

SECURITY, INSECURITY, AND HUMAN RIGHTS

Contextualizing Post-9/11

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In the days and months following September 11, 2001, the repeated claim by political leaders, media spokespersons, and academic observers that September 11 “had changed everything” sought to capture and give proper weight to the magnitude of the devastating terrorist attacks on the World Trade Center in New York and the Pentagon in Washington. While these were strategic American targets, the respective financial and military “control centres” for the United States no less, the attacks on them certainly had much broader global repercussions. Indeed, they continue to shape world politics and people’s lives in many profound ways.

And yet, the fundamental contradictions in states’ reactions to these terrorist attacks, as well as those that followed, have made the sweeping nature of the assertion that 9/11 “changed everything” more contested. Despite conspicuous securitization (a term to be defined and discussed below) and the aggressive foreign policy responses of major Western governments, one would be hard pressed to see significant evidence of “success” measured as a greater sense of security around the world. In fact, for many, the aftermath of the global “war on terrorism,” coupled with the invasion of Afghanistan and Iraq, has created greater insecurity. With hindsight, then, perhaps the most significant and enduring political change resulting from 9/11 and the subsequent bombings in Bali, Madrid, and London among others has been the heightened attention to the meanings and levels of security, and insecurity, around the world. In turn, it has become equally clear that the terrorist attacks of 9/11 and after have given rise to some fundamental questions and challenges, in theory and in practice, concerning the delicate balance between security and human rights. It is to this complex interplay of ideas and political priorities that we now turn.

Security

Let us first consider the concept of security. Broadly speaking, the word “security” in everyday parlance tends to evoke positive and deeply grounded connotations. Think, for example, of the commonly used expression in the

English language of a child's "security blanket." Indeed, the proposition that more security is desirable and is better than less security would likely resonate across many national and cultural settings as well as for a wide range of socio-economic groups. We secure our cars and homes with alarms; we secure ourselves with courses on self-defence and crime prevention; we secure our children by educating them on the profile of predators and the dangers of illicit drugs; we secure our neighbourhoods and communities with surveillance systems and initiatives such as neighbourhood watch; we secure our computers with anti-virus software; and we secure our investments and valuable belongings with insurance. In this general sense, greater security is understood to mean greater conditions of safety from threats or other sources of risk and danger. The concept of security, broadly understood, thus permeates multiple facets of public and private life in many contemporary societies and constitutes a very wide frame through which we can view the world around us.

At the same time, however, the associations, resonances, and scope of security can shift and change for each constituency (on the gendered and feminist perspectives of security, see Ann Denholm Crosby 2003 and Heidi Hudson 2005). For instance, security measures at airports, train stations, border crossings, and other public places may be touted as providing greater safety for people, but they can also easily lead to subtle, and not so subtle, forms of racial, gender, ethnic and religious profiling that target specific segments of the population. Indeed, measures of security often lead to, and some would say depend upon, an "us" versus "them" dichotomy (see, for instance, Dillon 1996) that can end up unfairly targeting innocent and unsuspecting individuals, causing them to feel far less secure in their daily lives than would be the case in the absence of such measures. There is, in this sense, a very fine line between security and insecurity that can easily blur in response to demands for greater security.

Given the multiple and expanding dimensions of security/insecurity, it is also not surprising that security has been analyzed and problematized in different ways in an array of disciplines, from sociology, criminology, and law, to political theory, psychology, and gender studies. Security can be analyzed and assessed as an ontology or as a discourse, and it can be viewed through a more traditional lens that emphasizes institutions, laws, and policy trends.

This also begins to tell us something about the highly contested logic and treatment of what has been termed "securitization." One of the first authors to articulate the concept, Ole Waever (1995: 50) suggested that securitization involves an understanding of security as a "speech act." He wrote, "By uttering 'security,' a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it."

While there have been numerous critical assessments of Waever's understanding of securitization (see, for example, Huysmans 1998; Wilkinson 2007),

what we underscore for our purposes here is that successful securitization, in its most basic form, entails identifying, defining, and constituting problems, issues, people, etc., as “threats.” And, while there is no denying that the ideas and discourses of security extend far beyond the scope and reach of the state and state actors, it is important also to acknowledge the role of the state and its laws and policies that ultimately serve to structure and enforce such ideas and practices. In other words, while there is clearly an intricate interplay of ideas, identities, and institutions at work, much of this complex interaction involves evolving state discourses and practices, to which we now turn.

A Brief History of Security

In historical terms, the dominant frame of reference for understanding the relationship between the state and security centred on the notion of “national security.” Indeed, it is fair to say that until only a few decades ago the concept of national security framed much of our understanding of what security meant. National security is widely assumed to be grounded in the inter-state system dating back to sixteenth- and seventeenth-century Western Europe. Out of this system emerged the central principle of state sovereignty, which constitutes the bedrock of conventional international inter-state law — including international humanitarian and human rights law — to this day. Sovereignty, simply defined, means supreme political rule, and thus subject to no other. Assigned to the state, sovereignty generally refers to a juridico-political capacity to formulate and pursue government policies independently and without interference from other states. Within the Westphalian inter-state system, the notion of national security is associated with the capacity of the state to defend its claim to sovereignty. In other words, because states literally cease to exist without sovereignty, national security serves a crucial role in the viability of states.

Traditionally, the embodiment of this ability came in the form of what Max Weber (1947: 154) famously termed the state’s “monopoly of the legitimate use of physical force in the enforcement of its order.” Enforcement of this order is directed not only internally, within the state’s territorial jurisdiction through measures to maintain public order and the rule of law (an area that has increasingly fallen under the purview of national security since 9/11), but also externally, through the maintenance of standing armies (including land, air, and maritime forces), intelligence-gathering agencies, and other military capabilities. National security, as a result, becomes synonymous with the defence of the state and its ability to achieve its primary goal of maintaining its survival in a system of competing and potentially hostile states, each with varying levels of military might. The state’s capacity to support its national security is thus often seen as the primary measure of its power vis-à-vis other states.

That said, it would be wrong to assume that the concept of national

security is as old as the state and the inter-state system. Rather, national security as a widely used notion appears in Western foreign policy discourse only after World War II. This coincided with a dramatic shift in world order with the onset of the Cold War between the Western and Soviet Bloc countries, coupled with the advent of atomic and thermonuclear weapons. Paradoxically, then, the idea of national security emerges at a historical juncture in which the state's ability to defend itself is radically put in doubt, even for the most powerful states. The great irony of the Cold War is that the pursuit of national security through the development on both sides of an ever-expanding and increasingly lethal arsenal of nuclear weapons meant that neither the Soviets nor the Americans could claim to guarantee the defence of their respective nations against an attack from their main enemy.

By the 1950s, analysts began to use the bleak but fitting metaphor "mutually assured destruction" (MAD) to describe the stalemate produced by the U.S. and U.S.S.R.'s Cold War nuclear strategy. Popular resistance to this global state of affairs emerged during the 1960s and 1970s in the form of anti-nuclear movements in the U.S. and Canada, and around the world. The reality of MAD and the popular opposition to its potential outcome for human life on the planet served to problematize the assumption that the pursuit of strategies meant to foster greater national security would in fact provide greater safety and security for the state or its citizens. And so, the emergence of the concept of national security occurs within a geopolitical context that led to a scenario in which, to paraphrase a famous contemporary political theorist, the life of the human species had been wagered on its own political strategies (Foucault quoted in Dillon 1996: 12). With the onset of the thermonuclear age, less rather than more security was ultimately the end result of pursuing national security strategies.

The socio-economic and political upheavals of the 1970s increasingly challenged this Cold War logic, and calls for redefining national security beyond the strict military concerns of the East/West rivalry became more boisterous. The economic turmoil caused by the first oil crisis in 1973, the rising consciousness of environmental degradation, and fears over transmission of diseases across borders fueled a change in perception about what fell within the realm of possible security threats to Western states. In other words, by the 1970s we start to see a broadening of national security threats as states' security vision stretched beyond a focus on external aggression and the build-up of armed forces and armaments.

Other dramatic political developments followed in the 1980s and 1990s, notably the fall of the Berlin Wall and the collapse of the Soviet Union, which further served to soften national security sensibilities centred on military might alone. Moreover, as the Cold War wound down, the acceleration of globalizing forces helped to undercut the assumptions and realities surrounding state sovereignty upon which the post-WWII concept of national security

had rested. The facile proposition that strong defence capabilities would make for a secure nation gave way to a reality in which globalizing forces and the concomitant demands for strengthened forms of global governance fostered greater interdependence among countries in Europe, North America, and Asia. Within a more globally integrated world in which transnational processes fuzzied formal territorial borders, the concept of national security would once again undergo a process of redefinition. This time, however, not only did notions of security broaden, but they began to deepen as well.

This deepening of security was informed by the perception that the demise of the Cold War had given way to the emergence of a “new world order” in which globalization and Western ideals of human rights and free market principles were triumphant (Harding 2004: 2–3). But the downside of globalization was that many countries, especially those in the global South, found themselves increasingly incapable of protecting their citizenry from “chronic insecurities of hunger, disease, inadequate shelter, crime, unemployment, social conflict, and environmental hazards” (Thakur 2006: 251). This was compounded by the fact that the cessation of U.S. and Soviet military and development aid served to debilitate what were already considered to be weak states. Some were then marginalized further by being placed in a new category: “failed states.” And so, with the severe civil strife and the collapse of political order in countries like Somalia, Haiti, and Rwanda during the first half of the 1990s, the stage was set for another redefinition of security.

Human Security

By the mid 1990s, the notion of “human security” emerged internationally as one of the central frames for this process of redefining security and determining what would constitute security threats. Rather than broaden the concept of national security to include new sources of insecurity (beyond military ones), as had taken place in the 1970s and 1980s, human security sought initially to sever the concept of security from the state itself and tie it to the individual. National security had been all about keeping states secure; human security was about keeping individuals secure.

As one of its key advocates notes, the roots of human security “were formalized in the 1940s in the U.N. Charter, the Universal Declaration of Human Rights, and the Geneva Conventions” (Axworthy 2002: 92). Indeed, article three of the Declaration states that “everyone has the right to life, liberty and security of person.” However, the actual term “human security” is most often attributed to the 1994 United Nations Development Program (UNDP), where it was depicted “as the summation of seven distinct dimensions of security: economic, food, health, environmental, personal, community and political” (Axworthy 2002: 92). Drawing from the language of international human rights law, the UNDP Report envisioned human security as “universal, global and indivisible” (Hudson 2005: 165). Other U.N. documents went on

to develop human security priorities further, with the core aims of “freedom from fear” and “freedom from want” (United Nations Commission on Human Security 2003). The U.N. ultimately formalized the adoption of this concept in its 2005 General Assembly World Summit Outcome Document and the 2006 Security Council resolutions 1674 and 1706. While some would say that this was a positive move towards institutionalizing a relatively young international norm that would serve to further protect people’s basic human rights, others noted that the end result was far from the broad notion initially developed by the UNDP (see Weiss 2004, 2006; Evans 2006; Bellamy 2006; and Williams and Bellamy 2005).¹ Still others added that, in reality, the concept ultimately served to codify the right of Western intervention in instances where socio-economic and political collapse in the world’s poorest regions were perceived to threaten the maintenance of a global liberal order (Chandler 2004 and de Larrinaga and Doucet 2008).

Canada and Human Security

Drawing from its traditional multilateral approach to foreign policy, for its part Canada took a prominent role in advancing human security, particularly in the mid 1990s, under the stewardship of Liberal Foreign Affairs Minister Lloyd Axworthy. In his words,

In essence, human security means safety for people from both violent and non-violent threats. It is a condition or state of being characterized by freedom from pervasive threats to people’s rights, their safety, or even their lives.... Human security entails taking preventive measure to reduce vulnerability and minimize risk, and taking remedial action where prevention fails. (Axworthy 2002: 93)

At this time, many Canadians took pride in a foreign policy that seemed to recognize that “security involved more ‘than the absence of military threat’ and include[d] ‘security against economic privation, an acceptable quality of life and a guarantee of human rights’” (Roach 2003: 199). This was in keeping with the generally positive assessment held by Canadians of the rights guarantees enumerated in their *Charter of Rights and Freedoms*. It also appeared to dovetail well with Canada’s popular humanitarian image at home and abroad. The fact that Canada was linked to such priorities reflected the Canadian government’s stated preferences, in the past and in general, to advocate more “‘soft power’ strategies based on international cooperation, development, and diplomacy rather than ‘hard’ power strategies based on the use of force” to counter threats to security (Roach 2003: 198).

Canada became known not only for its human security advocacy but also for promoting the “responsibility to protect” (R2P) principle, which drew explicitly from the human security concept. By December 2001, the

International Commission on Intervention and State Sovereignty (ICISS), reporting to the U.N. Secretary General, was advancing this new humanitarian framework on the international stage.² The ICISS report sought to establish a clear and tight connection between the state's responsibility to uphold the basic human rights of its citizens and its right to claim the legal and political status of sovereignty. Violating the former would mean that a state would forgo the latter. By extension, the principle of R2P would serve to justify the international community's intervention in a state's domestic jurisdiction for the express purpose of protecting citizens faced with gross violations of human rights whenever the government of the state in question was unable or unwilling to do so.

In short, given Canada's image at home and abroad, the orientations of human security appeared to be a better fit over national security approaches. However, it was not long after 9/11, as we shall see, that the Canadian government succumbed to a harder-edged, national security logic. In other words, it was complicit in the rapid contraction of security, despite this country's pivotal role in efforts to broaden and deepen security.

Securitization

For its advocates, human security was meant to have premises and purposes different from those of national security. As Thakur (2006: 25) explains, with human security, "[t]he object of security changes from the state to the individual; the focus changes from security through armaments to security through human development; from territorial security to food, employment, and environmental security." Yet it is also important to note that the core components of human security, "the security of people against threats to life, health, livelihood, personal safety, and human dignity — can be put at risk by external aggression, but also by factors within a country, including security forces" (Thakur 2006: 250). This is precisely what seemed to happen with the events of 9/11.

For a start, September 11 dramatically dashed America's sense of security complacency in which the U.S. was "impervious to attacks from abroad." The nature of the assault, "coming literally out of a clear blue sky, stirred haunting fears of faceless enemies and unimaginable vulnerabilities beyond the protection of the world's mightiest military garrison. Americans took the attacks personally, as an affront to the nation and a challenge to their way of life" (Krieger 2005: 99). Consequently, this tragic event served to refocus the meaning of security back towards the defence of the nation against external threats. What is more, while the attacks took place on U.S. soil, the aftershocks were definitely felt in Canada and abroad.

To be clear, the securitization turn that followed was not unprecedented. The Bush administration was, for the most part, reasserting more familiar notions of national security, and abandoning efforts to broaden and deepen

security prior to 9/11. Nonetheless, the intensity and scope of the administration's response vividly illustrate that to uphold its national security, the U.S. was more than willing to proceed unilaterally and run roughshod over basic citizenship and human rights, thereby disregarding the very same humanitarian imperatives that had underpinned post-Cold War concepts such as human security.

Perhaps what is more surprising is how quickly and nimbly Canada jumped on the national security bandwagon. Here it is also important to recall that, perceptions aside, the Canadian state has been known to use its coercive powers decisively, in ways that resulted in significant rights transgressions. Consider incidents that range from the internment of Ukrainians in WWI and Japanese in WWII, to the invocation of the *War Measures Act* in response to the FLQ crisis in October 1970. Moreover, securitization was also increasingly apparent with conservative influences from the 1980s onward that promoted a "law and order" agenda, as well as harsher state responses to refugees and a more restrictive immigration policy overall (Abu-Laban and Gabriel 2002).

Nevertheless, 9/11 served to sharpen Canada's securitization thrust. For example, while immigration reforms were in the works prior to the attacks on the U.S., the punitive and restrictive aspects in Canada's new *Immigration and Refugee Protection Act* (IRPA) were justified, and even heralded, when the bill was passed into law after 9/11, as legitimate and appropriate responses to ramped-up security concerns. The troubling conflation between immigration and security (including terrorist threats) runs through central IRPA provisions. Anna Pratt (2005: 154) provides key details:

IRPA provides for the deportation without appeal of noncitizens, including permanent residents, refugees, and refugee claimants using the broad and vague classifications of "organized crime," "terrorism," and "security of Canada." Moreover, the expanded inadmissibility provisions render those found to be "serious criminals," "organized criminals," or "terrorists" ineligible to make a refugee claim and vulnerable to removal.

Beyond the IRPA, there is ample evidence of the heightened attention paid to national security in Canada post-9/11 (Dobrowolsky 2007). It is apparent in legislation and law (with, for example, Canada's *Anti-Terrorist Act* (ATA), which came into force in December 2001 and broadly defined "terrorist activity"); in pivotal policy documents (Canada released an unprecedented "integrated" approach to security in a paper that contained no mention of human security; see *Securing an Open Society: Canadian's National Security Policy*, April 2004); in new bodies like the Canada Border Security Agency (CBSA); and in a plethora of new border security measures and various efforts to harmonize national security-related policies with the U.S. (see Drache 2004).

Since September 11, then, national security took centre stage not only in the U.S. but in Canada as well, while human security remained in the wings, to the despair of many of its main Canadian advocates (see Axworthy and Rock 2008).

Canada, the U.S., and 9/11

As Kent Roach (2003: 3) writes in the opening lines of his book on the topic, “the September 11 terrorist attacks on the United States had immediate consequences for Canada.” The question that arises is, why did Canada’s security vision shift so substantially in a response to acts of terrorism that had occurred elsewhere? At first glance, this puzzle would seem to be particularly vexing given that Canada had experienced a large-scale, tragic terrorist attack of its own, in the form of the Air India bombing almost two and a half decades ago. Yet this horrific terrorist-instigated incident did not act as a catalyst for a concerted national security response of the kind that occurred in Canada after 9/11.

Much of the answer lies in the influence of the United States, continental integration, the broader forces of globalization, and their interplay with securitization. James Laxer (2004: 9) depicts the situation as follows: “A storm had been gathering in the Canadian-American relationship for years prior to September 11, but on that date the tempest struck.” For example, with 9/11, the U.S. promptly, but falsely, pointed an accusing finger at Canada for giving terrorists an “in” due to allegedly “porous” Canadian borders.

It is also important to consider how 9/11 shifted the balance of American geopolitical priorities and foreign policy and how this had broader ramifications. Krieger (2005) outlines the nature of the transformation that took place in the U.S. The fact that

something fundamental has changed in U.S. foreign policy — that it has jettisoned more than 50 years of strategic constraint — gained force with the appearance of an aggressive National Security Strategy in September 2002. The document crystallized Bush’s signature on foreign affairs and codified the beginnings of a distinctive doctrine [the Bush doctrine]. It was then catapulted to the status of dominant paradigm with the invasion of Iraq, which so vividly illustrated the doctrine and that symbolized (depending on your opinion of the war in Iraq) what was either good or bad about America’s new, more aggressive and unilateralist and geopolitical strategy. (Krieger 2005: 117)

The Bush Doctrine is simply summed up as “the U.S. ... behaving as though it is a universal state with unlimited rights to intervene where it likes” (Laxer 2004:17). Not surprisingly, this created a number of challenges: a

challenge to the post-WWII security order of multilateralism, as well as a challenge to relations between the U.S. and other nations (in Europe, for instance) given the former's unilateral exercise of power.

Yet, given Canada's geographic proximity, its longstanding political vulnerabilities, and with its strong economic ties to its neighbour to the south, this country was particularly susceptible to U.S. influence. For some, the situation here is unique: "Canadian political parties find themselves boxed in, fighting not at the border but behind it for resources, markets, access, security and sovereignty" (Drache 2004: 112). While Canada drew the line in terms of a military role in Iraq, it caved in to many other American "either you are with us, or you are with the terrorists" pressures, as illustrated by its behaviour in now infamous cases such as the rendition of Canadian Maher Arar to Syria by U.S. authorities to face torture (now somewhat resolved) and the detention of Omar Khadr in the military prison in Guantanamo Bay (still unresolved). This larger context helps to shed some light on why, in Canada, the shift towards human rights meant to underpin the concept of human security coexists uneasily with national security, and, post-9/11, why the latter came to trump the former.

Security, Insecurity, and Rights

The problem, of course, is that national security measures adopted post-9/11 have created heightened levels of insecurity among certain individuals and groups at home and abroad, precisely because many of the actions taken have come up against respect for human rights, international law, treaties, and conventions. While some have argued passionately that during exceptional times the state can, if necessary, suspend some of the basic human rights of the few (such as the right against arbitrary detention) in order to maintain the security of the many (Ignatieff 2008), others have shown that few such measures have in fact proven themselves successful in actually reducing the threat of terrorism (Daniels, Macklem, and Roach 2001; Bhabha 2003). The handful of cases where terrorist plots have been foiled by governments can often be attributed to effective police work and international cooperation rather than elaborate new security measures (Roach 2003). This would suggest that government agencies have sufficient tools under existing criminal law to apprehend and prosecute terrorist suspects without needing recourse to elaborate and costly national security measures that require the suspension of basic human rights.

At the same time, the intensified preoccupation with national security also often runs up against notions of liberty and individual freedom, which are taken as core values of democratic societies like Canada. But then again, Western liberal societies generally accept that freedom is not absolute. The argument that there are limits to freedom and that freedom requires some restrictions is widely seen as legitimate. A balance between freedom and se-

curity, as well as freedom and equality, is often understood to be at the heart of current models of liberal societies. Striking such a balance is argued to be necessary if these models are to endure.

Unfortunately, what we have seen in Canada of late is a disturbing number of illustrations of national security preoccupations severely impinging on freedom and liberty, not only undermining civil liberties but also undercutting broader citizenship, equality, and human rights (Dobrowolsky 2007; Dobrowolsky 2008). Fundamental social justice questions are apt to surface in light of many recent developments, ranging from how national security agencies have become more integrated with international intelligence agencies (and domestic policing agencies have, in turn, been affected by national security agencies), to how activism is policed under the rhetoric of security and how the mandates of immigration and refugee bodies and personnel have been linked to the politics of securitization.

Concerns raised over targeting and racial profiling directed particularly at Muslims and people of Arab descent and from Middle Eastern nations are illustrative (Pratt 2005; Crocker, Dobrowolsky, Keeble, and Tastsoglou 2007). Sedef Arat-Koç (2006: 216) writes, “I look at Arab and Muslim communities in Canada as communities under siege. The reality of siege has implications for the ability of individuals and groups not only to safely *cross* borders, but also to live in safety and as equal citizens *within* borders.” She goes on to explain that, while racialization for Arab and Muslim Canadians is by no means new, what is new since September 11 is its

growing public legitimacy, spread and mainstreaming in all major institutions, from the media to law and policy. Overt acts of violence and expressions of hatred in civil society in the aftermath of 11 September 2001 were soon followed by government “security” measures that not only justify, but also further fuel, racialization and a suspicion of most Arab and Muslim Canadians. Once considered an illegitimate practice, racial profiling has not only become *de facto* policy, but also gained popular legitimacy. (Arat-Koç 2006: 220)

In the end, these and other concerns stemming from increasing securitization point to a fundamental paradox. That is, while the state is entrusted as a guarantor of human rights and has been instrumental in the work of extending and codifying rights at the international level, it also holds a powerful arsenal of security powers that can be swiftly deployed against certain fundamental rights. Regrettably, the responses that followed 9/11 show that the state is prone to relinquish its rights commitments in its drive to bolster national security in the face of both external and internal threats (the latter being the reality in the U.S. and U.K. terrorist attacks despite initial, official accusations to the contrary). Sadly, despite its “kinder and gentler” image, Canada has also reverted to prioritizing national security measures that rely