Netanyahu's positions on a two-state solution have evolved little from his first term (1996-1999) and his 2009 Bar Ilan University speech. What is different now is that, in President Trump, Netanyahu found a partner for his version of that solution. Together, the longest 6 serving Prime Minister of Israel and the norm-busting United States President have been chipping away at the foundations of the established framework for achieving Arab-Israeli peace. Development of the Trump plan began in November 2017, directed by his son-in-law Jared Kushner. Almost immediately, Trump started making game-changing down payments on the eventual plan. In December, the President recognized Jerusalem as Israel's undivided capital (White House, 2017), effectively taking one of the most delicate issues of the MEPP off the table. In response, the Palestinians suspended contacts with the Kushner team and had no further involvement in the development of the plan. In March 2019, Trump recognized Israel's annexation of the Golan Heights (White House, 2019), unilaterally ruling on the central issue in an eventual peace treaty with Syria. In November 2019, the State Department reversed course on a longstanding legal position, concluding that West Bank settlements do not violate international law (Jakes, L. & Halbfinger, D.M., 2019). Where previous peace efforts tried to open doors, Trump was closing them even before the political part of his plan was unveiled. The full "Peace to Prosperity" plan was released January 28, 2020 (White House, 2020). Flying in the face of land for peace, the plan focused more on what Israel was planning to take than what it was prepared to give. Where previous negotiations envisaged Israel surrendering 90 percent or more of the West Bank, the Trump plan provided for the annexation of the Jordan Valley and all existing settlements, reducing the Palestinian land area to roughly 70 percent. The Jordan Valley annexation would effectively establish Israel's eastern border, giving Israel full control over the area between the Jordan River and the Mediterranean Sea. Israel would retain full sovereignty over Jerusalem and any capital of an eventual Palestinian state would be outside Jerusalem in the area beyond the existing barrier. No Palestinian refugees would be allowed to return to Israel and any returns to the Palestinian area would be subject to Israel's approval. In effect, the Trump plan decides all the permanent status issues in Israel's favour and makes the rest of Israel's offer subject to a long list of conditions.

They include all the objectionable requirements set out in Netanyahu's 2009 speech as well as a range of measures to enhance governance, the rule of law and internal security in the Palestinian area. The Palestinians would have up to four years to satisfy the plan's conditions during which there would be a freeze on new West Bank settlements. As and when Israel and the United States are satisfied that the conditions have been met, the United States would recognize what Trump refers to as a state and Netanyahu calls a "state-minus" or "conditional limited sovereignty". The \$50 billion in assistance is effectively a signing bonus which would only come into effect once all the conditions had been satisfied. The funding would come mostly from Arab states and private investment with slightly less than half being directed to projects in Egypt, Jordan, and Lebanon. In sum, the Trump plan is more about Israel's security than Palestinian self-determination. The Economist labelled the plan the "steal of the century" (Economist, 2020). Abbas called it the "slap of the century" and delivered the Palestinian response – "We say 1,000 'no's' to this deal" (Abu Tomeh, 2020). The Abraham Accords

7 Within days of the Trump plan's release, Netanyahu pledged to move forward on annexation of the Jordan Valley and West Bank settlements. Fearing precipitous steps on annexation could scuttle the overall plan, the Trump Administration encouraged Netanyahu to hold off until after Israel's March 2 election. As the election results produced no clear winner, Netanyahu and his closest rival, Blue and White party leader Benny Gantz, entered into coalition negotiations. On April 20, a unity government was established with Netanyahu as Prime Minister for the first two years of an anticipated four-year term. The coalition agreement precluded any vote on annexation until July 1, when the mapping of relevant areas was expected to be completed. In the interim, there were mounting calls on Israel and the United States to eschew such a provocative move. Several EU states condemned the proposed annexation as a violation of international law; some threatened sanctions against Israel or recognition of a Palestinian state (Emmott et al, 2020). Arab states also opposed the proposed annexation. Jordan's King Abdullah cautioned that moving ahead with annexation would provoke a "massive conflict" with his country (Al Jazeera, 2020). In a prophetic mid-June op-ed "It's Either Annexation or Normalization", the United Arab Emirates Ambassador to the United States, Yousef Al-Otaiba, warned that "Annexation will definitely, and immediately, reverse all of the Israeli aspirations for improved security, economic and cultural ties with the Arab world and the United Arab Emirates" (Halbfinger, D. & Hubbard, B., 2020). As it turned out, Israel, the Emirates and the United States were already engaged in indirect contacts brokered by Jared Kushner. On August 13, the White House announced that Israel and the United Arab Emirates had agreed to a "full normalization of relations". Sealed in a phone call between President Trump, Prime Minister Netanyahu and Crown Prince Mohammed Bin Zayed of the Emirates, the agreement provided for follow-up talks on the establishment of embassies and expanded cooperation in a range of areas including investment, tourism, security, healthcare and the environment. In return, Israel agreed to "suspend declaring sovereignty over areas outlined in the President's Vision for Peace and focus its efforts now on expanding ties with other countries in the Arab and Muslim world" (White House, 2020, August 13). In a scene that evoked memories of the 1993 Oslo Accord, President Trump, Prime Minister Netanyahu and the foreign ministers of

the United Arab Emirates and Bahrain gathered on the White House lawn on September 15, 2020 to sign the “The Abraham Accords Declaration”. Named after the patriarch of the three monotheistic religions, the Accords included a common declaration of principles (White House, 2020, September 15 a), texts of a “Peace Agreement” between Israel and the United Arab Emirates (White House, September 15 b) and a “Declaration of Peace, Cooperation and Constructive Diplomatic and Friendly Relations” between Israel and the Kingdom of Bahrain (White House, 2020, September 15 c). President Trump heralded the Accords as “the dawn of a new Middle East” and suggested that other countries would be joining in “very, very soon” (Crowley, M., 2020). Others were less generous in their praise of the normalization moves. Mahmoud Abbas referred to the initial Israeli/Emirati agreement as a “betrayal” of Jerusalem and the Palestinian cause and recalled his ambassador from Abu Dhabi (Boxerman, 2020). 8 For the four states directly involved, the Abraham Accords appeared to represent a win-win solution. Bahrain and the Emirates formalized their anti-Iran alliance with Israel and the United States, under cover of halting Israel’s annexation in the West Bank. For the Emirates, enhanced access to advanced American weaponry (possibly including F-35 jets) may have been a consideration (Kirschner, 2020). At the minimal cost of putting annexation “on hold”, Israel gained two new peace partners with the potential of more Arab and Muslim states to come, opened new trade and investment opportunities in the region and hedged its bets on the outcome of the United States election. Heading into that election, the Trump administration catered to its Christian evangelical base by supporting Israel and the effort to exert “maximum pressure” on Iran. For Trump and Netanyahu, the Accords provided a much-needed foreign policy win and a welcome diversion from mounting criticism of their management of the COVID-19 pandemic. In the specific context of this paper, the Accords represent a further erosion of the principles which have guided Arab-Israeli peace efforts since 1967. Forget about “land for peace”. For Trump and Netanyahu, the new mantra is “peace for peace”. What Can Canada Do? The Abraham Accords did not formally halt the Trump plan or reverse recent measures which undermine underlying principles of the Madrid/Oslo process. While *de jure* annexation in the West Bank may be on hold, *de facto* annexation continues with thousands of new settlement homes approved since the Accords were signed (TOI Staff, 2020). Although Canada welcomed the Abraham Accords (Global Affairs Canada, 2020a), the government’s response to the overall Trump plan was more qualified. In a statement by Foreign Minister Champagne issued on the day the Trump plan was released, Canada “recognized the urgent need to renew efforts towards a negotiated solution to the Israeli-Palestinian conflict”, and committed, “to carefully examine the details of the United States initiative for the Middle East peace process” (Global Affairs Canada, 2020b). Recalling key elements of longstanding Canadian policy, the statement: 1. Reaffirmed Canada’s commitment to “achieving a comprehensive, just and lasting peace in the Middle East” including the “creation of a Palestinian state living side by side in peace and security with Israel and ensuring Israel’s security within its own borders”. 2. Maintained that “peace can only be achieved through direct negotiations between the parties” and urged those parties to “create the conditions for such negotiations to take place”. 3. Reaffirmed Canada’s “readiness to

support meaningful dialogue between the parties toward a negotiated and viable two-state solution”. Minister Champagne’s statement effectively outlined the criteria against which Canada would judge the Trump plan. In this context, it is difficult to imagine a positive evaluation. On the first point, the Trump plan is neither comprehensive nor just and there is no “side by side” Palestinian state. In the West Bank, the Palestinian state would be a collection of what some commentators have referred to as “Bantustans” connected by roads, tunnels and bridges around Israel settlements (Liel, 2020). On the second point, one columnist notes the Trump plan “dismantles 60 years of bipartisan support for a negotiated process between Israeli and Palestinians, in which both make concessions and land swaps that would define the lines of a new map” (Sanger, 2020). There have been no negotiations between the parties for over six years and the Trump administration has made no effort to resume direct negotiations based on the Madrid framework. On the third point, the Trump administration has done nothing to support meaningful dialogue between the parties. If anything, the United States has poisoned the atmosphere for such dialogue by moving its embassy to Jerusalem, recognizing Israel’s annexation of the Golan Heights, and reassessing the illegality of settlements. As International Crisis Group President Robert Malley remarked, “...the message to the Palestinians, boiled down to its essence is ‘You’ve lost, get over it’” (Holland et al., 2020). What can Canada do? Following an open letter, (Larson, P., 2020) from three former cabinet ministers and over 50 former diplomats (including this author), Prime Minister Trudeau stated “Canada has deep concerns and disagreement” with the Israel’s annexation plans and reaffirmed Canada’s commitment to a two-state solution (Global News, 2020). Though Trudeau’s statement came comparatively late and was considered less forceful than some other international reactions (Star Editorial Board, 2020, June 6), Canada has not followed Trump’s unilateral moves on the status of Jerusalem, the Golan Heights or legality of settlements. Nor would Canada be obliged to accept any of the measures proposed in the Trump plan. Going forward, Canada could work with partners in Europe and, potentially, a new United States administration to revitalize the peace process framework. We can continue to use our development cooperation and other programs to strengthen Palestinian institutions and promote self-sustaining economic growth. The Canadian government has long supported “Track II” research on issues related to the peace process. The Jerusalem element of Ehud Olmert’s 2008 offer to Abbas built on the ground-breaking research of the Jerusalem Old City Initiative (JOICI), which was partially funded by Global Affairs Canada. The government also supported an initiative related to the development of President George W. Bush’s “Roadmap to Peace” (M. Molloy, personal communication, March 15, 2020) as well as extensive research on the Palestinian refugee issue (El-Rifai, 2019). If Canada and the international community genuinely want a democratic Palestinian state, there is a pressing need for creative thinking on Fatah-Hamas reconciliation. Other timely Track II topics could include more broadly-based approaches to managing the overall peace process and alternatives to the two-state solution.

Conclusion While the efforts of Presidents Carter, Bush 41, Clinton, Bush 43, and Obama met with varying degrees of success, they were all based on one common objective – securing a just, comprehensive, and durable Middle East peace based on United Nations Security Council resolutions

242 and 338. This objective, particularly the notion of land for peace, was the foundation of the Framework for Middle East Peace and the Madrid/Oslo process. As this commentary has argued, the Trump plan 10 abandons these basic principles, seriously undermining the prospects for a sustainable solution to the Arab-Israeli conflict. Has President Trump killed the Middle East Peace Process? At the time of writing (two weeks before the United States election), the answer has to be “It depends”. Former Vice-President Joe Biden is well ahead of Trump in the polls, some of which predict the Democrats winning control of the White House, Senate and House of Representatives. Biden has referred to the Trump plan as “a political stunt that could spark unilateral moves to annex territory and set back peace even more” (Kampeas, R., 2020). He opposed Israel’s plans to annex areas of the West Bank and further expansion of settlements. While pledging to leave the American embassy in Jerusalem, Biden called the 2018 move “short-sighted and frivolous” and is committed to re-opening the United States Consulate in East Jerusalem (Barrow, B., 2020). In a statement on the Abraham Accords, he and his running mate Senator Kamala Harris welcomed the normalization of relations between Israel, Bahrain and the United Arab Emirates and committed to “work to leverage these growing ties into progress towards a two-state solution and a more stable, peaceful region” (BidenHarris campaign, 2020). A Biden administration might also be expected to take a less confrontational approach towards Iran, including rejoining the Joint Comprehensive Plan of Action (JCPOA) on nuclear non-proliferation, which was concluded in 2015 while Biden was Vice President. The Trump administration withdrew from the JCPOA and reimposed sanctions on Iran in 2018. On balance, a Biden victory in the November 3 election would seem to portend a return to a more traditional approach to the Arab-Israeli conflict, including greater engagement with the Palestinians. For the Trudeau government, such an approach would probably be a better fit. If President Trump is re-elected all bets are off. The Trump plan, including annexation in the West Bank and efforts to cajole more Arab and Muslim states into the Abraham Accords, would likely be renewed with vigour. As this commentary has outlined, the peace process was in trouble well before Trump entered the White House. What he and Netanyahu are doing, however, is reinventing the process to the point that its fundamental elements become unrecognizable. In a letter published in *The Guardian*, fifty former European Union prime ministers, foreign ministers and senior officials stated, “Peace to Prosperity is not a roadmap to a viable two-state solution, nor to any other legitimate solution to the conflict” (Holland et al., 2020). If Trump is returned to the White House, a stronger response to the “Deal of the Century” will be required. Canada will face a much more challenging policy path going forward and may need to work with other, more likeminded partners to build a legitimate peace.

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## Talking with the PLO: Overcoming Political Challenges

Andrew Robinson

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Introduction: Canada's support for the principle of self-determination for the Palestinian people was reiterated in a vote at the UNGA in 2019 (and again in 2020), in what was characterized in the Canadian media in 2019 as a "significant" change of vote - even though Canada had voted for a similar resolution between 1989 and 2006. So it was really just a reversion to form. But the first time Canada voted in favour of that resolution in 1989 was a real change, one which reflected a significant development of Canadian policy towards the PLO and the Israel-Palestine issue. Although the subject of Canada's attitude towards the Palestinians and the domestic political influences on it has by no means been ignored in the literature on Canadian Middle East policy, this policy commentary fills in details about two significant elements of the process: firstly, the beginning of a working-level dialogue with the PLO in 1980 and secondly, Canada's acceptance of selfdetermination and the subsequent lifting of all restrictions on contact with the PLO in 1989. The author draws on his personal experience as an officer in External Affairs (now Global Affairs) directly involved in the development of Canada's policy towards the PLO over the period 1980-1992. During this period Canadian policy moved from timid and limited contact, considered politically sensitive within Canada because of the PLO's terrorist links, to one of recognition of the Palestinian right of self-determination. The role of the PLO in the civil war in Lebanon justified the posting of an officer to the Canadian Embassy in Beirut in 1980 to open up a dialogue on political and Embassy security issues, a dialogue which proved useful to Canada. During the 1970s the world had begun to move towards seeing the PLO as the relevant representative of the Palestinians, but Canada moved on this file more slowly than most, mainly because of partisan electoral considerations and also fear that recognition of a "right of self-determination" for the Palestinian people might be seen as reinforcing the arguments for Quebec independence. However, as the decade moved on, Canada's reluctance to move further on the question of Palestinian national rights left it more and more isolated, until the 1988 statement by the Palestine National Council recognizing UN Security Council resolution 242 - which includes recognition of Israel's right to exist in peace in the region - gave Canada an excuse to catch up to its usual international partners, including the United States. As a result of this change, Canada re-established its credentials with the Arab side as a fair-minded party on the Arab-Israeli issue, to the extent that at the Moscow Multilateral Conference in 1992, the PLO and Israel both accepted that Canada should assume leadership of the highly contentious Refugee Working Group in the Multilateral component of the Middle East Peace Process.

Growing recognition of the Palestinian cause In the 1960s and into the 1970s, for the most part, Canada did not have any substantive official dialogue with the PLO. There was a PLO representative attached to the Arab League Information Office in Ottawa from 1972, but the representative (Abdullah Abdullah) did not have any official contact with the Department of External Affairs. Canada's reluctance was mainly due to the fact that the PLO was still seen primarily as a terrorist organisation, and indeed in the 1970s and even into the 1980s the PLO did not accept Israel's existence and continued to support a policy of "armed struggle" in various forms. This included high profile aircraft high-jackings and terrorist attacks by Palestinian organizations affiliated with the PLO, such as the attack on Israeli athletes at the Munich Olympics in 1972. However, the

international community increasingly saw the PLO as an organization with a legitimate political role, and indeed the only Palestinian organization with the power and credibility to be the Palestinian party in an eventual peace process. In 1974, the PLO was accepted as a full member of the Arab league, and that same year the UNGA voted in favour of recognizing the PLO as an observer. Gradually, western European and like-minded states moved in the same direction. Indeed by June, 1980 the EU, traditionally somewhat ahead of Canada on these issues, was already calling in its Venice Declaration for recognition of the legitimate rights of the Palestinian people, including its right to selfdetermination, and for the association of the PLO in eventual negotiations. (Venice Declaration, 1980). In Canada during the 1970's there was increasing recognition at the political level of the necessity to take into account the issue of Palestinian national rights as a group, not just individual human rights. However, the whole issue of Canada's policy stance respecting Palestine remained highly contentious (Bones, 1985; Noble, 1985). This was demonstrated, inter alia, by the decision (following a significant public outcry in Canada) to request postponement of a UN Conference scheduled to be held in Toronto in 1975, rather than to allow a PLO representative to attend (Bones, 1985), and by the 1979 promise of Joe Clark, leader of the Progressive Conservative party, to move the Canadian Embassy to Israel from Tel Aviv to Jerusalem, a promise whose timing was largely motivated by electoral considerations (Flicker, 2002). (See also Wildeman's contribution to this special edition of the CFPJ). Meanwhile, after being driven out of Jordan in 1971, the PLO leadership and armed forces transferred mainly to southern Lebanon. This upset the rather fine power balance which had existed in Lebanon between the various religious communities and contributed to the outbreak of civil war in 1975. Meanwhile, Canada was serving on the UN Security Council in 1977-78, and thus was very involved in the international response to Israel's 1978 invasion of southern Lebanon which amongst other things led to the creation of the United Nations Interim Force in Lebanon (UNIFIL). Ironically, although the Progressive Conservatives were able to form a minority government after the May 1979 election, Mr. Clark's electoral promise respecting Jerusalem was to result in much more public attention to the actual situation in the Middle East. There was a significant outcry by Arab states and by Canadian business sectors, which led to Prime Minister Clark commissioning the Hon. Robert Stanfield to find a face-saving response to criticism of his Jerusalem embassy promise. i Mr. Stanfield was asked to address not just the Jerusalem embassy issue but the whole question of Canada's relations with the Middle East and North Africa. He and his team travelled extensively in the Middle East and also listened to presentations in Canada. In his report Mr. Stanfield noted that the recognition of the rights of the Palestinian people was a sine qua non for a negotiated solution, and that internationally the PLO was increasingly perceived as the only spokesman for the Palestinian people which enjoyed the support of a large and significant body of Palestinian opinion. He recommended therefore that despite the PLO's ambiguous attitude towards Israel and terrorism, Canada should broaden contacts with it on issues affecting negotiations and the peace process, with a view to encouraging that organization towards greater moderation (Stanfield, 1980). Mr. Stanfield's final report was presented just two days after the February 1980 election. Its recommendations

included: • Canada should support the Palestinians' right to a homeland as well as their rights to be heard and participate in the determination of their own future; • Canada should broaden contacts with the PLO on issues affecting negotiations and the peace process; and • To encourage moderation and conciliation we must be regarded as fair minded by the parties. (Stanfield, 1980, pp. 7, 10, 14). On March 3rd Prime Minister Clark resigned and Pierre Trudeau was appointed Prime Minister. The new government did not see a need or political advantage to comment upon the report. Nevertheless, Mr. Stanfield's realistic appraisal of the situation in the region would help influence the tone and content of Canadian policy towards the Middle East region, including towards the PLO in the coming years. The Value of Dialogue Encouraged by Mr. Stanfield's recommendation on broadening contacts, the Department of External Affairs decided to assign an officer (this author) to the Canadian Embassy in Beirut whose responsibilities would include liaising with the PLO. This meant that Canada could now speak directly and officially to the PLO, and Canadian policy respecting the Middle East could be informed by first-hand input from the Embassy in Beirut on the implications of PLO policy and developments, in addition to what was available from other sources. The dialogue was valuable in broadening the sources of information provided to Canada. The Embassy obtained information directly about PLO views and so was better able to analyze and comment upon developments in Lebanon, including on what was going on in PLO-controlled southern Lebanon, and indeed in the broader Middle East region. It also provided the PLO with an opportunity to express its views directly to Canada. For example, in July 1981, during a Canadian Parliamentary delegation's call on PLO Chairman Arafat in southern Lebanon, the PLO Chairman expressed directly to the Embassy representative at some length his dissatisfaction with Prime Minister Trudeau's political summary at the 1981 G7 Summit in Ottawa issued just a few days earlier (UofT, G7 Information Centre, 1981). Arafat was especially (and justifiably) displeased with the statement's failure to condemn Israel for its air raids against Palestinian locations in west Beirut and south Lebanon the previous month, which had killed over 100 people and injured hundreds more. Such direct lines of communication did not exist previously, hampering Canada's ability to assess reports of Palestinian statements. The assignment of an officer to Beirut to talk to the PLO had been approved on the grounds that it was desirable not just for political reasons but for reasons of embassy security. At that time Canada's embassy was located in west Beirut, as were the residence of the Canadian ambassador (T.J. Arcand) and the living quarters of the 14 or so Canadian staff. Although the worst period of fighting in the Lebanese civil war was over, the government of Lebanon, such as it was, had basically no control over west Beirut, and instead different sections of the city were controlled by a variety of militia groups. The militias did not necessarily have good relations with each other, but of one thing people could be sure - no Lebanese militia wanted to mess with the PLO, which controlled the southern part of the city and much of southern Lebanon. So, quite apart from any broader political benefits, on the very practical issue of security for the Embassy and its personnel, talking with the PLO was not only desirable but necessary, as two examples will show. On one occasion, it was learned that an individual convicted in connection with the murder in 1976 of the United States ambassador to Lebanon

carried out by agents of the Popular Front for the Liberation of Palestine (PFLP) had just been released after serving a very short sentence. Canada had played a role in getting this individual returned to Lebanon so he could be tried, and while in custody he had issued threats to "get even" with Canada. So his release, especially after serving such a short sentence, immediately raised questions at the Canadian Embassy as to the implications for security of the Embassy and its staff. Would this individual carry out his threats to retaliate against Canada? Accordingly, when he was released, the Canadian Embassy immediately contacted the PLO to express concern about this individual's threats. A few days later, the responsible Embassy officer was called back to the PLO headquarters to get the reply. It was somewhat (but only somewhat) reassuring, "The individual concerned was acting on the instructions of a PLO member organisation. He will not take any action against Canada unless he is instructed to do so"ii.. Not the best of reassurances, but at least the Embassy had registered its concern, and no doubt the individual or his masters had been spoken to. There was always a degree of crime in Beirut, including car theft, but over a period of just a few weeks in 1981 a number of vehicles belonging to the Embassy were stolen. The thefts had not occurred in the area of Beirut the PLO controlled, but knowing the PLO's influence with Lebanese militias the responsible Embassy officer went to see the PLO and explained the problem, asking for help in getting the vehicles returned. "Let us see what we can do" was the answer. A week later the Embassy got a request to come back in. The answer: "We know where the vehicles are, but they will not be returned." (They were probably by that time in the Bekaa valley, controlled by the Syrian army.) "However, we know who stole them, and we can assure you that no more cars of the Embassy will be stolen." And none were. This showed how the PLO could lay down the law for the other militias in West Beirut, even in areas not directly controlled by the PLO, and how a good relationship with the PLO contributed to the security of the Embassy and its personnel generally. Perhaps the greatest value politically for Canada of this dialogue came during the Israeli siege of Beirut in 1982, when the Canadian Embassy was virtually the only Western embassy still functioning in west Beirut. In those days, the PLO official who was the Embassy's principal interlocutor (and constantly on the move to avoid having his location pinpointed by Israeli intelligence) began the practice of calling at the Canadian Embassy at night, under cover of darkness, to update the Embassy on the latest developments and to convey the PLO's views. The Embassy's reports to Ottawa were copied to Canadian missions in other capitals, such as London, Paris, Bonn and Washington, and as usual Canadian diplomats in turn shared their contents (as deemed appropriate) with counterparts in the governments in the countries to which they were accredited, giving those allied foreign ministries access to additional perspectives on the PLO's actions. Keeping the Embassy open in west Beirut during the invasion was not without its hazards, and these were not just relating to physical and personnel safety. There were political hazards as well. The government of Prime Minister Trudeau was on the receiving end of complaints by Israel not just about keeping open the Embassy but also because of the detailed information which the Embassy was providing about the civilian deaths and destruction being wrought by the Israeli bombing of Beirut. This pressure to close the Embassy however was counterbalanced by a degree of public admiration for an

ambassador who stayed at his post to serve Canada and Canadians, even though his residence was seriously damaged by the bombing. On July 28th, there was even a unanimous resolution in the House of Commons, commending Ambassador Arcand and his staff for their devotion to duty and recommending them for some form of recognition (a recommendation never acted upon). One of the speakers in the debate, Marcel Prud'homme (Liberal, Saint-Denis), the Chairman of the House Standing Committee on External Affairs and National Defence used the occasion to argue for recognition of the PLO as the principal representative of the Palestinian people (Canadian Parliamentary Historical Resources, 1982: 19771-19772). The scattered applause which this suggestion received showed that even in 1982 there was a degree of support among MPs for a warmer attitude towards the PLO. As the Canadian Embassy was the last remaining Western embassy functioning in west Beirut, and as a PLO official kept coming to the Embassy at night to relay information, it was felt necessary to raise pre-emptively with Ottawa the question about what should be done in the event that Arafat sought political asylum at the Embassy. Ottawa did not say no, but there was a very clear instruction, "Don't do or say anything to encourage any such request." In any event, the Ambassador and Canadian staff were withdrawn by the middle of August, by which time it was evident that the PLO apparatus and most of their fighters would be departing Beirut under an agreement negotiated by the American special representative Philip Habib. At the end of August, Arafat left Beirut on a Greek cruise ship accompanied by French warships. After the departure of the PLO leadership from Lebanon in August 1982, principal Canadian responsibility for dialogue with the PLO was transferred to the Canadian Embassy in Tunis, the new home of the PLO leadership. After leaving Beirut however the PLO became a more dispersed and heterogeneous organization. While the official headquarters were in Tunis, Canadian embassies in some other capitals in the region also met with PLO representatives, always at a level below the Ambassador. Likewise, during occasional liaison visits to the region mid-level officers from External Affairs would sometimes call on the PLO contacts of the Canadian embassies involved (mostly Tunis, Cairo, and, after 1985, Damascus). This was encouraged by Ottawa but the Department of External Affairs remained very sensitive to any suggestion that the dialogue was going to higher levels, as one example demonstrates. Following the Israeli air attack on the PLO headquarters in the southern suburbs of Tunis in October 1985, which killed over 60 people, the Counsellor at the Canadian Embassy in Cairo wrote to his PLO contact expressing his personal condolences and attaching a copy of Mr. Clark's statement deploring the raid. Normal diplomatic practice, one would think. The Palestinian counterpart faxed the letter to Tunis, and three days later the Embassy officer in Cairo was surprised to receive by fax a letter of thanks addressed to him and signed by Arafat. Informed about this, Ottawa replied to the Embassy reminding it of the Canadian policy on level of contact and warning against any reply to Arafat - a warning which was not necessary but which Ottawa felt obliged to put on the record for political reasons. Meanwhile, in Ottawa, for domestic political reasons there was little appetite at the political level for raising the official level of dialogue. This was mostly because of the continued involvement of Palestinian groups in terrorist acts, such as the high-jacking of the Italian cruise ship

Achille Lauro in 1985, even though there was increasing acceptance in political circles of the PLO's centrality to any solution to the Palestinian question. The Senate Standing Committee on Foreign Affairs, in a June 1985 report specifically recommended "that Canadian government contacts with the PLO continue at their present level and frequency" (Senate Standing Committee on Foreign Affairs; Report on Canada's Relations with the Countries of the Middle East and North Africa, 1985, 68). While the information gathered through this dialogue helped External Affairs to have a more complete understanding of developments within the PLO and of the situation in the region more generally, it was of course just one element of many inputs into the overall analysis put together in Ottawa. But the next significant change in Canadian policy respecting the PLO was driven not by anything learned through the reports of Canadian diplomats on their dialogue with PLO counterparts, but rather by events in the occupied territories and in the international arena, and their impact on Canadian public opinion. During the Palestinian uprising (the first intifada), beginning in December, 1987, actions by Israeli forces received significant negative media coverage in Canada. By 1988, there was growing criticism in Canada of Israeli actions against the Palestinians, which included reports of beatings and the cutting off of food supplies to Palestinian refugee camps. In March, Secretary of State for External Affairs (SSEA), Joe Clark gave a hard-hitting speech to the Canada-Israel Committee criticizing human rights violations under international law, which significantly set back his relationship with the Canadian Jewish community (Secretary of State for External Affairs, 1988, p. 3). The reaction was so strong and immediate on the part of the leadership of the Canadian Jewish community that the next day Mr. Clark felt it necessary to backtrack, sending a letter reconfirming Canada's "unwavering support" for Israel (Goldberg & Taras, *Collision Course*, 1989). This episode also underlined the potential domestic political costs of any forward movement in Canada's relationship with the PLO.<sup>ii</sup> While Canadian attitudes were slowly evolving, the winds of change were blowing with more force elsewhere, leaving the Canadian position more and more isolated. Responding in part to the intifada, in November 1988, the Palestine National Council (PNC) meeting in Algiers issued a declaration of independence of the state of Palestine. The accompanying PNC political statement essentially accepted the notion of two states proceeding from negotiations based on United Nations Security Council (UNSC) resolutions 242 and 338 and Israeli withdrawal from territories occupied in 1967. This then set the stage for Arafat to make further announcements in December in Geneva, and in particular a statement, on which the Americans had been insisting, clearly renouncing terrorism, "We totally and absolutely renounce all forms of terrorism, including individual, group and state terrorism" (*Journal of Palestine Studies*, 1989). In return, the United States announced that it was lifting its restrictions on dialogue with the PLO. The following day, the United States Ambassador in Tunis met with a senior PLO representative. Recognising Palestinian Self-Determination... but not the PLO This left Canada as the only G7 government without senior level (Ministerial or Ambassadorial) dialogue with the PLO, clearly not something which reflected Canada's interests, particularly as it embarked on a two-year term (1989-90) on the United Nations Security Council. But what was regarded by officials in External Affairs as a no-brainer still took more than

three months to work out. Although SSEA Clark was ready to move ahead, he first had to persuade strongly pro-Israel Prime Minister Mulroney, which proved no easy task and led to disagreements between the two men (Nemeth, 1989). Meanwhile, on the SSEA's instructions, work was proceeding within External Affairs on drafting language for a possible statement to get Canada out of its lonely position. Arafat's statement in Geneva and the subsequent move by the United States had certainly warmed the waters. Within the External Affairs bureaucracy there was a degree of impatience to update the Canadian posture, but one official in Minister Clark's office cautioned, "Be patient. We have to make sure the Minister and Prime Minister are tied down inseparably to this raft before we send it down the rapids." This was acknowledgment of the potential for political challenges ahead. There were in fact, two issues that needed to be resolved. First, if Canada were to lift restrictions on high level contacts with the PLO, would that mean Canada was "recognizing" it, and was Canada thereby accepting its claim to be the "sole legitimate representative" of the Palestinian people? And secondly, was Canada recognizing the recently declared state of Palestine and/or the principle of self-determination? The stumbling block regarding self-determination was that it seemed to prejudge the outcome as a state, whereas Canada maintained that whether or not there was to be a Palestinian state should be decided by negotiations with Israel. A further problematic aspect was the strong concern that any suggestion that self-determination and an independent state were two sides of the same coin be avoided, so as not to introduce any complicating implications regarding the question of Quebec separatism. This would have to be addressed in any eventual statement. On a foreign policy issue with high domestic interest, it was typical for the approval of the Prime Minister to be sought, and sometimes for the matter to be referred to the appropriate Cabinet committee. However, in this unusual case, given the likelihood that such a decision would be controversial, Prime Minister Mulroney referred the issue to full Cabinet. There was also no doubt that it would be Mr. Clark as foreign minister who would make the eventual announcement and carry the proverbial "can of responsibility" for any political fallout. Thus it was that on March 30th, 1989 (the day the Palestinians celebrate as Land Day, an entirely unintended co-incidence) Mr. Clark was able to make the long awaited announcement (Department of External Affairs, 1989a), accepting the principle of self-determination for the Palestinian people and lifting restrictions on high level dialogue with the PLO. The statement was hedged with reservations, particularly with regard to the question of an independent Palestinian state, I want to take this occasion to reiterate that Canada does not recognize the Palestinian state proclaimed last November. However, the proclamation of a state does cast a different light on the question of Palestinian self-determination. Canada has long accepted the right and need for Palestinians to play a full part in negotiations to determine their future. We had been concerned that the phrase "self-determination" was being used as a code-word for an independent state, and that Canadian endorsement of the principle would be interpreted as Canadian advocacy of an independent state. That interpretation is no longer possible, because an independent state has been declared, and not recognized by Canada. That allows Canada to endorse the principle that the Palestinians have the right to self-determination in accordance with the International Human Rights Covenants.

That must be exercised through peace negotiations in which the Palestinians play a full part. (Department of External Affairs, 1989b). Although delayed, this statement, as well as a subsequent change in voting pattern at the UN, finally allowed Canada to be seen as a "fair-minded" interlocutor, as called for almost a decade earlier in the Stanfield report. As a result, Canada left behind the image of one-sidedness that its past UN voting record had suggested. And so, Canada was ready to be actively involved in a period of rapid change in Middle East politics, which within a short space of time saw the beginning of a structured bilateral and multilateral peace process between Israel and its Arab neighbours: in 1991 in Madrid, in 1993 the Oslo I Accord between Israel and the Palestinians, and in 1994 the Israel-Jordan peace treaty. Thanks to its move back to a mainstream position, by 1992 Canada had the credibility with both Israel and the PLO to be invited to assume leadership of the most politically sensitive element of the Multilateral Peace Process, the Refugee Working Group (Robinson, 2011). Thus, the fair-minded approach recommended by the Stanfield Report (1980) allowed Canada to contribute to Middle East peace-building and to garner international prestige for its efforts. It is a past example of a diplomatic approach that Canada can and should take towards the region and indeed in foreign policy more generally.

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THE REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP (RCEP) AND COPYRIGHT

Hugh Stephens

University of Calgary, School of Public Policy, February 17, 2021

Back in mid-November, something significant happened in Asia, largely unnoticed. While most of the western world continued to grapple with daily reports of increasing COVID-19 hospitalizations and deaths, (well before the word "variant" became part of our everyday vocabulary), and while we watched transfixed to see whether Donald Trump would succeed in overturning the expressed will of the American people, fifteen countries came together on November 15, 2020 to sign the Regional Comprehensive Economic Partnership (RCEP) Agreement.

These countries, the ten members of the Association of Southeast Asian Nations, known as ASEAN (comprised of Myanmar, Thailand, Malaysia, Cambodia, Laos, Vietnam, Singapore, Indonesia, the Philippines and Brunei), plus China, South Korea, Japan, Australia and New Zealand will form the bloc. India was an original negotiating partner but elected not to join the others, largely from fear that its internal market would be swamped with Chinese goods. Even without India, the amount of trade within the bloc will encompass 30% of global trade. This is not surprising given the presence of the world's second and third largest economies, China and Japan, plus major trading countries like Korea and Indonesia. The RCEP was built on the foundation of several "ASEAN Plus" agreements, that is to say, ASEAN plus China, ASEAN plus Japan, ASEAN plus Korea and ASEAN plus Australia/New Zealand, all agreements negotiated some ten years back or more. RCEP brings these disparate ASEAN-centered agreements together under one umbrella, with common Rules of Origin (qualifying rules for

preferential tariff treatment under the agreement). It is estimated that through its trade liberalizing provisions RCEP could lead to income gains of over \$200 billion by 2030 and add \$500 billion to world trade.

Because of the widely varying levels of economic development among the RCEP participating members, the level of “ambition” in accepting trade disciplines is not as great as in some other trade agreements, notably agreements like those between the US, Canada and Mexico (the USMCA/CUSMA), or between the EU and Japan or Korea. In fact, I have heard RCEP described as being “as wide as the Pacific and as deep as a puddle”. There is something to be said for this description. Compared to another regional trade pact, the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), the eleven-country successor to the Trans-Pacific Partnership that included the United States until the US withdrew shortly after Donald Trump took office, the RCEP has fewer binding commitments to trade liberalization and is less aggressive in its reduction of tariffs. (Some of the countries in RCEP—Japan, Australia, New Zealand, Malaysia, Brunei, Vietnam and Singapore—are also members of the CPTPP. The others in the CPTPP are Canada, Mexico, Peru and Chile).

Unlike the CPTPP, RCEP does not contain chapters covering labour, the environment or state-owned enterprises, all issues of great importance in dealing with large emerging markets like China. It also does not provide for common commitments to liberalize trade in services, although there is improvement in some areas for some countries. However, it does contain a chapter on intellectual property (IP), including a number of provisions relating to copyright. While it would be fair to say that the RCEP’s IP chapter is not the most ground-breaking or sophisticated, the inclusion of a chapter on intellectual property is nonetheless important. It is worth remembering that this agreement covers 15 countries with widely differing levels of economic development and capacity, ranging from highly advanced countries like Japan, Korea, Singapore, Australia and New Zealand to rising emerging powers like China and Indonesia to lesser developed countries like Cambodia, Laos and Myanmar. A look at per capita GDP levels is revealing. They range from a high of \$65,233 in Singapore to just \$1,407 in Myanmar, with a huge variety in between including Australia at \$55,060, Japan at \$40,246, Korea at \$31,846 and China at \$10,261. (All figures are from the World Bank, 2019, expressed in USD).

What the IP chapter *does* do is to set some minimum standards across all these economies. It is based largely on the TRIPS commitments (the Agreement on Trade-Related Aspects of Intellectual Property Rights) in the World Trade Organization (WTO), and includes accession to several IP-related international treaties. In the area of copyright, these include the Berne Convention, the WIPO (World Intellectual Property Organization) Copyright Treaty and the WIPO Performers and Phonograms Treaty, commonly known as the WCT and WPPT, respectively. This will result in Cambodia and Myanmar acceding to Berne, and Cambodia, Myanmar, Laos, Thailand, and Vietnam acceding to the WCT and WPPT, although some of these countries have a grace period of up to a decade or more in which to implement their obligation. The IP chapter includes articles dealing with the protection of broadcast and encrypted program-carrying satellite signals and the establishment of collective management organizations. On this latter point, the wording is somewhat laboured and non-binding, i.e. “*the*

*parties shall endeavour to foster the establishment of appropriate organisations for the collective management of copyright and related rights*". Still, it is a start for countries where no such organizations exist.

There is also standard language on technological protection measures (TPMs) and rights management information (RMI). On TPM's the agreement requires each party to "provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by authors, performers, or producers of phonograms in connection with the exercise of their rights...", although exceptions can be provided in accordance with laws and regulations. RMI refers to information that identifies the work, performance, author and so on, of a recording, normally embedded in code. Signatories to the agreement will make illegal the removal or altering of any electronic RMI or allowing the import, distribution, broadcast etc. of works or recordings where the RMI has been removed or altered. All of this is pretty standard stuff in most modern trade agreements, but its inclusion in the RCEP will help propagate these minimum standards.

There is also language requiring the destruction of seized pirated and counterfeit products to avoid them simply being returned to channels of commerce (as often happens in developing countries), and provisions to suspend release of suspected pirate goods at a rights-holders request. Damages in civil cases will be commensurate with injury, i.e. statutory damages are not referenced.

What is *not* in the agreement is any reference to providing safe harbours for internet platforms, absolving them of any civil liability for content posted by their users. Of late, this has become one of the standard "asks" put forward by USTR when the United States negotiates trade agreements. The USTR language is based on Section 230 of the Communications Decency Act, 1996, a highly controversial piece of legislation in the US. I and others have argued that it has no place in the text of a trade agreement. Canada and Mexico agreed to a watered down version of Section 230 in the new NAFTA, known as the USMCA (CUSMA in Canada), but given calls in the US to amend or eliminate Section 230 it is hard to believe that its inclusion in the USMCA will have any material effect on any of the parties in terms of holding the platforms to greater account for hosting illegal or harmful content. With respect to the RCEP, this is all moot. Since the US was not a party to the negotiations, Section 230-type safe harbours didn't come up and none of the fifteen RCEP countries had the least interest in raising the issue. Likewise, there is no inclusion of a safe harbour regime for intellectual property infringement as in some other agreements, where implementation of a notice and takedown (or equivalent) regime gives platforms protection against liability provided they respond expeditiously to *bona fide* takedown requests.

Some commentators have argued that the RCEP "focuses more on the balance of rights and obligations to prevent the abuse of IP rights", but the language in the preamble, which talks about reducing impediments and distortions to trade, fostering innovation and creativity and maintaining an appropriate balance between rights-holders and users is not significantly different from the TRIPs preamble (1995) or the IP chapter preambles in more recent trade agreements like the USMCA/CUSMA. In fact, it's a good

beginning. It would have been very concerning had there not been an IP chapter in this large regional trade agreement.

For RCEP to come into effect it still has to be ratified by at least six ASEAN member states and three non-ASEAN states. Once ratified, it will join the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) as an operating trade bloc in the Asia-Pacific region. The CPTPP has been ratified by seven (Australia, Canada, Japan, Mexico, New Zealand, Singapore, Vietnam) of its eleven members and has now been in effect for two years. The overlap between some RCEP and CPTPP members has led to talk of a long term aspirational goal of a Free Trade Area of the Asia Pacific (FTAAP) that would be an eventual merger of the two agreements. If that ever happened, the more comprehensive terms of the CPTPP's IP chapter would undoubtedly prevail. (Right now, the US is the only major Asia-Pacific state not in either, but under the Biden Administration the US position may eventually change).

RCEP is a welcome step forward at a time when global trade has been threatened not only by the global pandemic but also by the increasing resort to unilateral protectionist policies on the part of some countries, such as the US under the Trump Administration. While the IP chapter and its copyright provisions are not the most sophisticated or far-reaching, they nevertheless provide a positive step forward in terms of levelling up standards of IP awareness, compliance and commitments across 15 economies—large and small, developed and developing—in the Asia-Pacific region.

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## The rules of war on the internet

Paul Meyer

Open Canada, February 17, 2021

Civilians are increasingly the victims of cyber operations by state and non-state actors. They need better protection.

In late 2019, Canada's largest medical laboratory company, 'LifeLabs,' revealed it had been the victim of a cyber intrusion that had compromised the personal records of 15 million Canadians. While this penetration was attributed to cyber criminals, foreign states have also repeatedly targeted Canada. In its second National Cyber Security Threat Assessment, released in May 2020, the government identified China, Russia, Iran and North Korea as posing "the greatest strategic threat to Canada."

Cyber attacks are typically wrapped in secrecy. States rarely admit carrying them out. But we know cyberspace is increasingly militarized. Daniel Coates, the U.S. director of national intelligence, estimates over 30 nations possess offensive cyber capabilities. Not subject to any controls beyond national ones (and we don't even know what these might consist of), the scope and sophistication of these states' projection of cyber power beyond their borders have only grown in recent years.

The massive, mid-December "supply chain" cyber espionage attack that successfully penetrated a wide array of U.S. governmental and corporate entities has been attributed by the U.S. intelligence community to the SVR, Russia's foreign intelligence agency and successor to the KGB. The intruders were on the penetrated computer systems for several months, and the amount of information taken may never be known. Even more damaging is the risk that the intruders have created "back doors" that would enable a persistent presence on the infected systems. In the months to come, cyber security teams will face a massive task in trying to rid their systems of these intruders. According to a Microsoft statement, Canada was not spared, although at present there is no account of the extent to which the country was impacted.

"Most owners and users of cyberspace are civilians. Is there any way to protect their interests from predatory state practices?"

The detrimental implications of these state-run offensive cyber operations are exacerbated by the lack of control and discrimination regarding how they are carried out. The "Stuxnet" attack by Israel and the U.S. damaged Iranian nuclear facilities but also spread to other industrial control systems. The infamous 2017 "Not Petya" (Russia) and "Wanna Cry" (North Korea) cyber operations wreaked havoc on civilian installations from shipping companies to hospitals. States seem unable or unwilling to ensure their cyber operations conform to basic laws of armed conflict, which require distinction between combatants and non-combatants and proportionality in the use of force. Most owners and users of cyberspace are civilians. Is there any way to protect their interests from predatory state practices?

The “rules-based international system,” which the Canadian government never tires of affirming, is premised on respecting the UN Charter and its prohibition on the use of force and its requirement to settle disputes peacefully. The United Nations has been grappling with the security implications of the internet for decades. A 2015 report by a UN group of government experts outlined voluntary norms of conduct that included principles of restraint, such as not targeting civilian infrastructure. A subsequent General Assembly resolution, unanimously adopted, stipulated that states should be guided by these norms.

This agreement represented something of a high-water mark for international cooperation on cyber threats. Things have gone downhill since, largely because of enmity between the leading cyber powers of America, Russia and China. Despite this hostility, the UN has established a new, more inclusive “Open-ended Working Group,” which will consider a report at its final session this March.

The most promising proposal submitted to the group, endorsed by 47 states (including Canada), foresees the creation of a permanent UN forum to consider cyber security issues, with dedicated secretariat support and a provision for periodic review conferences. This would provide for the first time a dedicated forum at the UN where the cyber conduct of states can be regularly scrutinized and where cooperative measures might be negotiated — a vast improvement over the *ad hoc* and fragmented discussion that have been the norm until now.

Canada has played a constructive role in the group by suggesting ways for states to act on the agreed norms, rather than simply talking about lofty principles. It will need to build a coalition with like-minded “middle powers” to advance this agenda. In the absence of such restraints, civilians will continue to suffer as collateral damage in the world’s intensifying cyber wars.

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### **Une autre révolution russe?**

L’ancien ambassadeur du Canada en Russie explique pourquoi Alexei Navalny est une menace existentielle pour Vladimir Poutine.

Jeremy Kinsman

La révolution russe de 1917 a eu lieu lorsque les pressions refoulées d'un changement économique et social rapide étaient réprimées par une monarchie absolutiste vivant dans une bulle résistante à la réforme. L'entrée inutile de la Russie dans une guerre destructrice entre les puissances européennes a accéléré la désaffection du public. Une démocratie parlementaire sociale-démocrate s'est ensuite écroulée devant une minorité de militants radicaux parce qu'ils étaient les seuls à être organisés avec des objectifs clairs. Au fur et à mesure que les institutions s'effondraient, les gens épuisés ont donné le pouvoir aux bolcheviks parce qu'ils espéraient l'ordre et la stabilité, aussi durs soient-ils.

C'est ainsi qu'a commencé un cauchemar totalitaire qui a infligé une forme de syndrome de stress post-traumatique de masse à la société. L'Union soviétique est devenue une superpuissance dans un monde divisé, mais son État policier a enlisé le pays dans la stagnation et le dysfonctionnement.

En 1962, Peter Reddaway, politologue britannique et expert de l'Union soviétique, prévoyait « une nouvelle révolution comme seule issue, dans 30 ans ».

Vingt-trois ans plus tard, Mikhaïl Gorbatchev a lancé une révolution, pour réformer un autre système dysfonctionnel. Mais Gorbatchev était également motivé par la nécessité d'alléger le fardeau des citoyens face aux crimes massifs que le régime avait commis contre eux durant trois générations. La glasnost et la perestroïka de Gorbatchev ont tout chamboulé. Dans un premier temps, les citoyens euphoriques ont célébré ne plus avoir à craindre les cognements de portes du KGB à 3 heures du matin. Ils ont fait la queue pendant des heures pour acheter des journaux, finalement non censurés.

Hélas, les tentatives de Gorbatchev pour transformer radicalement les principes d'organisation et de fonctionnement de la société se sont heurtées à une triste réalité : personne – encore moins les experts occidentaux – ne savait comment créer rapidement et sans perturbation excessive une démocratie et une économie de marché à partir des ruines du totalitarisme.

Le soutien du public aux réformes de Gorbatchev a fondu. Sans aide matérielle adéquate de la part des pays occidentaux, face aux aspirations nationalistes de l'empire soviétique et à la pression du président russe nouvellement élu Boris Eltsine, Gorbatchev, le dernier dirigeant de l'Union soviétique, a annoncé sa démission le 25 décembre 1991. L'Union soviétique s'est officiellement dissoute quelques jours plus tard.

La quête acharnée d'Eltsine visant la démocratie russe et une économie libre via la « thérapie de choc » a abouti à ce que le journaliste David Remnick a qualifié de « fiasco de la vie quotidienne ». Les Russes étaient peut-être libres, mais beaucoup se sont sentis abandonnés.

Lors d'une visite à Moscou en 1995, le président tchèque Václav Havel m'a demandé, de manière quelque peu sardonique, comment se déroulait la révolution démocratique. J'ai répondu par des mots encourageants, auxquels l'ancien dissident antisoviétique a répondu : « 60 ans ». Des années plus tard, j'ai appris qu'il citait le politologue britannique Ralf Dahrendorf, qui affirmait que si les réformes constitutionnelles d'une nouvelle démocratie pouvaient prendre six mois et la réforme économique six ans, 60 ans suffisaient à peine pour changer les mentalités. Et c'est ça qui compte le plus. Comme l'a écrit Thomas Carothers, juriste à Carnegie, « Il ne s'agit pas de tribunaux et de lois, mais de ce qui se passe dans la tête des citoyens ».

La déception des Russes, qui sont un peuple talentueux, a été vive. « Pourquoi ne pouvons-nous pas être normaux ? », débattait un panel télévisé de Moscou en octobre 1993, après qu'un coup d'État manqué et un week-end de violence aient traumatisé la ville.

Lorsque Vladimir Poutine a succédé à Boris Eltsine le soir du Nouvel An 1999, il s'est concentré sur le rétablissement de la sécurité. En retour, il a demandé une période de « calme ». « Nous n'avons pas besoin de grands bouleversements », a-t-il déclaré. « Nous avons besoin d'une grande Russie. » Dans la célèbre « hiérarchie des besoins » d'Abraham Maslow, la sûreté, la sécurité et la prévisibilité sont au sommet.

Poutine a tenu ses promesses, élevant le niveau de vie et restaurant la fierté nationale après la décennie d'humiliation qui a suivi l'éclatement de l'Union soviétique. Mais il a rompu

la seule promesse concrète faite dans son premier discours présidentiel, celle de préserver la nouvelle démocratie russe.

Que s'est-il passé?

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L'ascension de Poutine à partir d'une obscure affectation du KGB à Dresde jusqu'au pouvoir suprême est vivement débattue. Certains soutiennent qu'il faisait partie d'un plan du KGB datant d'avant la chute du mur de Berlin et visant à détourner d'importants revenus de l'État pour permettre au personnel des services de sécurité (« siloviki ») de garder le contrôle alors même que Gorbatchev était en train de changer l'URSS.

Poutine est retourné en Russie et a repris sa vie civile en 1990, s'installant dans sa ville natale de Leningrad, qui allait bientôt reprendre le nom de Saint-Pétersbourg, de l'époque de l'Empire russe. L'euphorie émancipatrice de l'ancienne capitale impériale avait fait place à la dégradation sociale et économique et à la criminalité. La méfiance de Poutine à l'égard de la révolution s'est accentuée. Vice-président du conseil municipal, théoriquement réformiste, il a peut-être favorisé la collaboration entre un ancien réseau du KGB et les clans criminels qui contrôlaient le port et d'autres sources de revenus. Certains prétendent aujourd'hui que c'était là un modèle pour son éventuel gouvernement de la Russie.

« Vladimir Poutine m'a impressionné en tant que professionnel exceptionnellement compétent en transition vers la fonction publique dans une démocratie naissante qu'il ne comprenait pas vraiment »

J'ai rencontré Vladimir Poutine à l'époque pour tenter de rassurer des hommes d'affaires canadiens idéalistes intimidés par des voyous. Il m'a impressionné en tant que professionnel exceptionnellement compétent en transition vers le secteur public dans une démocratie naissante qu'il ne comprenait pas vraiment.

L'équipe du président russe Boris Eltsine a ensuite recruté Poutine. Il a déménagé à Moscou, où sa réputation pour sa grande compétence, son efficacité, sa loyauté et sa capacité à ne rien demander pour lui-même l'a propulsé vers le sommet,

persuadant finalement la famille d'Eltsine, qu'il était le successeur idéal pour sauver le régime.

En tant que président, Poutine a tendu la main à l'Occident et surtout aux États-Unis, notamment après les attentats terroristes du 11 septembre. Mais il s'est senti repoussé, et de même, la Russie rejetée et diminuée. Il s'est tourné vers un nationalisme truculent enraciné dans des valeurs ravivées d'orthodoxie orientale conservatrice. Il s'est mis à retrécir systématiquement le cadre démocratique de la Russie tout en étiquetant les manifestants comme des ingrats.

Mais après une décennie sous Poutine, lassés d'être tenus dans un état embryonnaire sur le plan politique, les professionnels et la classe moyenne urbaine ont également estimé qu'ils méritaient un pays davantage « normal », comme l'aspirait le panel télévisuel en 1993.

En 2011 et 2012, les protestations concernant le retour de Poutine à la présidence (il a été premier ministre de 2008 à 2012) et les élections parlementaires évidemment truquées, ont rempli les rues de Moscou et ont secoué Poutine. Il a doublé sa présence, excluant complètement de la vie politique les opposants réformistes qu'il qualifiait de pantins occidentaux.

Cependant, la colère du peuple n'était pas seulement dirigée contre le déclin démocratique de la Russie. La richesse en pétrole et en gaz avait alimenté la croissance économique de la Russie. Mais il était de plus en plus évident qu'un réseau de caïds-oligarques, issues pour la plupart de l'époque de Poutine à Saint-Pétersbourg, avait pris une longueur d'avance sur tous les autres, par le biais d'intimidations et de magouilles internes.

Un consortium de privilèges et de pouvoir malveillant avait transformé la seconde révolution morale de Gorbatchev contre le pire du communisme en le pire du capitalisme. Au sommet de ce soi-disant « pouvoir vertical » se trouvait l'anti-révolutionnaire Poutine, validant l'adage de Lord Acton selon lequel « le pouvoir tend à corrompre, et le pouvoir absolu corrompt absolument » .

Poutine a conservé sa popularité auprès de nombreux Russes grâce à une politique étrangère nationaliste qui s'est retournée contre les États-Unis. Lorsque des manifestations massives en

Ukraine ont poussé le président pro-russe du pays, Viktor Ianoukovitch, à quitter ses fonctions en 2014, Poutine a converti une perte en une prise facilement improvisée de la péninsule de Crimée, historiquement russe.

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A cette époque, un jeune et charismatique avocat nationaliste de droite était entré sur la scène politique russe. L'activiste Alexei Navalny démontrait une forte opposition ethnique à l'immigration non russe. Mais il est rapidement devenu un leader populaire grâce à une campagne basée sur des preuves contre les méfaits de la corruption oligarchique du régime. Son nationalisme le différenciait des réformateurs démocratiques habituels associés au chaos des années 1990.

Privé de l'accès à la télévision d'État propagandiste qui ne diffuse même pas de reportages sur lui, Navalny s'est construit une présence médiatique en ligne de son propre chef. Une vidéo qu'il a publiée et qui montre un « palais » absurde d'un milliard de dollars prétendument construit pour Poutine par des milliardaires a été visionnée plus de 100 millions de fois, dépassant largement la popularité de la chaîne publique Channel One.

La corruption est un thème que tous les Russes reconnaissent, plutôt que les normes et valeurs culturelles des démocraties occidentales qui ont été dévalorisées aux yeux des Russes par le triste spectacle de Donald Trump. Le défi de Navalny envers l'autorité vient s'ajouter à la consternation du peuple face à une économie stagnante et à sa frustration croissante face aux mensonges incessants de l'État.

« Navalny représente une menace existentielle pour la légitimité et le pouvoir de Poutine, ses acolytes et tout le système pourri. C'est pourquoi l'État a essayé de le tuer. »

Navalny n'est pas du genre à rafistoler les réformes. En mettant les Russes au défi d'imaginer « Rossiya bez Putina », « la Russie sans Poutine », il représente une menace plus existentielle pour la légitimité et le pouvoir de Poutine, ses acolytes et tout le système pourri. C'est pourquoi l'État a tenté de le tuer.

L'été dernier, Navalny, a été empoisonné par un agent neurotoxique Novichok et est tombé gravement malade lors d'un vol vers Moscou. Le Kremlin, sans surprise, nie toute responsabilité – bien que les autorités russes aient refusé d'enquêter parce que, disent-elles, il n'existe aucune preuve solide qu'un crime a été commis.

Ayant d'abord eu la témérité de survivre, Navalny a trompé les responsables de la sécurité de l'État en leur faisant avouer le crime lors d'un appel téléphonique mis en scène et enregistré. Navalny a ensuite fait une chose incroyablement courageuse en janvier en retournant en Russie. Il a rapidement été arrêté sur de fausses accusations et condamné à deux ans et demi de prison. Navalny s'est moqué de Poutine au tribunal. « Un homme caché dans un bunker », l'appelait-il, et « Vladimir l'empoisonneur de sous-vêtements » – une référence à la preuve que l'agent neurotoxique a été placé dans les sous-vêtements de Navalny.

Le but de Navalny est de canaliser sa bravoure vers la population. Des protestations ont en effet éclaté à travers la Russie, laissant Poutine à nouveau dans les pattes de cet adversaire imprévisible qui ne cesse d'augmenter la mise.

Masha Gessen, journaliste russe et critique de longue date de la politique poutinienne, ne croit pas que Navalny puisse faire tomber Poutine. Le changement, selon Mme Gessen, viendra plus probablement de l'intérieur du régime que de la rue. Mais les initiés du régime peuvent aussi mesurer l'opinion publique. Une bataille des esprits est en cours. Les élections parlementaires de septembre mettront à l'épreuve le soutien de la population. Tous ceux qui se souviennent du chaos et de la pauvreté des années 1990 vont-ils continuer à soutenir Poutine ?

Nombreux sont ceux qui en ont assez. Les manifestants d'aujourd'hui sont pour la plupart d'âge mûr et, grâce à la capacité d'organisation sans précédent de Navalny, ils sont répartis dans plus de 100 villes. Le courage de Navalny offre un contrepoids à la « résignation et à l'impuissance » du public, dont dépend, selon le rédacteur en chef de l'Economist, Arkady Ostrovsky, les services de sécurité de Poutine.

Navalny incarcéré évoque le personnage connu sous le nom de « Z » dans le film de 1969 de Costa-Gavras qui raconte l'histoire d'un martyr dans la lutte contre la dictature ; il sera physiquement en prison, mais pratiquement partout. Pendant

ce temps, la crédibilité de Poutine décline. Dans sa bulle, il ne peut entendre les citoyens se moquer de ses excès et de ses prétentions ni savourer le défi de Navalny à l'endroit de la cour de justice.

Le changement est inévitable. C'est aux Russes qu'il appartient de décider comment il se produira, et non aux étrangers. Mais on peut penser au tsar condamné Nicolas II, isolé dans son palais. Quand la révolution a eu lieu à l'époque, elle s'est produite d'un seul coup.

## Another Russian Revolution

Jeremy Kinsman

Open Canada, February 17, 2021

The 1917 Russian Revolution occurred when pent-up pressures of rapid economic and social change were suppressed by an absolutist monarchy living in a reform-resisting bubble. Russia's needless entry into a destructive war among European powers accelerated public disaffection. A social democratic parliamentary democracy fell to violent upheaval by a militant radical minority who won because they alone were organized with clear aims. As institutions collapsed, exhausted people empowered the Bolsheviks because they hoped for order and stability, however harsh.

Thus began a totalitarian nightmare that inflicted a form of mass PTSD on society. The Soviet Union became a superpower in a divided world, but its police state mired the country in stagnation and dysfunction.

By 1962, Peter Reddaway, a British political scientist and expert on the Soviet Union, foresaw "a new revolution as the only outcome, in 30 years' time."

Twenty-three years later, Mikhail Gorbachev did launch a revolution, to reform another dysfunctional system. But Gorbachev was also motivated by the need to ease the burden on citizens of the massive crimes the regime had committed against them for three generations. Gorbachev's *glasnost* and *perestroika* turned everything upside down. Initially, euphoric citizens celebrated their liberation from the fear of 3 a.m. knocks at the door by the KGB. They lined up for hours to buy newspapers, finally uncensored.

Alas, Gorbachev's attempts to radically transform the organizing and operating principles of society ran into the reality that no one — least of all western experts — knew how to instantly create a democracy and a market economy from the ruins of totalitarianism without staggering disruption.

Public support for Gorbachev's reforms receded. Without adequate material help from western countries, faced with nationalist yearnings across the Soviet empire and pressure from newly elected Russian President Boris Yeltsin, Gorbachev, the last leader of the Soviet Union, announced his resignation on December 25, 1991. The Soviet Union officially dissolved days later.

Yeltsin's stumbling pursuit of Russian democracy and a free economy via "shock therapy" resulted in what journalist David Remnick termed the "wreckage of everyday life." Russians might have been free but many felt cast adrift.

On a visit to Moscow in 1995, Czech President Václav Havel asked me, somewhat sardonically, how the democratic revolution was going. I replied with encouraging words, to which the former anti-Soviet dissident said: "60 years." Years later, I learned he was quoting British political scientist Ralf Dahrendorf, who argued that while a new democracy's constitutional reforms might take six months and economic reform six years, 60 years was barely enough time to change people's mindsets. And it's these that matter most. As Carnegie legal scholar Thomas Carothers has written, "It's not about courts and statutes, but what's in citizens' heads."

The disappointment of Russians, who are a talented people, was acute. "Why can't we be normal?" a Moscow TV panel debated in October 1993, after a failed *coup d'état* and a weekend of violence had traumatized the city.

When Vladimir Putin succeeded Boris Yeltsin on New Year's Eve 1999, he focused on restoring security. In return, he asked for a period of "quieting down." "We do not need great upheavals," he said. "We need a great Russia." In Abraham Maslow's famous "hierarchy of needs," safety, security, and predictability are at the top.

Putin delivered, raising standards of living and restoring national pride after the decade of humiliation that followed the breakup of the Soviet Union. But he broke the only concrete promise made in his first presidential speech, to preserve Russia's new democracy.

What happened?

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Putin's rise from an obscure KGB assignment in Dresden to supreme power is hotly debated. Some maintain he was part of a KGB plan from before the fall of the Berlin Wall to divert vast state revenues to enable security services personnel ("siloviki") to maintain control even as Gorbachev was changing the USSR.

Putin returned to Russia and ostensibly to civilian life in 1990, settling in his home city of Leningrad, which would soon revert to its Russian Empire-era name of Saint Petersburg. Emancipatory euphoria in the former imperial capital had been replaced by social and economic breakdown and crime. Putin's distrust of revolution deepened. A vice-chair of the notionally reformist city council, he may have ramped up collaboration between an ex-KGB network and criminal clans who controlled the port and other sources of revenue. Some now argue this was a template for his eventual rule of Russia.

"Vladimir Putin impressed me as a uniquely competent professional transitioning to public service in a start-up democracy he didn't really understand."

I met Vladimir Putin then to seek relief for idealistic Canadian businesspeople being intimidated by thugs. He impressed me as a uniquely competent professional transitioning to public service in a start-up democracy he didn't really understand.

Russian President Boris Yeltsin's team soon recruited Putin. He moved to Moscow, where his reputation for competence, delivery, loyalty and of asking for nothing for himself propelled him upwards, ultimately persuading the ailing Yeltsin's family he was the ideal successor to save the regime.

As president, Putin reached out to the West and especially to the U.S., notably after the September 11 terrorist attacks. But he felt rebuffed, and Russia dismissed and diminished. He veered into a truculent nationalism rooted in revived conservative Eastern Orthodox values. He systematically shrunk Russia's democratic space and dismissed protesters as ungrateful.

But after a decade of Putin, weary of being held in a state of political infancy, professionals and the urban middle class also felt they

deserved the more “normal” country that TV panel longed for back in 1993.

In 2011 and 2012, protests over Putin’s return to the presidency (he was prime minister from 2008 to 2012) and obviously fixed parliamentary elections, filled Moscow’s streets and shook Putin. He doubled down, barring reformist opponents he labelled as western stooges from political life altogether.

But popular anger wasn’t only directed at Russia’s democratic decline. Oil and gas wealth had fueled Russia’s economic growth. But it was increasingly obvious that a network of crony-oligarchs, mostly from Putin’s days in Saint Petersburg, had leaped far ahead of anyone else, via intimidation and dirty inside deals.

A consortium of privilege and malign power had turned Gorbachev’s moral second revolution against the worst of communism into the worst of capitalism. At the summit of this so-called “power vertical” was anti-revolutionary Putin, validating Lord Acton’s adage that “power tends to corrupt, and absolute power corrupts absolutely.”

Putin kept his popularity with many Russians with a nationalistic foreign policy that pushed back against the U.S. When mass demonstrations in Ukraine pushed from office the country’s pro-Russian president Viktor Yanukovich in 2014, Putin converted a loss by an easily improvised grab of the historically Russian Crimean Peninsula.

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By then, a young and charismatic right-wing nationalist lawyer had entered Russia’s political stage. Alexei Navalny’s early activism heavily featured ethnic opposition to non-Russian immigration. But he soon became a popular champion through an evidence-based campaign against the regime’s oligarchical miasma of corruption. His nationalism differentiated him from the customary democratic reformers associated with the chaos of the 1990s.

Denied access to propagandistic state TV that doesn’t even report on him, Navalny built an online media presence on his own. A video he posted of a preposterous \$1 billion “palace” allegedly built for Putin by crony billionaires has over 100 million views, dwarfing the reach of the state’s Channel One.

Corruption is a theme all Russians can relate to, rather than seeking to replicate in Russia the elusive cultural norms and values of western countries' democracies, which have been corroded in Russian eyes by the sorry Donald Trump show. Navalny's forceful challenge to authority is layered on top of dismay over a stagnant economy and growing frustration with the state's continuous lies.

“Navalny poses an existential threat to Putin's legitimacy and power, his cronies and the whole rotten system. Which is why the state tried to kill him.”

Navalny isn't for tinkering reforms. In challenging Russians to imagine “*Rossiia bez Putina*,” Russia without Putin, he poses a more existential threat to Putin's legitimacy and power, his cronies and the whole rotten system. Which is why the state tried to kill him.

Last summer, Navalny, was poisoned with a Novichok nerve agent and fell seriously ill on a flight to Moscow. The Kremlin, not surprisingly, denies any responsibility — though Russian authorities have refused to investigate because, they say, no strong evidence exists that a crime was committed.

Having first had the temerity to survive, Navalny tricked state security officials into admitting the crime in a staged and recorded phone call. Navalny then did an unthinkable brave thing in January by returning to Russia. He was promptly arrested on phony charges and sentenced to two and a half years in a penal colony. Navalny mocked Putin in court. “One man hiding in a bunker,” he called him, and “Vladimir the Underpants Poisoner” — a reference to evidence that the nerve agent was placed in Navalny's underpants.

Navalny's purpose is to channel his bravery to the population. Protests indeed erupted across Russia, leaving Putin again wrong-footed by this unpredictable adversary who keeps raising the ante.

Masha Gessen, a Russian journalist and long-time Putin critic, doesn't believe Navalny can bring Putin down. Change, Gessen says, is more likely to come from inside the regime than from the streets. But regime insiders can measure the public's mood, too. A battle for minds is on. Parliamentary elections in September will test support. Will all those who remember the bruising chaos and poverty of the 1990s still support Putin?

Many are fed up. Today's protesters are mostly mature, and, as a product of Navalny's unprecedented organizing ability, spread over

100 cities. Navalny's courage offers a counter to the public's learned "resignation and helplessness" on which Economist editor Arkady Ostrovsky says Putin's security services depend.

Navalny in prison evokes the character known as "Z" in the 1969 Costa-Gavras film about a martyr in the struggle against dictatorship; he'll be physically in jail but virtually everywhere. Meanwhile, Putin's credibility declines. In his bubble, he won't hear citizens deride his excesses and pretensions or savour Navalny's courtroom defiance.

Change is inevitable. How it happens is up to Russians, not to outsiders. But one thinks of the doomed tsar Nicholas II, isolated in his palace. When revolution happened then, it happened all at once.

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## Europe offers hope for the future

Louis Delvoie

Kingston Whig-Standard, February 19, 2021

*broad-brush geopolitical surveys. The first two dealt with the Middle East and Asia. This one looks at Europe in 2021.*

What will probably be the most important change in Europe this year will be the changing of the guard in Germany. After 16 years in office, Angela Merkel will be retiring as chancellor when the country goes to the polls in the autumn. This will be a momentous event for the continent. Over the years, Merkel has become the bedrock of Germany and of the European Union. Her calm and steadfast approach to politics and her resolute centrism have allowed her to become the uncontested leader of her country and of the European Union. While some of the countries of southern Europe have resented her sermons and policies preaching fiscal responsibility, none have been able to successfully challenge her leadership. Her handling of Euro crises and refugee crises came in for a lot of criticism, but in the end she emerged vindicated and triumphant. As The Economist put it: "Mrs. Merkel has been the Copernican constant of the EU system; politics moved around her. ... Her departure will leave a vacuum. Who will fill it? For Europe, that will be the most consequential outcome of 2021."

None of the current contenders to succeed Merkel as chancellor enjoys her vast political experience and prestige. The leading candidate to fill the vacuum is President Emmanuel Macron of France. He, too, is a centrist and has a solid record of achievement in reforming the French economy and the French educational system. He is the author of a series of bold proposals to strengthen the EU politically and militarily. Unfortunately, he is seen by the French public as arrogant and detached and has seen his poll ratings decline steadily over the year. In 2021, he will be above all preoccupied with fending off contenders for his job in the presidential election scheduled for next

year. The Republican and Socialist parties that he crushed in the election of 2017 are in the process of making a comeback. And the National Front of the far right leader Marine Le Pen remains strong in many quarters, as, too, does the Green party. Macron will face an uphill struggle to stay in office, but this will probably not deter him from playing an activist role in European politics. Foreign policy and diplomacy have been his strong suits, and he will no doubt continue to exploit them in a post-Merkel Europe.

Great Britain will stagger on from crisis to crisis under the erratic leadership of Boris Johnson. The British economy was battered by both Brexit and the COVID-19 pandemic in 2020, experiencing its worst recession in 100 years. While the economy is slowly on the mend, the country is still experiencing record high levels of unemployment and budgetary deficits. The economic consequences of Brexit are still playing themselves out, with adversity hitting the aerospace and automobile industries in particular. The trade deal that Johnson finally concluded with the EU has created much discontent, particularly in the small but politically influential fishing industry. In terms of political consequences, that discontent pales in comparison with that created in Scotland. The Scots, who voted overwhelmingly to remain in the EU, are now backing the Scottish National Party, which is demanding a new referendum on Scottish independence. While Johnson will resolutely reject that demand, relations between Scotland and England will undoubtedly sour in the year ahead. In the meantime, Johnson will continue to pour millions of pounds into the formerly Labour strongholds of northern England in an effort to consolidate his newly won popularity there. In the process, however, he will worsen Britain's already dire financial situation.

In Italy, political instability will continue to be the order of the day. The recent resignation of the government of Prime Minister Giuseppe Conte brings to 47 the number of governments Italy has had since the end of the Second World War. This sorry record seems unlikely to change very much in 2021. Whether a new coalition can be cobbled together or whether new elections are held, it will make little difference in the longer term. Italy's parliament is so badly divided among parties and factions that a durable government seems unthinkable. The country will be able to avoid economic collapse thanks to a larger injection of EU grants and loans, but the question remains whether these will be wisely spent. And the painful structural reforms that the Italian economy so badly needs are certainly not on the political horizon.

Thirty years have now elapsed since the collapse of the Soviet Union, yet modern Russia is looking ever more like its unlamented predecessor. Vladimir Putin now runs a country characterized by censorship, political suppression, corruption, economic stagnation and confrontation with the West. The security services are running rampant, murdering and poisoning the opponents of the regime. The fate of the leading opposition politician, Alexei Navalny, is illustrative of the political realities of modern Russia. First poisoned and then jailed on trumped-up charges, he now languishes in prison. Navalny's followers have not given up his cause and are mounting mass protests in cities across Russia. If they can maintain their pressure on Putin, his legitimacy may be yet further undermined in parliamentary elections due to be held later this year.

There are other dark spots on the European map. In Belarus, the dictator Alexander Lukashenko hangs on to power despite mass protests, in which peaceful demonstrators have been clubbed and arrested by the thousands. In Poland and Hungary, populist parties continue to govern while undermining the rule of law and the rights of their citizens. And in the Balkans, there is a crisis of depopulation. Countries such as Bulgaria and Romania have seen their populations decrease by more than 20 per cent since the end of communist rule in 1989. High rates of emigration and very low birth rates are creating enormous social and economic problems throughout the Balkans. And projections by statisticians at the UN and the EU indicate that the situation is going to get far worse in the years ahead.

The European Union with its membership of 27 countries will continue to be active in promoting international co-operation. Under the leadership of its new president, Ursula von der Leyen, the European Commission has clearly proved its worth in the fight against the COVID-19 pandemic. It has been at the forefront of efforts to develop new vaccines and to ensure they are equitably distributed to rich and poor countries alike. Similarly it is playing a leading role in the fight against climate change. Having set ambitious targets for its own cuts of carbon emissions, the European Union is reaching out to the rest of the world to join it in combat. As von der Leyen put it: “We will form ambitious coalitions in the fight against climate change, deforestation and chemical pollution. On emissions trading, we are ready to work with all partners who also believe that carbon must have a price.” Despite its many shortcomings, the European Union remains the gold standard for multilateral co-operation in a world falling victim to renewed bouts of nationalism.

Of the three regions I have surveyed in this series of articles, Europe certainly offers the best hopes for the future.

See Louis other columns at <https://www.thewhig.com/opinion/>

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